

Public Document Pack



To: Councillor Boulton (Chairperson), Councillor Donnelly, the Depute Provost and Councillor Mason MSP.

Town House,
ABERDEEN 28 June 2018

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 4 - Town House** on **WEDNESDAY, 4 JULY 2018 at 12.30 pm.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

- 1 Procedure Notice (Pages 5 - 6)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - KRISTIAN SMITH

2 Formation of Dormer to the Rear - 16 Montgomery Road Aberdeen - 180220

3 Delegated Report, Decision Notice and Letter of Representation (Pages 7 - 16)

Members, please note that the relevant plans can be viewed online:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4E0XRBZJ7K00>

4 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

Aberdeen Local Development Plan (2017)

Policies D1 - Quality Placemaking by Design and H1 - Residential Areas are relevant in the determination of this application.

Supplementary Guidance

The Householder Development Guide

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

5 Notice of Review with Supporting Information and Initial Application Submitted by Applicant / Agent (Pages 17 - 26)

6 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

7 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

To access the Service Updates for this Committee please use the following link:

<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989 or Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 522123

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE


GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

	Strategic Place Planning
	Report of Handling

Site Address:	16 Montgomery Road, Aberdeen, AB24 2XN.
Application Description:	Formation of dormer to rear
Application Reference:	180220/DPP
Application Type:	Detailed Planning Permission
Application Date:	20 February 2018
Applicant:	Mrs Min Liu
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Tillydrone
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A two storey semi-modern end-terrace dwelling, and its associated front and rear curtilage. The dwelling has a dual frontage design although its principal elevation and front garden can be defined as its northwest elevation which fronts Montgomery Road. It is situated in a prominent location in a residential area of similar terraced house types, readily visible from Alexander Drive to the east and southeast; the public footpath across its south boundary; and from Donbank Place and public car park to the southeast. None of the properties in the terrace, and of this house type in the immediate area or the Hayton area overall, have dormer roof extensions.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The formation of a box dormer on the rear elevation of the dwelling.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4E0XRBZJ7K00>

CONSULTATIONS

ACC - Roads Development Management Team – No objection – It is noted that the proposal would result in an increased demand of off-street parking spaces to 3 although it is not considered to be of significant concern.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Aberdeen Local Development Plan (2017)

Policies D1 - Quality Placemaking by Design and H1 - Residential Areas are relevant in the determination of this application.

Supplementary Guidance

The Householder Development Guide

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development, which would comply with this policy in principle, provided it does not adversely affect the character and amenity of the surrounding area, constitute over development, and it complies with the Supplementary Guidance: 'The Householder Development Guide'. The dormer would not constitute over development. The other considerations are assessed below.

The Impact on the Character of the Surrounding Area

In assessing dormer extensions, the Householder Development Guide states, as a general principle, that in terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road).

In this instance, the property is part of a two storey terrace of a uniform house type which is consistent not just in the immediate surrounding area, but across the wider area of Hayton. There are no examples of any of these terraced properties having a dormer roof extension. The proposed dormer would be located on the prominent public southeast elevation which is highly visible from public roads to the southeast, south and southwest and fronts a public footpath. The proposal would therefore be in direct conflict with the above principle of the Householder Development Guide.

It is recognised that the proposal would otherwise be largely compliant with the design principles of the Householder Development Guide in terms of its scale, materials, proportion and position of glazing, and distances from the edges of the roof. However, the introduction of a dormer extension would unbalance the roof slope of the terrace and would be in conflict with the character and uniform pattern of development in the surrounding area. The dormer would therefore not be architecturally compatible in design with the original building and the surrounding area, and would

be contrary to the Supplementary Guidance and Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the ALDP.

Amenity

The proposed dormer would have negligible impact on the level of residential amenity in the surrounding area in terms of sunlight, daylight and privacy.

Equalities Impact Assessment

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed dormer would be in direct conflict with the Supplementary Guidance: 'The Householder Development Guide' in that it would be located on a prominent public elevation on a terrace, which is of a house type that is characteristic of the wider area of Hayton, where there are no examples of dormers. The dormer would be in conflict with the character and uniform pattern of development in the surrounding area and therefore would not be architecturally compatible in design with the original building and the surrounding area. It would thus also be contrary to the overarching Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan. There are no material planning considerations that would warrant the grant of planning permission in this instance.

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997 **Detailed Planning Permission**

Mrs Min Liu
16 Montgomery Road
Aberdeen
Scotland
AB24 2XN

With reference to your application validly received on 20 February 2018 for the following development:-

**Formation of dormer to rear
at 16 Montgomery Road, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
180220/1	Location Plan
100	Elevations and Floor Plans (Proposed)

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

The proposed dormer would be in direct conflict with the Supplementary Guidance: 'The Householder Development Guide' in that it would be located on a prominent public elevation on a terrace, which is of a house type that is characteristic of the wider area of Hayton, where there are no examples of dormers. The dormer would be in conflict with the character and uniform pattern of development in the surrounding area and therefore would not be architecturally compatible in design with the original building and the surrounding area. It would thus also be contrary to the overarching Policies

D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan. There are no material planning considerations that would warrant the grant of planning permission in this instance.

Date of Signing 17 April 2018



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused 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 that would be permitted, the owners 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 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 180220/DPP

Application Summary

Application Number: 180220/DPP

Address: 16 Montgomery Road Aberdeen AB24 2XN

Proposal: Formation of dormer to rear

Case Officer: Roy Brown

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the formation of a dormer to the rear of 16 Montgomery Road, Aberdeen. The site is located in the outer city, outwith any controlled parking zone.

The proposals would see the property increase from a 3 bedroom, to 4 bedroom. As such, there would be an increase in the required number of off-street parking spaces by 1.

I note that there are currently zero parking spaces, as such, the proposal would increase the shortfall of parking from 2 to 3. However, the property is within 10m of a junction, as such a driveway would not be advised. Equally, there are no means by which of accessing the back garden - for these reasons, there is no feasible way to incorporate off-street parking with this property. For these reasons a relaxation can be afforded in this instance.

No further roads concerns.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100084658-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Min"/>	Building Number:	<input type="text" value="16"/>
Last Name: *	<input type="text" value="Liu"/>	Address 1 (Street): *	<input type="text" value="Montgomery Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 2XN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

16 MONTGOMERY ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 2XN

Please identify/describe the location of the site or sites

Northing

809152

Easting

392770

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Attic conversion + Dormer Window Extension

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.							
<h3>Statement of reasons for seeking review</h3> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; min-height: 50px;"> I seek support for the alterations and extension to allow my family to stay in this location. I require additional space and the attic provides an easy and cost effective solution to suit my needs. I understand that dormer windows on rear elevations can be supported through policy, I don't agree with the recommendation that this is located in a prominent public elevation on a terrace. </div>							
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 							
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters) <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>							
Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters) <div style="border: 1px solid black; padding: 5px; min-height: 60px; margin-top: 5px;"> _s01 + _100 + img_001 </div>							
<h3>Application Details</h3> <p>Please provide details of the application and decision.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">What is the application reference number? *</td> <td style="border: 1px solid black; padding: 5px;">180220/DPP</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">20/02/2018</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">17/04/2018</td> </tr> </table>		What is the application reference number? *	180220/DPP	What date was the application submitted to the planning authority? *	20/02/2018	What date was the decision issued by the planning authority? *	17/04/2018
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What date was the application submitted to the planning authority? *	20/02/2018						
What date was the decision issued by the planning authority? *	17/04/2018						

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

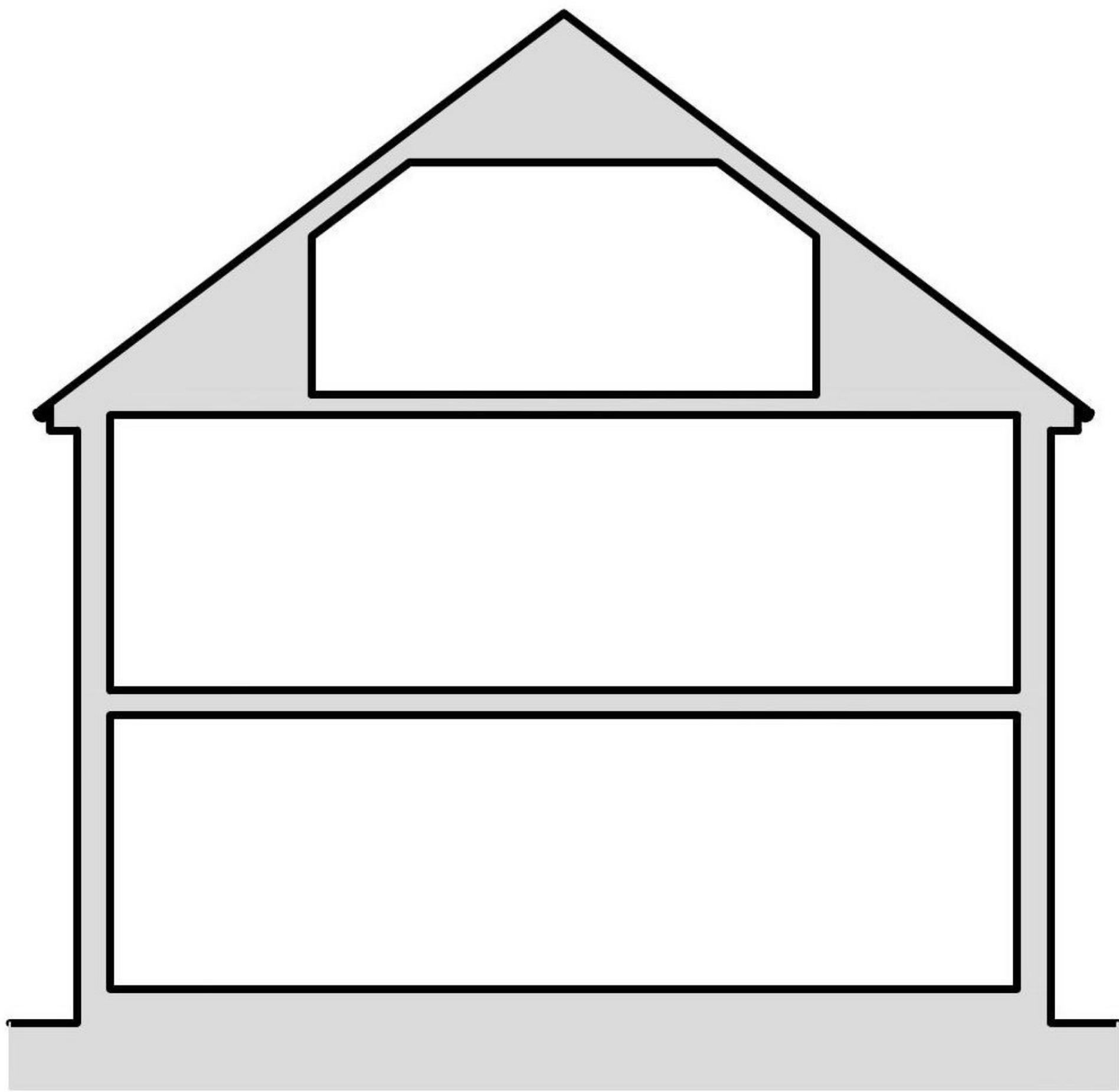
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

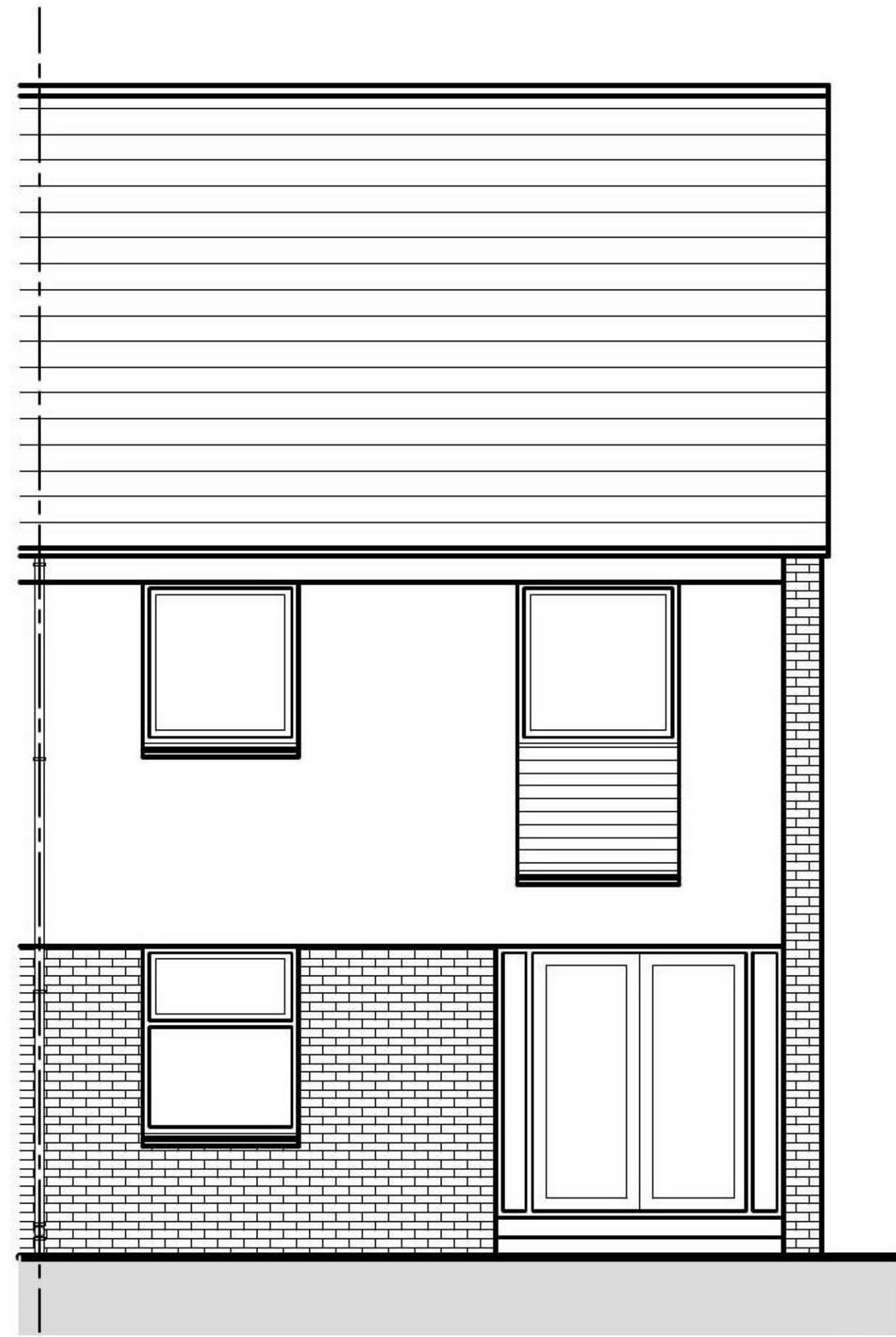
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Min Liu

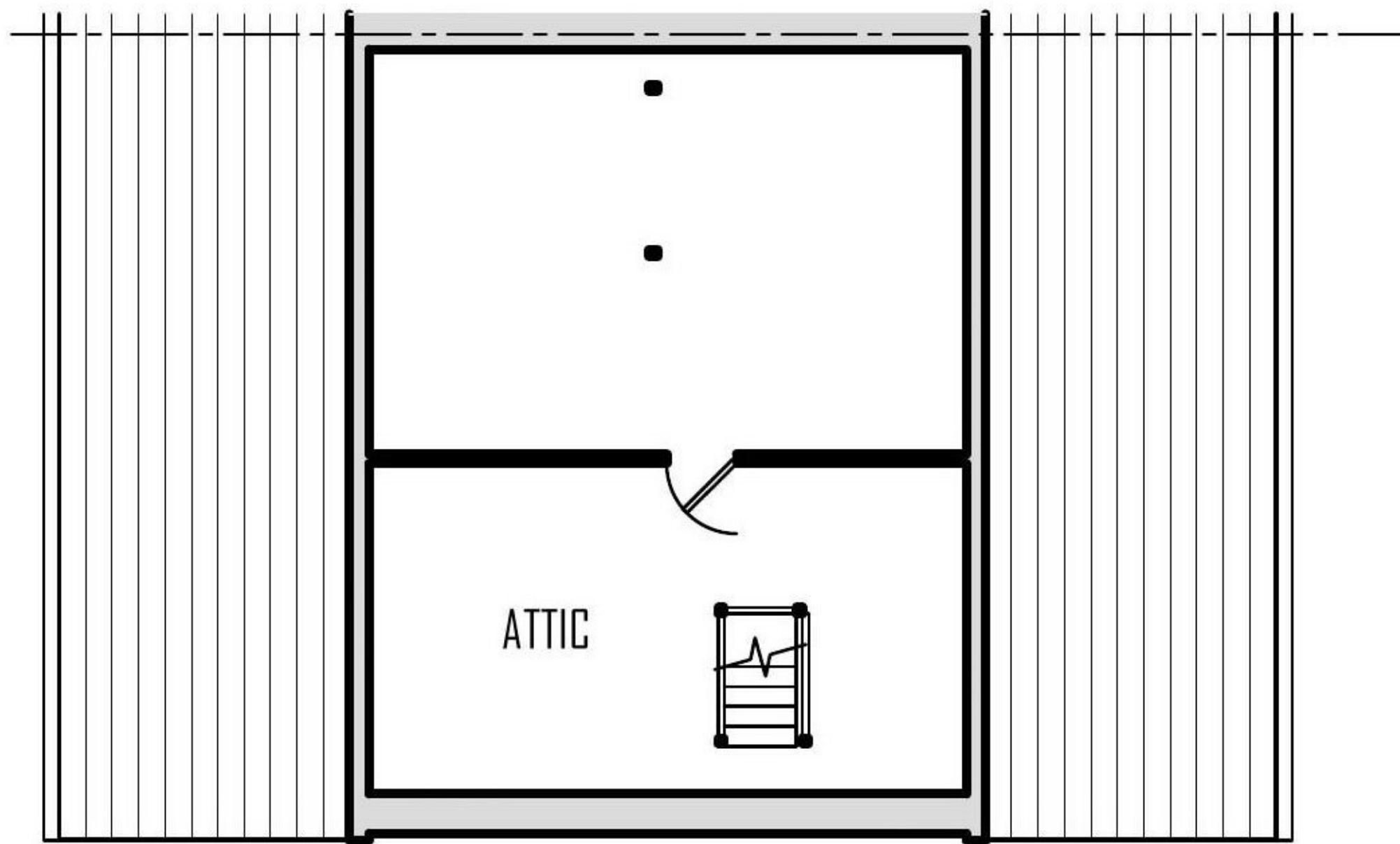
Declaration Date: 07/06/2018



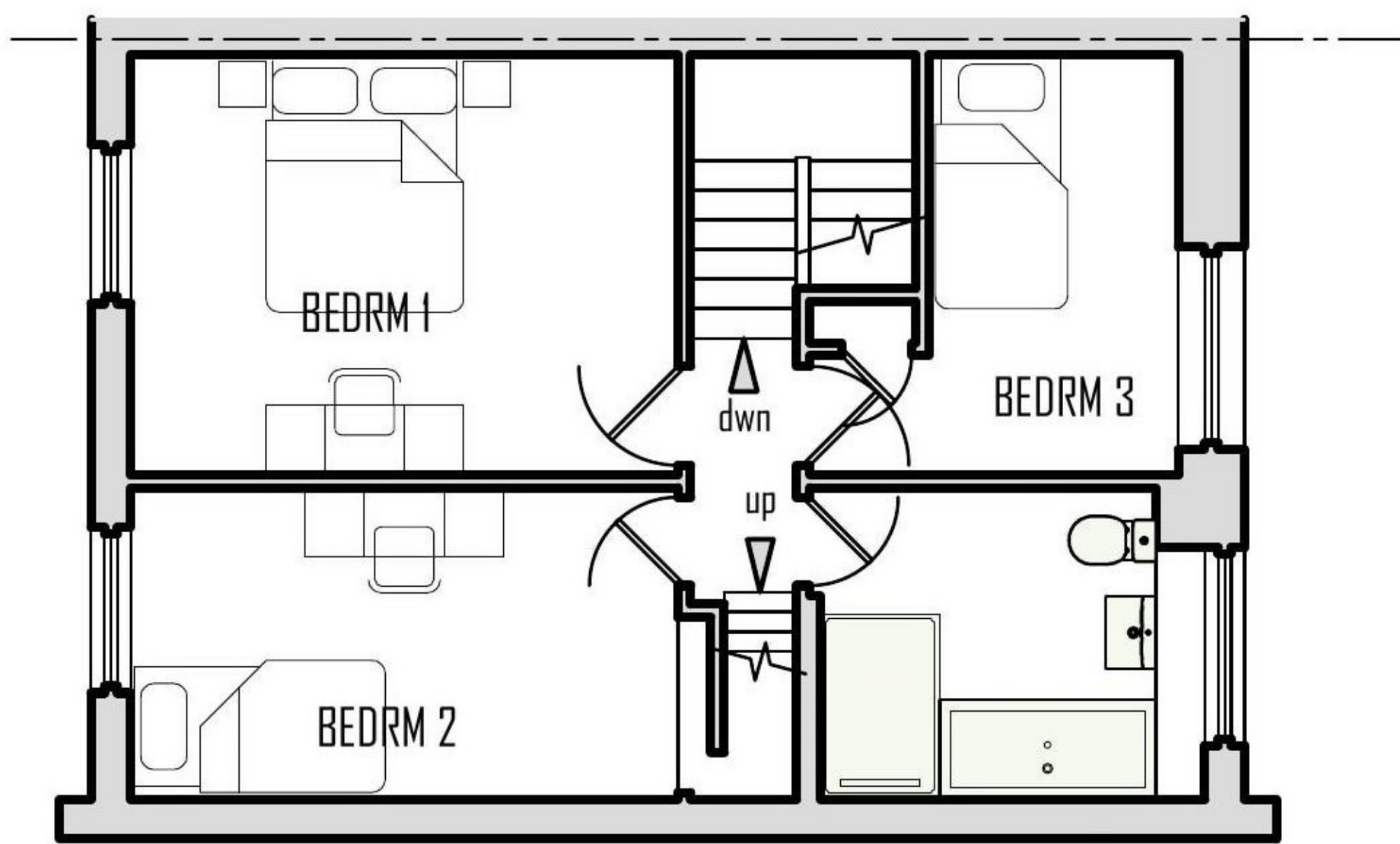
EXISTING SECTION AA



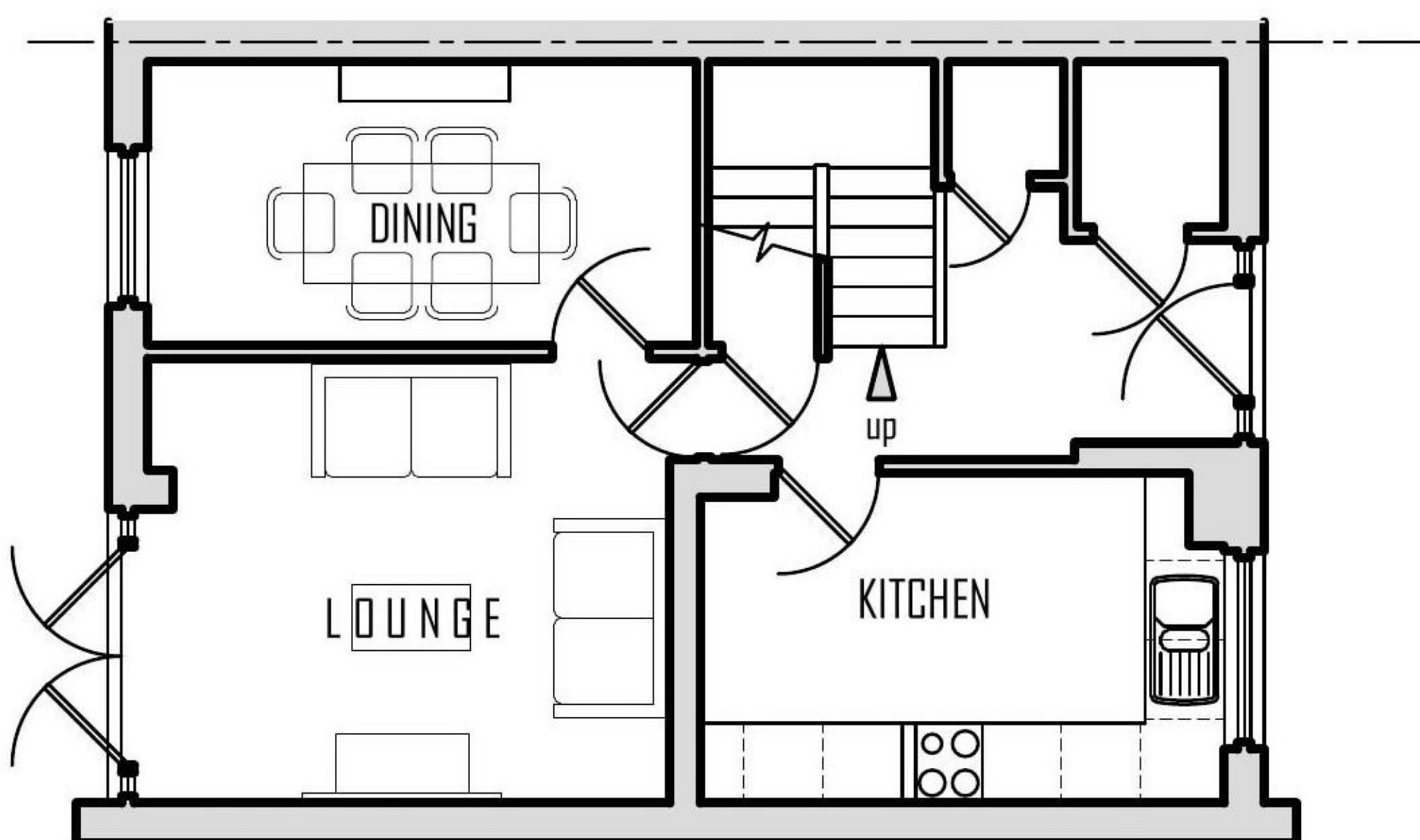
EXISTING SOUTH ELEVATION



EXISTING SECOND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

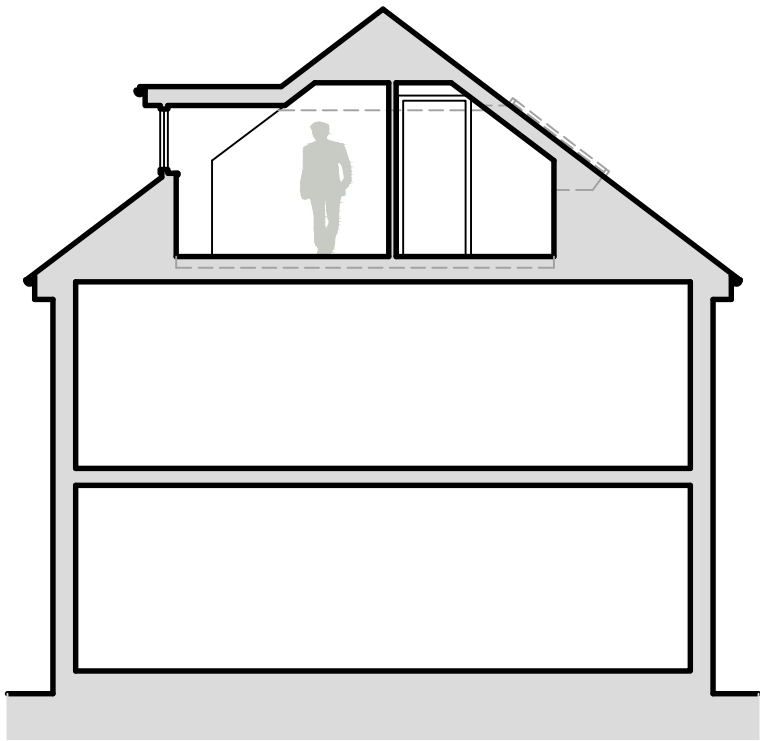


EXISTING GROUND FLOOR PLAN

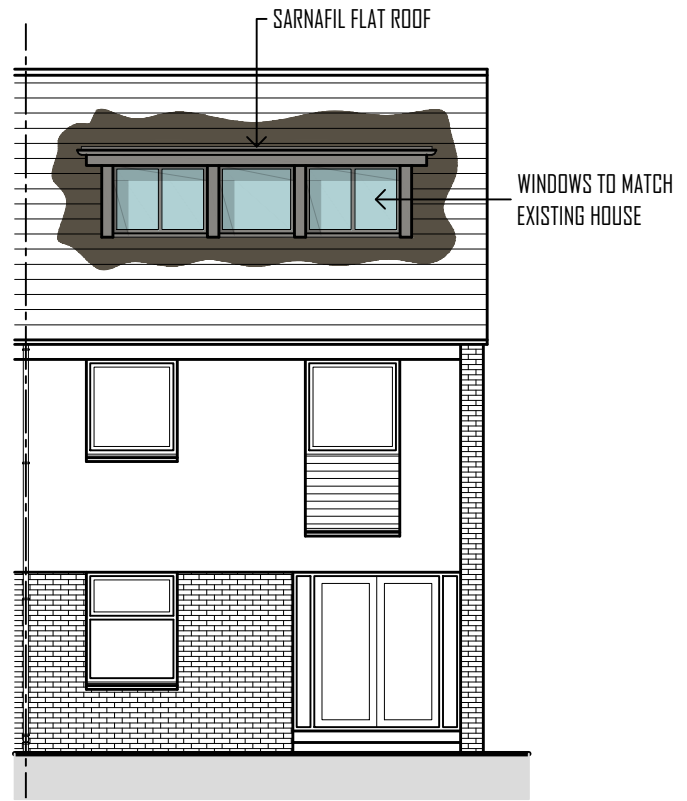


EXISTING NORTH ELEVATION

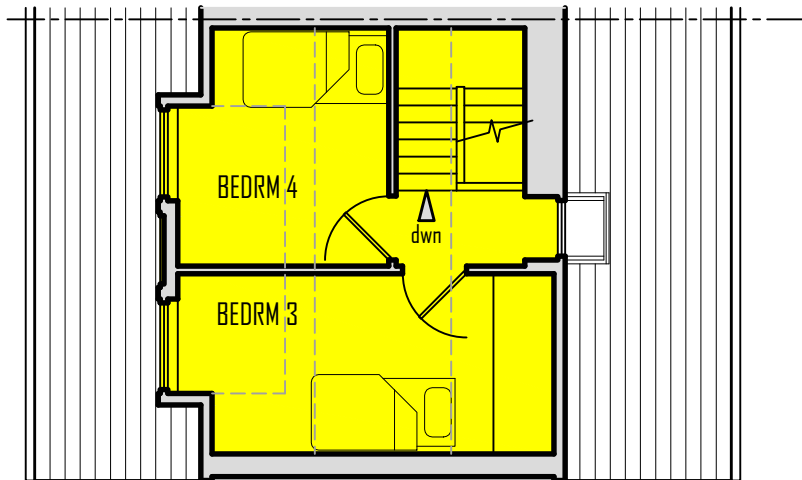
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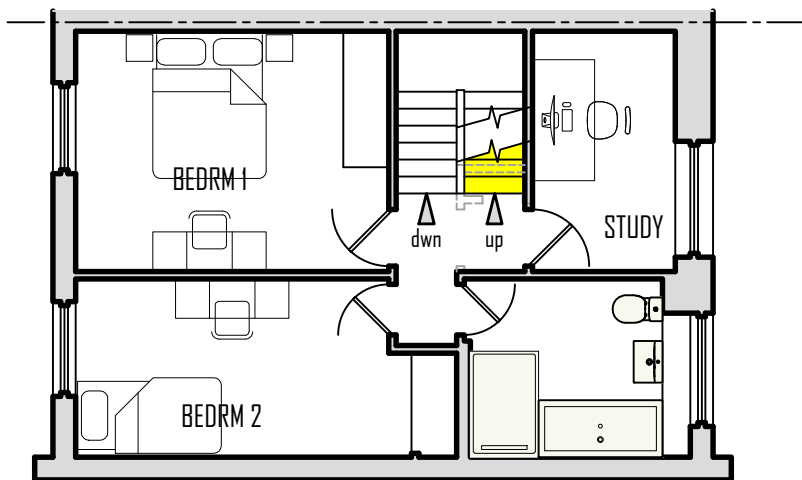
PROPOSED SECTION AA



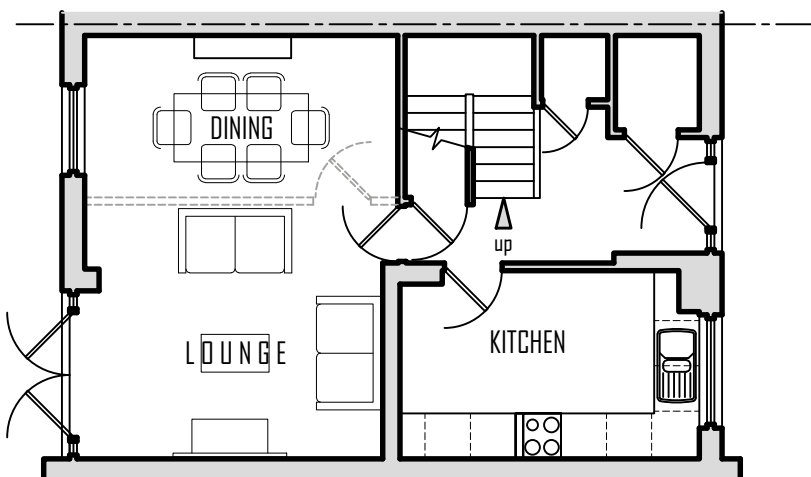
PROPOSED SOUTH ELEVATION



PROPOSED SECOND FLOOR PLAN



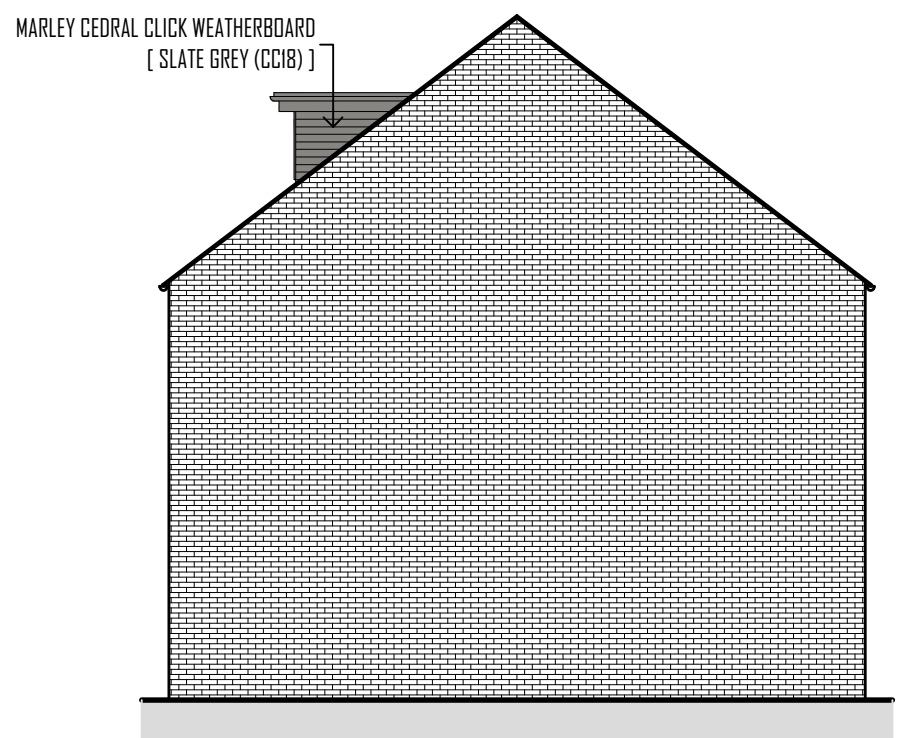
PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION

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