

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 11 September 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Macdonald and Reynolds.

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

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

1. With reference to article 2 of the minute of meeting of the Local Review Body (LRB) of Aberdeen City Council of 21 August 2019, the LRB conducted a site visit then reconvened 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, advised that the procedures previously outlined by the Clerk at the meeting of on 21 August 2019 would apply and indicated that the LRB would again be addressed by Mr Gavin Evans, who acted as Planning Adviser to the LRB in the case under consideration. The Chairperson reiterated 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.

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;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

11 September 2019

- 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:-

- 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.

In terms of relevant policy considerations Mr Evans made reference to the Aberdeen Local Development Plan 2017 - Policy H1, Policy D1 – Quality Placemaking by Design; and Supplementary Guidance: Householder Development Guide general principles and general principles on Dormers.

In relation to other material considerations, Mr Evans made reference to Historic Environment Scotland's Managing Change: Roofs.

Mr Evans advised that the following key points were of relevance:-

- Zoning: Does the proposal satisfy the tests set out by policy H1;
- Design: Was the proposal of sufficient design quality (D1);
- Relationship to the Conservation Area: D4; and

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

11 September 2019

- S64 Duty (Conservation Areas) to 'pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

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.

Members asked Mr Evans a number of questions relating to the application, specifically regarding materials to be used, the design of the window, neighbour notification circulation, changes to the Supplementary Guidance: Householder Guide and relevant planning history for the property.

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 Local Review Body noted that planning permission had previously been granted for the same development, under an earlier iteration of the Aberdeen Local Development Plan, and that the relevant policies and Supplementary Guidance had not changed significantly since that earlier consent was granted. Having visited the site, members noted that existing trees, which are protected by virtue of their location within a Conservation Area, offer a degree of screening in views from public areas. The LRB concluded that the proposed dormer window would not result in unacceptable impact on the character and amenity of the area, nor adversely affect the character and appearance of the Conservation Area. It was noted also that the existing rear extension to the property would serve to break up the massing of the dormer window to some extent. On balance, the LRB concluded that the proposal would not conflict with the relevant policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

CONDITIONS

- (1) No development pursuant to this grant of planning permission shall be undertaken unless a sample of the slate to be used has first been

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
11 September 2019

submitted to and approved in writing by the planning authority. Thereafter, development shall be carried out using the materials so agreed.

Reason: In order to ensure that materials are of a good match for the existing roof and thereby protect the character and appearance of the Rosemount and Westburn Conservation Area.

- **COUNCILLOR MARIE BOULTON, Chairperson**

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
11 September 2019