

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 28 April 2025. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor , Convener; Councillor , Vice-Convener; and Councillors Clark, Copland, Farquhar and Thomson.

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

1 BAYVIEW ROAD - CHANGE OF USE TO DOMESTIC GARDEN GROUND, REPLACEMENT AND EXTENSION OF BOUNDARY WALLS, REMOVAL OF RENDER TO EXPOSE ORIGINAL GRANITE ON DWELLING HOUSE, INSTALLATION OF FLUE, WALL LIGHTS, CCTV AND ASSOCIATED EXTERNAL ALTERATIONS INCLUDING TO EXISTING WINDOW/DOOR OPENINGS (ALL RETROSPECTIVE); INSTALLATION OF INTERCOM

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to consider a review of the decision taken by an appointed officer under the Council's Scheme of Delegation for the refusal of the application for the change of use to domestic garden ground, replacement and extension of boundary walls, removal of render to expose original granite on dwelling house, installation of flue, wall lights, CCTV and associated external alterations including to existing window/door openings (all retrospective); installation of intercom at 1 Bayview Road, Aberdeen, AB15 4EY, Planning Reference 240711/DPP.

Due to technical difficulties, the Chairperson Councillor McRae was unable to attend, therefore Councillor Copland chaired the meeting, 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 5 August 2024; (3) the Decision Notice dated 23 January 2025; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant/agent.

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Ms Greene then described the site and outlined the appellant's proposal for detailed planning permission.

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

- C/U of garden, intercom, alterations to door and window openings and new frames, removal of render, flue lighting, CCTV cameras – implemented and accepted;
- Concerns about height and materials of boundary walls;
- Use of blocks and render instead of granite rubble Height was at max 3.25m to south and max 4.2m to north and 4.4m to west;
- Impact of height of south wall on daylight and overbearing impact on residents at 86 Queens Road;
- Walls clearly visible from outside site;
- Removal of 3 mature Western Red Cedars – no mitigation planting; and
- Contrary to policies on trees, historic assets, residential areas and amenity.

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

- Three set of revisions were submitted, trying to address boundary wall height concerns, character of the proposal and tree removal. All were unacceptable and original points of concern re-stated;
- Safety issue of reducing wall height by 800mm as requested, as it was on edge of a drop. Safety issue for occupants and would not comply with Building Regulations; and
- Report failed to acknowledge proposed replanting of removed trees within site at 86 Queens Road.

As a preliminary matter, Ms Greene advised that the applicant had indicated on the Notice of Review that they wished to raise new matters in the review submission, which included a plan within the Arborists Report.

Having received legal advice from Elena Plews, Legal Adviser, the members agreed unanimously not to accept the new information into the proceedings due to their being no exceptional circumstances.

Ms Greene advised that the consultee responses and the representations which were also submitted and circulated.

In terms of procedure by which the review would be conducted, Ms Greene advised that the applicant has expressed the view that there should be a site visit undertaken.

The Chairperson and Councillors Clark, Farquhar and Thomson 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.

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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 relating to the removal of the trees and whether these were to be replaced and the boundary wall between the property and 86 Queens Road.

Members each advised in turn and unanimously agreed to overturn the appointed officers earlier decision. Planning permission was therefore approved 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 are as follows –

The application, which with the exception of the installation of the intercom plaque, is retrospective in nature, includes the proposed change of use of an area of land of some 255m² to domestic garden ground, extending the residential curtilage of 1 Bayview Road. The land in question forms part of the grounds of the former Aberdeen Grammar FP's Club at 86 Queen's Road, currently under development as part of a change of use to residential flats. The proposed change of use does not have an adverse impact on the character and appearance of the surrounding area, it does not result in overdevelopment of the site or in the loss of any open space, nor does it adversely affect residential amenity, with ample garden ground to remain within the curtilage of 86 Queen's Road in support of the approved residential use of that site. The principle of a change of use to domestic garden ground is therefore deemed acceptable on the basis that it would be compliant with the criteria of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The retrospective works also include alterations to a number of window and door openings of the property and to its external finish along with the introduction of a flue and external fixtures, including lighting, CCTV cameras and intercom. These aspects of the proposal, as implemented, are considered acceptable, and suitably address the relevant policies of National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP), notably Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design), D6 (Historic Environment), D8 (Windows and Doors), H1 (Residential Areas) of the ALDP, the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors, and Historic Environment Scotland's guidance on Managing Change in the Historic Environment: External Fixtures.

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The introduction of new and replacement boundary walls as shown on the hereby approved plans would have an acceptable impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and on the setting of the adjacent listed building, 86 Queen's Road. The proposal complies with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP and Historic Environment Policy for Scotland (HEPS).

Taking into account the relationship between the boundary wall and 86 Queen's Road, it is considered that the proposal would result in an acceptable quality of residential amenity for future residents of both properties and complies with the requirements of Policies H1 (Residential Areas) and D2 (Amenity) of the ALDP.

In order to satisfactorily mitigate the unauthorised removal of trees within the residential curtilage of the application property, a suitable scheme of replacement planning is required to be submitted and agreed by the planning authority and implemented thereafter. This would ensure that the proposal complies with Policy NE5 (Trees and Woodland) of the ALDP.

CONDITIONS

This permission is granted subject to the following conditions.

(01) COMPENSATORY PLANTING PLAN

That within two months of the date of this decision there shall be submitted to the planning authority a landscaping plan for the application site including details of the number, location, species and size at planting of trees, and a timescale for their planting, as compensatory planting within the application site to mitigate for the loss of three cedar trees that were within the site prior to the undertaking of unauthorised works that are currently partially complete. The planting as so approved in writing by the planning authority shall be implemented in full accordance with the details thereby agreed. Any trees that within five years of the date of planting become dead, dying or diseased shall be replaced with trees of the same size and species, unless otherwise agreed in writing by the planning authority.

Reason: To mitigate the loss of tree cover.

Councillor Clark took no part in the proceedings for the following review, for the reason that the property was located within her Electoral Ward.

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11 INVERCAULD ROAD - FORMATION OF DRIVEWAY TO FRONT

2. The LRB then considered the second request to review the decision taken by an appointed officer under the Council's Scheme of Delegation for the refusal of the application for the formation of driveway to the front at 11 Invercauld Road, Aberdeen, AB16 5UH, Planning Reference 241289/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 draft delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 6 November 2024; (3) the Decision Notice dated 14 February 2025; (4) links to the plans showing the proposal and planning policies referred to in the draft delegated report; (5) the Notice of Review submitted by the applicant/agent; and (6) consultee correspondence from the Council's Roads Development Management Team; and a letter of representation from Aberdeen Civic Society.

Ms Greene then described the site and outlined the appellant's proposal for detailed planning permission.

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

- Road safety: The proposed driveway would not meet the minimum required length, as set out in the Council's Transport & Accessibility Aberdeen Planning Guidance, and would also be situated immediately opposite a road junction. As such, the proposed driveway would cause a safety hazard to road users and pedestrians, therefore the proposal conflicted with several requirements of the Transport and Accessibility guidance and was therefore also contrary to the requirements of Policy T3 (Parking) of the Aberdeen Local Development Plan.

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

- Neighbour has driveway the same as that proposed;
- Although dimensions fall short of requirements, so does the neighbour's drive, but was easily capable of parking a car;
- Houses were set back from the road with little traffic movement;
- Precedent had been set and same rules should apply; and
- Applicant often used neighbour's driveway and photo had been submitted showing how it fitted.

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Ms Greene provided information in relation to the consultee responses and the letters of representation, noting that (1) the Roads Team had objected as the site was only approx. 4.5m long in front of the footway crossing. This was less than the required 5m. Vehicles were required to enter drives at 90 degrees to road, therefore the angle required to park was unacceptable. The site also lay opposite a junction which was not acceptable. There was not a controlled parking zone; (2) an objection was received from Aberdeen Civic Society, stating that whilst it was appreciated that there were other driveways, it privatised a parking space on the street; and (3) no comments were received from Mastrick, Sheddocksley and Summerhill Community Council.

In terms of procedure by which the review would be conducted, Ms Greene advised that the applicant had expressed the view that it may proceed without the requirement for a site visit.

The Chairperson and Councillors Farquhar and Thomson indicated in turn that they each had enough information before them to proceed.

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

Members each advised in turn and unanimously agreed to overturn the appointed officers earlier decision. Planning permission was therefore approved.

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 are as follows –

The driveway hereby granted planning permission would be acceptable in terms of its impact on residential amenity and the character of the area.

A number of factors were taken into account in assessing the application as acceptable in terms of road safety: that the driveway would allow for access at 90 degrees to the road for smaller cars; that for longer cars the angle of access would be relatively close to 90 degrees.

It is recognised that the development would reduce pressure for vehicles parking on street in close proximity to the junction of Invercauld Road and Birkhall Parade, thus improving road safety.

As such, the development is considered to be in compliance with Policy H1: Residential Areas of the Aberdeen Local Development Plan 2023.

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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.

- **COUNCILLOR NEIL COPLAND, Chairperson.**