

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 9 November 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Henrickson, Chairperson; and Councillors Clark and van Sweeden.

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

### 125 BLENHEIM PLACE ABERDEEN - 220604

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 for the refusal of the application for the erection of a single storey extension; formation of dormer; installation of replacement windows and door to the rear and formation of roof lights to the front at 125 Blenheim Place Aberdeen, planning reference 220604.

Councillor Henrickson as Chair for the meeting, 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 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 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 12 May 2022 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; and (4) the Notice of Review submitted by the applicant's agent.

Ms Greene then described the site and outlined the appellant's proposal. The application site was located on the western side of Blenheim Place and related to a traditional granite, 2 storey, terraced dwellinghouse and its associated front and rear curtilage. The dwelling had an east facing principal elevation fronting Blenheim Place. 127/129 Blenheim Place and 123 Blenheim Place were located to the north and south respectively. The property backs on to a rear lane that runs between, and parallel to, Blenheim Place and Fountainhall Road.

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To the rear of the property, windows and doors were framed in white uPVC with the exception of one window which was a timber framed sash and case. There was an existing single/one-and-a-half storey annex which projects from the rear elevation of the dwellinghouse, along the mutual boundary with 123 Blenheim Place. It measured approximately 8.5m in length, 2.7m in width and 4-5.2m in height.

The surrounding area was characterised by properties of a similar architectural character. With the exception of the adjoining property (123 Blenheim Place) which contained a modern box dormer, the vast majority of the roofs of these properties – notably on the western side of Blenheim Place – contained either pitched dormers or rooflights. The site lies within the Albyn Place and Rubislaw Conservation Area.

In terms of the application, detailed planning permission was sought for the erection of a single storey extension; the formation of a dormer; the installation of replacement windows and a door to the rear; and the formation of rooflights to the front. The extension would project 0.6m from the side (north-west) elevation of the extension single storey annex, for a length of c.3.8m. It would have a flat roof design at a height of c.2.8m and be fully glazed.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

- The large rooflight proposed to the front would be incompatible in scale and location;
- The proposed rear dormer would result in the loss of a traditional dormer and the creation of a considerable mass on the roof;
- There would be tensions with the Householder Development Guide and Managing Change: Roofs;
- With the exception of the adjoining property, alteration in the area had been designed with consideration for the context of the area;
- The proposed features did not preserve the Conservation Area; and
- The proposals were contrary to relevant policies in the Adopted and Proposed Local Development Plan, Householder Development Guide, Windows Supplementary Guidance and Historic Environment Scotland Managing Change Guidance.

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

- The aspects deemed as acceptable were the single storey extension, rooflights to the rear and the replacement of the windows;
- The proposed rooflight to the front would be recessed conservation style with vertical bars; which was contained in guidance and replicates the style of Victorian lights over stairwells;
- Many roofs in the area had three rooflights;
- Regarding the rear dormer, the existing dormer was not thought to be the original, and proportions of the neighbouring dormer had been replicated. This would not set a precedent and the dormer complied with the design guide in respect of placement on roof and vertical panel;

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- Substantial area of the main roof would remain;
- The rear roof could not be seen from the street and there was quite a restricted view from the side lane;

In terms of Consultations, Ms Greene advised no consultee comments were received and no letters of representation from neighbouring properties were received.

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

The Chairperson and Councillors Clark 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 relevant planning policies, as well as Development Guides.

Ms Greene responded to questions from members.

**Members each advised in turn and agreed by majority decision to uphold the appointed officers decision and 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:-

While aspects of the proposal could be deemed acceptable in terms of design, scale and materials, the proposed large rooflight to the front would be of an incompatible scale and location, creating a cluttered roofslope. The proposed dormer creates significant tension with the Householder Development Guide and HES's Managing Change guidance relating to roofs as it would result in the loss of a historic dormer and the erection of an unsympathetic dormer which would be a considerable mass on the rear elevation of the original building, which is prominently visible from the rear service lane. With the exception of the adjoining property – which does not set a precedent – alterations along the other rear elevations nearby have been designed with due consideration for the context of the area but the proposed dormer extension would be at odds with that context.

Therefore, overall, the proposal would have a detrimental impact on the character and appearance of the Conservation Area and would thus fail to comply with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Adopted Aberdeen Local Development Plan 2017;

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guidance contained within the Supplementary Guidance 'The Householder Development Guide' and 'The Repair and Replacement of Windows and Doors' and HES's Managing Change Guidance relating to roofs; and Policies D1, D2, D6, D8 and H1 of the Proposed Aberdeen Local Development Plan 2020. There were no material planning considerations of sufficient weight which would warrant approval of planning permission in this instance.

**131 GRANDHOLM DRIVE ABERDEEN - 220673**

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 first floor extension over the existing garage to the front at 131 Grandholm Drive Aberdeen, planning reference 220673.

The Chairperson stated that although the Planning Adviser for the LRB 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; (2) an application dated 29 August 2022 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; and (4) the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The application site was located within the Grandholm Development in Danestone, north of the River Don. The house was a large, 2 storey detached property with an attached single storey garage to the north west of the site, built forward of the building line. The house was located on a corner plot and was the last house on Grandholm Drive, heading west. It was located at the edge of a larger development with a well-used area of public open space with a footpath to its west. The site was enclosed by a circa 1.8m Fyfestone boundary wall.

In terms of the proposal, Ms Greene advised that the proposal was for the erection of a first floor extension above the existing garage, located to the front of the house, to form a home office. The resulting form would be 2 storeys in height with the roof designed in the same pyramid form as existing, with a linking section of roof to join into the main roof of the house.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

- The proposal had an inappropriate design for the house and its context, with the scale, siting and roof design;

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- The massing and scale would result in over development;
- There would be an adverse impact on the visual amenity of the surrounding area, especially the rear elevation from the open space;
- The proposal overwhelms and dominates the original form and appearance of the dwelling and was not subservient in terms of height, mass or scale.
- It was contrary to Policy H1 and D1 and the Householder Design Guide.

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

- The house was two storeys and fronts Grandholm Drive but had a garage extending forward of the house, which was the prominent element;
- The garage provided termination at the end of a private road and mirrors other end where number 121 had a projection forward of the main house.
- The character of the houses views across the open space to west was of two storeys behind the masonry wall;
- The proposed extension introduced windows to the first floor on all elevations and mirrors band course on the front of house, with roof replaced in the same form. The finish, colour and pitch of roofs continues and the extension was a sensitive solution.

In terms of Consultations, no letters of representation were received and no consultee comments.

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

The Chairperson and Councillors Clark 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 relevant planning policies contained in the Local Development Plan.

Ms Greene responded to various questions from members.

**Members each advised in turn and agreed unanimously to overturn the original decision. Planning permission was therefore granted.**

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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The proposal was of an appropriate design for the house and surrounding context. The scale and siting of the proposed extension, the roof design, massing and general scale of the proposal, would have an acceptable impact within the context of the surrounding area and as it is set back the extension would not be unduly dominant in views from the nearby open space. The proposed extension fits the original form and appearance of the dwelling. As such the proposal complies with Policies H1: Residential Areas and D1: Quality Placemaking by Design as well as the Householder Development Guide Supplementary Guidance.

**KINGSHILLS HOUSE C128C FROM JUNCTION WITH COUNTESSWELLS PARK RD AND NORTH COUNTESSWELLS RD TO KINGSWELLS ROUNDABOUT KINGSWELLS ABERDEEN ABERDEEN CITY - 220021**

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 partial change of use of agricultural field to residential curtilage, erection of garage, and formation of new access with associated works at Kingshills House, C128c from junction With Countesswells Park Rd and north Countesswells Rd to Kingswells Roundabout, Kingswells Aberdeen, planning reference 220021.

The Chairperson stated that although the Planning Adviser for the LRB 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; (2) an application dated 11 January 2022 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) consultee comments from Roads Development Management and (5) the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The application site

The application site was an irregular area measuring c.2200m<sup>2</sup> and included part of the residential curtilage of Kingshill House and part of the agricultural fields to its north and south, which fell within the same ownership. Kingshill House was a substantial detached dwelling set in a residential curtilage extending to c.1600m<sup>2</sup>, which contained a detached double garage building granted planning permission following application 190967/DPP. To its west was a stables block, which was located outwith the residential curtilage; to the north and south were agricultural fields, some falling within the same ownership; and to its east was a dead-end road, which previously linked the Kingswells roundabout and Countesswells prior to the opening of the new Western link road to

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Countesswells. Beyond that were more agricultural fields. The plot has two vehicular accesses, both providing access and egress onto the road.

In terms of the proposal, Ms Greene advised that the application could be split into three distinct parts:

1. Change of use of an area extending to c.1850m<sup>2</sup> from agricultural land to residential curtilage to the north and south of the existing residential garden ground;
2. Construction of a new vehicular access into the plot. The vehicular access would be located; and
3. Construction of a detached double garage. The building would measure c.8.3m by c.5.8m, would have a flat roof and an overall height of c.2.8m. Proposed finishes included smooth white render, a dark grey sarnafill roof, timber eaves and fascias, segmented metal garage doors, and a timber pass door in the west side elevation.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

- The application was contrary to Green Belt policy to extend residential curtilage and create access;
- Consideration given to potential permitted development;
- The visual difference between residential curtilage and agricultural fields;
- The flat roof garage was not of high quality as required by Green Belt policy;
- The proposal would not protect or enhance the character of Green Belt and was contrary to Scottish Planning Policy;
- There would be a loss of trees; and
- Visual impact of the tree loss would be contrary to Policy on Trees and Woodland and Design.

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

- The proposal does not harm the character of Green Belt nor contravene policy, due to being:
  - Located within boundaries of the residential development
  - The development was small scale
  - There would not be an increase in the intensity of activity
  - It was ancillary to residential use
- The design demonstrated six qualities of successful places;
- It complied with policies on transport, sustainable & active travel, flooding and drainage and trees and woodlands in adopted and proposed plans;
- They felt it was sustainable development in terms of Scottish Planning Policy;
- There were no objections to the application;
- There were benefits of the proposed access.

In terms of Consultations, no letters of representation were received and no consultee comments.

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

The Chairperson and Councillor van Sweeden indicated that they each had enough information before them to proceed without further procedure. Councillor Clark felt that a site visit would be beneficial. By majority, the LRB agreed that the review under consideration should be determined without any further procedure.

In terms of relevant policy considerations, Ms Greene referred to relevant planning policies contained in the Local Development Plan.

Ms Greene responded to various questions from members.

**Members each advised in turn and they unanimously agreed to uphold the officers earlier decision and 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:-

1. The extension of the residential curtilage of Kingshills House and creation of a further access into the site would be contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) which has an embargo on all development except for that which is essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction/quarry restoration or landscape renewal. Further, it doesn't comply with the specific exceptions listed in the policy as it would be located outwith the boundary of existing activity within the site and would result in an increase in activity. Consideration is given to the potential of additional development as an increase in the size of residential curtilage would allow an increase in the area to which residential permitted development rights would apply and the visual difference between residential curtilage and agricultural fields in relation to the vegetation grown, amount of landscaping and level of maintenance undertaken. Finally, it is considered that the use of a flat roof for the proposed garage would not contribute positively to the appearance of the surrounding area, and would not constitute development of the highest quality as required under Policy NE2 (Green Belt) The proposal would thus not comply with exception 1 and the final clause of Policy NE2 (Green Belt) of the 2017 ALDP; or Policy NE1 (Green Belt) of the 2020 Proposed Local Development Plan. In addition, the proposal is considered not to protect or enhance the character and landscape setting of the green belt and could result in inappropriate development in the proposed wider residential curtilage, contrary to paragraph 49 of Scottish



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Planning Policy, nor would it constitute any of the types of development which might be considered in the Green Belt under paragraph 52.

2. The creation of an additional gap in the tree/shelter belt along the eastern boundary of the site would have a detrimental visual impact on the character and appearance of the surrounding area, and would result in tree loss and loss of visual amenity that has not been sufficiently justified through the exploration of alternative access arrangements, e.g. the widening of the existing accesses into the site. The proposal would thus not comply with Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan and Policy NE5 (Trees and Woodlands) and Policy D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

- **Councillor Henrickson, Chairperson**