

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Macdonald and Reynolds.

Town House,
ABERDEEN 3 September 2019

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL – SITE VISIT

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet at **9 Belvidere Crescent, Aberdeen** for a Site Visit of the property at **12.30pm**, then returning to **Committee Room 2 - Town House** on **WEDNESDAY, 11 SEPTEMBER 2019** for deliberation.

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 4)

**COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR
INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT
THE MEETING**

**MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO
THE LOCAL DEVELOPMENT PLAN.**

[Local Development Plan](#)

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE
FOLLOWING APPLICATIONS**

PLANNING ADVISER - GAVIN EVANS

2.1 9 Belvidere Crescent - Formation of Dormer to Rear - Planning Ref:190339

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 5 - 20)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

(Ref Number 190339)

<https://publicaccess.aberdeency.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.3 Planning Policies Referred to in Documents Submitted (Pages 21 - 22)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 23 - 30)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

Ref Number (190339)

<https://publicaccess.aberdeency.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeency.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeency.gov.uk / tel 01224 522989

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.



Strategic Place Planning

Report of Handling

| | |
|---------------------------------|---|
| Site Address: | 9 Belvidere Crescent, Aberdeen, AB25 2NH, |
| Application Description: | Formation of dormer to rear |
| Application Ref: | 190339/DPP |
| Application Type: | Detailed Planning Permission |
| Application Date: | 4 March 2019 |
| Applicant: | Mr Harry Goodson |
| Ward: | Mid Stocket/Rosemount |
| Community Council: | Rosemount And Mile End |
| Case Officer: | Sheila Robertson |

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises an upper flat within a 2-storey traditional detached granite dwelling house, located on the western side of Belvidere Crescent and within the Rosemount & Westburn Conservation Area. The application site is bound to the north, south and west by the rear gardens of neighbouring residential properties and to the east by Belvidere Crescent. The building has an original 2 storey rear annexe positioned towards its southern gable, with a hipped and pitched roof sitting at right angles to the main roof and 350mm below its ridge.

Relevant Planning History

141717: Planning permission was granted for the erection of a rear dormer in January 2015. Planning permission was never implemented, and the permission has since expired.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to erect a box dormer to the rear elevation, 7.7m in length, spanning almost the entire roof and bridging the roof of the existing rear annexe, to sit within 210mm of the tabling to both the north and south gables. The front face of the dormer would be set 500mm up the roof slope from the eaves of the main building and annexe, and its flat roof would be set 200mm down from the roof ridge. Windows would be positioned to either end of the dormer, which would be finished with slates to match the existing roof. The dormer would provide additional headroom within existing bedrooms.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PNMULXBZLHR00>

CONSULTATIONS

Rosemount and Mile End Community Council –No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy(SPP) and Historic Environmental Policy for Scotland (HEPS)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (2017) (ALDP)

Policies D1- Quality Placemaking by Design, D4 – Historic Environment and H1 - Residential Areas

Supplementary Guidance

Householder Development Guidance

Other Material Considerations

Historic Environment Scotland's 'Managing Change in the Historic Environment: Roofs

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 – Residential Areas of the ALDP and the proposal relates to householder development. Such proposals will comply with this policy in principle provided it does not constitute overdevelopment, adversely affect the character and amenity of the surrounding area, and complies with the associated Supplementary Guidance, the Householder Development Guide. This proposal would not enlarge the built footprint of the dwelling and would not significantly increase the intensity of use on the site. It would thus not constitute overdevelopment. The other issues are assessed in the below evaluation.

Design and Scale

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

In addition, the dwelling falls within the Rosemount and Westburn Conservation Area and therefore Policy D4 is also relevant. This policy sets out that the Council will protect, preserve and enhance the historic environment, and that high quality design should respect the character, appearance and setting of the historic environment and should protect the special architectural or historic interest of its listed buildings and conservation areas.

HES's 'Managing Change in the Historic Environment' guidance on Roofs states that '*The interest of a historic roof is derived from a number of factors including its shape or form, structure, covering materials, and associated features. The roof can play an important part in the architectural design of a historic building*'. The guidance further identifies the importance of dormer features, and states that '*The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and rooflights should be appropriately designed and located with care.*' The Householder Development Guide also sets out acceptable criteria specifically related to the design and scale of dormer windows and which requires that dormers should be architecturally compatible in design and scale with the original house and its surrounding area.

In this instance the rear elevation of the building is partly visible from the nearby Craigie Loanings to the west. The rear annexe is a historical feature common to the rear elevation of all properties to the west side of Belvidere Crescent, and, with the exception of one property, which has added a single box dormer (which sits separate from the annexe and does not encroach on any part of its roof), all rear roof elevations are unaltered since original. The proposed dormer would extend across virtually the entire rear roof elevation, dominating and overwhelming that elevation and envelope and wrap around the roof of the existing rear annexe thereby masking and compromising this architectural feature as a result of its scale and non-traditional form, clearly diminishing both the architectural historic merit of the building and current symmetry between neighbouring properties. This would be in direct conflict with one of the general principles of the Householder Development Guide, which requires dormers to be architecturally compatible in design and scale with the original house and its surrounding area. Furthermore, the proposed dormer would fail to meet the technical specifications set by the SG as it would result in a dormer that would dominate the original roof slope by virtue of its scale; the dormer eaves would be set too close to the inside face of the tabling; there would be insufficient glazing so that solid infill material would dominate the dormer elevation; and its roof would sit too close to the roof ridge. The proposed dormer would thus, overall, be unacceptable in terms of its design and scale with the original dwelling and the surrounding area, and would therefore fail to comply with the SG.

As a result of its scale and non-traditional architectural form, and its interference with the rear annexe, the dormer, as proposed, would not reflect the established pattern of development and urban form within the surrounding area; it would detract from the relatively simple form of the existing roof and cut across original historical detailing that defines the character of the building, and the surrounding properties, in conflict with Policy D1 of the ALDP. It is considered that this

proposal would not take sufficient cognisance of the character and appearance of the surrounding area, and thus fail to preserve and enhance the historic character and appearance, and adversely affect both the parent building and wider Conservation Area, contrary to the aims of Policy D4.

It is recognised that planning permission was previously granted for a rear dormer of identical scale and design. However, that permission was never implemented and, in the interim, the Supplementary Guidance, as relating to the formation of dormer windows, has been updated. The previously approved dormer would now fail to meet the current guidance contained in The Householder Development Guide, which furthermore states definitively that no dormers which were approved prior to the introduction of this current guidance will be considered to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document. Therefore, the previous approval cannot justify the grant of planning permission for this similar proposal. The applicant has been advised that, while the principle of a dormer to the rear of the property may be acceptable, subject to scale and design, it would have to respect the scale of the roof and not detract from its original historic design. Although advised that a single, stand-alone dormer of a traditional form may be acceptable, with a roof light to the opposite side of the annexe's roof, the applicant has requested that the application be determined as submitted.

Taking the above into account, it is considered that the proposal would be contrary to the objectives of SPP and would therefore conflict with Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan. The proposed dormer is not deemed compliant with HES's 'Managing Change in the Historic Environment: Guidance on Roofs' and does not comply with the principles of Historic Environmental Policy for Scotland (HEPS) on the basis that the proposal would adversely affect the property's special historic interest and therefore be detrimental to the character of the surrounding Conservation Area. It would not conform with the qualities of successful placemaking, in conflict with Policy D1 of the ALDP in that it would not reinforce the established pattern of development and reflect local styles and form. It would conflict with the principles contained in the Supplementary Guidance: 'The Householder Development Guide in that it would neither meet the technical specifications detailed on the HDG, resulting in a structure that would not be architecturally compatible in design and scale either with the original dwelling or in the context of the surrounding area, contrary to the aims of Policy D1 (Quality Placemaking by Design).

Residential Amenity

The proposed dormer would not adversely impact residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and with the SG.

Aberdeen City and Shire Strategic Development Plan (2014)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal would result in the introduction of a dormer which would conflict with the Supplementary Guidance: 'The Householder Guide' as it would not be architecturally compatible in design and scale with the original house and its surrounding area, and neither preserve nor enhance the character and appearance of the building or the wider Conservation Area. The

proposed dormer would introduce a new feature to another wise unaltered roof slope, masking and overwhelming the original design concept which would result in an unacceptable impact on the historic and visual character of the dwelling house and in the context of adjacent properties, contrary to Policy D1 (Quality Placemaking by Design). The proposed dormer would be contrary to the objectives of Scottish Planning Policy, Historic Environmental Policy for Scotland and the relevant 'Managing Change in the Historic Environment: Guidance on Roofs' thereby conflicting with Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan. There are no material planning considerations that would warrant the grant of planning permission in this instance.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100154725-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

To construct a dormer on the north facing slope of the roof and to form 2 bedrooms plus a bathroom within the dormer/attic space.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

| | | | |
|-----------------------|------------------------------|--|----------------|
| Company/Organisation: | Morris Associates | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | David | Building Name: | |
| Last Name: * | Morris | Building Number: | 7 |
| Telephone Number: * | 01224 637588 | Address 1 (Street): * | Albert Terrace |
| Extension Number: | | Address 2: | |
| Mobile Number: | 07815 486521 | Town/City: * | Aberdeen |
| Fax Number: | | Country: * | Scotland |
| | | Postcode: * | AB10 1XY |
| Email Address: * | morrisassociatesuk@gmail.com | | |

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---------|--|--------------------|
| Title: | Mr | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | |
| First Name: * | Harry | Building Number: | 9 |
| Last Name: * | Goodson | Address 1 (Street): * | Belvidere Crescent |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | Aberdeen |
| Extension Number: | | Country: * | Scotland |
| Mobile Number: | | Postcode: * | AB25 2NH |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

9 BELVIDERE CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2NH

Please identify/describe the location of the site or sites

Northing

806482

Easting

392738

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: David Morris

On behalf of: Mr Harry Goodson

Date: 21/02/2019

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Lynn Cargill

Declaration Date: 28/02/2019

Payment Details

Online payment: ABSP00003720
Payment date: 28/02/2019 10:46:00

Created: 28/02/2019 10:47

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

David Morris
Morris Associates
7 Albert Terrace
Aberdeen
Scotland
AB10 1XY

on behalf of **Mr Harry Goodson**

With reference to your application validly received on 4 March 2019 for the following development:-

**Formation of dormer to rear
at 9 Belvidere Crescent, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

| Drawing Number | Drawing Type |
|-----------------------|---------------------------------|
| 704.03 REV A | Location Plan |
| 704.04 REV A | Multiple Floor Plans (Proposed) |
| | Multiple Elevations (Proposed) |

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

The proposal would result in the introduction of a dormer which would conflict with the Supplementary Guidance: 'The Householder Guide' as it would not be architecturally compatible in design and scale with the original house and its surrounding area, and neither preserve nor enhance the character and appearance

of the building or the wider Conservation Area. The proposed dormer would introduce a new feature to another wise unaltered roof slope, masking and overwhelming the original design concept which would result in an unacceptable impact on the historic and visual character of the dwelling house and in the context of adjacent properties, contrary to Policy D1 (Quality Placemaking by Design). The proposed dormer would be contrary to the objectives of Scottish Planning Policy, Historic Environmental Policy for Scotland and the relevant 'Managing Change in the Historic Environment: Guidance on Roofs' thereby conflicting with Policy D4 (Historic Environment) of the Aberdeen City Local Development Plan. There are no material planning considerations that would warrant the grant of planning permission in this instance.

Date of Signing 2 May 2019



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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National Planning Policy

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Historic Environment Policy for Scotland (HEPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Managing Change in the Historic Environment - 'Roofs'

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=577dd6d3-94cc-4a14-b187-a60b009af4bd>

Aberdeen City and Shire Strategic Development Plan (SDP)

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1111&SID=90>

Aberdeen Local Development Plan (ALDP)

D1: Quality Placemaking by Design

D4: Historic Environment

H1: Residential Areas

<https://www.aberdeencity.gov.uk/services/planning-and-building/development-plan>

Supplementary Guidance

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

Rosemount and Westburn Conservation Area Character Appraisal and Management Plan

https://www.aberdeencity.gov.uk/sites/default/files/2017-11/Rosemount%20and%20Westburn%20Conservation%20Area%20Appraisal_0.pdf

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

| 1. Applicant's Details | | 2. Agent's Details (if any) | |
|---|---|-----------------------------|------------------------------|
| Title | Mr | Ref No. | |
| Forename | Harry | Forename | David |
| Surname | Goodson | Surname | Morris |
| Company Name | | Company Name | Morris Associates |
| Building No./Name | 9 | Building No./Name | 7 |
| Address Line 1 | Belvidere Crescent | Address Line 1 | Albert Terrace |
| Address Line 2 | | Address Line 2 | |
| Town/City | Aberdeen | Town/City | Aberdeen |
| Postcode | AB25 2NH | Postcode | AB10 1XY |
| Telephone | | Telephone | 01224 637588 |
| Mobile | | Mobile | [REDACTED] |
| Fax | | Fax | |
| Email | | Email | morrisassociatesuk@gmail.com |
| 3. Application Details | | | |
| Planning authority | Aberdeen City Council | | |
| Planning authority's application reference number | 190339/DPP | | |
| Site address | <div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>9 Belvidere Crescent, Aberdeen. AB25 2NH</p> <div style="text-align: right; border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0;">RECEIVED</p> <p style="margin: 0;">29 JUL 2019</p> </div> </div> | | |
| Description of proposed development | <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> <p>To form a dormer on the rear, north facing slope of the roof to facilitate access to, and improve the residential use of the attic floor.</p> </div> | | |

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Access to the rear of the property is only achieved by going through the property.
Access can be arranged via myself or my client on an agreed date and time.

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached separate sheets

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

Not aplicable.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Location Plan at 1:1250 scale.
704.02 rev A Existing Floor Plans
704.03 rev A Proposed Floor Plans
704.04 rev A Proposed Elevations
704.05 Existing Elevations

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

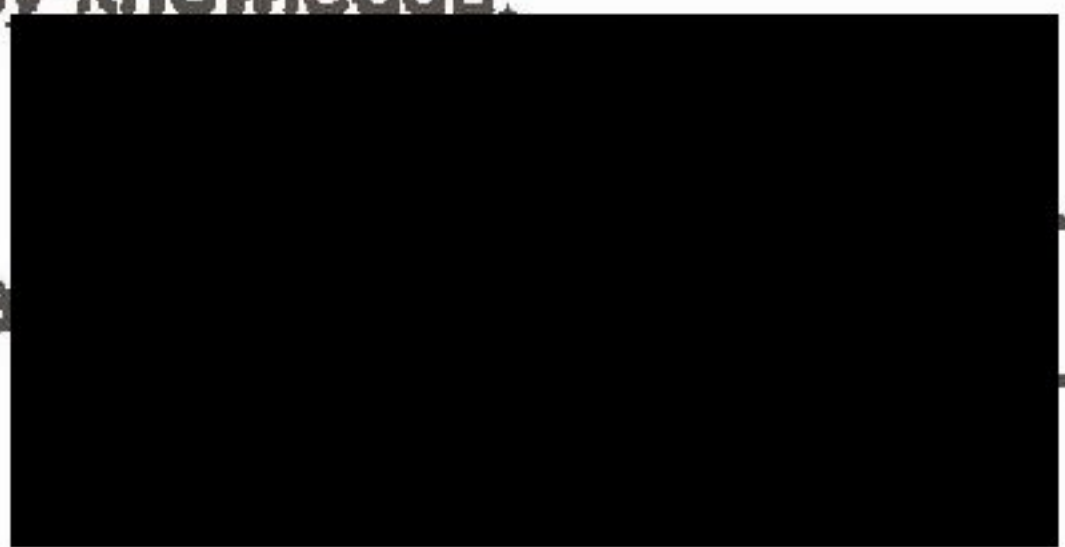
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name: D. S. Morris

Date: 26th July 2019

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

MORRIS ASSOCIATES

The Garden Cottage,
7 Albert Terrace,
Aberdeen. AB10 1XY

Tel [REDACTED]
Mob [REDACTED]

Notice of Review
9 Belvidere Crescent, Aberdeen. AB25 2NH
Planning Reference: 190339/DPP
Refuse Planning Permission.

EXECUTIVE SUMMARY

My client intends to create additional family accommodation within their current home.

The Property is situated in an established residential area.

To achieve this, a box dormer was to be constructed on the rear and private slope of the roof.

Unconditional Planning Permission ref:- P141717 was received dated 30th January 2015 as the design complied with Policies D1, H1 and D5 of the Aberdeen Local Development Plan.

The then owner subsequently sold the property and the new owner intended to carry out the works. The Period of Validity of the Building Warrant ref:- B15 1442 has been extended.

Planning Permission ref:- P141717 had lapsed and a new application for Planning Permission was lodged based on the previously approved design. This application ref:- 190339/DPP was refused on 2nd May 2019.

This appeal to the Local Review Board is to have consideration to overturning the decision to refuse Planning Permission.

The Property.

9 Belvidere Crescent is a 2-bedroom first floor flat situated within a granite fronted building having a slated roof. Within the roof space is an attic currently used as a storage space. The existing access stair connecting the First Floor to the Attic Floor has insufficient headroom to meet the requirements of the Scottish Building Standards Agency in that, owing to the intersection of the roof valley rafters over the rear extension with the main roof, headroom is reduced to around 1600mm above the pitch of the stair. The Standards require headroom to be 2000mm. In the previously approved scheme, Reference No P141717, the box dormer resolved the headroom over the access stair by meeting the 2000mm required height.

Planning Approval.

The reasons given on the Planning Permission document for that approval were quoted as follows: -

‘the proposed dormer extension would not have a detrimental impact on the visual character of the area, nor any impact on residential amenity in accordance with Policies D1 (Architecture and Placemaking and H1 ‘ Residential Areas’ of the Aberdeen Local Development Plan and the relevant guidance as contained within the Council’s Householder Development Guide. The proposed works would also not have a detrimental impact on the character of the Conservation Area, in accordance with Scottish Planning Policy, SHEP and Policy D5 ‘Built Heritage’ of the ALDP. The proposed works would also comply with the corresponding Policies D1, H1 and D4 of the Proposed Aberdeen Local Development Plan.’

Refusal of Application for Planning Permission.

In the case of the recent refused Application Referenced 190339/DPP the following reasoning is given for the decision to refuse Planning Permission for what is the same dormer proposal that was previously approved: -

‘The proposal would result in the introduction of a dormer which would conflict with the Supplementary Guidance: The Householder Guide as it would not be architecturally compatible in design and scale with the original house and its surrounding area, and neither preserve nor enhance the character and appearance of the building or the wider Conservation Area. The proposed dormer would introduce a new building feature to another wise unaltered roof slope, masking and overwhelming the original design concept which would result in an unacceptable impact on the historic and visual character of the dwelling house and in the context of adjacent properties, contrary to Policy D1 ‘Quality Placemaking by Design’. The proposed dormer would be contrary to the objectives of Scottish Planning Policy, Historic Environmental Policy for Scotland and the relevant ‘Managing Change in the Historic Environment Guidance on Roofs’ thereby conflicting with Policy D4 ‘Historic Environment’ of the Aberdeen Local Development Plan. There are no material planning considerations that would warrant the grant of planning permission in this instance’.

I would be pleased if the Board members would note the conflict between these 2 statements especially in the case where the application was approved making reference to the proposed works as being in compliance with Policies D1, H1 and D4 of the 'Proposed Aberdeen Local Development Plan', and on the refused application it is stated that the proposed dormer would be contrary to Policies D1 and D4.

Aberdeen City Council – Supplementary Guidance.

From the current 'Supplementary Guidance: The Householder Guide Section 3.1.7 Dormers', it states categorically that 'In the case of non-listed buildings in Conservation Areas consideration may be given to the provision of linked panels between windows on the private side of the building where the extension is not seen from any public area. Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas.'

The rear of this property is private and not over-looked by any public space.

Both in the current refused application and in the previously approved scheme, the verticality of the dormer windows paid respect to the proportions of the existing windows on the rear elevation.

Should the Local Review Body after due consideration, decide to over-turn the Council's decision to Refuse Planning Permission, and Grant Planning Permission then the works can proceed which will result in the property being converted to a family proportioned 4 bedroom maisonette having the advantage of 2 bathrooms within a prominently mixed residential area.

David Morris.
Chartered Architect.

David S. Morris. B.Arch (Hons) Edin., RIBA, ARIAS.
e-mail : morrisassociatesuk@gmail.com

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