

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

ABERDEEN, 26 August 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Cameron and Reynolds.

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

### **FORMATION OF DORMERS TO THE FRONT AND BACK - 6 HAMMERFIELD AVENUE ABERDEEN - 200295**

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 dormers to the front and rear of 6 Hammerfield Avenue Aberdeen, 200295/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, 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 Roy Brown, Planner; (2) the application dated 18 January 2020; (3) the decision notice dated 8 June 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 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 then described the site advising that the application site was located on the south-western side of Hammerfield Avenue between its junctions with Great Western Road (to the north) and Duthie Place (to the south). The site comprised a two-storey semi-detached house of a traditional granite construction, along with its associated front

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

26 August 2020

and rear gardens. The property adjoins number 4 to the north. Hammerfield Avenue included a mix of two-storey semi-detached and 1 and ½ storey detached and semi-detached homes, some of which feature a white wetdash render finish. Mr Evans explained that neither number 6 nor the adjoining number 4 appear to have been significantly altered at roof level, with no dormer windows present at the front or rear. It was also noted there were two existing rooflights on both front and rear slopes of number 6's roof.

Mr Evans advised that the application site was located in an area which the Aberdeen Local Development Plan identified as a Residential Area, where policy H1 would apply. The site also sat just outside the Great Western Road Conservation Area.

In regard to the proposed application, Mr Evans advised that the application sought permission for detailed planning permission for the formation of two dormer windows with a slated linking panel on the front elevation and also the formation of a flat-roofed box style dormer on the rear elevation.

Mr Evans also indicated that planning permission was granted for the erection of a single storey extension to the rear of the dwelling in September 2016 and the permission was implemented and work completed.

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

- The proposed linked panelled box dormer on the principal elevation would adversely affect the architectural integrity of the original dwelling by way of its design, siting and proportions;
- The box style dormer was unsympathetic to the historic character of the building;
- Sited uncomfortably high on the slope of the roof, unbalancing its appearance particularly when seen alongside the unaltered property at number 4;
- It conflicted with the Householder Development Guide;
- There would be an adverse impact on the character and amenity of the streetscape, which featured few alterations to the original roof forms;
- There would be an unwelcome precedent if approval was issued and would encourage unsympathetic alterations, to the detriment of the character and amenity of the area; and
- It conflicted with policies D1 and H1 of the Aberdeen Local Development Plan and policies of the emerging Proposed Aberdeen Local Development Plan.

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

- They stated that the proposed works would allow the owners to adapt their property to meet changing family circumstances and modern living requirements;
- Highlighted lack of objection from the neighbouring properties or consultees;
- Highlighted two former planning approvals for a front dormers with linking panels in 2009 and 2015;
- Notes that the reasons for refusal relate only to the front dormer, with the officer's report concluding that the rear dormer would be acceptable;

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

26 August 2020

- Contends that there have been no significant change in the applicable policy since those earlier approvals;
- Contends that dormer windows were an established part of the character of the area and that the proposals would not be out of place or upset the streetscape; and
- Considered that the planning authority had been inconsistent in dealing with similar applications in the same street.

In relation to consultation, Mr Evans indicated that there were no responses from consultees or neighbouring properties.

Mr Evans indicated that the applicant had indicated on the Notice of Review that further procedure was required, and that a site visit should take place before determination.

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

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 Householder Development Guide, Supplementary Guide.

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

**The Chairperson and Councillors Cameron and Reynolds 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 on the principal elevation would adversely affect the architectural integrity of the original dwelling by way of its position on the upper part of the roof slope and its proximity to the roof ridge. For the avoidance of doubt, the Local Review Body did not object in principle to the presence of a slated linking panel on the front elevation, which was cited as a contributing factors to the appointed officer's decision.

The proposed front dormer would be sited uncomfortably high on the roofslope, which would unbalance the roofslope. The unbalanced appearance of the roof would be

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

26 August 2020

exacerbated because 4 Hammerfield Avenue would remain unaltered from its original form. The proposed dormer would detract from the architectural integrity of the original dwelling and the prevailing character and visual amenity of the streetscape of Hammerfield Avenue. The proposed front dormer would therefore adversely affect the character and visual amenity of the surrounding area.

The grant of planning permission could set a precedent for similarly unsympathetically sited dormers on the principal elevations of shallow pitched roofed properties in the surrounding area, which could further adversely affect the character and visual amenity of the surrounding area.

As a result of the proposed front dormer, the proposal would therefore conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies D1 - Quality Placemaking, D2 - Amenity and H1 - Residential Areas of the Proposed Aberdeen Local Development Plan 2020. There were no material planning considerations that warrant the grant of planning permission in this instance.

**ERECTION OF SINGLE STOREY EXTENSION TO THE SIDE - 4 DEEMOUNT ROAD ABERDEEN - 200440**

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 detailed planning permission the erection of a single storey extension to the side at 4 Deemount Road Aberdeen, 200440.

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 Local Review 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 3 April 2020; (3) the decision notice dated 1 July 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.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

26 August 2020

Mr Evans then described the site and advised that the property was located on the southern side of Deemount Road on the western side of its junction with Deemount Gardens. The site was a residential curtilage which comprised a detached L-shaped bungalow along with associated garden grounds. The property is described as being designed with dual frontages, facing onto both Deemount Road and Deemount Gardens. The white rendered property had both pitched and hipped roof elements, with the roof finished in red roof tiles.

The application site was located in an area which the Aberdeen Local Development Plan identifies as a Residential Area, where H1 applies. The site also lies immediately to the east of but outside, the Ferryhill Conservation Area.

In regard to the proposal, Mr Evans explained planning permission was sought for the erection of a single-storey, flat roofed extension of a contemporary design to the front/side of the dwellinghouse. This would measure approximately 5.4metres by 5.8metres with a height of 3.7metres. The extension would be finished in grey vertical timber cladding, with a smooth grey cement basecourse. The north and south elevations would feature large windows with a horizontal emphasis.

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

- The proposal would not respect the character and appearance of the existing dwellinghouse, as well as the character and appearance of other dwellinghouses in the immediate surrounding area. Siting, projection, disproportioned contemporary form, large window openings and finishes were cited as contributing factors;
- The impact would be exacerbated by extension's siting forward of the building line to Deemount Gardens and its prominent location at the junction of Deemount Road and Deemount Gardens;
- Fails to comply with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) as well as Householder Development Guide Supplementary Guidance; and
- Highlighted that the existing hedging may be removed without planning permission, so cannot be relied upon for mitigating visual impact.

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

- They highlighted the need for a second bathroom and additional storage space;
- They explained that an extension can only realistically be sited on the east side of the property if a workable internal hallway was to be maintained;
- They noted that siting to the west would necessitate loss of a recently modernised outhouse/home office;
- They explained that the proposed location was the most cost effective option due to the level ground;
- They contended that the modern design complements the building and did not detract from its surroundings;

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

26 August 2020

- They suggested that concern over the building line onto Deemount Gardens was unwarranted given the enclosed nature of the site and the screening offered by existing hedging, which there were no plans to remove;
- They highlighted the support from the closest neighbouring properties on Deemount Road and Deemount Gardens; and
- Highlighted a planning approval at 1 Deemount Gardens in 2011.

In relation to consultee and representation responses, Mr Evans advised that none were received.

Mr Evans then advised that the applicant had expressed the view that a site visit should take place before determination of the application.

The Chairperson and Councillors Cameron and Reynolds 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 front extensions.

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

**The Chairperson and Councillors Cameron and Reynolds 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:-

1. The proposal extension - by virtue of its siting, projection, disproportioned contemporary form, large window openings and finishes - would not respect the character and appearance of the existing dwellinghouse, as well as the character and appearance of other dwellinghouses in the immediate surrounding area. This impact would be exacerbated by the fact the proposed extension would sit forward of the principle building line on Deemount Gardens and the site sits at the junction of Deemount Road and Deemount Gardens. As such, the proposed extension would be harmful to public

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

26 August 2020

visual amenity and the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017.

2. The proposed extension - by virtue of its siting forward of the front elevation and scale of projection - would breach the established building line along Deemount Gardens which is intrinsic to the street's pattern of development and therefore would be at odds with the street's established character. The existing hedging can be removed without planning permission, and therefore its current existence carries no weight in mitigating this unacceptable visual impact. As such, the proposal would fail to comply with the relevant requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) as well as their attendant supplementary guidance The Householder Development Guide in the Aberdeen Local Development Plan 2017.

**Councillor Marie Boulton, Chairperson**