

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 30 June 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Bell and Avril MacKenzie.

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

90 POLWARTH ROAD - FORMATION OF DRIVEWAY - 191406/DPP

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 formation of a driveway at 90 Polwarth Road, Aberdeen, Planning Reference 191406/DPP.

Councillor Boulton as Chair, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mr Mark Masson 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 following case 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 Mr Masson, 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 Roy Brown, Planning Trainee; (2) the application dated 13 September 2019; (3) the decision notice dated 12 February 2020; (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) letters of representation submitted by the Roads Management Team and members of the public.

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 it was located on the southern side of Polwarth Road, and comprised a ground floor flat within a two-storey, four-in-a-block building with front and rear gardens. The area was predominantly residential in character and was zoned within an H1 Residential Area in the Aberdeen Local

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

Development Plan. Such four-in-a-block properties did not generally have access to their own driveways and were reliant on on-street car parking. The site was not within a controlled parking zone and the officer's report noted the presence of a streetlight on the footway.

The Appointed Officer's reasons for refusal were as follows:-

- Road safety: Driveway of insufficient depth to allow for parking at right-angle to the road without vehicles overhanging the pavement, contrary to requirements of Transport and Accessibility Supplementary Guidance. If vehicles parked parallel to the road, visibility would not be adequate on exiting driveway;
- Amenity: Removal of front garden and loss of enclosure would be detrimental to character and visual amenity of surrounding area, in conflict with policies D1 (Quality Placemaking by Design) and H1 (Residential Areas);
- Loss of on-street parking: Proposal would result in loss of up to 3 public on-street spaces. Decision notice highlighted lack of off-street parking for 4-in-a-block properties on south side of Polwarth Road (and consequent reliance on on-street spaces), and identifies conflict with Transport and Accessibility Supplementary Guidance; and
- Precedent: Highlighted potential cumulative effect of similar proposals in terms of impact on pedestrian safety, removal of on-street spaces in an area of high demand and visual/amenity impact arising from loss of front gardens.

The appellant had submitted a statement in support of the application for Local Review, and Mr Evans referred directly to the reasons for refusal and the main points put forward were as follows:-

- Contended that similar properties of the same type in Torry had smaller driveways than that which was proposed. Provided photographs of examples;
- Argued that a new housing development 'round the corner' on Walker gardens had changed the character of the area;
- Highlighted that there were driveways on the north side of Polwarth Road; and
- Contended that the formation of a new dropped kerb would remove less than 1 car length from the street available for on-street parking.

In relation to consultee and representation submissions, Mr Evans made reference to the following:-

- Roads Development Management Team – Recommended refusal of the application: Highlighted inadequate length, contrary to Council guidance, which would risk parked vehicles overhanging the footway, presenting a hazard for pedestrians;
- Four representations received, including one from Aberdeen Civic Society, all objecting to the proposal. Reasons given included:-
 - Safety concerns, for both pedestrians when vehicles crossing the footway and for other vehicles – highlighted previous accidents on this road;
 - Loss of public parking space on a road where it was in high demand; and
 - Removal of boundary enclosure would have an adverse impact on streetscape and approval would set a poor precedent for the wider area.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

The Chairperson and Councillors Bell 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 highlighted the relevant policy considerations, making reference to the following:-

- the Aberdeen Local Development Plan 2017 - H1 – Residential Areas: Householder Development;
- Transport and Accessibility Supplementary Guidance;
- D1 – Quality Placemaking by Design.

Mr Evans 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 parking issues and road safety concerns.

The Chairperson and Councillors Bell and Mackenzie each 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:-

Road Safety: The proposed driveway would have a significant adverse impact to the level of public safety in the surrounding area. This is because if cars were parked at a right angle to the road, the driveway would not be of an adequate length to prevent vehicles overhanging the footway, which would be detrimental to pedestrian safety, particularly to children and those with a disability. The approximate 3.9m length of the driveway would conflict with the Supplementary Guidance: 'Transport and Accessibility' as it would be less than 5m. If cars were parked parallel to the road, there would not be an adequate level of visibility between vehicles exiting the driveway, pedestrians on the footway and other vehicles, which would also be to the detriment of public safety.

Amenity: The proposed driveway would result in the removal of a significant area of the front garden of the property and loss of enclosure, which would be detrimental to the character and visual amenity of the surrounding area, in conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

Loss of Public Parking Provision: The proposal would result in the loss of up to approximately 3 public on-street parking spaces (if a vehicle on the driveway was parallel parked). Given none of the four-in-a-block properties to the south of Polwarth Road have off-street parking provision, the loss of these spaces would decrease the supply of on-street parking provision for a street with a high demand for such. It would result in the neighbouring properties in the block not being able to park adjacent to their property, in conflict with the Supplementary Guidance: 'Transport and Accessibility'. This would be detrimental to the level of amenity afforded to the surrounding area.

Precedent: The proposed driveway would be likely to set an unwelcome precedent for similar driveways which cumulatively would significantly adversely affect public safety; result in the further reduction of on-street parking provision on a street where there is a high demand for it; and result in the loss of soft landscaped front curtilage in the front of the four-in-a-block properties on Polwarth Road, which would be significantly detrimental to the character and the visual amenity of the surrounding area.

189 BON ACCORD STREET - FORMATION OF DORMER TO REAR AND INSTALLATION OF ROOF LIGHTS TO FRONT - 200068/DPP

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 formation of a dormer to the rear and installation of roof light to the front at 189 Bon Accord Street, Aberdeen, Planning Reference number 200068.

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, Jamie Leadbeater, Planner; (2) the application dated 16 January 2020; (3) the decision notice dated 26 March 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 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 advising that the property at 189 Bon-Accord Street was a two-storey detached dwellinghouse of traditional granite construction, on the

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

eastern side of Bon Accord Street, just south of Ferryhill House Hotel. The property fronts Bon Accord Street and was constructed with granite walls and a pitched slate roof, with the front elevation featuring a gablet and a bay window at ground floor. The front slope of the roof features one existing rooflight, with a further two rooflights on the rear slope. Windows were formed in brown stained timber, with sash-and-case frames to the front of the property and casement frames to the rear. A sizeable rear garden was enclosed by a granite rubble boundary wall.

He indicated that the site lay within the Ferryhill Conservation Area, and within an area the Aberdeen Local Development Plan identified as an H1 Residential Area.

Mr Evans referred to the relevant planning history advising that the appointed officer's report drew attention to the refusal of an earlier application for a dormer window to the rear of the property in October 2019 (ref 191248/DPP). The appointed agents sought to appeal that decision via the Local Review Body, but made submissions too late, outwith the requisite 3 month period.

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

- Scale of the proposed dormer would dominate the rear roof slope by virtue of its height and massing;
- Size of the two windows within the proposed box dormer would not reflect the established fenestration pattern on the rear of the application property;
- Dormer not of a scale and design that respected the character and appearance of the application property;
- visual harm to the character and appearance of the Ferryhill Conservation Area;
- Proposal was at odds with Policy D1 (Quality Placemaking by Design), Policy D4 (Historic Environment) and Policy H1 (Residential Areas) of the ALDP 2017, as well as relevant guidance within Householder Development Guide Supplementary Guidance; and
- Proposal would not accord with the relevant national guidance published by Historic Environment Scotland.

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

- Drew attention to other box dormers in the local area, noting that these were now an accepted feature of the properties on this section of Bon-Accord Street;
- Highlighted that the neighbouring properties at 191 and 193 had box dormers of a similar type to that proposed;
- Noted that the proposed dormer would not be visible from a public road, and therefore its visual impact on Bon Accord Street would be negligible;
- Contended that the rear of the property was an appropriate location for this form of extension, as evidenced by the number and variety of extensions and dormers to the rear of neighbouring properties;
- Noted provision within the Householder Development Guide for standards to be relaxed on non-public elevations and in instances where there are many such extensions present; and

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

- Contended that the dormer would not dominate the original roof slope and that other criteria set out in the guidance was satisfied.

There were no consultee comments or representations received.

The Chairperson and Councillors Bell 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); Supplementary Guidance (Householder Development Guide); Dormer Windows: General Principles and Older properties of a traditional character: Rear elevations; Rooflights; D1 – Quality Placemaking by Design; and D4 – Historic Environment.

The Local Review Body members asked questions of Mr Evans in regard to the application, specifically relating to the roadside view and the scale and design of the rear dormer.

The Chairperson and Councillors Bell 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 scale of the proposed dormer would dominate the rear roof slope by virtue of its height and massing relative to the size of the rear roof slope. Furthermore, the size of the two windows within the proposed box dormer would not reflect the established fenestration pattern on the rear of the application property. As such, the proposed dormer would not be a scale and design that respects the character and appearance of the application property and would subsequently cause undue visual harm to the character and appearance of the Ferryhill Conservation Area. As such, the proposal is considered to be at odds with the relevant requirements of Policy D1 (Quality Placemaking by Design), Policy D4 (Historic Environment) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 as well as relevant guidance set within the Householder Development Guide supplementary guidance document. Additionally, the proposal would not accord with the relevant national guidance published by Historic Environment Scotland.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

39 CRAIGTON TERRACE - FORMATION OF DORMERS AND BALCONY WITH DECK AREA TO REAR (RETROSPECTIVE) - 191756/DPP

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 formation of dormers and balcony with deck area to rear (retrospective) at 39 Craigton Terrace, Aberdeen, Planning Reference number 191756.

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 Jane Forbes, Planner; (2) the application dated 22 November 2019; (3) the decision notice dated 31 January 2020 (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 representation from consultees and members of the public.

The Local Review Body then heard from Mr Evans explain 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 it was situated on the south side of Craigton Terrace and comprised a 1½ storey semi-detached house with adjoining garage and associated front and rear gardens. The property was constructed in pink and grey granite, with a partially hipped slate roof. There were three hipped, pitched dormers to the front elevation, whilst to the rear there were three cat-slide dormers. To the rear a single storey, flat roofed extension projects 4 metres from the original rear building line, with a raised terrace projecting a further 3 metres beyond this. Two of the three rear dormers formed part of an earlier approved extension (approved in November 2017), but had not been constructed in accordance with the approved plans. The rear garden was enclosed by 1.8m high timber fencing. The site lay within an area the Aberdeen Local Development Plan identified as an H1 Residential Area.

Mr Evans referred to the relevant planning history and outlined the proposal before members.

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

- Dormers of inappropriate scale and design, appearing particularly dominant on the roof slope, and failing to address the requirements of the Council's Supplementary Guidance on Householder Development, which stated that new

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

dormers or roof extensions should respect the scale of the building and not dominate, overwhelm or unbalance the original roof;

- Introduction of direct access via glazed door onto a 1st floor level balcony, in conjunction with the enlarging of dormer window and increase in glazing to the rear face of the building, raised concerns regarding the potential for overlooking and impact on privacy and residential amenity;
- Proposal considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and to the Council's Supplementary Guidance on Householder Development; and
- No material planning considerations which would warrant approval of planning permission in this instance.

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

- Highlighted that many neighbouring properties had been altered, many including dormer windows which were totally unsympathetic to their surroundings. Included examples of the variety seen in dormer windows locally;
- Stated that the proposals were consistent with design of existing dormers and those of adjoining property, and were sympathetic to their surroundings;
- Highlighted that rear dormers and balcony could not be seen from Craigton Terrace or Gordon Road;
- Stated that compromises made to obtain initial consent led to unworkable floor area and lie-ins (coombs) in upstairs bathrooms;
- Glass on all bathroom windows were treated with obscure film;
- Flat roofed extension was not designed to take extra loads (e.g. roof terrace/balcony), nor to accommodate required safety barriers;
- Door onto balcony allowed for one person only due to presence of balustrade; and
- Noted that there was no significant change from the views previously afforded from first-floor windows.

Mr Evans advised that 5 letters of objection had been received at the time of the application, all from addresses on Craigton Terrace and Gordon Road (over the rear boundary). In addition, two of these respondents had provided further comments on submission of the application for review.

The matters raised was summarised as follows:-

1. The as-built structure was markedly different to what was approved;
2. If approved, the roof terrace/balcony would impact on existing privacy with overlooking of neighbouring gardens;
3. There was the potential to extend the area of roof terrace/balcony in the future with relative ease;
4. The rear dormer which served two bathrooms was considerably larger than what was initially approved (increased by over 30%) and included clear glass which introduces overlooking and affects privacy;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

5. If approved, this would establish an undesirable precedent for future development along this street;
6. Design of the development was out of character with that of the surrounding area;
7. Access to clean the roof window was possible by ladder, with no need for access via a door; and
8. Noise and nuisance would likely be an issue with increased and elevated access to the roof.

Mr Evans explained that supplementary comments lodged on notification of the applicants' review reiterate the above concerns, that they do not accept the applicant's supporting arguments and reaffirmed their objection. Respondents also characterised the situation as a deliberate flouting of planning control.

The Chairperson and Councillors Bell 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 H1 (Residential Area); D1 (Quality Placemaking by Design); Supplementary Guidance: Householder Development Guide; and Dormer Windows: General Principles.

The Local Review Body members asked questions of Mr Evans in regard to the application, specifically relating to the distance between the dormer and gable, the roof area and the balustrade.

The Chairperson and Councillors Bell 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 dormer extensions are deemed to be of an inappropriate scale and design, appearing particularly dominant on the roof slope, and failing to address the requirements of the Council's Supplementary Guidance on Householder Development, which states that new dormers or roof extensions should respect the scale of the building and not dominate, overwhelm or unbalance the original roof. Notwithstanding that the significant area of clear glazing which has been fitted and incorporated within the dormer design results in an uncomfortable level of overlooking from within the property, and this in itself

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

30 June 2020

could only be partially addressed through the introduction of opaque glazing to the bathroom accommodation, the proposal also includes the introduction of direct access, via a bedroom dormer extension incorporating a fully glazed door and glazed panels, onto a 1st floor level balcony. The balcony would be formed on the roof of the rear extension, with such development raising concerns regarding the resulting potential for overlooking and impact on privacy and residential amenity. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen City Local Development Plan, and to the Council's Supplementary Guidance on Householder Development. There are no material planning considerations which would warrant approval of planning permission in this instance.

Additionally, the LRB expressed its comfort with the increased size of the middle dormer window on the rear roof slope, but indicated that the use of an applied film was not appropriate and that such windows should be fitted with obscured glazing in order to offer a permanent safeguard to the privacy and amenity of neighbouring residents. The LRB expressed the view that a balcony or roof terrace was not acceptable in any form due to its adverse impact on privacy and amenity, and the glazed door offering the potential for access to the flat roof of the ground floor extension was therefore not supported. It was the LRB's wish that this commentary be added to the reasons for decision in order that it would represent a material consideration in the planning authority's consideration of any future proposals.

- **COUNCILLOR MARIE BOULTON, Chairperson**