

APPEAL DECISION (LRB)
Appeal Reference
LRB 427
Planning Reference
APP/2018/0854
Planning Proposal
Full Planning Permission for change of use from office (Class 4) and extension to form dwellinghouse (Class 9) and erect 2.1m high fence
Summary of Decision
<p>Appeal against the refusal of permission, upholding in part, the decision made by the appointed officer.</p> <p>The LRB had a site visit prior to making their decision.</p> <p>The LRB did not agree with the second reason for refusal, as they felt that the dwellinghouse would not necessarily have to be adapted in the future, and a condition could be applied to control any future alterations and extensions through the removal of permitted development rights.</p> <p>The main issue, in the view of the LRB, was that the proposed boundary treatment was not a suitable means of subdividing the ground of the property. They agreed with the first reason for refusal in concluding that the proposal would have a detrimental impact on the amenity of the existing dwellinghouse at no.3 Garden Place as a result of cutting out light, and reducing the size, area and functionality of its existing parking provision. Consequently the proposal failed to comply with Policy P3 of the Aberdeenshire Local Development Plan 2017.</p> <p>The LRB consider that there is the potential for the building to be converted into a dwellinghouse, however differences between the proposal and a subsequent amended plan provided by the agent led them to conclude that it would be fairer to all interested parties for further revisions to the proposal to be considered as part of a new application to the Planning Service.</p>
Policy Issues
Contrary to Policy P3 Infill and householder developments within settlements (including home and work proposals)
Additional Points
N/A

Actions
Note Decision

Aberdeenshire Council Local Review Body

Reference LRB 427 - APP/2018/0854

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: 3 Garden Place, Cornfield Road, Turriff
- Application for review by Mrs Alice Johnston c/o D K Meldrum Ltd against the decision by an Appointed Officer
- Application reference APP/2018/0854 for Full Planning Permission for change of use from office (class 4) and extension to form dwellinghouse (class 9) and erect 2.1 m high fence refused by decision notice dated 14 June 2018.
- Application drawings: Location Plan and Site Plan @ 1/1250 & 1/100 scale (drawing no: 1AJ); Existing Elevations and Floor Plan @ NTS (drawing no: 3AJ) and Elevations, Floor Plans and Sections @ 1/50 scale (drawing no: 2AJ).
- An unaccompanied site inspection took place on 26 October 2018.

Date of Decision: 6 November, 2018

Decision

The Local Review Body (LRB) agrees in part with the decision reviewed by it and to refuse Full Planning Permission for the reason set out in paragraph 4 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 October 2018. The LRB was attended by Councillors F C P Hood (Chair), R Cassie, J Hutchison, and J Ingram and P K Johnston. As part of the review the LRB carried out an unaccompanied site inspection earlier on the same day, which the LRB had previously agreed to undertake when it deferred consideration of the case at its previous meeting held on 28 September 2018.
- 1.3 Having undertaken the earlier site inspection and having also now received the additional information requested at their earlier meeting on 28 September 2018, from the Planning Service in respect of details of the previous planning applications for similar proposals at the site (APP/2013/1023 & APP/2014/3128), and a response from the agent as to why the current proposal was similar to the originally refused application (APP/2013/1023), the LRB agreed that there was now sufficient information before it to consider the review and that no further information was required.

2.0 Proposal

- 2.1 The site is located in the central area of Turriff. The site includes a semi-detached former cottage of traditional style constructed from red sandstone and harling, as well as an area of ground immediately west of the building. The property is immediately to the north and west of existing residential properties with a tower and small fire station to the west, and a contractor business to the north-west. The site is bound by Garden Place to the north, from which it would take its pedestrian access.
- 2.2 The proposal involves the conversion of the existing building, which currently functions as an ancillary office/store to the existing adjacent 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. Windows would also be formed on the north elevation at ground level and on the roof at first floor level. Windows at both levels on the southern elevation would be blocked up and the existing door on the south elevation would be altered to become a kitchen window. A 2.1m boundary fence would also be erected along the western boundary of the site, extending around the southern boundary of the property, midway between the existing office building and the adjacent bungalow. The existing boundary wall to the north would be retained, with an access gate to be formed approximately 1.6m along the wall from the existing western gable of the building.
- 2.3 Previous similar applications (APP/2014/1023 & APP/2013/3128) had both been refused planning permission under delegated powers and at the Area Committee respectively.

3.0 Reasoning

- 3.1 The main determining issues in this review was whether the proposals could be accommodated without resulting in an unacceptable loss of amenity or a detrimental impact on the layout, density and character of the area.
- 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,
- Policy P3 – Infill and householder developments within settlements,
- Policy RD1 – Providing suitable services, and
- Policy RD2 – Developers' obligations.
- 3.3 The LRB agreed that their earlier site inspection had been extremely useful. The site inspection had also allowed the LRB to view the general character and mixed density of development within this central part of Turriff as well as the fact that on street parking was available adjacent to and in the vicinity of the site.

- 3.4 In response to questions from the LRB the planning adviser provided guidance in respect of the permitted development rights that would be available to the current dwellinghouse in respect of the location and heights of boundary treatments that could be erected without planning permission. Advice was also provided in respect of the mechanism that could be used to alter the proposed plans and the extent to which any planning conditions could be applied e.g. to ensure a window was finished in obscure glazing. The LRB also sought advice from the legal advisor who confirmed that the LRB should seek to uphold or dismiss the Notice of Review based on the plans that had been presented during the planning application process.
- 3.5 During their discussion, the LRB took full account of the reasons for refusal as set out in the decision notice, the appointed officer's Report of Handling as well as the statement and supporting information provided in support of the Notice of Review from the agent, including the further amended plan (page 87 of agenda papers) provided by the agent in response to the LRB's request for further information.
- 3.6 In general terms the LRB were of the view that the conversion of the existing building into a single bedroom property (including the small 1m x 4.7m side extension) would not be out of character with the surrounding area where there was already clearly a mix in size, scale and density of development. The extent of the proposed garden ground was also not considered to be out of context for the size and layout of the small property proposed, particularly when it was acknowledged that a number of properties in and around Turriff don't have garden ground areas that would meet with normal standards. In addition, the LRB did not agree with the 2nd reason for refusal as the proposed single bedroom dwellinghouse would not necessarily have to be adapted in the future and a condition could also be applied to control any future alterations and extensions through the removal of permitted development rights.
- 3.7 The key issue identified by the LRB related to the proposed boundary treatment between the existing and proposed properties. Some members considered whether the proposed fence could be reduced in height, others considered whether it could be removed completely so as to provide a single communal area of amenity space. Despite some debate on this issue all members agreed that the current layout, position and proposed height of the fence (2.1 m) wasn't a suitable method of subdivision and that it would result in poor planning and also result in a detrimental 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 contrary to the requirements of Policy P3 of the ALDP. The LRB therefore agreed with the Appointed Officer in respect of this part of the 1st reason for refusal.
- 3.8 Overall the LRB had sympathy for the applicant's intentions and they agreed that there was the potential for this building to be converted into a dwellinghouse. However, because of the differences raised between the current proposals and the further amended plan provided by the agent, it was acknowledged that it would be cleaner and fairer to all interested parties for any further revisions to be considered as part of a fresh planning application submitted to the Planning Service. In response to a question the planning adviser confirmed that if a further planning application of the same character and description is submitted within 12 months from the date of refusal of an earlier application, then it would not incur an additional planning application fee.

3.9 In conclusion, and in the absence of any 'other material considerations', the LRB resolved to uphold in part the decision of the Appointed Officer, thereby refusing Full Planning Permission for the reason set out below.

4.0 Reason for Refusal

The proposal is contrary to Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017, 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.

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.