

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 23 March 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton and Councillor Stewart, the Depute Provost, Chairperson; and Councillors Bell, Macdonald and Mason.

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

1 BISHOP'S COURT, BISHOPDAMS ROAD - FORMATION OF DORMER TO REAR - 211012/DPP

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 formation of dormer to rear of 1 Bishop's Court, Bishopdams Road, Aberdeen, Planning Reference number 211012/DPP.

Councillor Stewart as Chair for the first review only, 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 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 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 the Appointed Officer, Aberdeen City Council; (2) an application dated 13 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; (5) the Notice of Review submitted by the applicant; and (6) two letters of representaion.

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 it comprised a dwellinghouse which occupied the north-western wing of 'Bishop's Court', a converted steading building situated on the eastern side of Bishopdams Road, just to the south-east of Westhill and the Aberdeen City Council / Aberdeenshire Council boundary. This was a single storey

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
23 March 2022

granite built building with concrete tiles pitch roof, dating from around the late 19th century and the steading was sub-divided some time in the late 20th century. This part of the steading had a very small (10m²) lean to extension to the north side.

In terms of the appellant's proposal, Ms Greene indicated that planning permission was sought for the formation of a dormer on the dwelling's rear (northern) roof slope. The dormer would be of a 'box' design, with horizontal proportions and a flat roof. The dormer would measure 2.4m in height by 7.7m long and 2.7m deep. The dormer would incorporate four windows on its front face, with an apron below and a narrow solid infill panel in the centre. The white upvc windows, the dormer's front and side elevations would be finished with Siberian larch timber cladding. The dormer would have a c.350mm high white upvc fascia. The dormer matched the width of the property's existing single storey rear lean-to extension. It would be built off to the wall head of the original steading building with its front face sitting approximately 500mm up from the eaves level of the single storey extension. The side elevations would be set 3.1m and 2.1m in from the western gable end and the eastern mutual boundary respectively, whilst the dormer's roof would sit c. 350mm below the ridge of the steading's pitched roof. The dormer would allow for the creation of two bedrooms and an en-suite within the roof space of the dwelling, to be accessed via a new internal staircase.

She indicated that the appointed officer's reasons for refusal stated in the decision notice was as follows:-

- The proposed contemporary dormer design, scale and materials would be architecturally incompatible with traditional historic agricultural steading building, contrary to Supplementary Guidance on the Conversion of Buildings in the Countryside;
- The dormer would dominate roof slope, contrary to Householder Design Guide; and
- It would be prominently sited, was not of the highest design quality and would have detrimental impact on Green Belt. Contrary to Policies D1 – Quality Placemaking by Design, and NE2 – Green Belt.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- The former steading had been converted into five properties and there have been several alterations over the years since. Photographs were provided of a flat roof extension and dormers on the neighbouring former farmhouse;
- The Box dormer was required in order to provide head height within attic conversion;
- It was not technically feasible to form two smaller dormers and provide access;
- In terms of the timber – natural larch cladding would turn silvery and is appropriate;
- The original form of building would remain and dormer is to the rear; and
- The application should be determined on individual merit taking into account the changing surroundings. In this case, these include Kingshill Commercial Park, Cormack Park and Arnhall Business Park.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

In terms of consultee responses, Ms Greene advised that no comments were received from Cults, Bielside and Milltimber Community Council and there were two representations submitted, which were outlined within the papers circulated to the LRB.

Ms Greene advised that the applicant had expressed the view that the review may proceed on the basis of the information provided.

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

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

In terms of relevant policy considerations, Ms Greene referred to the following in the Aberdeen Local Development Plan 2017:-

- NE2: Green Belt Policy;
- D1: Quality Placemaking by Design;
- Supplementary Guidance: Conversion of Buildings in the Countryside; and
- Supplementary Guidance: Householder Development Guide.

Ms Greene responded to questions from members in relation to the design and proposed facias to be used.

The Chairperson and Councillors Macdonald and Mason each advised in turn and unanimously agreed to reverse the appointed officer's earlier decision and to grant the planning permission conditionally.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

More specifically, the reasons on which the Local Review Body based this decision were as follows:-

That in the context of this site, the proposed dormer would be partially screened by existing trees and with the attachment of a condition relating to colour of materials would not be overly visually dominant without an unduly detrimental impact on the surrounding area. It would therefore comply with Policy NE2: Green Belt and Policy D1: Quality Placemaking by Design.

CONDITIONS

That no development hereby granted permission shall not take place unless there has been submitted to and approved in writing by the planning authority a scheme detailing finishing materials to the dormer, in particular to ensure that colours blend in with the

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
23 March 2022

colour of the roof. The development shall thereafter be implemented only in accordance with such details as so approved.

At this point in the proceedings, Councillor Stewart left the meeting and Councillor Boulton chaired the following three reviews.

GLENDALE KIRKTON OF SKENE, TYREBAGGER ROAD - ERECTION OF A DETACHED 1.5 STOREY DWELLINGHOUSE WITH ASSOCIATED DRAINAGE WORKS AND ACCESS / PARKING - 200463/DPP

2. 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 erection of a detached 1.5 storey dwellinghouse at Glendale, Kirkton of Skene, Tyrebagger Road, Aberdeen, Planning Reference number 200463/DPP.

Councillor Boulton, as Chairperson advised that Ms Lucy Greene would again be acting as the Planning Adviser to the Body in the following case under consideration this day and reiterated 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.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council (ACC); (2) the original application dated 10 April 2020; (3) the decision notice dated 5 November 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's agent; and (6) consultee responses submitted by the Environmental Policy Team, Flooding and Coastal Team, Roads Development Management Team and Waste Services Team (ACC); Forestry and Land, Scottish Government; Scottish Environment Protection Agency; Shell UK Ltd; and INEOS FPS Ltd

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 it was located in the relatively remote Clinterty Woods and was accessed via a forest track from the B979, approximately 1km to the north-west of the site, at a point close to the public car park provided for recreational users of the forest. The main part of the site included the ruined remains of a small cottage which appeared to be of 19th century origin and various associated outbuildings and ancillary abandoned garden ground. The cottage was last occupied in 2008 when it was fire damaged. The walls of the cottage were constructed of locally

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

sourced granite. No part of the roof of the cottage remained. The outbuildings were constructed of various materials, including, granite rubble, timber, concrete blockwork and corrugated iron, with sections of roofing remaining. The majority of the historic house site was undeveloped land, and the boundaries were somewhat unclear. Mature trees of amenity value lie to the north and east of the site beyond a burn.

Most of the site was level, there was a steep north facing slope to the south and it was surrounded by mature conifer forest / trees. This resulted in considerable shading of the site, particularly during the winter. Core path 36 (Clinterty Woods to Brimmond Hill) runs along the eastern site boundary.

In terms of the appellant's proposal, Ms Greene advised that the house would be erected on the site following the demolition of the remains of the cottage and outbuildings. The proposed house would be sited at the north end of the footprint of the existing, slightly overlapping. Plans showed a house of 1½ storeys and contemporary in design with a simple massing and footprint. The ground level would be similar to that of the former cottage, and would sit approximately 1.5m above the stream channel to the east. Measuring 6m wide by 17m it would provide 3 bedrooms at the upper level and would be clad in larch. A new septic tank and surface water soakaway would be located within the former walled garden to the west of the house and a new car parking and turning area would be provided to the east of the house, with the access to the site provided at its eastern extremity adjacent to a mature Sequoia tree. The existing access to the public road via the forest track would be retained, with a new section of access track created within the forest to the north of the site, outwith the area controlled by the applicant. This would provide improved access to the house, but it would be largely reliant on use of the forest track. The site boundaries of the house site would be defined by new post and wire fencing / existing blockwork walls. A total of three trees within the main part of the site would be removed as a result of construction works, including a mature copper beech, a willow and a western red cedar. In order to create a new section of access track outwith the site, trees were likely to be impacted, however, the extent of this was unknown.

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

- The existing house had not been used since 2008 and no essential need established. The proposal did not therefore accord with Green Belt policy;
- It would detract from landscape character and conflict with recreational use by public;
- The introduction of vehicular traffic along track would conflict with use as waymarked trail and erode function of the Green Space Network;
- The remote location would likely cause dependence on car travel, not constituting sustainable development and contrary to policy on active travel; and
- There was insufficient information on impact on trees of access (through the forest).

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

- The proposal is of scale and character previously indicated as acceptable and no grounds to conclude that residential use had been abandoned;
- The proposal consisted of sustainable redevelopment of brownfield site, supported by the Strategic Development Plan and the Scottish Planning Policy – presumption in favour of sustainable development;
- It confirmed compliance with all other policies in the adopted Local Development Plan (LDP), including on trees; and
- The Green Belt policy in the Proposed Plan allowed for the replacement of vacant houses in poor condition. There were no objections to this policy and Proposed Plan outweighed the extant LDP in this regard.

In terms of consultee responses, Ms Greene advised:-

- Aberdeen City Council Roads Development Management Team had no objection; advised that adequate parking provision was proposed and that the new access was acceptable given it would be onto a private road;
- The Council's Waste Strategy Team had no objection;
- The Council's Structures, Flooding and Coastal Engineering Team had no objection; advised that the site lay within the 1 in 200 year surface water flood risk as identified in the SEPA maps; noted that the green burn runs within the site and that a flood risk assessment (level 2) was required;
- Forestry and Land Scotland advised that the proposed access for this development passed through Forestry and Land Scotland property. The access route shown on the plans was an agreement in principle only. The grant of access rights were conditional and required compliance with a range of stipulations regarding the upgrade and maintenance of the core path at the applicants expense;
- Scottish Environment Protection Agency had no objection; advised that the site was adjacent to a small watercourse so that the application site may be at risk of flooding. They recommended that consideration was given to obtaining a flood risk assessment for the site to establish that the risk was low prior to proceeding with development;
- Shell UK LTD had no objection; advised that the development and associated construction works would not directly affect the pipeline servitude strip or the safety and integrity of the pipeline;
- INEOS forties pipeline system had no objection; considered that their pipeline would not be affected by the proposed development;
- HSE had no objection in relation to pipeline proximity risk; and
- Dyce and Stoneywood Community Council – no response received; and there were no further representations.

Ms Greene advised that the applicant had expressed the view that the review may proceed on the basis of the information provided.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

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

In terms of relevant policy considerations, Ms Greene referred to the following in the Aberdeen Local Development Plan 2017:-

- Green Belt policy – NE2;
- Policy NE9;
- Policy NE1 – Green Space Network;
- Policy NE5 – Trees and Woodland;
- Policy T2 – Managing the Transport Impact of Development;
- Policy T3 – Sustainable and Active Travel; and
- Scottish Planning Policy.

Ms Greene responded to questions from members in relation to waste collection, sustainable living and transport and the current condition of the buildings.

The Chairperson and Councillors Allan and Mason each advised in turn and by a majority of two to one, agreed to reverse the appointed officer's earlier decision and to grant the planning permission conditionally.

The Chairperson and Councillor Mason indicated that they believed that in this instance and as a result that no objections had been received from consultees, that on balance, they were comfortable with the proposed development and any policy concerns could be mitigated with conditions.

Councillor Macdonald agreed with the appointed officer's decision 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:-

That if the former house, the ruins of which remain, had not been destroyed by fire, it is likely that residential use would still remain on this site. Taking into account the impact of the pandemic and intermittent contact with the planning authority since the fire, it is considered that the intervening time period is, relatively, not so long as to consider the use abandoned. These factors are material considerations that overcome the tension with Policies NE2: Green Belt, T3: Sustainable and Active Travel and NE9: Access and Informal Recreation in the extant Aberdeen Local Development Plan 2017 and similar policies within the Proposed Aberdeen Local Development Plan 2020.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
23 March 2022

The proposed house is of a design, scale, massing and character that would fit within the Green Belt in terms of Policy NE2. With the attachment of conditions, the proposal would be acceptable in its impact on trees, flooding, drainage, carbon emissions reduction, water efficiency in accordance with Policy NE5: Trees and Woodland, NE6: Flooding and R7: Low and Zero Carbon in the adopted Aberdeen Local Development Plan 2017 and similar policies in the Proposed Aberdeen Local Development Plan 2020.

CONDITIONS

- (1) That the development shall be implemented only in complete accordance with the Flood Risk Assessment by Fairhurst, dated September 2020, or such other as may be subsequently approved, in particular in terms of the ground level of the house.
Reason: In the interests of avoiding flooding and managing water.
- (2) That no development shall take place unless there has been submitted to, and approved in writing by the planning authority details of the reuse within the site, of granite from the downtakings of the remains of the building on site. Reason: in the interests of preserving the granite heritage of the city.
- (3) That no development shall take unless there has been submitted to and approved in writing by the planning authority details (including samples where necessary) of all external finishing materials to the building, including any hard landscaping and boundary treatments.
Reason: In the interests of visual amenity and to preserve the character of the green belt.
- (4) That notwithstanding the provisions of Part 1, Part 1A, and Part 2 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) the proposed dwellinghouse shall not be altered in any way nor any building and / or means of enclosure erected within the curtilage of the dwellinghouse without an express grant of planning permission from the Planning Authority.
Reason: In order to retain effective planning control of the character and appearance of the development.
- (5) That no development shall take place unless the tree protection barriers shown on the approved plans, or such others as shall be subsequently approved, remains in place on site.
Reason: To protect trees.
- (6) The driveway shall be laid only in accordance with the no dig method shown on the approved plans and documents, or such other as may be subsequently approved.
Reason: In the interests of protecting trees.
- (7) That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998:2010"Recommendations for Tree Work" before the building hereby approved is first occupied .
Reason: in order to preserve the character and visual amenity of the area.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

- (8) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.
Reason: in order to ensure adequate protection for the trees on site during the construction of the development.
- (9) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance, including in terms of water efficiency, has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.
Reason: to ensure that this development complies with requirements for reduction in carbon emissions.

At this point in the proceedings, Councillor Bell replaced Councillor Macdonald to consider the following two reviews.

25 SEAVIEW PLACE - CHANGE OF USE FROM AMENITY LAND TO GARDEN GROUND - 201307/DPP

3. The LRB 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 change of use from amenity land to garden ground
At 25 Seaview Place, Aberdeen, Planning Reference number 211307/DPP.

The Chairperson advised that Ms Lucy Greene would again be acting as the Planning Adviser to the Body in the following case under consideration this day and reiterated 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.

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 7 September 2021; (3) the decision notice dated 9 December 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's agent; and (6) a consultee response submitted by the Environmental Policy Team.

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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
23 March 2022

Ms Greene then described the site advising that it was part of a wider area of open space that was laid out as part of a large residential development in 1995. It included a small section of an informal footpath which was described as being little used by people, and overgrown. To the south was the garden of 25 Seaview Place, which was bounded by timber fencing. There was a two storey house in a row of similar houses. With the exception of number 34, none of these houses had been extended into the open space. The north boundary of the site was formed by a dry stone dyke and to the east and west of the area in question there were shrubs, natural grassland and vegetation.

Ms Greene provided details in terms of the planning history of the site and indicated that the application before members today was for change of use of the area from amenity space to garden, associated with 25 Seaview Place.

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

- There would be an adverse impact on biodiversity – Open Space Audit showed site to be of value;
- There would be a loss of public open space causing loss of amenity and character;
- There would be an adverse effect on wider space, creating irregular boundary and constraining maintenance to stone dyke;
- A precedent may be set which could cause cumulative erosion of open space;
- The proposal would be therefore contrary to policy on open space, design, landscape, natural heritage, residential areas, granite heritage, and the Householder Design Guide, as well as national advice on open space and policies in the Proposed Plan; and
- An adverse impact cannot be mitigated with design or conditions, it being contrary to public interest in the long term to allow conversion of the garden to private space.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- The proposal would not result in loss of an area that is of amenity, recreational, landscape or wildlife value, and it would improve quality of life of the occupiers of the house;
- It complied with the aim of Strategic Development Plan to make the city a more attractive place for residents;
- The proposal satisfied the criteria in the Householder Design Guide for change of use of amenity ground, and therefore accords with Policy H1: Residential Areas;
- The proposal complied with various other policies on design, landscape, granite heritage, green space network, natural heritage and access;
- The proposal was supported by national policy as it contributed to sustainable development, supported health and wellbeing, and open space; and

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

- The informal footpath which previously crossed the site was now disused and overgrown and an alternative exists.

In terms of consultee responses, Ms Greene advised that no response had been received from Bridge of Don Community Council and there were no representations received.

Ms Greene advised that the applicant had expressed the view that that a site visit should be carried out in order to view the site and the review should not proceed only on the basis of the information provided.

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

In terms of relevant policy considerations, Ms Greene referred to the following in the Aberdeen Local Development Plan 2017:-

- Policy H1 – Residential Areas; and
- Supplementary Guidance: Householder Development Guide

Ms Greene responded to questions from members in relation the reinstatement process to a neighbouring property, the impact of tree removal in the area and sought confirmation whether the dyke was being maintained.

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 change of use from amenity land to garden ground would result in the loss of part of an area of public open space, which was identified as such in the Council's Open Space Audit of 2010 and is of biodiversity value. It would also result in the fragmentation of a wider area of open space that contributes to the character, biodiversity and amenity of the surrounding area.

The proposal would adversely affect the wider open space in that it would result in an irregular residential boundary whereby the northern boundary of 25 Seaview Place would extend beyond the established northern boundary line of the adjacent residential properties and encroach into an established amenity area. Domestic development within the revised boundary could detract from the amenity, biodiversity and

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

recreational value of the wider open space. Extending the residential curtilage to the dyke at the north boundary of the site would not allow for its future maintenance / repair as access to it would be likely to be unduly constrained and this may lead to its eventual removal.

The proposal would result in an undesirable precedent that would make it difficult to resist similar proposals in the future. This could cumulatively result in the gradual erosion of the open space, which would have a significant adverse impact on the character and amenity of the surrounding area.

The proposal would therefore conflict with the principles of Scottish Planning Policy; Planning Advice Note (PAN) 65 : Planning and Open Space; Policies D1 – Quality Placemaking by Design; D2: Landscape; D5: Our Granite Heritage; H1 – Residential Areas; NE3 – Urban Green Space; NE8: Natural Heritage of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’ and ‘Green Space Network and Open Space’; and Policies D1-Quality Placemaking, H1 – Residential Areas and NE2 – Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan.

There are no material planning considerations that warrant the grant of planning permission in this instance. It is considered that the potential adverse design and amenity impact of the development cannot reasonably be addressed by imposition of conditions. Given the valuable role which public open space / greenspace provides, as recognised by relevant planning policies, in this case it is not in the long-term public interest to allow its conversion to private garden ground.

35 CARDEN PLACE - INSTALLATION OF BI-FOLD DOORS AND THE FORMATION OF SIDE DOOR OPENING (RETROSPECTIVELY) - 211766/DPP

4. The LRB then considered the fourth 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 installation of bi-fold doors and formation of side door opening (retrospective) at 35 Carden Place, Aberdeen, Planning Reference number 211766/DPP.

The Chairperson advised that Ms Lucy Greene would again be acting as the Planning Adviser to the Body in the following case under consideration this day and reiterated 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.

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 14 December 2021; (3) the decision notice dated 11 February 2022; (4) links to the plans showing the

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

proposal and planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's 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 it was a Category B listed building within the Albyn Place and Rubislaw conservation area.

Ms Greene made reference to the planning history of the site and in terms of the appellant's proposal, she advised that consent was granted in August 2020 for the erection of a replacement single storey rear extension, as well as a number of other works and alterations, which had since been completed. The extension projected 3.3m from the rear of the existing 1½ storey extension and measured 5.2m in width, as per the approved plans. Consent was granted for glazing to be located on the south and west elevations, comprising c.3.2m wide sliding doors and a c.1m wide full height window, respectively. Windows within the proposal were stated to be timber framed and no details were provided regarding the framing material of the bi-fold door. Thus, the consent was granted subject to these conditions, one of which stated 'that no development shall take place unless details of the material for the proposed bi-folding doors had been submitted to, and approved in writing by, the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed'. No such details were submitted to, or approved by, the Planning Authority. Currently installed are c.3.8m wide bi-fold doors framed in uPVC on the south elevation and a c.1m wide single entrance door framed in uPVC on the west elevation. Therefore, Detailed Planning Permission was sought retrospectively for the installation of the uPVC bi-folding doors on the south elevation, and the formation of a door opening and the installation of a single uPVC entrance door on the west elevation, of the recently constructed single storey rear extension.

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

- The impact on Category B listed building;
- The impact on character and appearance of Conservation Area; and
- It was contrary to Scottish Planning Policy; Historic Environment Policy for Scotland; the Managing Change Guidance; Policies D4 (Historic Environment), H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; associated Supplementary Guidance; and Policies D6, H1 and D1 of the Proposed Aberdeen Local Development Plan 2020.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- The new extension was granite block, whilst the old extension was harled brick

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

23 March 2022

- The original extension was an eye sore, which detracted from the listed building and conservation area;
- The new uPVC doors blend in with the existing uPVC window in mezzanine bedroom;
- The uPVC doors would not be seen once full width garage is completed;
- Precedent existed for use of uPVC at rear of listed buildings, including both immediate neighbours;
- The proposal was not contrary to the national and local policies quoted;
- The impact of enforcement action would be to require disposal of uPVC doors and windows, which had an environmental impact.

In terms of consultee responses, Ms Greene advised that no response had been received from Queen's Cross and Harlaw Community Council and there were no letters of representation received.

Ms Greene advised that the applicant had expressed the view that the review should proceed on the basis of a site visit, in addition to the information provided.

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

In terms of relevant policy considerations, Ms Greene referred to the following in the Aberdeen Local Development Plan 2017:-

- H1: Residential Areas;
- D1: Quality Placemaking by Design;
- D4: Historic Environment;
- Supplementary Guidance – Householder Development Guide; and
- Scottish Planning Policy;
- Historic Environment Policy for Scotland (HEP 2 and HEP 4); and
- Albyn Place Consultation Area - Character Appraisal

Ms Greene responded to questions from members in relation to whether the rusted doors at the rear of the property were being removed if the application was to be approved; the view from the rear of the office buildings; and the materials to be used.

The Chairperson and Councillors Bell and Mason each advised in turn and by a majority of two to one, agreed to reverse the appointed officer's earlier decision and to grant the planning permission.

The Chairperson and Councillor Bell indicated that in this instance they were comfortable with the proposal, noting that the modern extension including the bi-fold doors which was obscured by the double garage and would therefore not have a detrimental impact on the character of the area.

Councillor Mason agreed with the appointed officer's decision to refuse the application.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
23 March 2022

All members of the LRB expressed their discontent that the applicant did not comply with the conditions for installation.

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:-

In this particular instance, the uPVC bi-fold doors and single door are installed within a modern extension and to the rear of the property in a location which is not readily open to public view. It is therefore considered that they are acceptable in terms of their impact on amenity and the character of the listed building, preserving the character of the conservation area and that this complies with Policy H1: Residential Areas, in the adopted Aberdeen Local Development Plan 2017 and outweighs tension with Policy D5: Historic Environment.

- **COUNCILLORS JENNIFER STEWART AND MARIE BOULTON,**
Chairpersons