

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 19 June 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Duncan and Avril MacKenzie.

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

29 FERRYHILL PLACE - FORMATION OF LINKED ROOF EXTENSION AND ADDITIONAL DORMER TO REAR - 190350/DPP

1. The Local Review Body (LRB) of Aberdeen City Council met at the Town House 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 formation of a linked roof extension and additional dormer to the rear of 29 Ferryhill Place, Aberdeen, Planning Reference 190350/DPP.

Councillor Boulton as Chairperson gave a brief outline of the business to be undertaken. She 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 Gavin Evans who would be acting as the Planning Adviser to the Body in the case under consideration.

The Chairperson highlighted 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 LRB 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 regarding 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) a delegated report by Ms Dineke Brasier, Planner; (2) the decision notice dated 25 April 2019; (3) links to the plans showing the proposal and planning notices referred to in the delegated report; and (4) the application and Notice of Review submitted by the applicant.

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

Mr Evans explained outlined the application site advising that the property was a traditional granite end-terrace, on the southern side of Ferryhill Place, at its western end and close to its junction with Ferryhill Road. The property spanned 1½ storeys (meaning upstairs accommodation in the roofspace), with two dormers on the front elevation and a single dormer on the rear roof slope.

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The site is within the Marine Terrace Conservation Area, and the building was category B-listed along with all those on both sides of Ferryhill Place.

Mr Evans indicated that the application sought planning permission for the construction of a second dormer window on the rear elevation. The dormer was of a 'piended' style, with timber windows, slated roof and apron. He explained that the difference from the earlier approval was the introduction of a slated infill panel which would link the existing and proposed dormers, thereby providing additional headroom within the first floor bedroom accommodation.

In relation to the Appointed Officer's reasons for refusal, Mr Evans intimated that it made reference to the following factors:-

- that the proposed linked dormer would not preserve or enhance the category B listed building, or the character and appearance of the Marine Terrace Conservation Area;
- that the proposal did not demonstrate due recognition for its setting;
- that it did not comply with policies H1, D1 and D4 of the Aberdeen Local Development Plan 2017; Householder Development Guide Supplementary Guidance; Scottish Planning Policy paragraphs 141-143; Historic Environment Scotland Policy Statement and 'Managing Change' in the Historic Environment - guidance on roofs; and
- that there was no material considerations that outweigh this and justify approval.

In relation to the appellant's case, Mr Evans made reference to the submitted Notice of Review which referred to the following points:-

- that the proposal accorded with the relevant development plan policies (H1, D1 & D4);
- that it complied with Householder Supplementary Guidance;
- that it would have no impact on the listed terrace;
- noted that listing description recognised that similar dormers were a feature of the rear elevation of the terrace;
- that it had no impact on the character and appearance of the Marine Terrace Conservation Area due to location at rear and appropriate quality of the design and materials;
- that it was consistent with Scottish Planning Policy and Historic Environment Scotland Policy Statement, which allowed for positive change in historic environment; and
- that it placed weight on the applicants' needs to create additional space.

Mr Evans advised that there was no consultation response from the local community council or other representations submitted.

Mr Evans indicated that the applicant had expressed the view that a further procedure by means of a site inspection was required in order to demonstrate the local context.

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The Chairperson and Councillors Duncan and Avril Mackenzie all indicated in turn that they each had enough information before them and therefore agreed that a site visit was not required and that the review under consideration should be determined without further procedure.

Mr Evans outlined the relevant policy considerations, making reference to the following in the Aberdeen Local Development Plan 2017:-

- H1: Residential Areas: Householder Development:-
 - that it does not constitute overdevelopment;
 - that it does not result in an unacceptable impact on the character and amenity of the surrounding area; and
 - that it complies with Supplementary Guidance (Householder Development Guide);
- D1: Quality Placemaking by Design:-
 - that it must ensure 'high standard of design' based on due regard for context appraisal, quality architecture, craftsmanship and materials; and
 - that it is assessed against 6 qualities essential to quality placemaking;
- D4: Historic Environment
 - that Aberdeen City Council will 'protect, preserve and enhance' the historic environment, in line with national and local policy & guidance;
 - that high quality design would be supported – it must respect character and setting of the historic environment, protecting the historic interest of LBs and Conservation Areas.

Mr Evans then outlined the General Principles of the Supplementary Guidance for Householders and those relating to Dormers including specific guidance for Dormers on 'Modern' properties.

Mr Evans advised that in determining the appeal, members should also take into consideration any material considerations they feel would be 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, he indicated that Historic Environment Scotland guidance on Roofs from 'Managing Change in the Historic Environment Series, Aberdeen City Council Conservation Area Character Appraisal: Marine Terrace, and Scottish Planning Policy would be a material considerations.

He intimated that should members wish to overturn the decision of the appointed officer, consideration should be given to any conditions which would be appropriate in order to make the proposal acceptable, however all conditions must meet the six tests set out by Scottish Government Policy.

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

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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 consideration 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 (LRB) considered that the proposed dormer window and linking slated section would not detract from the character or appearance of the Marine Terrace Conservation Area. Regard was given to the location of the works to the rear elevation, which is enclosed and is not readily visible from public vantage points. Conflict with the Council's 'Householder Development Guide' Supplementary Guidance was recognised, however in this instance members considered that there is a degree of variety in the form of dormer windows within the Conservation Area, and that the proposed dormer had been sensitively modelled on the existing traditional rear dormer, and was sympathetic to the special interest of the Listed Building. Members also noted that the linking panel was sufficiently enclosed by the two dormers to ensure that it would not be incongruous or unduly prominent and on balance the LRB considered that the benefits of adapting this historic building to make it suitable for continued use as a domestic dwelling outweighed the non-compliance with the Council's 'Householder Development Guide' as it related to linked dormers on Listed Buildings.

CONDITIONS

(1) Slate sample

No development pursuant to this grant of planning permission shall take place unless samples of slates to be used on the dormer, roof and linking sections hereby approved have 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.

Reason: To preserve the integrity of the Category B listed building.

(2) Window details

No development pursuant to this grant of planning permission shall take place unless detailed elevation and sectional drawings of the proposed new window have submitted to and approved in writing by the Planning Authority. For avoidance of doubt, the visible part of the outer frame of the front windows shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check. Thereafter the windows shall be installed in full accordance with the details so agreed.

Reason: To preserve the integrity of the Category B listed building.

- **COUNCILLOR MARIE BOULTON, Chairperson.**

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