

APPEAL DECISION (LRB)
Appeal Reference LRB 338 KM/APP/2017/0419
Planning Reference APP/2017/0419
Planning Proposal Full planning permission for Demolition of Existing Garage and Erection of Detached Double Garage
Summary of Decision <p>The Local Review Body (LRB) agrees with the determination and refuses Full Planning Permission in accordance with the Appointed Officer's decision.</p> <p>The main issues in the assessment of the application was whether the garage would have an adverse impact on the character of the dwellinghouse and on the neighbouring properties.</p> <p>It was judged that the garage does not comply with Policy P1 Layout siting and design and Policy P3: Infill and householder development within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017, for the reason that it would have significant overbearing impact and some level of overshadowing upon the adjacent dwellings and their associated private garden ground. It is was also considered that the previously consented garage on the site represents the maximum extent of development that could be accepted in the location in terms of overall impact on amenity of neighbouring residents.</p> <p>The LRB concludes that in the absence of any 'other material considerations', the LRB is resolved to uphold the decision of the Appointed Officer and therefore refuse full planning permission for the reason that the overall height, design and location of the proposed garage would have an overbearing and overshadowing impact on neighbouring properties at No.6 8t Ternan's Road and 50 Newtonhill Road and would result in an unacceptable loss of amenity for the residents of these neighbouring properties.</p> <p>The LRB decided that the proposal does not comply with the requirements of Policy P1 Layout siting and design and Policy P3: Infill and householder development within settlements (including home and work proposals) as contained within the Aberdeenshire Local Development Plan 2017</p>
Policy Issues

None.
Additional Points
None.
Actions None
Note Decision Refuse Full Planning Permission
Other None

Aberdeenshire Council Local Review Body

Reference LRB 388 KM/APP/2017/0419

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Cherry Bounce, 52 Newtonhill Road, Newtonhill
- Application for review by Mr Paul Tough c/o Hyve Architects Ltd against the decision by an Appointed Officer
- Application reference KM/APP/2017/0419 for full planning permission for demolition of existing garage and erection of detached double garage refused by decision notice dated 2 May 2017.
- Application drawings: Location Plan, Site Plan, Existing and Proposed Elevations @ 1/1250 and 1/200 scale (drawing no: A1162-02-01); Garage Floor Plans and Elevations as Proposed @ 1/100 scale (drawing no: A1162-02-20).
- No site inspection took place.

Date of Decision: 15 November, 2017

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses full planning permission in accordance with the Appointed Officer's decision.

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 29 September 2017. The LRB was attended by Councillors F C P Hood (Chair), R Cassie, I Davidson, J Hutchison, J Ingram and A Ross.
- 1.3 The LRB was shown various plans and photographs by the Planning Adviser. These showed the application site and its relationship to the surroundings.

- 1.4 The LRB agreed that there was sufficient information before it to consider the Notice of Review and that no further information or site inspection would be required.

2.0 Proposal

- 2.1 The application site is located on Newtonhill road and is bound to the south by the public road, east by 50 Newtonhill Road, west by 54 Newtonhill Road and at the north by 6 St Ternan's Road. Access to the site is taken from Newtonhill Road. The site comprises of a one and half storey semi-detached dwellinghouse with single storey living room and garage addition attached to the east elevation.
- 2.2 The proposal seeks to remove the existing attached garage and form an access to the rear of the property to access the proposed double garage. The double garage would be sited at the corner of the property, close by the common boundary between no.6 Saint Ternan's Road and 50 Newtonhill Road.
- 2.3 The garage would measure 8.6m by 6.8m and it would be approximately 5.8m high from the ground to the ridge level. The garage doors would be located to the south elevation facing Newtonhill Road. It would have a door and window located to the west elevation. There would be no opening to the east elevation or north elevation.
- 2.4 The proposed finish of the garage is natural granite to the south elevation to match the front of the property and harling to all other elevations. The roof covering (slate) would also match the roof covering of the dwellinghouse.
- 2.5 Full planning permission for the erection of a single storey replacement garage on the same site was previously approved on 5 October 2016 (APP/2016/2347). That proposal was approved following an amendment (lowering of the height) to the original plan from one and half storey to a lower roofed single storey garage as a result of concerns raised by the Planning Service.
- 2.6 A supporting statement which comprised of additional drawings (shadow studies, privacy study and photographs) had been submitted to clarify matters relating to likely impact of the proposed new garage on neighbouring properties.

3.0 Reasoning

- 3.1 The main determining issue in this review was whether the proposals would have a detrimental impact of neighbouring properties resulting in an unacceptable loss of amenity.

- 3.2 The LRB agreed that the relevant policies contained in the adopted ALDP 2017 had been identified in the Report of Handling and these were as follows:

Policy P1 – Layout, siting and design, and

Policy P3 – Infill and householder developments within settlements.

- 3.3 The LRB agreed that a site inspection was unnecessary in light of the well-defined issues that had been presented in the Notice of Review paperwork, coupled with the Planning Advisers' presentation and photographs. During his presentation the Planning Adviser also summarised the points that had been received from the neighbouring properties (1 objection and 2 letters of support).
- 3.4 During their discussion, the LRB sought clarification from the Planning Adviser on the height of the proposed double garage which was confirmed as being 5.8 metres to the ridge height and also the height of the previously approved double garage which was confirmed as 4.1 metres to the ridge height.
- 3.5 The LRB noted that the proposal was effectively seeking permission for the same development that had originally been proposed as part of the previous planning application prior to it being amended and the roof pitch being lowered in height.
- 3.6 The LRB took account of the applicant's aspiration to have a home working studio to be accommodated at the first floor level above the ground floor garage level. However, in this case all members of the LRB raised concerns that the proposal didn't just have the potential to overshadow neighbouring properties and gardens, but that the overall height, scale and location of the double garage would all combine to result in an unacceptable loss of amenity to the adjoining neighbouring properties.
- 3.7 In conclusion, and in the absence of any 'other material considerations', the LRB therefore resolved to uphold the decision of the Appointed Officer and therefore refuse full planning permission for the reason set out in paragraph 4.0 below.

4.0 Reason for refusal

- (1) By virtue of its overall height, design and location, the proposed garage would have an overbearing and overshadowing impact on neighbouring properties at No.6 St Ternan's Road and 50 Newtonhill Road. This would result in an unacceptable loss of amenity for the residents of these neighbouring properties. The proposal would therefore fail to comply with the requirements of Policy P1 Layout siting and design and Policy P3: Infill and householder development within settlements (including home and work proposals) as contained within the Aberdeenshire Local Development Plan 2017



KW
Karen Wiles
Head of Legal and Governance

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

