

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 24 January 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Bell and Mason.

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

25 ALBURY PLACE ABERDEEN - FORMATION OF DORMERS TO THE FRONT AND REAR AND INSTALLATION OF REPLACEMENT WINDOWS - 210860

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 dormers to the front and rear and installation of replacement windows at 25 Albury Place Aberdeen, 210860/DPP.

Councillor Boulton as Chair, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain with regards to the procedure to be followed and also, thereafter, by Ms Lucy Greene 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, she 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 1 July 2021; (3) the decision notice dated 3 November 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 Ms Greene 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.

Ms Greene then described the site advising that the application site is the upper floor flat within a two storey traditional granite semi detached building and was located within the Ferryhill Conservation Area. To the front of the site is Albury Sports Ground, whilst to the rear of the building is surrounded by other residential buildings.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

In terms of the proposal, detailed planning permission was sought for the erection of dormers to the front and rear of the roof and the replacement of windows and the blocking up of a window opening in the north gable. The proposed front dormer would be 4.3m in length, 2m high and 3.9m deep and would be set 700mm from the mutual boundary and from the bay window, 300mm below the ridge. It would be contemporary in design and finished in zinc and the front would be glazed with grey PVC windows.

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

- There the proposed dormer would have a significant detrimental impact on the character of the are, due to its inappropriate design which is incongruous with the surrounding traditional and historic context and contrary to guidance within the Householder Design Guide;
- The proposal would cause significant harm to the character of the Ferryhill Conservation Area and failed to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Conservation Area and would conflict with Policies D1 – Quality Placemaking by Design, D4 – Historic Environment and H1 – Residential Areas of the Aberdeen Local Development Plan 2017; and
- Was contrary to the Scottish Planning Policy and Historic Environment Policy for Scotland, as well as the Managing Change Guidance.

Ms Greene outlined the key points from the appellant's Notice of Review advising that:-

- The proposed front dormer would not result in loss of any significant architectural features;
- The proposed dormer was architecturally compatible with in size and design, with the existing property, as per the Householder Design Guide and was not detrimental to the character of the Conservation Area;
- There were several examples of box dormers on the front elevations on properties on the street and in other Conservation Areas;
- The proposed materials are zinc and grey roof membrane, both suitable within a Conservation Area; and
- The sympathetic alterations made this suitable for a young family by creating a bedroom.

In terms of consultee responses, Ms Greene advised the following:-

- Three objections were received and the reasons for objection included (1) the rear dormer would negatively impact on privacy and there would be overlooking and (2) the design would not be in keeping with other properties on Albury Place.

She advised that there was no response from the Ferryhill and Ruthrieston Community Council or concerns from other .

Ms Greene advised that the applicant had expressed the view that no further procedures were required before determination.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

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

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

Ms Greene outlined the relevant policy considerations, making reference to:-

- Aberdeen Local Development Plan 2017;
 - H1: Residential Areas; and
 - D1: Quality Placemaking by Design;
 - D4: Historic Environment
- Supplementary Guidance – Householder Development Guide
 - General Principles relating to extensions;
- Scottish Planning Policy;
- Historic Environment Policy for Scotland (HEPS);
- Historic Environment Scotland – Managing Change – roofs
- Ferryhill Conservation Area Character Appraisal

Ms Greene 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.

She 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.

Ms Greene responded to various questions from members.

The Chairperson and Councillors Bell and Mason 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 works would not constitute overdevelopment, would not result in the loss of any open space and would not adversely affect the amenity of the

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

surrounding area. However, the proposed front elevation dormer would have a significant detrimental impact on the character of the area and is contrary to the supplementary guidance contained in the Householder Development Guide. The proposed works are thus contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 (ALDP). The front elevation dormer would be of an inappropriate design, incongruous with the surrounding traditional and historic context, contrary to Policy D1 (Quality Placemaking by Design) of the ALDP, and the works would cause significant harm to the character and appearance of the Ferryhill Conservation Area, contrary to the aims of Scottish Planning Policy, Historic Environment Policy for Scotland, as well as the Managing Change guidance and Policy D4 (Historic Environment) of the ALDP. The works also fail to comply with the corresponding Policies H1, D1 and D6 of the Proposed Aberdeen Local Development Plan 2020.

128 HAMMERFIELD AVENUE ABERDEEN - FORMATION OF DRIVEWAY TO THE REAR - 211190

2. The Local Review Body then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for the formation of a driveway to the rear at 128 Hammerfield Avenue Aberdeen, 211190/DPP.

The Chairperson advised that the LRB would again be addressed by Ms Greene and reminded Members that although Ms Greene was employed by the planning authority she 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.

Ms Greene advised that 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 17 August 2021; (3) the decision notice dated 28 October 2021; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant; and (6) comments made from representations.

The LRB was then addressed by Ms Greene 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.

Ms Greene then described the site advising that the application site was the rear garden of an upper floor flat within a two storey building which contained two flats and fronted onto Hammerfield Avenue. The garden was bounded at the rear end by a lane serving properties along Hammerfield Avenue and Duthie Terrace. There was a granite wall bounding the rear garden.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

In regards to the proposal, Ms Greene explained that the applicant had proposed to remove a section of the granite boundary wall measuring 2.7m wide. This, along with the removal of existing bushes, would accommodate the proposed driveway which would measure 3m by 5m and would have a porous paver finish. It was noted that a mirror was to be mounted on top of the boundary wall to give views of oncoming vehicles and pedestrians along the lane. Ms Greene advised that planning permission was not required for the demolition of the existing boundary wall.

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

- The proposed driveway would result in an unacceptable impact on road safety;
- The proposal was contrary to the Supplementary Guidance: "Transport and Accessibility" and therefore with the provisions of T2 (Managing the Transport Impact of Development) of the ALDP and Policy T3 (Parking) of the Proposed LDP 2020 relating to the location of the proposed access; and
- The proposals would detract from the character of the coach house, which contributed significantly to the special historic architectural interest of the listed building and the rear lane of the terrace.

Ms Greene outlined the key points from the appellant's Notice of Review advising that:-

- There were very few vehicles using the lane;
- Vehicles approaching from Duthie Terrace would be able to see the driveway from a distance of over 50m and any vehicle exiting the drive would similarly see those approaching from Duthie Terrace;
- Vehicles approaching from the north would need to slow down to 5-10mph to navigate the corner and would be travelling very slowly when approaching the site;
- Vehicles exiting the driveway would have use of a proposed mirror mounted on a pole; and
- The applicant wishes to buy an electric vehicle and the proposal would make charging easier.

In terms of consultee responses, Ms Greene advised the following:-

- ACC Roads Development Management – concerns regarding complex turning manoeuvres being undertaken close to a junction, however as the proposal was on a private road, the roads authority could not object to the proposal;
- Five representations were received both in support and objecting.

She advised that there was no response from the Braeside and Mannofield Community Council.

Ms Greene advised that the applicant had expressed the view that a site visit should take place before determination.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

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

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

Ms Greene outlined the relevant policy considerations, making reference to:-

- Aberdeen Local Development Plan 2017;
 - H1: Residential Areas; and
 - D1: Quality Placemaking by Design;
 - T2: Managing the Transport Impact of Development
- Supplementary Guidance – Transport and Accessibility

Ms Greene 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.

She 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.

Ms Greene responded to various questions from members.

The Chairperson and Councillors Bell and Mason 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:-

The proposed driveway would not result in an unacceptable impact on road safety. The proposal would not be contrary to Policy H1 – Residential Areas, and would accord with Policy T2- Managing the Transport Impact of Development both policies within the adopted Aberdeen Local Development Plan, and would accord with Policy T3 in the Proposed Aberdeen Local Development, being also in accordance with Supplementary Guidance: Transport and Accessibility.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

341 GREAT WESTERN ROAD ABERDEEN - FORMATION OF DRIVEWAY TO FRONT WITH ASSOCIATED LANDSCAPING (PARTIALLY RETROSPECTIVE) - 210799

3. The Local Review Body then considered the third 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 formation of a driveway to the front with associated landscaping (partially retrospectively) at 341 Great Western Road Aberdeen, 210799/DPP.

The Chairperson advised that the LRB would again be addressed by Ms Greene and reminded Members that although Ms Greene was employed by the planning authority she 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.

Ms Greene advised that 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 2 June 2021; (3) the decision notice dated 2 September 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/agent.

The LRB was then addressed by Ms Greene 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.

Ms Greene then described the site advising that the site included a detached traditional building with frontage onto Great Western Road and the building had been used as an office since 2012 and the area to the front had been recently resurfaced, with the loss of a small garden area. The site also falls within the Great Western Road Conservation Area.

In terms of the proposal, it was noted that the application was for the formation of the driveway to the front with associated landscaping and was partially retrospective as the driveway had already been formed when the entire frontage was resurfaced in tarmac. Ms Greene advised that the plans submitted showed parking within the east part of the frontage area had been in existence in excess of ten years and the parking use was therefore exempt from enforcement and can continue. The applicant was however seeking permission for this together with the reintroduction of the garden area to the west.

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

- The tarmac was not an acceptable finishing material in the Conservation Area, being detrimental to its character and appearance;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

- The proposal failed to comply with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Conservation Area and would conflict with Policies D1 – Quality Placemaking by Design, D4 – Historic Environment of the Local Development Plan 2017 and the Transport and Accessibility Supplementary Guidance;
- It was contrary to Scottish Planning Policy and Historic Environment Policy for Scotland as well as the Managing Change Guidance: Settings and the Great Western Road Conservation Area.

Ms Greene outlined the key points from the appellant's Notice of Review advising that:-

- Other properties within the same Conservation Area have completed tarmac covered frontages area with no landscaping or drainage;
- The compromise of the applicant in proposing to reinstate the landscaped area, had not been taken into account;
- The applicant had been advised that a pathway must be incorporated between the front door and pavement, however the reason for this had not been explained and it would reduce parking;
- The work was carried out due to the unsafe nature of the former concrete and gravel areas.

In terms of consultee responses, Ms Greene advised the following:-

- ACC Roads Development Management – no concern regarding the access or parking, however, in respect of the surface there was a concern about the lack of drainage, however this was subsequently incorporated and exists on site;

She advised that there was no response from the Ashley and Broomhill Community Council.

Ms Greene advised that the applicant had expressed the view that no further procedure was required before a determination could be made.

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

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

Ms Greene outlined the relevant policy considerations, making reference to:-

- Aberdeen Local Development Plan 2017;
 - H1: Residential Areas; and
 - D1: Quality Placemaking by Design;
 - D4: Historic Environment
- Supplementary Guidance – Transport and Accessibility
- Historic Environment Policy for Scotland

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

24 January 2022

- Historic Environment – Managing Change – Settings
- Great Western Road Character Appraisal

Ms Greene 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.

She 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.

Ms Greene responded to various questions from members.

The Chairperson and Councillors Bell and Mason 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:-

On balance, and mindful of the duty to preserve the character of Great Western Road Conservation Area, it is considered that the variety of driveways and surface finishes within the area mean that the use of tarmac would not be out of keeping and would not have a negative impact on the character and appearance of Great Western Road Conservation Area.

- **Councillor Marie Boulton, Convener**