

APPEAL DECISION (LRB)
Appeal Reference
LRB 401
Planning Reference
APP/2017/1400
Planning Proposal
Erection of 210 Dwelling houses With Associated Infrastructure (Change of House Type to Plot 176 of Planning Permission Reference APP/2016/0720)
Summary of Decision
<p>Appeal against refusal of Full Planning Permission, upheld the decision made by the appointed officer.</p> <p>LRB unanimously agreed that the introduction of a hipped roof design for one plot in isolation to surrounding plots did not provide as good a quality of design feature as the straight gable features that were already evident on the adjacent approved and partially completed houses. The proposed hipped roof design is not considered to positively contribute to the creation of place or the visual appeal of the area but would be obviously different from the surrounding development, contrary to Policy P1 of the ALDP2017 and contrary to the vision that had been set out in the agreed masterplan for the site.</p>
Policy Issues
Contrary to Policy P1 Layout siting and design and the agreed Masterplan for this site.
Additional Points
None
Actions
Note Decision

Aberdeenshire Council Local Review Body

Reference LRB 401 APP/2017/1400

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Plot 176, Phase 5, Greenacres, Wester Clerkhill, Kinmundy Road, Peterhead.
- Application for review by Claymore Homes Ltd against the decision by an appointed officer.
- Application reference APP/2017/1400 for full planning permission for the change of house type refused by decision notice dated 13 October 2017.
- Application drawings: Location Plan @ 1/2500 scale (drawing no: GAP-PH5-001-176); Site Layout @ 1/750 scale (drawing no: GAP-PH5-002 Rev U); Proposed Floor Plans and Elevations @ 1/50 scale (drawing no: GAP-176-200/600 Rev G); and Site Layout Plan, Roof Plan and Cross Sections AA & BB @ 1/100 and 1/50 scale (drawing no: GAP-176-700).
- No site inspection took place

Date of Decision: 20 February, 2018

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 26 January 2018. The LRB was attended by Councillors F C P Hood (Chair), R Cassie, I Davidson, J Hutchison, A Ross and I Sutherland.

- 1.3 The LRB was shown projected 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 application and that no further information was required.

2.0 Proposal

- 2.1 Planning Permission is sought for the change of the house type at Plot 176 approved as part of a wider development ref APP/2016/0720 for the erection of 210 houses with associated infrastructure which was granted on 31 January 2017. The site is located on the western side of Peterhead, within the defined settlement boundary. The overall development is allocated in the Aberdeenshire Local Development Plan 2017 on part of sites OP5 (allocated for 185 houses) and OP2 (allocated for 250).
- 2.2 The house type originally approved at Plot 176 is the "Kinnaird". The "Kinnaird" is a 2 storey, 4-bedroom, detached house with integral garage. The applicant seeks to replace this house type with the "Stronsay". The "Stronsay" is a single storey, 2-bedroom, detached house, with integral garage. The proposed house has a footprint of 17.1 metres by 14.1 metres, at the greatest points.
- 2.3 Externally the proposed house design has a hipped roof, with bay style windows on the principle elevation. The house would have Nordic Spar dry dash render finish to the external walls. The base course is to be finished in grey forticrete. The roof is to be finished in Marley Modern roof tiles. The overall design and colour palette is similar to houses within the earlier phase of this development.

3 Reasoning

- 3.1 The main determining issue in this review was whether the proposed amended house type design was considered acceptable in terms of meeting high standards of design.
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2017 (ADLP) policies and these were as follows:

Policy H1 – Housing Land;

Policy H2 – Affordable housing;

Policy P1 - Layout, Siting and Design;

Policy P2 – Open space and access in new development;

Policy C1 – Using resources in buildings;

Policy RD1 – Providing suitable services; and

Policy RD2 – Developer's obligations.

- 3.3 The LRB gave consideration as to whether a site inspection, further information or a hearing would be helpful but agreed that this 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 series of photographs.
- 3.4 During the presentation the LRB asked questions of the Planning Adviser in respect of the location of other plots within the wider development and the status of certain undetermined applications including a further application for a change of house type on plot 176 (APP/2018/0107) which had been registered by the council on 18 January 2018.
- 3.5 The LRB took account of the case set out by the applicant in their Notice of Review that the proposed changes being sought to the house type for this plot could not be considered in isolation. In the applicant's view it was also reasonable and material to the application to take into account the history of the wider site and that the appointed officer had refused to acknowledge that dwellings of a similar design exist in phases 1-4 of the development, instead insisting that the provision of a hipped roof to Plot 176 is the introduction of a new design rather than a recurring design feature.
- 3.6 However in this case the LRB unanimously agreed that the introduction of a hipped roof design for one plot in isolation to surrounding plots did not provide as good a quality of design feature as the straight gable features that were already evident on the adjacent approved and partially completed houses. The proposed hipped roof design is not considered to positively contribute to the creation of place or the visual appeal of the area but would be obviously different from the surrounding development, contrary to Policy P1 of the ALDP2017 and contrary to the vision that had been set out in the agreed masterplan for the site.
- 3.7 In conclusion and in the absence of any over-riding 'other material considerations', the LRB resolved to uphold the decision issued by the Appointed Officer, thereby refusing Full Planning Permission for the reason set out below.

4.0 Reasons for refusal

- (1) The proposal is contrary to Policy P1 Layout siting and design contained within the Aberdeenshire Local Development Plan 2017 and the Wester Clerkhill, Peterhead Masterplan Report agreed January 2013. The proposed amended house type would have an adverse impact on the streetscape and design features of the overall development. By introducing architectural features no longer considered appropriate, the design has regressed to a style typical of previous developments in the area. The proposed house is not of an improved design therefore this is contrary to the agreed Masterplan which seeks design progression for this site.



Geraldine Fraser
Acting 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.