

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 20 January 2021. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Henrickson and Reynolds.

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

94 WALLACEBRAE ROAD - REPLACEMENT OF BOUNDARY HEDGE WITH A TIMBER FENCE TO THE FRONT - 200895

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 application for the replacement of a boundary hedge with a timber fence to the front of 94 Wallacebrae Road, Aberdeen, Planning Reference number 200895.

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 Jemma Tasker, Planning Trainee; (2) the application dated 5 August 2020; (3) the decision notice dated 6 October 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.

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.

He explained that the applicant had indicated on the Notice of Review that no new matters, which were not before the appointed officer at the time of the original decision, had been raised in the review submission and in terms of the procedure by which the

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review would be conducted, the applicant had expressed the view that no further procedure was required.

Mr Evans then described the site advising that it was in a residential plot, located on the northern side of Wallacebrae Road, Danestone, which was accessed via Laurel Drive. The site comprised a single storey, detached dwellinghouse of modern design, occupying a corner plot. The property had south and west elevations fronting Wallacebrae Road. A driveway ran down the eastern side of the property, providing off-street parking and access to the property's front door. The garden to the western side of the property was enclosed by a substantial Leylandii hedge (of c. 2.3m in height).

The site was located in an area the Aberdeen Local Development Plan (ALDP) identified as an H1 Residential Area.

Mr Evans outlined the proposal for Detailed Planning Permission (DPP) which was sought for the replacement of the boundary hedge with a timber fence along the north-west, south-west and south boundaries of the site. The fence would be 1.8m in height and run along a 17m stretch of the boundary with number 96 Wallacebrae Road, before running along the boundary between the side garden and the public pavement before aligning with the western side wall of the house. The fence would be stained mid-brown.

The Appointed Officer's reasons for refusal stated in the decision notice made reference to the following:-

- Contended that the fence's siting, materials, massing and height were incongruous in this location, and highlighted its position forward of the front of the house and hard up against the pavement as being visually obtrusive in the street scene;
- This was considered to have a detrimental impact on the character and amenity of the surrounding residential area, contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Adopted Aberdeen Local Development Plan, as well as Supplementary Guidance: 'The Householder Development Guide';
- The potential cumulative erosion of visual amenity if similar subsequent applications were to be approved is highlighted;
- Conflict with corresponding policies from Proposed Aberdeen Local Development Plan also noted; and
- There were no material planning considerations that would warrant approval of planning permission in this instance.

Mr Evans highlighted the following key points from the appellant's Notice of Review:-

- Contended that this proposal would not set any precedent as the property in question was sited uniquely and was not readily comparable to any others in the surrounding area;
- Referred to a suggested alternative as significantly reducing the enclosed garden area;

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- Highlighted the lack of objection from neighbours; and
- Contended that the existing hedge was much more incongruous in its massing than the proposed fence, and that the proposal offered a preferable outcome.

Mr Evans advised that there were no representations received from consultees or members of the public.

The Chairperson and Councillors Henrickson and Reynolds advised in turn that they each had enough information before them and agreed 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 Areas; D1 – Quality Placemaking by Design; and Supplementary Guidance - Householder Development Guide.

In terms of material considerations, Mr Evans advised that members should have regard to the Local Development Plan and provided details thereof.

Members agreed by a majority of two to one to reverse the decision of the appointed officer and to approve the application conditionally.

The Chairperson and Councillor Reynolds indicated in turn that they were minded to overturn the officer's decision and to approve the application, as stated below.

Councillor Henrickson supported the appointed officer's reasons 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:-

Members of the Local Review Body, by a majority of 2 to 1, resolved to reverse the earlier decision of the Appointed Officer and grant planning permission. Members recognised that the large hedge currently in situ is of greater height than the proposed fence, and that the proposal would reduce the impact on neighbouring properties by way of loss of light/overshadowing whilst removing a possible hindrance to use of the public pavement adjoining the site and increasing the useable area of the applicant's garden given the depth of the current hedge. The need for some means of enclosure to ensure privacy to the applicants' garden was accepted. Members did express some concern about the effect of the proposal on the otherwise open nature of the streetscape in the surrounding area, but on balance considered that this proposal would not result

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in a significant impact on the character or amenity of the surrounding residential area, consistent with policy H1 (Residential Areas) of the Aberdeen Local Development Plan and the associated 'Householder Development Guide' supplementary guidance.

The arrangement of this site, with the main area of garden ground to the side, rather than to the rear, of the dwelling was such that members did not consider that the granting of planning permission would set any unwelcome precedent that could risk eroding the character of the area if replicated. Members noted that the Council's Roads Development Management Team raised no objection in respect of visibility or road safety. A single condition relating to agreement of the colouring/stain of the fence prior to works commencing was considered to be necessary to ensure this is appropriate to the surrounding area.

CONDITIONS**1. Stain/finish to fence**

That no development pursuant to this grant of planning permission shall take place unless full details of any stain/colouring to be applied to the approved fence have first been submitted to and approved in writing by the planning authority. Thereafter, all works shall be undertaken in full accordance with the details so agreed.

Reason: To ensure that the colouring of the fence is appropriate to the local context.

57 BLENHEIM PLACE - EXTENSION OF DORMERS TO REAR AND INSTALLATION OF REPLACEMENT WINDOWS TO REAR AND SIDE - 200660

2. With reference to the minute of meeting of the Local Review Body (LRB) of 16 December 2020, the LRB 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 extension of dormers to the rear and installation of replacement windows to the rear and side at 57 Blenheim Place, Aberdeen, Planning Reference number 200660.

In relation to the application, the LRB had before it (1) a delegated report by Jemma Tasker, Trainee Planner; (2) the application dated 14 June 2020; (3) the decision notice dated 14 August 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.

At this juncture, Mr Evans referred to the meeting of the LRB on 16 December 2020, at which time, it was resolved that an inaccuracy in the application description should be corrected and neighbours re-notified before the LRB would determine the review. He

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intimated that re-notification had been undertaken and no further representation was received as a result.

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.

He explained that the applicant had indicated on the Notice of Review that no new matters, which were not before the appointed officer at the time of the original decision, had been raised in the review submission and in terms of the procedure by which the review would be conducted, the applicant had expressed the view that a site visit would allow members to understand the surrounding context.

Mr Evans then described the site advising that it was an upper flat in a 2 storey building with 'piended' (hipped) dormer windows to the rear and rooflights to the front. The upper flat occupied the first floor and roof of the building. The property was situated on the western side of Blenheim Place, directly opposite its junction with Osborne Place. The property was of a traditional granite construction with slate roof and was served by a rear lane, off which there was garage access. The windows in the upper flat were of a non-traditional 'sash and case lookalike' style, formed in coated aluminium. A centrally positioned door gave access to the lower flat at number 59, with access for number 57 obtained from a door set off to the left hand side of the building's frontage, with a stair enclosure positioned on the gable. The windows of the lower flat were mixed, with white UPVC frames on the front elevation and a brown wood-effect frame present on the rear. He indicated that whilst the rear dormers had a traditional appearance, with a piended, slated roof, they were not original features of the building, being of a larger scale than a historic dormer window. To the south, the property was bounded by a car park which served offices at the nearby Blenheim House. Further south, on the opposite side of that surface car park was another office building, Blenheim Gate, which was of modern construction.

It was noted that the site was located within the Albyn Place and Rubislaw Conservation Area.

Mr Evans outlined the proposal for Detailed Planning Permission (DPP) which was sought for the extension of dormers to the rear and replacement of windows at the side and rear of the property, with the assessment having been undertaken on the basis of all windows to the rear of the building (comprising both upper and lower flats) to be replaced.

Mr Evans explained that on closer inspection of the plans, which did not clearly identify those to be replaced (e.g. with colouring or numbering), it was evident from the window schedule and floor plans that this proposal in fact related to the replacement of windows in the **upper flat only**, both **front and back**. This was confirmed by the description provided by the applicant on the submitted form.

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In summary, Mr Evans indicated that the proposal involved the replacement of existing non-traditional windows in the upper flat with sliding timber sash and case frames, along with the construction of a new flat-roofed box dormer with slated linking panel to the rear of the property. The dormer would be formed using Larch cladding, with a grey roofing membrane on its flat roof.

The Appointed Officer's reasons for refusal stated in the decision notice made reference to the following:-

- Noted that the proposed replacement windows are of an acceptable design and materials, which was appropriate to the site's location within a Conservation Area and consistent with relevant local and national guidance on window replacement;
- Highlighted that the proposed removal of the traditional dormers was not supported by policy and the design of the proposed dormer extension was unsympathetic and its massing was specifically identified as a concern given the rear of the property was prominently visible from the adjacent car park and rear service lane. The proposed dormer extension would be at odds with its context;
- Overall, the proposal was considered to have a detrimental impact on the character and appearance of the Conservation Area;
- Policy conflicts were identified with Scottish Planning Policy Historic Environment Policy for Scotland Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan and guidance contained within the Householder Development Guide and Historic Environment Scotland's Managing Change Guidance relating to roofs; and
- Conflicted with equivalent policies from Proposed Aberdeen Local Development Plan.

Mr Evans highlighted the following key points from the appellant's Notice of Review:-

- Contended that guidance should be applied flexibly and with regard to circumstances rather than used as a rigid set of rules to be applied in all cases;
- Considered that a site visit would be invaluable in terms of understanding the context;
- Highlighted that over 50% of the existing roof would remain unaffected and that the rear of the property would not be visible from either Blenheim Place or Osborne Place, with the only view point for pedestrians would be a side view when walking up Blenheim Place from Carden Place;
- Disputed the importance placed on views of the rear of the property;
- Indicated that finishes were intended to complement the existing property; and
- Pointed to a rear dormer at 28/30 Fountainhall Road as justification and highlighted a general variety in dormer arrangements in the surrounding area.

Mr Evans advised that there were no representations received from consultees or members of the public.

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The Chairperson and Councillors Henrickson and Reynolds advised in turn that they each had enough information before them and agreed 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 Areas; D1 – Quality Placemaking by Design; D4 – Historic Environment; and Supplementary Guidance - Householder Development Guide relating to Dormer Windows General Principles, Dormer Windows – Older properties of a traditional character: Rear elevations and Repair and Replacement of Windows and Doors..

In terms of material considerations, Mr Evans advised that members should have regard to the Scottish Planning Policy regarding Conservation Areas, Historic Environment Scotland's Managing Change in the Historic Environment (Windows and Roofs) and Albyn Place and Rubislaw Conservation Area Character Appraisal and provided details thereof of each.

The Chairperson and Councillors Henrickson and Reynolds 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:-

The proposed windows represent an improvement on the current aluminium window frames, and would result in reinstatement of a traditional window style and materials, appropriate to the local context within this Conservation Area and supported by ACC's 'The Repair and Replacement of Windows and Doors' Supplementary Guidance and Historic Environment Scotland's Managing Change guidance relating to windows.

However, the proposed dormer creates significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs due to the contemporary design and materials of the proposed dormer windows. The unsympathetic dormer extension would be a considerable mass on the rear elevation of the original building, which is visible from the adjacent car park and rear service lane. Whilst it is recognised that there are examples of other large box dormers in the surrounding area, these are understood to pre-date current policy and do not justify the proposal, which is considered to be inappropriate to its context within a Conservation Area. Members expressed broad support for expansion of the upper floor accommodation via a rear roof extension in some form, but suggested that this should take a more traditional form, potentially including piended dormers with a slated central infill panel.

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Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan; Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan; and guidance contained within the Householder Development Guide and HES's Managing Change Guidance relating to roofs. There are no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

- **COUNCILLOR MARIE BOULTON, Chairperson**