

APPEAL DECISION (LRB)
Appeal Reference
LRB 359
Planning Reference
APP/2016/1829
Planning Proposal
Full Planning Permission for Erection of Dwellinghouse at Site to the Road of 16 Church Terrace, Turriff
Summary of Decision
<p>The Local Review Body (LRB) agreed to reverse the decision and grant Full Planning Permission subject to conditions.</p> <p>The main determining issue in the review was whether the proposal was in accordance with the layout, siting and design policy criteria that would normally apply to the erection of new infill development within an existing settlement.</p> <p>The LRB carried out a site visit which allowed them to better understand and assess the site and its surrounding area.</p> <p>The LRB considered that the surrounding area was of a fairly high density. They agreed that in principle the site was capable of accommodating the proposed development and it did not constitute significant overdevelopment of the site. With regards to privacy, while the some windows would be within 2.5m of the boundary, the actual window to window distance between properties was over 30m and therefore exceeded the criteria of the Technical Advice Note. However the LRB did note that to ensure protection of privacy, a 1.8m high fence and planting should be included as a condition.</p> <p>It was noted that no objections has been received and the LRB were of the view that the scale, design and layout would not result in a loss of amenity or privacy and would not be out of character with the area. The proposal also provided sufficient private amenity space and usable garden ground.</p> <p>In this case the LRB resolved to reverse the decision and granted Full Planning Permission subject to the conclusion of Developer Obligations and conditions.</p>

Policy Issues
The proposal is in accordance with – Policy 8 and SG LSD2 and LSD4 of the Aberdeenshire Local Development Plan 2012.
Additional Points
None
Actions Developer Obligations concluded.
Note Decision Grant Full Planning Permission
Other None

Aberdeenshire Council Local Review Body

Reference LRB 359 F/APP/2016/1829

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site to the rear of 16 Church Terrace, Turriff.
- Application for review by Mr & Mrs MacDonald against the decision by an Appointed Officer.
- Application reference F/APP/2016/1829 for full planning permission for the erection of dwellinghouse, refused by decision notice dated 22 August 2016.
- Application drawings: Location Plan, Site Plan and Block Plan @ 1/5000, 1/500, 1/200 and 1/100 scales (Drawing no: 3/PM amended); Proposed Elevations and Floor Plans @ 1/50 scale (Drawing no: 1/PM) and Elevations and Site Levels @ 1/100 and 1/50 scale (Drawing no: 2/PM).
- An accompanied site inspection took place on 16th December 2016.

Date of Decision: 7 July, 2017

Decision

The Local Review Body (LRB) agrees to reverse the decision reviewed by it and to grant Full Planning Permission subject to the conditions specified in Paragraph 4.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 16 December 2016. The LRB was attended by Councillors S W Pratt (Chair), P W Bellarby, F C P Hood, P K Johnston and M Stewart. As part of the review the LRB had carried out an accompanied site inspection on the same day, which the LRB had previously agreed to undertake when it deferred consideration of the case at its earlier meeting held on 25 November 2016.

- 1.3 Having undertaken the site inspection, the LRB agreed there was now sufficient information before it in order to consider the review and that no further information was required.

2.0 Proposal

- 2.1 Full planning permission is sought for the erection of a dwellinghouse on land to the rear of 16 Church Terrace, Turriff.
- 2.2 The site currently consists of garden ground, a garage and a number of garden sheds. The site is bound to the north, east and south by existing buildings at Deveron Court and McDonald Court respectively and to the west by garden ground associated with the dwellings at nos. 16-20 Church Terrace. A 3 metre high stone wall is located along the eastern boundary and also part of the northern boundary.
- 2.3 The proposed dwelling would be one and a half storeys in height and measures 7m in height to the ridge from the ground level, 17m in length and 6.4m in width. The ground floor would accommodate open plan kitchen/sitting room, utility, shower room and bedroom. The first floor would accommodate 2 further bedrooms and a bathroom. The proposed materials include profiled metal roofing slate blue, white dry dash render and UPVC windows and doors. Photovoltaic cells are also proposed on the west elevation of the roof.
- 2.4 Access would be via the existing private access lane to the north that is shared with Deveron Court.
- 2.5 A design statement had been submitted in support of the application and plans showing the scale and density of the proposed development in relationship to those properties surrounding the site as well as an additional plan to show the garden ground that would be available around the proposed house had been submitted in support of the Notice of Review.

3.0 Reasoning

- 3.1 The main determining issue in this review was whether the proposal was in accordance with the layout, siting and design policy criteria that would normally apply to the erection of new infill development within an existing settlement.
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2012 (ALDP) policies and these were as follows:

Policy 8: Layout, Siting and Design of New Development and SG LSD2; Layout, Siting and Design of New Development and SG LSD4: Infill Development; and SGLSD11: Carbon neutrality in new development; and

Policy 9: Developer Contributions and SG Developer Contributions 1: Developer Contributions; SG Developer Contributions 2: Access to new development and SG Developer Contributions 3: Water and Waste Water Infrastructure.

- 3.3 The Planning Adviser summarised the issues that had been raised by the appointed officer within the Report of Handling including the reasons for refusal of the application and provided an overview of the comments received within the consultation responses. The Planning Adviser also summarised the case set out by the agent in their Notice of Review statement.
- 3.4 During discussion the LRB agreed that the earlier accompanied site inspection had been beneficial as it had allowed them to better understand and assess the relationship of the proposed development relative to the density, character and siting of development already located in the surrounding area.
- 3.5 The LRB considered that the development to plot ratios of other properties surrounding the site and the overall general pattern of development at this location could be described as fairly high density development situated relatively close to the town centre.
- 3.6 In terms of the footprint of the proposed house, the LRB agreed that in principle the site was capable of accommodating the proposed development as it did not constitute significant overdevelopment of the site. It was also noted that although the proposed windows on the ground floor of the western elevation would be within 2.5 metres of the neighbouring garden boundary, the actual window to window distances between the properties would be over 30 metres and therefore significantly exceeded the council's normal criteria as set out in the Technical Advice Note (August 2012). The LRB had noted from their site inspection that there was no major boundary treatment on the western side so in order to ensure protection of privacy for existing and future residents, a 1.8metre high fence and associated planting along the western boundary could be included as a condition of any approval.
- 3.7 The LRB noted that no objections had been received from any neighbouring residents and in terms of the proposed design the LRB were of the view that the scale, ridge height and layout of the proposed house which also utilised the existing 3 metre high stone wall to the north and east, would not result in a loss of amenity or privacy and would not be significantly out of character with the area. The proposal was also considered to provide sufficient private amenity space and useable garden ground for both the existing and proposed dwelling houses that would meet with the council's normal requirements.
- 3.8 All members of the LRB considered there to be sufficient justification to support the Notice of Review and were of the opinion that the proposal

could be accommodated on the site as the proposal observed and respected the character and amenity of the area in accordance with the criteria set out in Policy 8 and SG LSD2 and LSD4 of the ALDP.

- 3.9 In conclusion, and in the absence of any over-riding 'other material considerations', the LRB resolved to reverse the decision of the Appointed Officer, thereby approving Full Planning Permission subject to the proposed conditions set out below.
- 3.10 In accordance with the requirements of Policy 9: Developer Contributions, the LRB noted that the grant of full planning permission would be subject to conditions including access arrangements, details of finishing materials, details of boundary treatments, carbon neutral design, details of surface water drainage proposals and also the payment of the planning gain contribution as set out in the consultation response from the Developer Obligations Officer dated 10 August 2016. Following on from the LRB meeting, written confirmation was received from the Developer Obligations Officer on 12 June 2017 that the planning gain contribution had now been paid to the council.

4.0 Conditions

- 1 That no development in connection with the permission hereby approved shall take place unless details of all the materials to be used in the external finish for the proposed development have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

- 2 That no development in connection with the permission hereby approved shall take place unless details of all the proposed means of site boundary enclosure to be provided in the proposed development (which shall include 1.8 m high fencing and associated planting along the western boundary) have been submitted to and approved in writing by the planning authority. The approved site boundary enclosures shall be carried out in accordance with the approved details and implemented prior to occupation of the dwellinghouse.

Reason: In the interests of the appearance of the development and the residential amenity of the area.

- 3 The dwellinghouse hereby approved shall not be occupied unless its driveway, parking and turning areas have been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway, parking and turning area to an adequate standard and in the interests of road safety.

- 4 That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water drainage and rainwater harvesting from the development have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure the provision of an acceptable surface water drainage scheme in the interests of the amenity of the area.

- 5 That no development in connection with the permission hereby approved shall take place unless a finalised Energy Statement has been submitted to and approved in writing by the Planning Authority, including the following items:

- (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
- (ii) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

Informatives

1. **The length of this permission:** This planning permission will lapse on the expiration of a period of three years from the date of the decision notice, unless the development is begun within that period. (see section 58 (1) of the Town & Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start the development. Failure to do so is a breach of planning control and could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended.

3. **Notice of the completion of the development:** As soon as possible after the development is finished, the person who completed the development must write to the planning authority to confirm that the development has been completed. [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]. Such notification shall contain the information set out in the 'Notification of Completion of Development' Notice as appended.

KW **Karen Wiles**
Head of Legal and Governance