

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

ABERDEEN, 25 March 2024. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Alphonse, Copland, Farquhar and Macdonald.

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

### **DETAILED PLANNING PERMISSION FOR THE ERECTION OF REPLACEMENT DWELLING HOUSE WITH INTEGRATED GARAGE, ASSOCIATED SITE WORKS AND HARD SURFACING/PARKING - 32 HILLVIEW CRESCENT ABERDEEN**

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 replacement dwelling house with integrated garage, associated site works and hard surfacing/parking at 32 Hillview Crescent Aberdeen, planning reference 230825.

Councillor McRae 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 and decision letter by the Appointed Officer, Aberdeen City Council; (2) an application dated 6 July 2023, (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the agent; and (5) letters of representation from the Aberdeen City Council's Roads Development Management Team, and North East Scotland Biological Records Centre.

Ms Greene then described the site and outlined the appellant's proposal. The application site lay within a suburban residential area opposite Cults academy. It comprised a detached 3 bedroom bungalow with integral garage and associated private garden ground / parking. There was a significant change in levels across the site with

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

25 March 2024

the site having a southerly aspect, such that the house was elevated above street level and the rear garden was elevated above the floor level of the house. The house had a dual pitched asymmetric roof with ridge running perpendicular to the street and the walls were clad with render and blockwork. Adjacent houses were of detached form and varied design and materials and the land to the north of the site, beyond a public path, was designated as a local nature conservation site (LNCS) and green space network and includes ancient woodland.

In terms of the application, Ms Greene advised that the application was for the erection of a replacement detached house with associated site works, and the existing house would be demolished entirely. The proposed house would front onto the street and would have 1 ½ storeys. It would have similar footprint and siting to the existing house, but would be marginally recessed from the street relative to the existing house siting and would be marginally closer to the house to the west of the site. The upper floor would accommodate 4 bedrooms and a study and would have a substantial box dormer with pitched roof occupying the majority of the rear roof area. The front roof slope would be pitched at 40 degrees and would accommodate 2 traditional dormers. The existing access and driveway would be retained and a 6m wide integral garage would occupy the east part of the ground floor. The house would have a total of 5 en-suite bedrooms and a separate utility room. The main lounge / dining area would be located on the north (rear) elevation. Solar panels were proposed on the upper part of the front roof.

It was noted that amendments had been made to the application and these were that the extent of parking and hard surfacing proposed at the site frontage had been reduced and a proposed SUDS feature indicated in the front garden. Also the design and extent of the rear dormer was increased.

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

#### 1. Lack of Information

Insufficient information had been provided in order to enable full analysis of the potential impact of the development in relation to impact on and/or protection of trees, biodiversity enhancement and landscaping, energy and water saving measures, surface water drainage, sunlight impact assessment on adjacent private gardens. Thus it had not been demonstrated that the proposal complies with policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation); 3 (Biodiversity); 6 (Forestry, Woodland and Trees); 22 (Flood Risk and Water Management) within National Planning Framework 4 (NPF4) and policies NE3 (Our Natural Heritage), NE4 (Our Water Environment), NE5 (Trees and Woodland), D2 (Amenity), D5 (Landscape Design) and R6 (Low and Zero Carbon Buildings and Water Efficiency) within the Aberdeen Local Development Plan 2023 (ALDP).

#### 2. Amenity / Overdevelopment

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

25 March 2024

The scale and positioning of the proposed house relative to adjacent houses, such that it would exceed the existing wall-head and ridge heights, would have a substantially enlarged roof form that would occupy an increased width of the curtilage, is considered to be indicative of overdevelopment of the site. The proposal has an adverse impact on existing amenity by reason of the potential overlooking of adjacent private gardens from the upper floor rear windows. The scale, form and massing of the proposed house would adversely affect the streetscape. It would also result in an uneasy relationship with the neighbouring properties due to the significantly higher wall-head and ridge heights, the proximity to the side boundaries and excessive size of the proposed rear dormer. It is therefore considered that the proposal conflicts with the amenity and design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policies H1: Residential Areas, H2: Amenity and D1: Quality Placemaking.

### 3. Precedent

Approval of the application would result in the creation of an adverse precedent for similar proposals in the vicinity which would have further adverse effects on the street scene and amenity by reason of the scale and massing of the proposed house relative to the prevailing character.

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

- There was no impact on the existing landscape as the proposed house was built on the same footprint as the existing house;
- There were a variety of house types in the area and the house was not considered to be out of character with the surrounding properties;
- There would be no impact of overshadowing on the adjacent properties;
- A connection to the combined sewer was achievable via a filter trench;

In terms of Consultations, Ms Greene advised that the Council's Roads Team and the North East Scotland Biological Records Centre, made comments but had no objections; and there was no response received from the Cults, Bieldside and Milltimber Community Council.

Ms Greene advised that the applicant had expressed the view that no further procedure should take place before determination. It was also noted that new details had been submitted with the Notice of Review. This was classed as new information and therefore it was for Members to decide whether to accept these or not. Members agreed unanimously not to accept the new information and this information would not be considered during determination of the application, but only the information that was before the appointed officer when the decision was made.

The Chairperson and Councillors Alphonse, Copland, Farquhar and Macdonald 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.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

25 March 2024

In terms of relevant policy considerations, Ms Greene referred to the National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene responded to questions from members.

**Members each advised in turn and unanimously agreed to uphold the appointed officers decision and refuse the planning 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:-

Amenity / Overdevelopment

The scale and positioning of the proposed house relative to adjacent houses, such that it would exceed the existing wall-head and ridge heights, would have a substantially enlarged roof form that would occupy an increased width of the curtilage, is considered to be indicative of overdevelopment of the site. The proposal had an adverse impact on existing amenity by reason of the potential overlooking of adjacent private gardens from the upper floor rear windows. The scale, form and massing of the proposed house would adversely affect the streetscape. It would also result in an uneasy relationship with the neighbouring properties due to the significantly higher wall-head and ridge heights, the proximity to the side boundaries and excessive size of the proposed rear dormer. It was therefore considered that the proposal conflicts with the amenity and design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policies H1: Residential Areas, H2: Amenity and D1: Quality Placemaking.

Precedent

Approval of the application would result in the creation of an adverse precedent for similar proposals in the vicinity which would have further adverse effects on the street scene and amenity by reason of the scale and massing of the proposed house relative to the prevailing character.

**DETAILED PLANNING PERMISSION FOR THE CHANGE OF USE OF FLAT TO SHORT TERM LET ACCOMMODATION (SUI GENERIS) WITH MAXIMUM OCCUPANCY OF 4 PEOPLE - 23 FERRYHILL TERRACE ABERDEEN**

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 change of use of flat to short term let accommodation (sui

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

25 March 2024

generis) with maximum occupancy of four people at 23 Ferryhill Terrace Aberdeen, planning reference 230999.

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 and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 14 August 2023 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the agent and (5) letters of representations received from consultees and interested parties.

Ms Greene then described the site and outlined the appellant's proposal. The application site related to a 2½-storey traditional tenement building comprising the end-terrace property of Ferryhill Terrace with an additional 1½-storey side extension to the west. The application property consisted of the ground-floor flat which extends into the side extension, sitting partially at the first-floor level. The property contained two bedrooms in the main section of the building with windows facing onto the road to the front and into the communal area to the rear, each with a separate bathroom. The extension contained a kitchen/lounge on the ground floor and an additional living space/lounge on the first floor. There were two other flats in the building at the first floor and attic levels which were all accessible via the front and rear access doors and communal stairwell. To the west of the site lay the driveway and allocated parking on the corner of Ferryhill Terrace and Bon-Accord Street which leads to the rear (south) of the building through an access gate. The rear of the site comprised a small area of communal paved garden ground and a shed split into three. Neither of the other two flats are known to be operating as a Short Term Let at present.

In terms of the proposal, it was noted that the application was for detailed planning permission for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis). The applicant advised that the maximum occupancy for the two-bedroom STL would be 4 persons at any one time, with a minimum stay duration of 2 nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to one allocated parking space and the property would be cleaned after each stay.

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

Due to the context of the surrounding area, the size of the property and the stated maximum occupancy, it was considered that its use as Short Term Let (STL) accommodation would have a significant adverse impact on the character of the residential building as well as on the amenity of the immediate neighbouring property within the application building, in relation to noise transmission, beyond what could

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

25 March 2024

typically be expected if it were to be used as permanent mainstream residential accommodation. The small scale local economic benefits to the tourism and hospitality sectors were not considered to outweigh the loss of amenity to neighbouring residents caused by the intensification of use of the property with increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces. The scale of the property could further result in less than half of the occupants residing in the building being mainstream residents and intensifying the use of the space for social activities in a fairly quiet residential area, disrupting the character of the building and surrounding neighbourhood. This was in contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4.

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

- They disagree that there would be significant adverse impact on residential building and the impact would be negligible for the following reasons
  - The property was in a busy location
  - The shop opposite opened from 6am to 10pm with lots of comings and goings;
  - There were a number of guesthouses and hotels in the proximity
  - The social space/kitchen was not below or adjacent to other residents;
  - There would be 35m<sup>2</sup> of social space and not 78m<sup>2</sup> as stated;
  - Entry to the flat does not involve passing other flats
  - Previously the property was a three bed family rental and this proposal reduces the bedroom numbers to two;
  - The property had been renovated to a high level
  - No complaints about noise by other residents when the property was a family rental.

In terms of Consultations, six letters of objection were received and consultee comments from Roads Development Management, Waste Management Planning and Environmental Health.

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

The Chairperson and Councillors Alphonse, Copland, Farquhar and Macdonald 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene then answered various questions from Members.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

25 March 2024

**Members each advised in turn and agreed by majority to uphold the appointed officers decision and therefore refuse the planning application. The Chairperson and Councillors Farquhar and Macdonald voted to refuse the application and Councillors Alphonse and Copland voted to approve 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:-

Due to the context of the surrounding area, the size of the property and the stated maximum occupancy, it was considered that its use as Short Term Let (STL) accommodation would have a significant adverse impact on the character of the residential building as well as on the amenity of the immediate neighbouring property within the application building, in relation to noise transmission, beyond what could typically be expected if it were to be used as permanent mainstream residential accommodation. The small scale local economic benefits to the tourism and hospitality sectors were not considered to outweigh the loss of amenity to neighbouring residents caused by the intensification of use of the property with increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces. The scale of the property could further result in less than half of the occupants residing in the building being mainstream residents and intensifying the use of the space for social activities in a fairly quiet residential area, disrupting the character of the building and surrounding neighbourhood. This was contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4.

**DETAILED PLANNING PERMISSION FOR THE ERECTION OF SINGLE STOREY LINK EXTENSION AND 1.5 STOREY EXTENSION WITH INTEGRATED GARAGE TO THE FRONT - HILLVIEW, SKENE ROAD ABERDEEN**

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 single storey link extension and 1.5 storey extension with integrated garage to the front at Hillview, Skene Road Aberdeen, planning reference 230723.

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.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

25 March 2024

In relation to the application, the LRB had before it (1) a delegated report and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 6 June 2023 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the agent and (5) consultee comments received in relation to the proposed application.

Ms Greene then described the site and outlined the appellant's proposal. The site, measuring approximately 0.17 hectares, lay to the south-west of the intersection of the A944 and A90 public roads within the green belt on ground that rises to the south. It was accessed at its north-east corner from a private track road off the A944, and was surrounded on all sides by neighbouring fields. The track served another dwellinghouse approximately 90 metres to the south; and there was a farm approximately 150 metres to the west. A gas pipeline runs approximately 50 metres to the west. At the north end of the site was a traditional croft cottage dating back to the 1st edition Ordnance Survey map, originally part of Backhill Croft. The cottage had been extended in subsequent years on all four elevations, consisting of two flat-roof extensions on the north and east; hipped roof and flat-roof sun porch extensions on the south; and a lean-to shelter on the west. The extension to the north accommodated 2 bedrooms for the house. The house was rendered in white wet dash with slate roof, dark brown uPVC and black timber windows and black metal guttering. There was a detached monopitch garage in white wet dash to the house's west.

In regards to the proposal, it was proposed to demolish the garage and the dwellinghouse's extensions. A single-storey extension measuring approximately 8.7 x 13.6 x 4.6 metres to ridge height would be erected on the south elevation, not including a flat-roof linking entranceway extension between the house and main proposed extension measuring approximately 4.7 x 3.7 x 3.0 metres. The cottage would be reconfigured to provide lounge and kitchen space and the proposed extension would accommodate two bedrooms, ensuite, bathroom, utility room and garage with space for two cars. The main extension would take the form of two gables, one for the garage and one for the habitable space. The extension would be clad in natural-finished timber with grey metal standing seam roofing to the main extension and single-ply membrane to the link entranceway. Windows would be grey alu-clad timber and guttering grey metal. Solar panels would be installed on the cottage and extension and rooflights and windows installed to the cottage's northern elevation.

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

The proposed extension would not be small-scale or subordinate to the existing dwellinghouse, its footprint and orientation being such that it would dominate the house in scale and massing, contrary to the stated exceptions for development to be permitted in the green belt under Policy NE1 (Green Belt) of the Aberdeen Local Development Plan 2023 (ALDP) and the policy outcome of Policy 8 (Green Belts) of National Planning Framework 4 (NPF4) that the character, landscape, natural setting and identity of settlements is protected and enhanced. It would further be contrary to the



## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

25 March 2024

requirements for householder development in Policy 16 (Quality Homes) of NPF4 and would diminish the amenity of the dwellinghouse by building over a substantial part of the dwellinghouse's rear curtilage, contrary to the requirement to be welcoming and safe and pleasant under Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.

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

- The proposal was appropriate, small scale and subordinate;
- The poor quality extensions would be removed which engulf the cottage;
- The cottage would be reinstated as the main element in the view on arrival;
- The ridge heights of the extension would be lower, with links to separate;
- The existing floor area was 121m<sup>2</sup> and the proposal adds only 32m<sup>2</sup>.
- The built footprint would not exceed supplementary guidance that states that the footprint should not be twice that of the original;
- The materials contrast and were inspired by a local vernacular;
- In terms of the building over the curtilage, the area to the south was only area available;
- The patio to the north would maximise the views and the garden to the south and west make use of the sunlight.

In terms of Consultations, responses were received from Health and Safety Executive and Shell UK Limited.

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

In terms of the further procedure, the Chairperson and Councillors Alphonse, Copland, Farquhar and Macdonald 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 National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene responded to various questions from members.

**Members each advised in turn and agreed unanimously to overturn the appointed officers decision and approve the application 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 proposed extension would be within the boundary of the existing residential

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**  
25 March 2024

plot, would be small-scale and would not significantly increase the intensity of activity and taking into account the existing extensions to the house and the height of the proposed extension, would be subordinate to the house. The proposal would therefore comply with policy NE1 – Green Belt in the adopted Local Development Plan 2023 (LDP) and the policy outcome of Policy 8 – Green Belts in the National Planning Framework 4 (NPF4). The extension would not impact negatively upon the amenity of other residents, none of whom are particularly close and would therefore comply with Policy 16 – Quality Homes, in NPF4 and Policy D2 – Amenity in the LDP. The proposed extension incorporates solar panels and is of a high quality design and thereby complies with policies on design – D1: Quality Placemaking in the LDP and Policy 14: Design, in NPF4 and Policy 1 - Tackling the climate and nature crises and Policy 2 – Climate Mitigation and Adaptation in NPF4.

### **CONDITIONS**

This permission is granted subject to the following conditions.

#### **(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

#### **(02) SOLAR PANELS**

That the extension shall not be occupied unless there has been installed, solar panels as indicated on the approved drawings, or such other scheme for solar panels or alternative as may be subsequently submitted to and approved in writing by the planning authority.

Reason – In the interests of climate change mitigation.

#### **(03) MATERIALS**

That the extension shall be elevated in materials in accordance with the approved drawing PL-07 B or other such details that have been submitted to and approved in writing by the planning authority.

Reason – In the interests of visual amenity.

#### **(04) SURFACE WATER MANAGEMENT**

That details of surface water management in the form of Sustainable urban drainage systems (SUDS) shall be submitted to, and approved in writing by, the planning

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**  
25 March 2024

authority and thereafter implemented in full on site.

Reason

In the interests of sustainable surface water management.

- **Councillor Ciaran McRae, Chairperson**