

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 21 August 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillors Boulton and Stewart, Chairpersons; and Councillors Stewart, Macdonald, Reynolds and Boulton.

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

ORDER OF AGENDA

1. At the commencement of the meeting, Councillor Boulton reminded all those in attendance that Councillor Jennifer Stewart would be chairing the first review on the agenda, however she advised members that Councillor Stewart was running late due to circumstances out with her control, therefore she suggested that items 3.1 (9 Belvidere Crescent) and 4.1 (108 Crown Street) could be considered prior to item 2.1 (108A North Deeside Road).

The Local Review Body resolved:-

to agree to the suggestion.

9 BELVIDERE CRESCENT - FORMATION OF DORMER TO REAR - PLANNING REF:190339

2. 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 dormer to the rear of the property at 9 Belvidere Crescent, Aberdeen, Planning Reference 190339/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, Mr Mark Masson 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 Mr Masson, 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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

21 August 2019

In relation to the application, the LRB had before it (1) a delegated report by Sheila Robertson, Planning Technician; (2) the decision notice dated 2 May 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 and there were no new matters, which were not before the appointed officer at the time of the original decision, have been raised in the review submission.

Mr Evans also indicated that in terms of the procedure by which the review will be conducted, the applicant had requested that a site visit be undertaken.

Mr Evans then outlined the application site advising that the property was located on the west side of Belvidere Crescent, which itself joins Rosemount Place and Craigie Loanings. The site comprised an upper flat within a 2-storey detached granite building, the door for which was located down the side of the building. Number 9 extended to the first floor and attic.

The site was located within an area zoned as residential within the Aberdeen City Local Development Plan, where policy H1 applies and was also within the Rosemount & Westburn Conservation Area.

Mr Evans intimated that permission was previously granted in January 2015, prior to the adoption of the current Aberdeen Local Development Plan for the formation of a box dormer to the rear which appeared to be identical to the current proposal.

He explained that the Appointed Officer's reasons for refusal which were stated in full in the decision notice, makes reference to the following factors:-

- Rear dormer did not accord with Householder Development Guide - Supplementary Guidance in that it is not architecturally compatible in design and scale with original house or surrounding area;
- Would not preserve or enhance the character and appearance of the Rosemount and Westburn Conservation Area;
- Masked and overwhelmed the original design concept, resulting in an unacceptable impact on visual appearance of the dwelling and wider area;
- Contrary to the aims of Scottish Planning Policy, Historic Environment Policy for Scotland and Historic Environment Scotland 'Roofs' guidance;
- Conflict with policy D4 of the Aberdeen Local Development Plan; and
- No material considerations that outweighed non-compliance with the development plan.

Mr Evans outlined the appellant's case within the Notice of Review, along with a Statement both of which were included in the agenda pack for members' consideration.

The applicants' submission included the following points:-

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

21 August 2019

- Applicant intended to create additional family accommodation within home, via formation of new dormer to rear;
- Planning permission previously granted in January 2015, and at that time was considered to accord with relevant policies of Aberdeen Local Development Plan (earlier version);
- Property changed hands and current owner intended to implement;
- Dormer provided necessary increase in head height for stair connecting 1st floor to attic;
- Highlighted conflict between Aberdeen City Council's decisions on the same proposal; and
- Drew attention to 3.1.7 of the Householder Development Guide - Supplementary Guidance, which allowed for linked panels between windows on private side of unlisted buildings in Conservation Areas, provided it was not visible from public place.

In terms of consultees, Mr Evans advised that no comments regarding the application were received from Rosemount & Mile End Community Council, and no other representations had been received.

Mr Evans indicated that the applicant had expressed the view that a site visit was required before determination.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review. Councillor Macdonald requested that a site visit be held prior to determining the review in order for her to make an informed decision based on the location of the property. The Convener and Councillor Reynolds also agreed with the request that the review under consideration should be adjourned in order for a site visit to be conducted in due course.

**108 CROWN STREET - FORMATION OF DORMER WINDOW TO FRONT -
PLANNING REF:181426**

3. 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 formation of a dormer window to the front of the property at 108 Crown Street, Aberdeen, Planning Reference 181426/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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
21 August 2019

In relation to the application, the LRB had before it (1) a delegated report by Jane Forbes, Planner; (2) the application dated 9 August 2018; (3) the decision notice dated 2 May 2019 (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 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 indicated that the applicant had indicated on the Notice of Review that no new matters, which were not before the appointed officer at the time of the original decision, had been raised in the review submission.

In terms of the procedure by which the review would be conducted, the applicant had stated satisfaction that the review may proceed to conclusion without further procedure being required (e.g. site visit, hearing etc).

Mr Evans proceeded by describing the site advising that it was located on the west side of Crown Street, between its junction with Dee Place and Academy Street. The site comprised a category B listed, 2½ storey mid-terrace property with basement, as well as garden to the rear. The site was located in an area zoned as residential within the Aberdeen City Local Development Plan, where policy H1 applies. In addition to residential properties, there were also hotels, guest houses, offices and shops. The property was situated within the Bon-Accord Crescent and Crown Street Conservation Area.

Mr Evans outlined the planning history of the property.

In terms of the Appointed Officer's reasons for refusal, Mr Evans made reference to the following factors included within the Decision Notice:-

- Acknowledged that the proposal largely accorded with Policy H1 (Residential Areas) of the Aberdeen City Local Development Plan, nevertheless considered that it would result in a negative visual impact arising from the introduction of a new dormer on a prominent roof slope, which would affect the roof symmetry and cause a degree of imbalance, causing the roof to appear overcrowded;
- Failed to comply with Historic Environment Scotland's Managing Change in the Historic Environment Guidance on 'Roofs' and did not address the expectations of Historic Environment Policy for Scotland (HEPS) when considered in the context of the listed building and the conservation area within which the site lies; and
- Was contrary to the requirements of Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan and failed to comply with Scottish Planning Policy.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

21 August 2019

In terms of the appellant's case, Mr Evans referred to the Notice of Review, Statement and other documentation which were all available via the website portal, and highlighted the following:-

- That the Listed Building Consent (LBC) refused by the Council was overturned by the Scottish Government Reporter on appeal, and the LBC was granted on 29th July 2019;
- Contended that, contrary to stated reasons for refusal, careful consideration had been given to the setting and features of the existing property. Argued that the proposed dormer matched the existing ones, used traditional detailing and materials, and was therefore appropriate to its context. Noted that the reporter's reasoning for the LBC appeal agreed with the appellant's assessment – *“given the existing mix of dormers on both sides of the street I do not consider the setting or special interest of the building would be adversely affected by the proposal”*;
- Argued that the long-terraced block in which this property sat, possesses no consistent rhythm or pattern of roof design, and included a mix of single, double, linked dormers and full-length box examples. Drew attention to the LBC reporter's statements that *“taking the street as a whole there was no dominant pattern of room form”* and that following the addition of a further dormer *“the two dormers would then provide a symmetrical appearance to the roof”*;
- Considered that the proposal did satisfy policy D4 by respecting the character, appearance and setting of the building; and
- Contended that the dormer would provide greater amenity to the top-floor flat in terms of daylight and useable floor space, which facilitated the continued use and occupation of the listed building.

Mr Evans advised that there were no comments from Ferryhill and Ruthrieston Community Council and there were also no representations submitted.

The Chairperson and Councillors Macdonald and Reynolds 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 Aberdeen Local Development Plan 2017, specifically H1, D1, D4, Supplementary Guidance: Householder Development Guide, specific content on Dormer Windows and Historic Environment Scotland: Managing Change 'Roofs'.

Mr Evans indicated that members should have regard to the Local Development Plan and any other material considerations they feel are relevant to the application that would point to either overturning the original decision or dismissing the review.

He explained that the following key points were of relevance:-

Zoning: Did the proposal satisfy the tests set out by policy H1:-

1. Would it have an unacceptable impact on the character and amenity of the area?; and

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

21 August 2019

2. Did it comply with the relevant Supplementary Guidance (Householder Development Guide

Design: Was the proposal of sufficient design quality (D1) - having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?

Relationship to Listed Building and Conservation Area:

- D4 – did this ‘protect, preserve and enhance the historic environment’?;
- S59 Duty (LBs) to have ‘*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*’; and
- S64 Duty (CAs) to ‘*pay special attention to the desirability of preserving or enhancing the character or appearance of the CA*’

Mr Evans 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.

He concluded by indicating that if members were minded to overturn the decision then he would advise on a condition relating to submitting material samples for approval before work starts, construction of windows per submitted cross-section (stating maximum thickness of 25mm).

Members agreed unanimously 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 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 LRB considered that the proposed dormer window would satisfactorily replicate the existing traditional dormer, would be of an appropriate scale and design, and would utilise suitable traditional materials. Members concluded that the proposal would be appropriate to its context, would not over-crowd the roof of the listed building, and would enhance the character of the area, consistent with policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) of the ALDP and the associated guidance contained in the Householder Development Guide Supplementary Guidance.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
21 August 2019

CONDITIONS

- (1) No development shall take place unless a sample of the roofing material (slate) has been submitted to and approved in writing by the planning authority. Thereafter, the dormer shall be constructed in accordance with the approved sample.

Reason: in the interests of protecting the special character of the listed building.

- (2) The dormer window hereby approved shall be constructed in full accordance with the cross-sections and elevations as shown on Drawing 07, 3319/06 and 3319/08. The visible part of the outer frame of the window hereby approved 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, unless the planning authority has given prior written approval for a variation.

Reason: in the interests of protecting the special character of the listed building.

At this juncture, Councillor Boulton left the meeting and therefore took no part in the consideration of this item.

Councillor Jennifer Stewart assumed the chair.

108A NORTH DEESIDE ROAD - ERECTION OF 1.5 STOREY EXTENSION TO FRONT - PLANNING REF:190441

4. 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 1.5 storey extension to the front of the property at 108A North Deeside Road, Planning Reference 190441/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 Roy Brown, Planning Trainee; (2) the application dated 15 March 2019; (3) the decision notice dated 4 June 2019 (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 applicant along with an accompanying statement with further information relating to the application; and (6) consultee responses from the Community Council and the Roads

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
21 August 2019

Development Management Team and also two letters of representation from neighbouring properties.

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 outlined the application site advising that the property was located in the residential suburb of Peterculter, to the west of Aberdeen. It sat on the northern side of North Deeside Road, opposite its junction with Station Road East and immediately adjacent to Eastleigh Nursing Home. Number 108A sat back from other properties on North Deeside Road, at the very north-western corner of the plot that was shared with 108. The 1.5 storey detached granite dwelling was of a traditional style but had been extended via the addition of two flat-roofed garages to the southern gable. A roof terrace area had been formed above one of those garages, accessible via a door from a first floor bedroom.

Mr Evans indicated that the application site was located within a designated 'residential area' in the Aberdeen Local Development Plan.

In terms of Planning history for the property, Mr Evans revealed that an application had been submitted in June 2018 and subsequently withdrawn prior to determination. Planning permission had been refused in January 2019 for the same extension, with the difference being that this application had shown the two existing garages to the south of the dwelling being removed, such that the cumulative floorspace would be less than considered in the previous application.

Mr Evans explained that planning permission was now sought for a large 1.5 storey extension, projecting from the front/east elevation of the house. This pitched roof extension would project more than 8 metres from the front of the original house, providing accommodation across two floors. The extension would be finished in a combination of stone facing, drydash render over blockwork and a form of cladding applied to the east elevation, which the drawings did not specify.

Mr Evans made reference to the Appointed Officer's reasons for refusal, making reference to the following factors included within the decision notice:-

- The extension would dominate the original house in terms of scale and massing – particular attention was drawn to its significant footprint, excessive projection from the principal elevation of 108A and its width relative to the original house;
- Conflict with Householder Development Guide Supplementary Guidance, policies D1 and H1;
- Highlighted that the extension would be contrary to the character of the surrounding area and the pattern of development; and
- Noted that the increased size of this house meant that it would no longer read as an ancillary building within the curtilage of 108.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

21 August 2019

In relation to the appellant's case set out in the Notice of Review and separate review statement, the submission drew attention to the following:-

- Client required additional space for family;
- Contend that the proposal meets the requirements of relevant policies and Supplementary Guidance;
- Argued that the removal of the two existing garages meant that the proposal now addressed the concerns previously expressed by the Local Review Body;
- Highlighted that officers raised no concern about the width of the extension until the decision was made;
- Contended that the Householder Development Guide Supplementary Guidance allowed for an extension to double the original footprint;

Mr Evans explained that the above guidance stated that extensions should not double the footprint, which did not follow that anything less was acceptable, based on context.

- Claimed that the proposal accorded with the guidance given by officers in November and December 2018;

Mr Evans pointed out that members were not assessing the proposal against correspondence with the case officer, but against the Development Plan.

- Suggested that the planning authority did not give due regard to the proposed removal of two existing garages as a means of reducing the cumulative footprint of the dwelling as proposed; and
- Highlighted that a complaint was made regarding the handling of the application which reiterated dissatisfaction with timescales for reply and requests to extend determination period.

In terms of consultee responses, Mr Evans advised that Culter Community Council had objected to the application for the following reasons:-

- it proposed exactly the same extension as was refused planning permission under Ref: 181783/DPP;
- Whilst removing the garages would change the arithmetic in terms of built footprint, the other reasons for the previous refusal had not been addressed;
- The neighbours' concerns regarding loss of privacy had not been allayed as the application had not been altered and the primary glazing for the main living area was floor-to-ceiling across the east façade; and
- The proposal would be over-development of the site and an inappropriate precedent for the immediate area. They indicated that should the Planning Authority be minded to grant planning permission, they should request a condition forbidding security lighting spilling into the neighbouring property.

The Council's Roads Development Management Team had no objection or roads concerns.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
21 August 2019

Two letters of objection were received at the time of the from residents at 104 and 106 North Deeside Road (NDR). The matters raised included:-

- Overlooking from Ground Floor windows in the east elevation of the extension into 106 NDR;
- Highlighted recent development at 102 NDR, which had affected privacy to 104 – this was considered to cause further loss of privacy to 104;
- Proposal represented over-development and would set an inappropriate precedent; and
- Highlighted problems with security lighting and CCTV cameras at 108 NDR and suggested that similar equipment could be installed on the extended 108A NDR.

Mr Evans intimated that the applicant had indicated on the Notice of Review that he did consider that further procedure by way of a site visit was necessary as part of the review.

The Chairperson and Councillors Macdonald and Reynolds 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 Aberdeen Local Development Plan 2017 and Supplementary Guidance: Householder Development Guide.

Mr Evans explained that in determining the appeal, 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 Scottish Planning Policy would be material considerations.

He indicated 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.

The Local Review Body then asked questions of Mr Evans, specifically regarding the garages and the cladding and rendering materials being used.

Following discussion, Members agreed by a majority of two to one to reverse the appointed officer's earlier decision. Planning permission was therefore granted conditionally.

The Chairperson and Councillor Reynolds were in favour of approving the application. Councillor Macdonald agreed with the decision of the appointed officer to refuse the application as outlined in the Decision Notice.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

21 August 2019

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 LRB considered that the proposed extension would remain subservient to the existing house and did not agree with the appointed officer's conclusions regarding non-compliance with policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan. Members considered that the proposal would not result in any undue loss of privacy or impact on amenity and noted that the property is not highly visible from North Deeside Road.

CONDITIONS

- (1) No development pursuant to this grant of planning permission shall be undertaken unless further details of the materials to be used in the roof and walls of the extension (including submission of physical samples) have been submitted to and agreed in writing by the planning authority. Thereafter, all works shall be carried out using the materials so agreed.

Reason: In order to ensure that materials are appropriate to their context, in accordance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

- (2) That, unless otherwise agreed in writing by the planning authority, no external lighting shall be affixed to the walls of the extension hereby approved.

Reason: to protect safeguard residential amenity in neighbouring properties.

- (3) That, unless otherwise agreed in writing by the planning authority, no development pursuant to the construction of the approved extension shall take place unless the 2no existing garages to the south of the dwelling have first been demolished.

Reason: In order to ensure removal of the existing garages and thereby ensure compliance with the Council's Householder Development Guide Supplementary Guidance as regards cumulative footprint.

- **COUNCILLORS MARIE BOULTON AND JENNIFER STEWART,**
Chairpersons

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
21 August 2019