

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 6 May 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson (for items 2 and 3); Councillor Macdonald, Chairperson (for item 1) and Councillors Duncan and MacKenzie.

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

### HIGHVIEW HOUSE, BLACKTOP ROAD ABERDEEN - 191418

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 erection of a dwelling house with double garage and associated access road, at Highview House, Blacktop Road Aberdeen, planning reference 191418/DPP.

Councillor MacDonald 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 Jamie Leadbeater, Planner; (2) the application dated 16 September 2019; (3) the decision notice dated 11 December 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's agent along with an accompanying statement with further information relating to the application; and (6) letters of representation.

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 then described the site advising that the application site, which extends to 0.43 hectares, formed part of an existing residential curtilage, located on the northern side of Blacktop Road, at its junction with Baillieswells Road.

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He advised that the donor property, at Highview House, sat within a plot of approximately 1.09ha, which sloped down to the road and was bounded by conifer plantations to the north and east. The proposed new house plot was in the southern portion of the Highview House site, with both properties to be served by the existing driveway access in the south-eastern corner.

Mr Evans highlighted there were a number of shrubs and smaller trees within the proposed site, and its southern boundary to Blacktop Road was defined by a low stone wall and high leylandii hedging which was at least over 3m. The hedging continued westwards along the road frontage of the neighbouring land, which offered screening to the site of the proposed new house.

Mr Evans indicated that the site was zoned as both Green Space Network and Green Belt in the Aberdeen Local Development Plan, where policies NE1 and NE2 would apply.

In regard to the proposed application, Mr Evans advise that the application sought detailed planning permission for the erection of a new detached dwelling house with double garage and associated access road. The 4-bedroom, two storey dwelling included an integrated garage. At ground floor level the building would be finished in rubble masonry, with the upper floor finished in vertical timber linings and the roof formed in a zinc cladding. Windows and doors would feature dark grey frames and a covered balcony area were incorporated into the south-east and southwest elevations. These spaces were enclosed by glazed balustrades, as was a roof garden above the garage.

Mr Evans then outlined the applicant's proposal and outlined the appointed Officer's reasons for refusal as follows:-

- The principle of a new dwelling in this location was not supported by policy NE2 (Green Belt) of the ALDP, which allowed for only certain specified types of development in such areas. In addition, the proposal was at odds with Scottish Planning Policy (SPP) which sets out the role of 'green belts' in protecting the landscape setting of cities and towns and directing development to appropriate locations;
- The site would not be accessible by public transport, and therefore it was likely that occupants of the development would be unduly dependent on use of the private vehicle. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). This lack of accessibility by sustainable means also failed to accord with Scottish Planning Policy expectations of sustainable development; and
- Given the possibility that existing trees along the southern and western boundaries could be removed without recourse to the planning authority, they cannot be relied upon as providing screening of the site and of the proposed

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house. Should they be removed and the proposed dwellinghouse was built, the proposed development would have an adverse visual impact on the character of the rural landscape/Green Belt. In that event, the proposal would conflict with the aims of Policy D2 (Landscape) in the Aberdeen Local Development Plan 2017 and Scottish Planning Policy (SPP).

Mr Evans highlighted the following key points from the appellant's review statement:-

- (1) Argued that the development complied with the relevant policies of the Local Development Plan;
- (2) Contends that, whilst not specifically listed as an exception under policy NE2, the proposal would not undermine the aims of green belt designations;
- (3) The site was well located relative to the facilities and services to be provided in future as part of the Countesswells development;
- (4) Highlighted lack of landscape impact due to existing tree cover, and noted that Aberdeen City Council could serve a Tree Protection Order to ensure long-term retention of those trees if considered essential; and
- (5) Highlighted lack of objection from consultees.

In relation to consultation, Mr Evans indicated that there was a neutral response from the Cults, Bieldside and Milltimber Community Council and also one letter of objection received.

Mr Evans indicated that the applicant had indicated on the Notice of Review that no further procedure was required, and that the application should be determined without a site visit, written submissions or a hearing.

The Chairperson and Councillors Duncan and MacKenzie advised in turn that they had enough information to determine the application and did not require further procedures.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy NE1 (Green Space Network), NE2 (Green Belt), D1 (Quality Placemaking by Design) and Supplementary Guidance in regards to sub-division and redevelopment of residential curtilages.

Members asked a number of questions of Mr Evans in relation to the proposed application.

**The Chairperson and Councillors Duncan and MacKenzie advised in turn and unanimously agreed to uphold the decision of the appointed officer to refuse the application.**

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 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.

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

The application site lies within the Green Belt on the Aberdeen Local Development Plan (ALDP) Proposals Map 2017. Policy NE2 (Greenbelt) in the ALDP 2017 makes no provision for new/additional dwellinghouses in the countryside, unless it has been demonstrated as being essential for an existing agriculture or forestry enterprise, which the applicant has not been done in this case and does not accord with any of the 'exceptions' within the policy. In addition, the proposal is at odds with Scottish Planning Policy (SPP) which seeks the implementation of 'green belts' to protect the landscape setting of cities and towns. Therefore, collectively the principle of development is unacceptable;

The site would be located outwith a 400m radius of a bus stop, within a relatively undeveloped rural/green belt area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city / essential supporting services. The proposal, therefore, would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the green belt nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the Scottish Planning Policy expectation of sustainable development; and

Given the existing trees along the southern and western boundaries of the site are not protected and could be removed without the control of the Planning Authority, they cannot be relied upon as providing screening of the site and of the proposed house. Should they be removed and the proposed dwellinghouse is built, the proposed development would have an adverse visual impact on the character of the rural landscape/Green Belt given it would result in the incremental erosion of the open countryside which has been strategically designated to prevent coalescence with Aberdeenshire and maintain open views of the city from rural vistas to the west of the city under the guidance of Scottish Planning Policy in adopting the current Local Development Plan. Therefore, the proposal would conflict with the aims of Policy D2 (Landscape) in the Aberdeen Local Development Plan 2017 and Scottish Planning Policy (SPP).

### **36 RAEDEN CRESCENT ABERDEEN - 191508**

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 of a single storey extension to the public facing rear and formation of dormers to the front and rear at 36 Raeden Crescent Aberdeen, planning reference 191508/DPP.

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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 Planner; (2) the application dated 3 October 2019; (3) the decision notice dated 10 December 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 agent along with an accompanying statement; and (6) letters of representations submitted.

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 site as a two-storey semi-detached house, located within a mid-20<sup>th</sup> century residential development on the southern side of Westburn Road. The drydash rendered property could be seen through trees from Westburn Road. Its South west elevation fronts onto an area of open space shared with other properties, and the property sits on a slope, with the rear north east elevation sitting approx. 0.8m lower.

Mr Evans also advised that It was notable that the surrounding development was characterised by rows of properties arranged around public open spaces and footpaths, with separate communal car parks, but dormer windows were not a feature of the original properties, and there were no examples in the immediate surrounding area.

In regard to the proposal, Mr Evans explained that planning permission was sought for the erection of box dormers on the front and rear of the dwelling and for the erection of a single storey extension to the rear. The proposed dormers were 5.5m in width, positioned c.0.6m below the roof ridge and located on the mutual boundary 680mm in from the gable. The front faces would be fully glazed with dark grey window frames and the sides and roof would be finished in grey metal cladding. The rear extension would have a lean-to style roof with a maximum height of c.4.6m and an eaves height of c.3.8m. It would be c.5.9m in width and would project c.2.1m from the rear elevation of the property, and along the boundary shared with 34 Raeden Crescent. The extension finished with brick walls, concrete roof tiles, and white uPVC framed windows and doors.

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

- The dormers would detract from uniform character and established pattern of development in the surrounding area and the design and scale would dominate the roof of the property, and were not designed to match the style of the original house;

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- Given the absence of existing dormers in the surrounding area, approval would risk setting a precedent for similar proposals, detracting from the uniform character and the visual amenity of the surrounding area;
- Conflicted with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan; and the associated Supplementary Guidance: ‘The Householder Development Guide’; and
- There were no material considerations to warrant departing from the local development plan.

Mr Evans highlighted the following key points from the appellant’s review statement:-

- Noted that reasons for refusal relate to dormer windows only, and not to the extension element;
- Argued that the introduction of dormer windows would not harm the amenity or appearance of the area;
- Contended that the distance from Westburn Road and intervening tree cover offer partial screening;
- Considered that the dormers would not dominate the roof as stated; and
- Highlighted that some representations were not from local addresses.

In relation to the consultee response, Mr Evans advised that four letters of objection were received and focused on:-

- The scale of the extension and impact on adjoining property at 34 Raeden Crescent;
- The design and scale of the dormers were too large;
- The visual impact of dormers in the location;
- Materials not appropriate match for the dwelling;
- Potential loss of privacy for neighbours; and
- Precedent for similar proposals in the area.

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

The Chairperson and Councillors Duncan and MacKenzie advised in turn that they each had enough information before them and agreed that a site visit was not 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) and the Householder Development Guide Supplementary Guidance. Mr Evans also made reference to guidance on extensions to semi-detached dwellings, dormer windows general principles and dormer windows in modern properties.

The Local Review Body members asked questions of Mr Evans in regard to the application.

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**The Chairperson and Councillors Duncan and MacKenzie advised in turn and unanimously agreed to uphold the decision of the appointed officer to refuse the application.**

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 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 proposed dormers would detract from the uniform character and appearance and the established pattern of development of the surrounding area of Raeden Crescent, where there are no such dormers. The proposed dormers would be of a design and scale that would serve to dominate the roofslope of the original dwelling and would not be compatible with the architectural character of the original dwelling.

Notwithstanding every planning application is assessed on its merits, given the absence of existing dormers and dormers having been approved under current policies and guidance in the surrounding area, the grant of planning permission for the proposed dormers could set a precedent for similar scaled dormers in the surrounding area, which detract from the uniform character and the visual amenity of the surrounding area.

The proposed dormers would therefore conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan; and the associated Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the grant of planning permission in this instance.

**16 NEWLANDS AVENUE ABERDEEN - 191551**

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 replacement 1.5 storey extension to the rear and the straightening of eaves at 16 Newlands Crescent Aberdeen, planning reference 191551/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.

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In relation to the application, the LRB had before it (1) a delegated report by Jamie Leadbeater, Planner; (2) the application dated 14 October 2019; (3) the decision notice dated 21 January 2020 (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 applicants agent along with an accompanying statement.

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 site and noted that the application site comprised the residential curtilage of a traditional 1.5 storey semi-detached dwellinghouse on the north-eastern side of Newlands Crescent. The property incorporated features such as a bay window to the front and hipped roof dormer windows to the front and rear set within hipped slated roof, which also included a single chimney stack at the side end of the house. External walls to the main part of the building were finished in traditional granite blocks whilst a single storey projecting with adjoining conservatory exists on the rear

elevation. The application property formed one half of a symmetrical shaped building, the other half comprising another dwellinghouse which was identical in its built form and appearance other than a difference in doors and window frames. In terms of the wider streetscene, all houses were of the same original house type and very few had been altered from their original built form.

In regard to the proposal, Mr Evans explained that planning permission was sought for straightening the gable of the existing hipped roof and the erection of a 1.5 storey extension to the rear of the dwellinghouse. The rear extension would project 4m outwards from the original rear elevation and span the full width of the house (6.75m). Its eaves would measure 3.37m and its ridge would measure 7.28m high. The roof tiles and render to the walls would match the existing finishes.

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

- The proposed straightening of the gable would create an imbalance in the appearance of the set of semi-detached dwellinghouses comprising the application property and adjoining number 14 Newlands Crescent, which would result in a development that fails to accord with the prevailing character of the streetscene; and
- The proposal was considered to be in conflict with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017, as well as failing to comply with all relevant requirements of the Householder Development Guide Supplementary Guidance document.

Mr Evans highlighted the following key points from the appellant's review statement:-



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- The proposed alterations would create a half-hipped roof rather than a raised gable, and such this presumption was not relevant to the determination of the application;
- The proposed half-hipped roof was architecturally compatible with both the applicant property and other properties in the area;
- Would not have an adverse impact on the character and visual amenity of the area; and
- Is supported by other material considerations, namely Scottish Planning Policy and the approval of previous planning applications for the creation of half-hipped roofs on other properties on Newlands Crescent.

In relation to the consultee response, a response was received from Roads Development Management, who intimated that there were no road concerns in relation to the proposed application.

Mr Evans then advised that the applicant had expressed the view that further procedure was required before determination in the way of a site visit.

The Chairperson and Councillors Duncan and MacKenzie advised in turn that they each had enough information before them and agreed that a site visit was not 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), D1 (Quality Placemaking by Design) and the Supplementary Guidance on Householder Development Guide.

The Local Review Body members asked questions of Mr Evans in regard to the application.

**The Chairperson and Councillors Duncan and MacKenzie advised in turn and unanimously agreed to overturn the decision of the appointed officer to refuse the application and approved the application conditionally.**

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 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 considered that any uniformity which existed on the street had already been altered by earlier extensions of a similar nature, such that the approval of this proposal would not result in significant adverse impact on the character and amenity of the area. Members highlighted the importance

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of homes remaining useable for modern family life and noted that several of the properties altered in a similar manner had been consented by the planning authority following assessment against similar guidance, albeit under the previous development plan. The scale and form of the rear extension were considered to be acceptable, and it was concluded that, as a whole, the proposal would not have a significant impact on the streetscape, and would accord with the provisions of policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

**CONDITIONS**

No development pursuant to this grant of planning permission shall be undertaken unless full details of the finishing materials to be used in the walls and roof of the approved extension have first been submitted to and approved in writing by the planning authority. Thereafter, all works shall be carried out in full accordance with the details so agreed.

Reason: In order to ensure that materials are of an appropriate quality and to ensure compliance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

**Councillor Macdonald and Boulton, Chairpersons**