

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 20 July 2016. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; (for all items) and Councillors Cameron (for items 1 and 2), Crockett (for items 1 and 2), Jean Morrison MBE (for items 3 and 4) and Sandy Stuart (for items 3 and 4)

The agenda and reports associated with this minute can be found at:-

[HTTP://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=4300&VER=4](http://committees.aberdeencity.gov.uk/ielistdocuments.aspx?CID=284&MID=4300&VER=4)

5 DONMOUTH ROAD -DEMOLISHION OF EXISTING SINGLE STOREY CONSERVATORY TO REAR AND REPLACE WITH SINGLE STOREY EXTENSION, NEW DORMER WINDOWS TO FRONT AND BACK OF ELEVATION - 151967

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to determine one application on the grounds of non determination and to review the decision taken by an appointed officer under the Council's Scheme of Delegation for three applications. The application under consideration due to non determination is for the demolition of the existing single storey conservatory to the rear and to replace with single storey extension, new dormer windows to front and back of elevation, at 5 Donmouth Road Aberdeen, 151967.

Councillor Milne as Chairperson gave a brief outline of the business to be undertaken. He indicated that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain as regards the procedure to be followed and also, thereafter, by Mr Gareth Allison who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Local Review Body was then addressed by Mrs McBain, Assistant Clerk in regards to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to certain more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) plans showing the proposal; (2) relevant planning policies; and (3) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

In respect of the review, Mr Allison advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes. The application was validated on 12 January and should have been determined by 11

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March 2016. Mr Allison explained that the Local Review Body was required to consider whether it had sufficient information before them to determine the review today.

Mr Allison gave a detailed overview of the application and explained that the application property is a 1.5 storey, semi-detached granite dwelling with a fully hipped and slated roof with a single flat roofed dormer to the principle elevation. He advised that planning permission was sought to replace the dormer window to the front (south) elevation with one of larger dimensions; and to construct a new dormer to the rear (north) elevation. The proposed extension to the rear elevation is deemed to constitute "permitted" development, due to its dimensions and does not need to be assessed as part of the application. Mr Allison explained that the front dormer would reflect the height of the neighbouring dormer, with matching distances from existing ridge and wallheads. The majority of the dormer would be glazed with minimal apron depth below the windows. The dormer would be built almost directly off the rear of the wallhead with an apron depth of 780mm and the rear elevation is readily visible from Donmouth Terrace.

Mr Allison also referred members to the plans available.

In regards to consultations, no comments had been received from statutory consultees.

Mr Allison then referred to the statement from the applicant's agent which accompanied the Notice of Review. The Notice of Review stated that the application could be approved on the basis that if considered as a traditional property, the rear dormer would meet all requirements of the relevant supplementary guidance, and would reflect neighbouring dormers within the immediate and nearby area, and justification was provided to support the assessment of the rear dormer as a traditional property under the supplementary guidance.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review. The Local Review Body thereupon agreed, unanimously, that the review under consideration should be determined without further procedure.

Members asked questions of Mr Allison regarding the application, namely in regards to the rear dormer, and the dormer at the neighbouring property.

Following discussion, the Local Review Body therefore unanimously agreed to **approve** the application.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

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More specifically, the reasons in which the Local Review Body based this decision were as follows:-

The proposed development is considered to comply with Policies D1 (Architecture and Placemaking), H1 (Residential Areas), and the Supplementary Guidance 'Householder Development Guide' of the Aberdeen Local Development Plan. Having specific regard for the existing and neighbouring property, and the context of the surrounding area, it is considered to be of appropriate scale, massing, design and proportions, whilst residential amenity would be unaffected.

27 NORTH SQUARE - PROPOSED DORMER WINDOWS AND NEW SASH AND CASE WINDOW OPENING - 160212

2. The Local Review Body then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the proposed dormer windows and new sash and case window opening at 27 North Square, Footdee, Aberdeen, 160212.

The Chairperson advised that the LRB would now be addressed by Ms Lucy Greene and stated that although the Planning Adviser was employed by the planning authority she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the Local Review Body had before it (1) a delegated report by Mr Roy Brown, Planning Technician; (2) the decision notice dated 4 May 2016 2016; (3) plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) two letters of support for the application; and (6) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

The LRB were then addressed by Ms Green who advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

Ms Greene provided a description of the application and advised that the appeal relates to the proposed erection of a dormer window on the west (rear) elevation, the formation of a new opening to incorporate a white painted timber framed window; and the replacement of two windows on the east (principal) elevation of the dwelling.

Ms Greene explained that the application site is located between North Square to the east and New Pier Road to the west and the site consists of a traditional 1 1/2 storey, granite, terraced dwelling, typical of the Footdee conservation area.

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The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) the proposed window is of a traditional style and would be finished in slate to match the existing and neighbouring properties, (b) the proposed dormer is on the rear elevation of the house, facing New Pier Road and with industrial premises across New Pier Road and would have no impact on the front elevation of the house or any of the "Squares" which form the essential character of the village, (c) the proposed dormer window cannot be seen looking south from the Esplanade due to the height of the adjacent 4 storey house as well as the restricted width of the New Pier Road and (d) there will be no change to the east elevation which faces into the "Square".

The delegated report advised that the stated reason for refusal of planning permission was as follows:-

By way of overall design, massing and scale in the context of 27 North Square and the surrounding Footdee conservation area, the proposed dormer would not be acceptable. The proposal would therefore not comply with Scottish Planning Policy; Scottish Historic Environment Policy and the associated Managing Change in the Historic Environment Guidance Notes: Roofs; Policy D1 (Architecture and Placemaking), Policy D5 (Built Heritage), Policy H1 (Residential Areas) and Policy NE7 (Coastal Planning) of the adopted Aberdeen Local Development Plan; the Supplementary Guidance set out by Aberdeen City Council: 'The Householder Development Guide and the Technical Advice Note: 'The Repair and Replacement of Windows and Doors'; and the relevant policies of the proposed Aberdeen Local Development Plan.

The Local Review Body then asked a number of questions of Ms Greene.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

Members unanimously agreed to overturn the decision of the appointed officer to refuse the application and therefore approve the application conditionally.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

More specifically, the reasons in which the Local Review Body based this decision were as follows:-

That the proposed dormer would be acceptable by way of overall design, massing and scale in the Footdee conservation area, and the proposal would

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comply with Scottish Planning Policy, Scottish Historic Environment Policy and the associated Managing Change in the Historic Environment Guidance Notes.

That the application be approved with the following condition attached:-

That the dormer shall be finished only in natural slate to match the existing buildings, which is in the interests of preserving the character of the Footdee Conservation Area.

SEABREEZE COTTAGE - PROPOSED EXTENSION OF GARAGE TO SIDE OF DWELLING HOUSE - 160203

3. The Local Review Body then considered the third request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for a proposed extension of the garage to the side of the dwelling house at Sea Breeze Cottage, Girdleness Lighthouse, Greyhope Aberdeen.

The Chairperson advised that the LRB would now be addressed by Ms Lucy Greene and stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the Local Review Body had before it (1) a delegated report by Mr Ross McMahon, Trainee Planner; (2) the decision notice dated 13 April 2016; (3) plans showing the proposal; (4) links to the planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

Ms Greene advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

Ms Greene explained that the planning application sought permission for a proposed extension of the garage to the side of the dwelling house. The application site is located to the south of the category A listed Girdle Ness Lighthouse and sits in an elevated position to the north-west of Greyhope Road, to the west of a sharp bend in the road. The site comprises a converted and extended store now in residential use, a detached single garage and associated garden ground and parking. All structures within the site are of a traditional design and construction, surrounded by ancillary buildings directly associated with Girdle Ness Lighthouse. Ms Greene advised that the site lies within an area identified as Green Belt in the adopted Aberdeen Local Development Plan 2012.

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In regards to consultees, no letters of representations had been received and no comments received from statutory consultees.

The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) care has been taken to replicate the existing garage in terms of material, (b) the proposal as it stands was rotated through 90 degrees to limit the elevation facing Greyhope Road and to lessen its impact, (c) black PVC windows have been selected to match the existing property and (d) from Greyhope Road approaching the site from the south, the proposal will have a negligible impact on the much larger lighthouse and from the north it will not be visible at all.

The delegated report advised that the stated reason for refusal of planning permission was as follows:-

Whilst the proposed garage extension complies with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2012, it fails to comply with the remaining relevant policies of said plan, namely Policies D1 (Architecture and Placemaking) and D5 (Built Heritage), in that the proposed garage extension would constitute visual overdevelopment of the site, would have a detrimental impact on the visual character and amenity of the surrounding area and would have a detrimental impact on the setting of an adjacent category A Listed Building. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

The Local Review Body then asked a number of questions of Ms Greene.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

Members unanimously overturned the decision of the appointed officer to refuse the application and therefore approved the application conditionally.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

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More specifically, the reasons in which the Local Review Body based this decision were as follows:-

They did not feel that the proposed garage development would be an overdevelopment of the site and also would not have a detrimental impact on the visual character and amenity of the surrounding area or have a detrimental impact on the setting of an adjacent category A Listed Building.

Condition

That the roof shall be finished only in natural slate to match the existing garage and house. The walls shall not be finished other than in render in accordance with details to be submitted to and approved in writing by the planning authority – in the interests of visual amenity.

36 AUCHMILL ROAD - ERECTION OF DWELLINGHOUSE - 160044

4. The Local Review Body then considered the fourth request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the erection of a dwellinghouse at 36 Auchmill Road Aberdeen.

The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the LRB had before it (1) a delegated report by Mr Ross McMahon, Trainee Planner; (2) the decision notice dated 31 March 2016; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) six letters of representation; and (6) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

The LRB was then addressed by Mr Gavin Evans who advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

Mr Evans advised that the application sought planning permission for the erection of a dwellinghouse at 36 Auchmill Road Aberdeen and the site relates to an area of brownfield land located to the south of Auchmill Road off the A96 which is a trunk road and behind a line of buildings comprising commercial units at ground floor with flats above. The site is accessed from Auchmill Road via a shared path between the gables of two properties, shared by a garage and leading to a raised area of ground comprising the remaining rubble and low walls of building. The application site is situated within a Residential Area, as identified in the adopted Aberdeen Local Development Plan 2012.

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Mr Evans further advised that planning permission was sought for the erection of a one-and-a-half storey, three bedroom dwellinghouse on the footprint of a former dwelling. The site slopes up considerably to the south where there is a retaining wall defining the southern boundary of the site. The proposal would provide a raised area of amenity space to the immediate north of the proposed dwelling, accessed via a set of steps beneath which two off-street parking spaces would be provided. The dwelling would be finished in wet dash render, Siberian larch, black uPVC rainwater goods, and slate grey aluminium lad windows and doors.

In regards to consultees and letters of representations, Mr Evans explained that three letters of representations were received, with one letter of support and two objecting to the application. Regarding statutory consultees, comments were received from Roads Development Management, Flooding Team, Environmental Health and Transport Scotland. Road recommended that the application be refused and advised that the pend does not allow two vehicles to pass which could potentially cause delays on the A90 and additionally, could result in a safety issue for pedestrians. Environmental Health noted that the occupants of the proposed development would potentially be exposed to noise from a number of likely sources, however noted that provision of suitable mitigation measures could address these concerns. Transport Scotland advised that planning permission should be refused as (1) the existing pend/access is too narrow to permit a vehicle to enter while another is leaving thus causing a vehicle to stop on the trunk road, (2) the lack of visibility for exiting drivers to see pedestrians on the trunk road footway and (c) the site is too small to adequately cater for the turning manoeuvres within the site to ensure that all vehicles entering and leaving the site can undertake movements in forward gear.

The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) the proposed dwelling has been designed to ensure the best possible appearance for the development in relation to the surrounding area, taking into account its current footprint and maintaining a quality streetscape, (b) the scale, massing and height are appropriate and requisite to delivering modern quality of living, (c) the proposed dwelling will respect the natural and built features on the site which are worth of retention, (d) the proposals have incorporated best practice measures in terms of energy efficiency and maximising the potential for solar gain through the use of glazed curtain walling on the rear elevation for privacy and (e) the extended dwellinghouse will not adversely impact on any important viewpoints or panoramas and the proposals will not adversely impact on the character of the area.

The delegated report advised that the stated reason for refusal of planning permission was as follows:-

The proposal fails to fully comply with Policy D1 (Architecture and Placemaking), Policy D2 (Design & Amenity), Policy H1 (Residential Areas) and Policy T2 (Managing the Transport Impact of Development) in addition to the Council's Supplementary Guidance: The Subdivision and Redevelopment of Residential Curtilages of the Aberdeen Local Development Plan, in that the proposed dwelling would be incongruous with the established built form of the surrounding

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area, would have an unacceptable impact on the amenity of surrounding residential properties, would not be afforded a reasonable level of amenity and would pose a safety hazard to pedestrians, and to vehicles using the adjacent trunk road. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that would warrant approval of the application.

The Local Review Body then asked a number of questions of Mr Evans.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

Members unanimously upheld the decision of the appointed officer to refuse the application.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

More specifically, the reasons in which the Local Review Body based this decision were as follows:-

The Local Review Body felt that the proposal did not comply with Policy D2 (Design & Amenity) as rear gardens of dwellings of up to two storeys should have an average length of at least 9 metres and should have an acceptable level of privacy and amenity. The proposal would have 3m in length and would be overlooked by existing residential properties.

They also felt that the proposal did not comply with policy T2 (Managing the Transport Impact of Development), the Council's Supplementary Guidance; the Subdivision and Redevelopment of Residential Curtilages and therefore H1 (Residential Area) of the Aberdeen Local Development Plan and would result in safety issues for both traffic users and pedestrians, as well as a negative impact on amenity.

- **Councillor Ramsay Milne, Chairperson**

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