

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

ABERDEEN, 20 July 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Henrickson, Chairperson; and Councillors Thomson and van Sweeden.

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

### **NORTH STEADING SOUTH LINN, LINN MOOR ROAD, PETERCULTER - SUBDIVISION OF EXISTING DETACHED STEADING TO FORM TWO DWELLINGS AND FORMATION OF PARKING COURTYARD - 210771**

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 subdivision of existing detached steading to form two dwellings and formation of parking courtyard at North Steading South Linn, Linn Moor Road, Peterculter, Aberdeen, Planning Reference number 210771/DPP.

Councillor Henrickson 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 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. He 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 31 May 2021; (3) the decision notice dated 8 February 2022; (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; (6) consultee responses submitted by the Environmental Health Team, Roads Development Management Team, Waste and Recycling Team (ACC), INEOS FPS Ltd, Scottish Water, Health and Safety Executive, Shell UK Ltd; and (7) one letter of representation.

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.

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Ms Greene then described the site advising that the site extended to approximately 1.44ha and contained a detached steading building which had previously been converted into residential use as a single dwellinghouse, with its associated curtilage parking areas and private garden ground. The application site boundary also included a large area of agricultural land to the north/north-east, which was within the control of the applicant but did not form part of the domestic curtilage. Access to the site was taken from the south along Linn Moor Road eventually leading to the A93, which was located approximately 1.7km to the south. The site was located within the Green Belt and was surrounded by open fields to the north and east and by residential properties to the west and south. South Linn Cottage was located further to the north. Oil and gas pipelines pass through and adjacent to the application site.

In terms of the appellant's proposal, Ms Greene indicated that planning permission was sought for the sub-division of an existing dwellinghouse contained within a detached steading to form two dwellings with associated alterations and formation of courtyard. The external alterations proposed would include a new door and two rooflights on the south-west elevation, two new doors on the north-east elevation, and two "sun tunnels" on the north-west and southeast elevations. A flue was also proposed on the roof of the northeast elevation. The existing garden ground would be split between the properties and a parking area/courtyard would be provided to the front of the dwelling. Access arrangements would not change, which would be taken from the existing track to the west. No other changes were indicated on the area of land to the north and east, which were also in control of the applicant. The extents of the domestic curtilage would not be altered through the proposal and did not include any change to the 'rear field' area within the red line boundary.

She indicated that the appointed officer's reasons for refusal stated in the decision notice was that the proposal would see the provision of an additional residential unit within the Green Belt, the principle of which did not fall within any of the specified types of acceptable development, nor did it meet any of the exceptions set out in Policy NE2 Green Belt of the Aberdeen Local Development Plan 2017. The proposal was therefore contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. For similar reasons, the proposal would also be contrary to Policy NE1 (Green Belt) of the Proposed Aberdeen Local Development Plan 2020. There were no material planning considerations that would warrant the approval of planning permission in this instance.

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

- The property had two living rooms and six double bedrooms;
- The proposal was to split it into two units with minimal external alterations, resulting in two 3 bed properties of more standard size;
- The properties would house fewer people; and
- That it did not harm the character of the Green Belt nor contravene policy.

Ms Greene made reference to consultee responses, and also advised that one objection had been received.

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Ms Greene advised that the applicant had expressed the view that the review could be considered without the need of any further procedure.

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 Thomson and van Sweeden 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;
- D5 – Our Granite Heritage;
- I1 – Infrastructure Delivery and Planning Obligations;
- T2 – Managing the Transport Impact of Development;
- T3 – Sustainable and Active Travel;
- NE2 – Green Belt;
- NE8 – Natural Heritage;
- R6 – Waste Management Requirements for New Development;
- C11 – Digital Infrastructure; and
- B6 – Pipelines Etc

Ms Greene responded to questions from members in relation to sustainable travel, policy exception criteria and sun tunnels.

**The Chairperson and Councillors Thomson and van Sweeden 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:-

The proposal would relate to an existing activity within the green belt. It is within the boundary of the existing activity; of small-scale; it is considered that the intensity of activity is not significantly increased as no additional floorspace would be provided with the addition of doorways and sun tunnels and the like being ancillary to what exists.

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The proposal therefore complies with Policy NE2 Green Belt of the Aberdeen Local Development Plan 2017. For similar reasons, the proposal would accord with Policy NE1 (Green Belt) of the Proposed Aberdeen Local Development Plan 2020.

**CONDITIONS**

(1) Removal of PD rights:

That notwithstanding the provisions of Classes 1A - 3E and 7; of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) the proposed dwellinghouses shall not be altered in any way nor any building and/or means of enclosure erected within the curtilage of the dwellinghouses 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.

(2) INEOS pipeline:

That the permission shall not be implemented and the premises not used as two separate dwellinghouses unless there has been submitted to, and approved in writing by the planning authority, evidence of consultation having taken place with INEOS FPS to ensure that any works take full cognisance of the Forties Pipeline, and confirmation that the works are acceptable.

Reason: To ensure the continued safety and engineering integrity of the INEOS FPS Forties Pipeline.

**55 ARGYLL PLACE - ERECTION OF 1.5 STOREY AND SINGLE STOREY EXTENSIONS AND INSTALLATION OF ROOFLIGHTS TO REAR - 220221**

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 1.5 storey and single storey extensions and installation of rooflights to rear of 55 Argyll Place, Aberdeen, Planning Reference number 220221/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. He emphasised that the officer would not be asked to express any view on the proposed application.

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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 22 February 2022; (3) the decision notice dated 18 May 2022; (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; (6) a consultee response submitted by the Roads Development Management Team (ACC); and (7) a letter of representation.

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 the residential curtilage of a category-B listed end-of-terrace one and three quarter dwellinghouse on the western side of Argyll Place in Rosemount, which was located within the Rosemount and Westburn Conservation Area. The application property was predominantly finished in an ashlar granite to front and rear with pink granite stringcourse on front elevation. Two piended dormer windows were incorporated into the front roof slope with granite chimney stacks located on both sides whilst the rear roof slope incorporated rooflights and a unique third chimney stack inset into the principal rear elevation wall. A partially hipped roof single storey extension lay on the rear elevation which was finished in a local granite and slate tiled roof featuring four rooflights. Some brick quoining was also incorporated into the extension. A detached pitched roof garage with gables to front and rear existed within the rear garden area finished in a green render and a set of black vehicle access doors complete the western boundary enclosure to the site, which were accessed by a rear lane serving properties 37 to 93 Argyll Place. Mile End Lane adjoined the rear lane to the west which served other residential properties to the west of the site.

In terms of the appellant's proposal, Ms Greene advised that Detailed Planning Permission was sought for the erection of a rear extension with two and single storey components, and installation of rooflights. The extension projected up to 4.5m out from the principal rear elevation at a width of 8m, set 1.3m off the southern boundary wall and 1.18m off the northern boundary wall. The single storey part of the extension would have an eaves height of 3.5m with a flat roof whilst the two-storey part of the extension would have an eaves height of 4.82m and ridge height of 6.15m, with the two-storey component of the extension projecting 0.5m further out from the rear elevation than the single storey part. The west elevation of the extension would be predominantly glazed across both floor levels with a brown timber cladding surrounding, which would also finish the southern elevation. Granite down-takings from the existing rear extension would finish the northern elevation. Rooflights would be incorporated into both roof planes of the two-storey pitched roof and one in the flat roof of the single storey part of the extension.

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

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- Excessive scale and massing would have adverse impact on character, setting and appearance of the Category B listed building and terrace;
- Detrimental to character of Rosemount and Westburn Conservation Area;
- Contrary to H1, D1, D4 and policy and guidance from Historical Environment Scotland; and
- Design merits of rooflight and re-use of granite would outweigh matters above.

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

- Rear elevations had been extended and altered over time;
- Extension was modern interpretation of the form of surrounding properties;
- Materials were high quality including re-use of granite;
- Layout allowed preservation of stair and principle rooms;
- Extension positioned to reduce impact on neighbours and it complied with daylighting guidelines;
- Extension represented only 18% increase in floorspace;
- Height of roof was subservient to original house and respects character;
- It was an obvious modern addition. Architectural character of listed building had been retained; and
- Extension would adapt house for modern living allowing its use for the next 100 years.

Ms Greene advised that there were no comments submitted from the Community Council, nor any other consultee responses, although one representation had been received, which objected to the proposal.

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

The Chairperson and Councillors Thomson and van Sweeden 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: Relating to new residential developments;
- Policy D4: Historic Environment;
- Policy D1: Quality Placemaking by Design;
- Policy D5: Our Granite Heritage;
- Policy T2: Managing the Transport Impact of Development;
- Policy T3: Sustainable and Active Travel; and
- Policy R6: Waste Management Requirements for New Development.

Ms Greene responded to a question from the Chairperson who sought clarification in terms of the importance placed on the front and rear of the property when determining views from various locations.

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**The Chairperson and Councillors Thomson and van Sweeden each advised in turn and unanimously agreed to uphold the appointed officer's earlier decision to refuse the planning permission.**

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 rear extension would be excessive in scale and massing on the basis that it would have an adverse impact on the historic character, setting and appearance of the category B-listed building and wider terrace it lies within, thus detracting from the character and appearance of the surrounding area, which would be of detriment to the Rosemount & Westburn Conservation Area. As such, the proposal would fail to comply with all relevant requirements of Policy H1 (Residential Areas), Policy D1 (Quality Placemaking by Design) and Policy D4 (Historic Environment) in the extant Aberdeen Local Development Plan 2017 and policies H1 (Residential Areas), D1 (Quality Placemaking) and D6 (Historic Environment) in the Proposed Local Development Plan. The proposal would also be at odds with relevant national policy and guidance published by Historic Environment Scotland. The design merits of the proposed rooflight and re-use of existing granite within the proposed extension are not considered to materially outweigh the departures from the aforementioned relevant policies and guidance. Therefore, the proposal is worthy of refusal.

**9A OVERTON CRESCENT, DYCE - ERECTION OF 2 STOREY EXTENSION TO FRONT/SIDE - 220422**

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 erection of a 2 storey extension to front/side at 9A Overton Crescent, Aberdeen, Planning Reference number 220422/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. He 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 31

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March 2022; (3) the decision notice dated 29 June 2022; (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'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 comprised a modern, two-storey, detached dwelling with front, side and rear curtilage. The dwelling fronts onto Overton Crescent, forming part of a radial cul-de-sac arrangement shared with five other dwellings and was bound to the north, south and east by residential properties and their respective gardens.

In terms of the applicant's proposal, Ms Green indicated that planning permission was being sought for the formation of a driveway to the rear (south-west) of the building. It was 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 x 5m and would have a porous paver finish. A note within the proposed plans stated that a mirror is to be mounted on top of the boundary wall to give views of oncoming vehicles and pedestrians along the lane. She explained that that planning permission was not required for the demolition of the existing boundary wall.

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

- Layout, composition, form and scale within cul-de-sac would harm visual amenity and the character of the street;
- Lacked architectural compatibility, due to massing and lack of glazing; and
- Was Contrary to Policies H1 and D1.

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

- 9A was the host for a property split and had already had a two storey extension to the front;
- Front door to No. 9 had always been set back with an entrance ramp – proposed extension did not impact on amenity space or cause over shadowing;
- Existing two storey extension would break the 'radial development line';
- Scale and materials were consistent with existing property; and
- Window openings related to the use of rooms and large openings would over power the elevation.

Ms Greene advised that there were no comments submitted from the Community Council, nor any other consultee responses. There were no representations submitted.

Ms Greene advised that the applicant had expressed the view that a site inspection of the land to which the review related should be undertaken.



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The Chairperson and Councillors Thomson and van Sweeden 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: New Residential Developments; and
- Policy D1: Quality Placemaking by Design.

Ms Greene responded to a question from the Chairperson in relation to the potential amenity impact on the area in terms of views from the main road.

**The Chairperson and Councillors Thomson and van Sweeden each advised in turn and unanimously agreed to uphold the appointed officer's decision to refuse planning permission.**

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 front/side extension by reason of its layout, composition, form and scale and the general arrangement of dwelling within the cul-de-sac would cause harm the visual amenity and character of the streetscape. The proposed extension is not considered to be architecturally compatible with the host building owing to its massing and the lack of glazing found to its principal elevation. The proposal is therefore considered to have a detrimental impact on the character and

appearance of the building and, owing to its exposed nature, the surrounding area. The proposed extension therefore conflicts with the relevant provisions of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, including the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.

- **COUNCILLOR DELL HENRICKSON, Chairperson**