

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 27 November 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Stewart, Chairperson; and Councillors Cooke and Donnelly.

The agenda and reports associated with this meeting can be viewed [here](#).

27 VIEW TERRACE ABERDEEN - 181429

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the installation of a replacement window on the rear elevation at 27 View Terrace Aberdeen, planning reference 181429.

Councillor Stewart as Chair, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain with regards to the procedure to be followed and also, thereafter, by Mr Gavin Evans who would be acting as the Planning Adviser to the Body in the cases 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. She 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 regard 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 more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by Ms Jacqui Thain, (2) the application dated 9 August 2018; (3) the decision notice dated 5 October 2018 (4) links to the plans showing the proposal and 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 with further information relating to the application.

The LRB was then addressed by Mr Evans who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans explained that the site in question was a traditional 1.5 storey granite-finished dwelling with single storey offshoot, conservatory and small dormer and rooflights to the rear. The existing rear dormer window had a UPVc frame and a horizontal transom bar which divided the window roughly in half and was located within the Rosemount Conservation Area.

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In regard to the proposal, Mr Evans explained that the application sought to replace the window within the rear dormer which was currently one-over-one PVCu, with a white PVCu frame and single pane of glass.

Mr Evans then outlined the applicant's proposal making reference to the history of the site and outlined the appointed Officer's reasons for refusal as follows:-

- That the proposed replacement window would neither reinstate a window of traditional style and proportions, nor maintain the style and proportions of the existing window;
- As a result, it was contended that the modern design and styling of the window would be incongruous to the character of this traditional building, and would be to the detriment of the character and appearance of the Conservation Area more generally;
- It was concluded that the proposal would not comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement and policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) of the Aberdeen Local Development Plan, as well as the relevant 'Repair and Replacement of Windows and Doors' Supplementary Guidance and Historic Environment Scotland's 'Managing Change in the Historic Environment' publication relating to windows.

In relation to the appellants case, Mr Evans highlighted the following:-

- (1) The glazing pattern on the rear face of the house had a strong vertical emphasis, and the window to be replaced was the only one which was divided horizontally;
- (2) They queried the officer's description of the proposed replacement as not matching the dimensions of the existing frame and highlighted that the omission of this transom bar to horizontally divide the window was the only difference from the existing window;
- (3) They provided photographs to illustrate the height of the rear boundary wall and the growth of vegetation, both of which the applicant considered limit the visibility of the window from any public place;
- (4) Highlights the wide variety of windows on the rear elevations of properties on View Terrace and Loanhead Terrace, including uPVC frames, varying colours etc.
- (5) highlighted that the limited visibility of the window was such that it would have negligible impact on the character of the area; and
- (6) Concluded that the alteration would allow for this window to harmonise with the rest of the rear elevation.

Mr Evans advised that no letters of objections had been received from individuals or statutory consultees.

Mr Evans noted that the applicant had indicated on the Notice of Review that no further procedure was required, and that the application could be determined without further procedure.

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The Chairperson and Councillors Cooke and Donnelly advised in turn that they all had enough information to proceed without further procedure and were content to make a decision today without further procedure.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas: Householder Development), D1 (Quality Placemaking by Design) and D4 (Historic Environment). Mr Evans also highlighted the Supplementary Guidance on Windows and Doors as well as the Householder Supplementary Guidance.

In determining the appeal, Mr Evans advised that members should also take into consideration any material considerations they feel were relevant to the application that would point to either overturning the original decision or dismissing the review. In addition to the relevant policies from the development plan, the following would be material considerations:

- Scottish Planning Policy (re Conservation Areas);
- Historic Environment Scotland Policy Statement;
- Aberdeen City Council's Great Western Road Conservation Area Character Appraisal and the overarching Management Plan for Aberdeen's Conservation Areas; and
- HES Managing Change guidance on 'Windows'

Members then asked a number of questions of Mr Evans.

The Chairperson and Councillors Cooke and Donnelly advised in turn and agreed by majority that the proposal was acceptable and therefore the Local Review Body's decision was to overturn the decision of the appointed officer and approve the application unconditionally.

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 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

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

The rear lane is narrow, overgrown and not well-used, and visibility would largely be limited to views from the upper floors of neighbouring properties. On that basis, the LRB did not consider that the rear elevation of this property represent a 'public elevation' for the purposes of assessment against the Council's Repair and Replacement of Windows and Doors Supplementary Guidance.

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It was considered that this area is characterised by a wide variety of window types present on the rear elevations of buildings in the surrounding area, that this proposal would not involve the loss of any historic fabric, and that the proposed replacement would result in the upper floor window matching the vertical proportions of windows in the remainder of the rear elevation. In that context the proposed window replacement would not be harmful to the character or appearance of the Conservation Area, or the amenity of the area generally.

Based on the above, it was considered that the proposal would accord with the relevant policies of the Aberdeen Local Development Plan, namely Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) and the associated 'Repair and Replacement of Windows and Doors' Supplementary Guidance.

38 BRAESIDE PLACE ABERDEEN - 181344

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 application for the erection removal of an existing garage/utility room to create a 1.5 storey gable extension and to extend the existing front and rear dormer windows at 38 Braeside Place Aberdeen, planning reference 181344.

The Chairperson advised that the LRB would again be addressed by Mr Gavin Evans and reminded Members that although Mr Evans 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. She 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 Sheila Robertson, Planning Technician; (2) the application dated 27 July 2018; (3) the decision notice dated 27 September 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report, (5) the Notice of Review submitted by the agent along with an accompanying statement and (6) a letter of representation.

The Local Review Body then heard from Mr Evans, who explained that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the application and explained that planning permission was sought for the removal of an existing garage/utility room and to create a 1.5 storey gable extension and to extend the existing front and rear dormer windows. The property formed one half of a pair of dwelling houses, with fully hipped roofs, positioned at the entrance to a cul-de-sac which comprised 12 semi-detached and terraced properties.

Mr Evans outlined the appointed Officer's reasons for refusal as follows:-

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- By unbalancing this pair of semi-detached houses, there was a failure to demonstrate due regard for the design and context of the streetscape, particularly when viewed in the context of the neighbouring properties of a similar design, which retain their original roof profile;
- The scale and dimensions of the proposed dormers would create a top heavy and bulky roof elevation, which would introduce a visually disruptive feature into a streetscape that otherwise retains its original form, character and pattern of development;
- The proposed development would appear out of context and would impose a negative design feature on the surrounding area; and
- As a result, failure to comply with Policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and the associated 'Householder Development Guide' Supplementary Guidance.

In relation to the appellants case, Mr Evans highlighted the following:-

- Contended that the appointed officer's decision focuses heavily on the relationship with the other half of the semi, and gave insufficient regard to the wider context;
- Stated that the dormer windows were 600mm from the edge of the roof, as required by the Council's Supplementary Guidance, and that the officer's reference to this dimension being 432mm was incorrect;
- Disputed the appointed officer's assessment that the dormer would create a top heavy and bulky appearance and would overwhelm the roof. They highlighted that the extent of the roof was still visible and pointed to various examples in the surrounding area;
- Acknowledged that the two sides of the semi would be mismatched, but in the wider context, number 40 next door had a straight gable, meaning that the difference would not be so pronounced;
- Highlighted that the proposal would not fully straighten the gable, with a significant partial hip retained; and
- Discussed in detail other applications in the surrounding area.

In relation to consultee responses, Mr Evans advised that one letter of objection was received which highlighted concerns for additional traffic from works vehicles and the delivery of materials.

Mr Evans then advised that the applicant had expressed the view that further procedure should take place, by means of a site visit.

The Chairperson and Councillors Cooke and Donnelly advised in turn that they each had enough information before them and agreed that no further procedure was required and that the review under consideration should be determined without further procedure.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas:

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Householder Development) and D1 (Quality Placemaking by Design). Mr Evans also highlighted the Householder Development Guide, Supplementary Guidance and noted the general principles of:-

- Proposals should be architecturally compatible in design and scale with the original house and surrounding area;
- No extension should result in a situation where amenity of neighbouring properties would be adversely affected in terms of privacy, daylight and general amenity;
- Earlier developments approved before this guidance was introduced would not be accepted as justification in support of proposals that otherwise fail to comply with these criteria;
- The built footprint of a dwelling as extended should not exceed twice that of the original; and
- No more than 50% of front or rear curtilage should be covered by development.

Members then asked questions of Mr Evans.

The Chairperson and Councillors Cooke and Donnelly advised in turn and 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 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

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

The Local Review Body recognised that the partial straightening of the hipped roof at 38 Braeside Place would result in a slightly unbalanced appearance when seen alongside the adjoining property at 36, which would not be ideal, however the LRB noted the other examples cited in the surrounding streets and did not consider that this would be uncharacteristic or incongruous in that local context.

The LRB considered that the proposed extension and dormer windows would not dominate or overwhelm the roof or the appearance of the dwelling generally. It was also considered that the dwelling would not appear top-heavy, and on balance the extension was considered to be consistent with the design and proportions of the original dwelling. It was considered that the proposal would not have an adverse impact on the character of the area, which is characterised by some variety in house types.

CONDITION

1. that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

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BALGRANACH, 269 NORTH DEESIDE ROAD ABERDEEN - 180974

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 application for the erection of a two storey dwelling house and erection of a separate double garage at Balgranach, 269 North Deeside Road Aberdeen, planning reference 180974/DPP.

The Chairperson advised that the LRB would again be addressed by Mr Gavin Evans and reminded Members that although Mr Evans 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. She 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 Jamie Leadbeater, Planner; (2) the application dated 2 July 2018; (3) the decision notice dated 3 October 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the agent along with an accompanying statement and (6) copies of letters of representations.

The Local Review Body then heard from Mr Evans, who explained that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the application site and explained that the site comprised a shared driveway and an area of extended garden ground within the curtilage of a large detached dwellinghouse on the southern side of North Deeside Road at Milltimber. Access onto the shared driveway was taken directly off North Deeside Road, with the driveway dissecting large detached 269A to the east and 271 to the west.

In regards to the proposal, Mr Evans explained that planning permission was sought for the subdivision of residential curtilage and the erection of a new two storey detached sheltered dwellinghouse with integrated garage at first floor level, the erection of a detached garage, extension of existing shared driveway and associated landscaping. The proposed dwellinghouse would incorporate a highly contemporary design built into the existing garden slope and finished with a flat green roof. The principal elevation would be largely glazed at both floor levels with a large wraparound first floor outdoor terrace finished with glass balustrade facing southwards over the Deeside Way and beyond. The main exterior would be finished in a natural timber cladding with black Alu Clad windows and doors.

Mr Evans outlined the appointed Officer's reasons for refusal as follows:-

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- The principle of a third house within the original feu of 269 North Deeside Road was not considered acceptable, and was seen to conflict with the established pattern of development. Associated conflict with policy D1 and the Supplementary Guidance on Sub-division and redevelopment of residential curtilages;
- Considered to be overdevelopment of the site. The additional garage was seen as being superfluous and noted that the plot for the new dwelling would be considerably smaller than those of neighbouring dwellings;
- The proposed garage adjacent to Balgranach would result in noise from passing vehicles, to the detriment of residential amenity at Balgranach;
- The shared driveway arrangement would introduce noise impact on other neighbouring residents from traffic movements;
- There would be a threat to long-term prospects of a tree to the east of the site, contrary to policy NE5; and
- The visual impact of the dwelling on the public route at the Deeside Way – conflicted with policies D1 and D2 (Landscape) as well as H1.

In relation to the appellants case, Mr Evans highlighted the following:-

- Contended that the proposal does comply with development plan policies;
- Stated that the new garage was not superfluous and would simply replace the existing garage serving Balgranach;
- The garden sizes would still be substantial;
- Disputed that vehicle movements would adversely affect residential amenity, given the scale of movements consistent with residential character of the area and given existing movements associated with residential properties;
- Considered that the Tree Survey addendum gave no reason to anticipate threat to long-term preservation of existing tree;
- The new dwelling would be a positive addition and would not harm the visual amenity from Deeside Way; and
- Notes lack of objection from statutory consultees.

In relation to consultee responses, Mr Evans advised that Aberdeen City Council's Roads Development Management Team had no objection to the proposal and advised there was an acceptable level of car parking and the garages were of adequate dimensions. There was also no objection from the flooding team. Cults, Bieldside and Milltimber Community Council did not object to the proposal but raised the following points:

- Most feus in the area around 269 North Deeside Road had been subdivided, including the feu at 269. The proposal could set an adverse precedent for larger feus along North Deeside Road;
- The proposal could set an adverse precedent for housing to be situated in too close a proximity to the Deeside Way;
- Should the application be approved, the Community Council asked that a condition be applied which prohibits use of the Deeside Way for construction traffic and materials storage.

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Mr Evans also indicated that two letters of objections had been received.

Mr Evans then advised that the applicant had expressed the view that no further procedure was required before determination.

The Chairperson and Councillors Cooke and Donnelly advised in turn that they each had enough information before them and agreed that no further procedure was required and that the review under consideration should be determined without further procedure.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas: Householder Development), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development); NE5 (Trees and Woodlands); NE6 (Flooding Drainage and Water Quality); R6 (Waste Management Requirements for New Developments); R7 (Low and Zero Carbon Buildings, and Water Efficiency) and CI1 (Digital Infrastructure). Mr Evans also highlighted the following Supplementary Guidance:-

- Householder Development Guide
- Resources for New Development
- The Sub-division and Redevelopment of Residential Curtilages; and
- Trees and Woodlands

Members then asked a number of questions of Mr Evans.

The Chairperson and Councillors Cooke and Donnelly advised in turn and 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 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

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

The Local Review Body was satisfied that the proposed development would accord with its context, would not represent overdevelopment, and would accord with policies D1 (Quality Placemaking by Design), D2 (Landscape) and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan. The proposed dwelling was considered to be of a high-quality contemporary design, incorporating a 'green roof' to mitigate landscape/visual impact, and would not result in any significant adverse impact on landscape character or existing trees and woodlands. The LRB considered that there would be no adverse impact on amenity beyond minor temporary disruption related to construction works, and it was noted that the character of the area has changed over time due to numerous earlier feu splits.

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CONDITIONS

1. that access for construction vehicles and associated deliveries shall not be taken other than from North Deeside Road, unless the applicant has demonstrated in writing that this is not practicable and had obtained written agreement from the planning authority - in the interests of protecting residential amenity and avoiding undue impact on the Deeside Way recreational route.
2. that no development shall take place unless a scheme for the protection of all trees to be retained on the site (and on land adjacent to but affected by works) during construction works has been implemented in accordance with Astell Associates drawing no. NDR-1809-SS, or any other such scheme as may have been submitted to, and approved in writing by, the Planning Authority for this purpose - in order to ensure adequate protection for the trees on site during the construction of the development.
3. that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
4. that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.
5. that the development hereby granted planning permission shall not be occupied unless all drainage works detailed in the accompanying report by S.A. McGregor (dated 30th May 2018) or such other scheme as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.
6. that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

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7. that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

- **Councillor Jennifer Stewart, Convener**

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