

APPEAL DECISION (LRB)
Appeal Reference LRB 449
Planning Reference APP/2018/2816
Planning Proposal Full planning permission for change of use from office (class 4) and extension to form dwellinghouse (class 9)
Summary of Decision The main determining issues for the review are as follows: <ul style="list-style-type: none"> • The principle of development and effect upon local amenity (compliance with Policy P3 Infill and householder developments within settlements) • Design (compliance with Policy P1 Layout, siting and design) • Adequacy of servicing and whether occupants of development would had adequate amenity and whether amenity of adjacent house would be sufficiently protected • Whether issues raised during the determination of LRB 427 had been addressed <p>The LRB determined that the new fence arrangement and treatment of window openings represented a distinct improvement. The LRB noted that there was no specific requirement under Policy P3 for a plot ratio of 33%. The LRB determined that full planning permission should be granted subject to conditions.</p>
Policy Issues None
Additional Points A similar proposal had been refused and a previous review (LRB 427) had determined that that application should be refused due to the impact from the proposed fence.
Actions None
Note Decision Approve Full Planning Permission
Other None

Aberdeenshire Council Local Review Body

Reference LRB 449 APP/2018/2816

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Office / Store Land at 3 Garden Place Cornfield Road Turriff Aberdeenshire AB53 4SR.
- Application for review by Mrs Alice Johnston against the decision by an Appointed Officer.
- Application reference APP/2018/2816 for Full Planning Permission for Change of Use from Office (Class 4) and Extension to Form Dwellinghouse (Class 9) refused by decision notice dated 28 February 2019.
- Application drawings: Existing and Proposed Floor Plans, Sections and Elevations @ 1:50 scale (1R/W Version A); and, Location Plan and Site Plan @ 1:1250 and 1:100 scales (2R/W)
- No site inspection took place

Date of Decision: 5 June, 2019

Decision

The Local Review Body (LRB) agrees to uphold the Notice of Review and reverse the determination reviewed by it and GRANT Full Planning Permission subject to conditions, as specified in paragraph 4.0 below.

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 April 2019. The LRB was attended by Councillors P Johnston (Chair), J Hutchison, A Ross and I Sutherland.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. Those showed the application site; its relationship to the adjacent dwelling, and to the wider surroundings. The Planning Adviser then explained the history behind this proposal, and previous applications, and the outcome of a previous Local Review Body decision

(LRB 427) taken in November 2018, following an earlier unaccompanied site visit.

- 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 The site is located in the central area of Turriff in an area characterised by a variety of uses. The site includes a cottage of traditional style constructed from red sandstone and harling, as well as a small area of ground immediately west of the building. The property is immediately to the north and west of existing residential properties with a fire station to the west, and a contractor business to the north-west. The site is bounded by Garden Place to the north. The proposal involves the conversion of the existing building, which currently functions as an office, to a residential property. In addition to this, a single storey extension would be added to the west elevation. The extension would measure approximately 1m wide and 4.7m in length, and feature a grey glassfibre, flat roof. The walls would be finished with a roughcast to match the colour of the existing building and a door will be formed on the west elevation of this extension. Alterations to the existing building would include windows being formed on the north elevation, with one at ground level and three in total on the roof at first floor level, and, one on the roof of the south elevation. In addition, the rear 2 windows (1 dormer) and a door on the south elevation would be blocked up. The ground floor would comprise an entrance area and WC, leading to an open plan lounge and kitchen, which would lead up to a bedroom and shower room at first floor level.
- 2.2 The existing boundary wall to the north would be retained, with a new access gate to be formed approximately 1.6m along the wall from the existing western gable of the building. A new 1.8m boundary fence would also be erected along the western boundary of the site, creating a small enclosed area at the property entrance and also allowing for refuse bin storage.
- 2.3 In respect of infrastructure, the development would provide no on-site parking, with any associated parking taking place on-street. The existing water and foul drainage connections would be utilised.
- 2.5 Information to accompany the application included a supporting letter cross referencing the previous decision of the Local Review Body (LRB 427), and the subsequent changes that had been made to the proposal.
- 2.6 The general stance of the LRB in reaching its decision on LRB 427) was that the conversion of the existing building into a single bedroom property would not be out of character with the surrounding area, and that the extent of garden ground would also not be out of context. The LRB did however take issue with the height of the sub-dividing 2.1 m

fence which would result in a detrimental impact on the existing dwellinghouse. As such, they agreed in part with the decision reviewed by it and refused Full Planning Permission on the basis that *“The proposal is contrary to Policy P3 infill and householder developments within settlements of the Local Development Plan, as the erection of the fence would impact on the amenity of the existing dwellinghouse at no.3 Garden Place by cutting out light, and reducing the size, area and functionality of its parking provision”*.

3 Reasoning

- 3.1 The main determining issues for the Review were:
- The principle of the development in terms Policy P3 Infill and householder developments within settlements and whether the proposal would erode the character or amenity of the surrounding area;
 - The layout siting and design in respect of Policy P1, and the ability to demonstrate the six qualities of successful places which are: distinctive with a sense of local identify; safe and pleasant; welcoming; adaptable to future needs; efficient in terms of resources; and; well connected;
 - From a technical perspective, whether the site can be adequately serviced, and whether the occupants of the development would likely achieve an adequate level of amenity, and whether an adequate level of amenity could still be enjoyed by the adjacent property; and,
 - Whether the previous issues raised during the determination of LRB 427 had been adequately addressed in this instance.
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2017 (ALDP) policies (page 21 of the agenda papers) and these were as follows:
- Policy P1: Layout, Siting and Design;
- Policy P3: Infill and householder developments with settlements;
- Policy RD1: Providing suitable services; and
- Policy RD2 Developer obligations.
- 3.3 The LRB gave consideration as to whether a site inspection, a hearing or further information would be helpful, however, it agreed that further procedures were not necessary given the previous visit to the site as part of the consideration of LRB 427 on 26 October 2018.
- 3.4 During their discussion, the LRB were of the view that the amendment to the development proposals in respect of the variation to the fence alignment and treatment of window openings, represented a distinct improvement. As such, it was indicated that the development could be considered as a small residential unit similar to a flatted type property,

and that sufficient amenity would be afforded to the converted property in the context of Cornfield Road. It was also acknowledged that Policy P3 Infill and householder development within settlements did not incorporate any specific requirements for a plot ratio of 33%.

- 3.5 While further discussion ensued over the level of amenity space provided, the consensus of the LRB was that the site and layout had been improved to such a level that the proposal could now be supported in accordance with Policy P3 Infill and householder developments within settlements. It was also noted that conditions relating to finishing materials matching the existing property, refuse bin storage, and the removal of permitted development rights would be included on the approval.
- 3.6 In conclusion, and in the absence of any 'other material considerations', the LRB resolved to reverse the decision of the Appointed Officer, thereby approving Full Planning Permission subject to the conditions set out below.

4.0 Reason for approval

- (1) It has been established that in its context and following the revision to the site layout and fence position, the layout, siting and design of the proposal is acceptable, and the provision of a small level of amenity space, is sufficient for a flatted type development. Therefore the proposal would not result in any detriment to existing residential amenity and is therefore considered to accord with Policies P1 Layout, siting and design, and P3 infill and householder developments within settlements of the Aberdeenshire Local Development Plan 2017.

Conditions

- (1) No works in connection with the development hereby approved shall commence unless details of all the materials (including stone to block up existing openings) to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied into use unless the external finish has been applied in accordance with the approved details.

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

- (2) The development hereby approved shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the west and south facing elevations of the conversion hereby approved shall not be enlarged, improved or altered in any way under the terms of Classes 1D or 2B of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: In the interests of the residential amenity of the adjacent properties.

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.

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.

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NOTICE OF REQUIREMENT FOR NOTICES

Notification of Initiation of Development

The person who intends to implement the development must inform the Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

The Permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the Planning Authority or seek professional advice. If you do not comply fully with the conditions the Planning Authority may serve a Breach of Condition notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

Notification of Completion of Development

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the Planning Authority using the enclosed Notice of Completion.

Display of Notice While Development is Carried Out

The person who carries out the development must, for the duration of the development, display a sign or signs in the form set out in the enclosed Note in a prominent place at or in the vicinity of the site of the development. The sign/s must be printed on durable material and be readily visible to the public. Carrying out development without displaying a notice in accordance with these requirements constitutes a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

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PLEASE NOTE – THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY OTHER LEGISLATION

**NOTIFICATION OF INITIATION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION
27A(1)**

**PLANNING APPLICATION REFERENCE NUMBER: APP/2018/2816
Full Planning Permission for Change of Use from Office (Class 4) and
Extension to Form Dwellinghouse (Class 9) at 3 Garden Place, Cornfield
Road, Turriff, AB53 4SR
Dated: 5 June, 2019**

I hereby confirm that the above development is expected to commence on:

Date:

The person intending to carry out the development is:

Name:

Address:

.....

.....

Postcode:

Telephone no:

*Please delete as appropriate

*The above person is the owner of the land to which the development relates

*The landowner is (if different from the person above):

Name:

Address:

.....

.....

Postcode:



The person appointed to oversee the carrying out of the development is (if applicable):

Name:

Address:

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

IMPORTANT:

1. Failure to submit this Notice before commencement of development would be a breach of planning control under Section 123(1) of the Town and Country Planning Act 1997 and the Planning Authority may take enforcement action.

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**NOTIFICATION OF COMPLETION OF DEVELOPMENT
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, SECTION
27B(1)**

**PLANNING APPLICATION REFERENCE NUMBER: APP/2018/2816
Full Planning Permission for Change of Use from Office (Class 4) and
Extension to Form Dwellinghouse (Class 9) at 3 Garden Place, Cornfield
Road, Turriff, AB53 4SR
Dated: 5 June, 2019**

I hereby confirm that the above development was completed on:

Date:

The person who completed the development is:

Name:

Address:

.....

.....

Postcode:

Telephone no:

Signed Date

On Behalf of

Please return this form, duly completed to:

Head of Planning and Building Standards
Aberdeenshire Council
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ