

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

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

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

FORMATION OF DORMER TO THE REAR - 28 ST JOHN'S TERRACE ABERDEEN - 201622

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 formation of a dormer to the rear at 28 St John's Terrace Aberdeen.

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 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 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 the Appointed Officer, Aberdeen City Council; (2) an application dated 29 September 2020; (3) the decision notice dated 26 January 2021; (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.

Mr Evans then described the site advising that the site was located on the north western side of St John's Terrace, a slip road running parallel with North Deeside Road, at its junction with Springfield Road, and is occupied by a two storey plus attic,

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substantial detached granite dwelling. The dwelling has a single storey extension along the width of the rear elevation and conservatory, thereafter, located centrally. The attic has three skylights located on the rear roof elevation and one to the front. A single, rendered garage is located within the rear granite rubble boundary wall and is accessed from an unnamed lane and a large garden extends from the rear of the dwelling. The surrounding area is characterised by residential dwellings; traditional dormer bungalows are located either side of the property.

In terms of the proposal, detailed planning permission was sought for the formation of a dormer to the rear at 28 St John's Terrace Aberdeen.

In relation to planning history, Mr Evans noted that planning permission was approved in December 2020 for the erection of dormers to the rear. This application was approved following the submission of acceptable plans regarding the design of the dormer and the current application relates to a previous iteration of the proposed proposal, which the Planning Authority did not find acceptable.

Mr Evans indicated that the Appointed Officer's reasons for refusal stated in the decision notice was as follows:-

- The dormer is not set on an acceptable distance below the ridge line of the dwelling, giving the dormer an unbalanced and uncomfortably high appearance on the roof slope, which is a publicly visible elevation;
- The design, form and proportions would not be sympathetic to the traditional proportions and architectural style of the house, therefore having an unacceptable impact on the character and appearance of both the dwelling and surrounding area, taking special cognisance of its highly visible position when viewed from Springfield Road;
- The proposed dormer had therefore not been designed with due consideration for its surrounding context and would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide of the Aberdeen Local Development Plan;
- It would also fail to comply with equivalent policies of the Proposed Aberdeen Local Development Plan;
- There was no material planning considerations that would warrant approval of planning permission in this instance.

Mr Evans outlined the key points from the appellant's Notice of Review advising that:-

- The dormer extension was required to provide useable floor space on the 2nd floor;
- They contend that the dormer would sit on a substantial area of roof slope, and would not dominate the existing roof;
- They consider that its design, form and proportions are sympathetic to the proportions and architectural style of the property;
- Due to the elevation above ground level, the relationship between the dormer and roof ridge would not be visible from street level; and

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- A previous planning approval (201192/DPP) permitted dormers which would be set at the same height on the roof slope.

In terms of consultee responses, Mr Evans advised that none were received.

Mr Evans advised that the applicant had expressed the view that no further procedures were required before determination.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review.

The Chairperson and Councillors Cameron and Reynolds all indicated in turn that they each had enough information before them and that the review under consideration should be determined without further procedure.

Mr Evans outlined the relevant policy considerations, making reference to:-

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

Mr Evans explained that in determining the appeal, members should also take into consideration any material considerations they feel were relevant to the application that would point to either overturning the original decision or dismissing the review. In addition to the relevant policies from the development plan, the Scottish Planning Policy would be material considerations.

Mr Evans indicated that should members wish to overturn the decision of the appointed officer, consideration should be given to any conditions which would be appropriate in order to make the proposal acceptable, however all conditions must meet the six tests set out by Scottish Government policy.

Mr Evans responded to various questions from members.

The Chairperson and Councillors Cameron and Reynolds each advised in turn and unanimously agreed to overturn the decision of the appointed officer to refuse the application and therefore approve the application unconditionally.

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:-

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Members of the Local Review Body (LRB) noted that the proposed dormer windows would comply with the guidance set out in the relevant Householder Development Guide (HDG) Supplementary Guidance as it relates to the design of dormer windows. The position of the dormer higher up the roof was acknowledged, however members felt that this would not in itself justify refusal given an earlier decision to grant planning permission for dormer windows in a similar position relative to the roof ridge. Members states that the proposed dormer windows are of design and proportions that would be sympathetic to the property and would not result in unacceptable impact on the character or amenity of the wider area, which is characterised by dormer windows of varying styles. The use of slated linking panels in the design of the dormer was noted as being provided for by the relevant HDG Supplementary Guidance and consistent with the natural slate roof of the original property.

ERECTION OF A DETACHED HOUSE (CHANGE OF HOUSE TYPE OF PLOT 2 OF APPROVED PLANNING - BURNSIDE POULTRY UNIT, CLINTERTY - 201359

2. The Local Review Body then considered the second request submitted which was for the non determination of the application from the planning service.

The Chairperson advised that the LRB would again be addressed by Mr 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 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.

Mr Evans advised that in relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, produced following the request; (2) an application dated 3 November 2020; (3); (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.

Mr Evans then described the site advising that the application site was for the erection of a detached house (change of house type of plot 2 of approved planning application 170395. The 1.3 hectare site related to the former agricultural land located in open countryside to the south of Blackburn, close to the city boundary. It was historically used as a poultry unit but such agricultural use had long ceased. There were a number of sporadic established trees on the site and it was accessed via a narrow farm track which joined the public road to the east of the site.

In regards to the proposal, Mr Evans explained that planning permission was sought to redevelop the site to erect a detached mainstream house. The existing farm access track from the public road would be used. Plot two was proposed at the western end of the site and its garden ground would be defined by post and wire fencing. The house

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would be 4 bedrooms with an attached garage and it would be of 2 storeys, with the upper floor contained within the roofspace. The roofs would be pitched at 45 degrees and clad with slate with Velux rooflights. Walls would be finished with a mix of smooth render and larch cladding and ancillary surface car parking would be within the plot. The site plan indicated that foul drainage would be via a private system (septic tank). Mr Evans explained that in effect the permission sought to vary the previously consented house design by creation of additional floorspace at ground level (i.e. a 24 square metre extension to the communal living area). The south elevation of the extension would be substantially glazed.

Mr Evans indicated that the report produced indicated that the Appointed Officer's decision would have been that the application be approved conditionally and the reasons were as follows:-

- Notwithstanding the conflict with Green Belt (NE2) and Transport policies (T2 and T3) in the Aberdeen Aberdeen Local Development Plan 2017 (ALDP), given the previous approval and the minor nature of the changes, this policy conflict is not considered to warrant refusal of the application.
- The proposal would not result in any significant intensification of use or change of travel patterns relative to the planning approval.
- The proposed revised house design is considered to accord with ALDP policy D1: Quality Placemaking by Design.
- Conditions should be added to address the expectations of ALDP policy NE5: Trees and Woodland; NE6: Flooding, Drainage & Water Quality; D1: Quality Placemaking by Design; D2: Landscape; and R7: Low & Zero Carbon Build & Water Efficiency

Mr Evans outlined the key points from the appellant's Notice of Review advising that:-

- They considered that conditions 2, 3, 4 and 5 as set out in the officers report to the LRB were unnecessary and that it would be 'unreasonable and illogical' to apply them to any new permission given those matters were already addressed in connection with the earlier permission;
- No issue taken with the proposed conditions 1, 6 and 7 (per case officer report to LRB); and
- Should members be minded to grant permission, it is requested that the conditions applied to the earlier permission be '*adopted without the need for further submissions on those matters*'.

In terms of consultee responses, Mr Evans advised that there were no consultee concerns or objections received.

Mr Evans advised that the applicant had expressed the view that a hearing be held before determination of the application

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review.

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The Chairperson and Councillors Cameron and Reynolds all indicated in turn that they each had enough information before them and that the review under consideration should be determined without further procedure.

Mr Evans outlined the relevant policy considerations, making reference to:-

- Aberdeen Local Development Plan 2017;
 - D1: Quality Placemaking by Design;
 - D2: Landscape;
 - T2: Managing the Transport Impact of Development
 - T3: Sustainable and Active Travel;
 - NE2 – Green Belt
 - NE5: Trees and Woodlands;
 - NE6: Flooding, Drainage and Water Quality;
 - R2: Degraded and Contaminated Land;
 - R6: Waste Management Requirements for New Development;
 - R7: Low and Zero Carbon Building and Water Efficiency;

Mr Evans explained that in determining the application, members should also take into consideration any material considerations they feel were relevant to the application that would point to either approving the application or refusing the application. In addition to the relevant policies from the development plan, the Scottish Planning Policy would be material considerations.

Mr Evans responded to various questions from members.

The Chairperson and Councillors Cameron and Reynolds each advised in turn and unanimously agreed to approve the application with the following conditions.

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 (LRB) noted that the application under review essentially proposed an extension to a previously approved but as-yet unbuilt dwelling, but for procedural reasons the application required to be considered as a single new dwelling of differing design/scale. Members noted the need to have regard to the existing approval, recognising that this consent remained live and that works had been commenced which would prevent the planning permission from lapsing. In this context, and notwithstanding the recognised conflict with policies NE2 (Green Belt), T2 (Transport and Accessibility) and T3 (Sustainable and Active Travel), the LRB considered that the existing permission established the principle of development of a new dwelling in this location. Members concluded that the proposal remained very

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similar to the previously approved dwelling, and that the enlarged dwelling proposed would not raise any conflict with policy D1 (Quality Placemaking by Design). The LRB specifically instructed that submissions which had been made to address conditions attached to the earlier grant of planning permission (ref 170395/DPP) be recognised in the conditions attached to this permission, such that previously submitted documents need not be re-submitted in connection with this consent and the requirement for compliance with any details so agreed is maintained.

CONDITIONS**1. Low and Zero Carbon Buildings / Water Efficiency**

No development pursuant to the planning permission hereby approved shall take place, nor shall the house be occupied, unless details of on-site sustainable design measures have been submitted to and approved in writing by the planning authority. Such sustainable measures should demonstrate the use of low / zero carbon technologies/ energy efficiency and water efficiency measures on site. The house shall not be occupied unless the approved measures are implemented in full. Reason - In the interests of sustainability and to address the requirements of Policy R7 of the Aberdeen Local Development Plan 2017.

2. Vehicle Parking and Turning Areas

The dwelling hereby approved shall not be occupied unless the required vehicle parking and turning areas are provided on site, in accordance with Norman P Lawie Ltd drawing NPL/D/572/P3E.

Reason – In the interests of public / road safety

3. Surface Water Drainage Arrangements

The dwelling hereby approved shall not be occupied unless the required SUDS measures are fully implemented (as specified in approved submissions: S.A. McGregor report dated 23 Jan 2020, contract no 1806/17 and Norman P Lawie Ltd drawing NPL/D/572/P3E).

Reason - In the interests of securing appropriate surface water drainage arrangements, for the avoidance of pollution and to address the requirements of Policy NE6 of the Aberdeen Local Development Plan 2017

4. Water Supply / Foul Water Discharge

The dwelling hereby approved shall not be occupied unless the water supply and foul water discharge arrangements set out in approved submissions (S.A. McGregor report dated 23 Jan 2020, contract no 1806/17 and Norman P Lawie Ltd drawing NPL/D/572/P3E) have been implemented on site. Reason - In the interests of appropriate sewerage and potable water supply arrangements and to address the requirements of Policy NE6 of the Aberdeen Local Development Plan 2017.

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5. Site Landscaping

All soft landscaping proposals shall be carried out in accordance with the approved scheme (Astell Associates Drawing BSB-1909-LS rev A, Tree Protection Plan BSB-1909-TP, existing and proposed ground levels as shown on Norman P Lawie Ltd drawing NPL/D/572/P3E), and shall be completed at the latest during the planting season immediately following the commencement of the development, or other such date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - In order to protect trees, integrate the development into the surrounding landscape, increase the biodiversity value of the site and create a suitable environment for future residents.

6. Site Clearance

No development shall commence unless evidence has been provided that all buildings, including the residential caravan, areas of hard standing, farming equipment etc. have been removed from the site.

Reason – In order to ensure the site is cleared and existing buildings removed prior to the proposed dwelling being constructed.

7. Removal of Domestic Permitted Development Rights

Notwithstanding the provisions of Article 2(4), Schedule 1, Part 1, Classes 1A, 1B, 1C, 1D, 3A, 3B and 3E of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or such other order that may supersede this), no extension, alterations or improvement which materially affect the external appearance of the dwelling house, no ancillary buildings/features, nor any means of enclosure shall be erected or carried out on either on, or in the curtilage, of any of the dwellinghouse hereby approved without a further grant of planning permission from the planning authority.

Reason – In the interests of visual amenity and protection of the landscape quality of the green belt.

- **Councillor Marie Boulton, Convener**