

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 19 May 2025. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Blake, Copland, Macdonald and van Sweeden.

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

36 ALBYN PLACE ABERDEEN - 241416

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to consider a request to review against the non-determination of an application for Detailed Planning Permission for the change of use and reconstruction of existing commercial garages to form triple domestic garage with upper floor store and external stair access at 36 Albyn Place Aberdeen, planning reference 241416.

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 cases 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 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.

Ms Greene advised that an appeal against non-determination would take place where there had not been a decision made on an application during the statutory period of 2 months following validation of the application. The request for review had been correctly submitted with all necessary information within the time limit following the end of the statutory period.

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 4 December 2024; (3) the draft report of handling (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 Teams.

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In terms of the proposal Ms Greene indicated that detailed planning permission was sought for a change of use of the two aforementioned commercial garages and the ground lying immediately to their north and reconstruction to form a single triple domestic garage with storage space within the upper floor of the garage building, accessed via external stairs. With the exception of the external stairs, which would be located to the rear (north) of the garage building, providing independent access to its upper floor, the proposed garage development would retain the overall footprint of the existing two garage buildings, with a total length of 11.1 metres and width of 7.8 metres, whilst introducing a maximum roof height of 6.2 metres compared to the existing 5.6 metres. The proposed single garage would therefore have a footprint of 86.5 square metres, with accommodation providing some 72 square metres of internal floor space at ground level and incorporating an internal ceiling height of 2.8 metres. The upper floor of the garage would provide an additional floor space of some 40 square metres for storage purposes and incorporate an internal ceiling height of 2.4 metres. The external stairs proposed to the rear (north) of the garage building would provide independent access to this upper floor.

The proposal sought to retain the existing brickwork and granite walls to form the rear and side walls of the reconstructed garage, with a new wet dash render finish. The proposal would incorporate a new frontage to the garage, incorporating two gable ends to the lane with a central roof section sloping back to meet with the ridge level of the gables, thus forming a centrally positioned flat roof. The front (south) elevation of the garage would incorporate three garage door openings and be finished in reclaimed granite stone. On the rear roof slope of the garage a flat roofed dormer clad in timber linings would be formed to accommodate a door opening serving the external stairs. The sloping sections of roof would be slated and incorporate a total of five rooflights.

In terms of the site description, it was noted that the application site lay on the north side of Albyn Lane, at a distance of some 130m east of its junction with St Swithin Street and within the Albyn Place and Rubislaw Conservation Area. The site comprised two commercial garage buildings and an area of ground extending to some 20 square metres lying directly to the north of the garages. One of the garage buildings lay within the historic, but not current feu of No 36 Albyn, a Category C listed, semi-detached property which was now in residential use and the second within the historic, but again not current feu of No 35, the adjoining commercial property, also Category C listed.

The two adjoining garage buildings form part of the historic southern boundaries of the aforementioned feus, with access from the garages directly onto Albyn Lane. The southern boundaries included separate accesses off the lane serving two commercial car parks which lie to the north of the garage buildings. Beyond the car parking and to the rear of the dwellinghouse at number 36 Albyn Place lay an area of enclosed garden ground which formed the residential curtilage associated with that property, and to its east was an area of garden ground associated with the commercial property at No 35. The rear feu walls to number's 35 and 36 Albyn Place, which were of traditional granite rubble construction, extend along and delineate the outer boundaries of the aforementioned feus. A traditional granite rubble wall with brick coping also serves to

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separate the two feus and was seen to continue between the two garage buildings, beyond their northern (rear) elevations to form part of their internal walls.

The westernmost garage building which lay to the south of number 36 Albyn Place had a blue grey faced granite frontage and metal lintel framing the metal garage door entrance with red brick walls rendered in grey wet dash to the side and rear, grey rendered concrete blockwork forming the gable ends (north and south) and a corrugated metal roof.

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

The site lay within the West End Area (Policy VC6), as zoned in the Aberdeen Local Development Plan 2023 (ALDP). Policy VC6 (West End Office Area) states that applications for all development must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity. The proposal sought a change of use and reconstruction of two existing commercial garages for domestic use, resulting in a building which would incorporate a triple garage and storage at 1st floor level. The proposed triple garage building would be located outwith and remote from any existing residential curtilage, with commercial car parking separating the application site and the residential property at No 36 Albyn Place which the garage is proposed to serve. The principle of the proposed development does therefore raise a degree of conflict with the expectations of Policy VC6 of the ALDP, given the intended domestic use of the garage and its siting which would be independent of any residential curtilage.

This siting of the development also raises conflict with the Aberdeen Planning Guidance on Householder Development with specific guidance on outbuildings/ancillary buildings stating that these are 'detached buildings within a dwelling's curtilage that are used in association with the enjoyment of the residential use of the property'. Whilst the proposal seeks consent for a triple domestic garage and storage facilities associated with the residential use of the property at No 36 Albyn Place, the resulting building would be remote from and function independently of that dwelling's curtilage, and its intended use would have no formal connection with the residential use of the property.

The proposed development was unacceptable in terms of its scale/form and its impact, including on the historic environment, with the application site forming the original curtilage of the listed buildings of No's 35 and 36 Albyn Place and lying within the Albyn Place and Rubislaw Conservation Area. The development as proposed would require removal of a boundary wall which forms part of the formal listing and with the resulting triple garage straddling the rear curtilages of No's 35 and 36 Albyn Place, the loss of established and historic feu boundaries which are a key characteristic of the conservation area, as outlined within the Council's Albyn Place and Rubislaw Conservation Area Character Appraisal. Such loss would cause harm to the character of the conservation area, thereby directly conflicting with the expectations of Policy 7 (Historic Assts and Places) of NPF4, Policies D6 (Historic Environment) and D7 (Our Granite Heritage) of the ALDP, with Historic Environment Policy for Scotland (HEPS)

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and Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Boundaries and Demolition.

Taking account of the scale and form of the proposed triple garage, it is not apparent that the reconstruction of the existing buildings would in fact be achievable, given their current status and different material construction, and with one of the garages having been the subject over two years ago now of a Dangerous Building Notice which resulted in its partial demolition. With this in mind and whilst acknowledging that the proposed development in its current format would support the re-use of the vacant garage buildings, thereby addressing the expectations of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Building) of National Planning Framework 4 (NPF4), compliance with Policy 9 would however fail in the event of the proposed development involving demolition work and substantial rebuild.

The scale and form of the proposed development would appear particularly dominant within the streetscape in the context of its intended use as a domestic garage, and notably a resulting floorspace over the two floors which would be equivalent to that of a sizeable dwellinghouse. The proposed design would introduce additional height and massing to the ancillary building, including the incorporation of an external stairs with box dormer to the upper floor which would allow for access independent of the garage accommodation, with these aspects being in clear conflict with the requirements of the Council's Aberdeen Planning Guidance on Householder Development Guide.

Taking the above into account the proposal would not suitably address the expectations of Policies 14 (Design, Quality and Place) and 7 (Historic Assts and Places) of NPF4, or Policies D1 (Quality Placemaking), D6 (Historic Environment) and D7 (Our Granite Heritage) of the ALDP, along with the associated Aberdeen Planning Guidance on Development Along Lanes and Householder Development Guide, and would also fail to address the expectations of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Boundaries and Demolition.

Whilst the proposed development does not raise road safety concerns, the additional vehicle parking which it would deliver would further breach the maximum parking standards of 3 off-street parking spaces relative to the 4 bedroom dwelling at 36 Albyn Place. The proposal would result in a total of 9 parking spaces for this single domestic property. It would therefore not only fail to address the requirements of Policy T2 (Parking) of the ALDP and the associated Aberdeen Planning Guidance on Transport and Accessibility, but would also be contrary to the expectations of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP in that it would not encourage the use of sustainable modes of transport.

In terms of the current proposal, where the demolition work identified relative to the existing garage buildings would appear to be relatively limited, then the resulting re-use of embodied energy would deliver a more sustainable option than that of constructing a new garage, including on a brownfield site. However, regardless of the scale of demolition work required, the proposal, by its very nature would encourage more car

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use and therefore would conflict with the expectations of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. Whilst offering limited opportunity for biodiversity gain and therefore resulting in some tension with Policy 3 of NPF4, this in itself does not raise any significant concern with the proposal.

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

- There were no objections received from neighbouring properties;
- They wished to bring back a historic building back into use;
- There was a wide variety of modern and traditional buildings in lanes nearby, both commercial and residential;
- They would include an EV charging point;
- The roof would be slate, with reclaimed granite and wet dash;
- The majority of the feu would be retained and only a small unseen length would be removed.

In terms of consultation responses, Ms Greene advised that the Roads Development Management had no objection and no other responses were received.

In terms of procedure by which the review would be conducted, Ms Greene advised that the applicant had expressed the view that a site visit should take place before determination.

The Chairperson and Councillors Blake, Copland, Clark, 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.

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 by majority of four votes to one, agreed to approve the planning application conditionally. The Chairperson and Councillors Blake, Copland and van Sweeden voted to approve the application and Councillor Macdonald opted to refuse the application.

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

More specifically, the reasons on which the Local Review Body based this decision are as follows –

The domestic use of the proposed garage in relation to the residential use of 36 Albyn Place would comply with Policy VC6: West End Area in the Aberdeen

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Local Development Plan 2023 (LDP). The scale, form, design and use of materials would result in a structure that would be acceptable in terms of its visual impact, would be in keeping with the appearance of the various buildings along the lane, would preserve the character of the Albyn Place and Rubislaw Conservation Area and would not detract from the setting or character of nearby listed buildings. This would accord with Policy 14: Design, Quality and Place and Policy 7: Historic Assets and Places in National Planning Framework 4 (NPF4) and policies D1: Quality Placemaking and D6: Historic Environment in the Aberdeen Local Development Plan 2023 (LDP).

The proposal would involve the reuse and reconstruction of the existing garages by the incorporation of the walls and materials, and would reuse and revitalise a brownfield site in accordance with Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings in NPF4 and D7: Granite Heritage in the LDP and contributing to sustainability.

The proposed garage would provide secure parking for vehicles and electric vehicle charging provision, which would contribute to the transition to net zero in accordance with policies 1: Climate and Nature Crises and 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.

ATTIC FLOOR FLAT, 320 GREAT WESTERN ROAD ABERDEEN - 240651

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 a change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people, at Attic Floor Flat, 320 Great Western Road Aberdeen, planning reference 240651.

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

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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 27 May 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The site to which this application related was an attic floor flat within a traditional granite tenement in a residential area to the west of Aberdeen City Centre. The site and surroundings were within the Great Western Road Conservation Area. The building in which the flat was located housed two flats in the upper storeys of the building and a ground floor shop facing on to the corner of Great Western Road and Forest Avenue and a second shop facing only onto Forest Avenue. The flats were accessed from the front entrance through a front enclosed garden area into a communal hallway and staircase. The shops had separate front entrances, independent of the flats above. The flat had a floor area of 93m². The flat is laid out with a living room, kitchen, bathroom and two bedrooms off a central entrance foyer from the attic landing. There were no other flats accessed from the attic landing. Currently the other flat within the building was in residential use. No vehicular parking was provided or proposed to be provided with this application site. The flat did have access to outside communal space in the form of a rear garden.

In terms of the proposal, it was noted that Detailed Planning Permission was sought for the change of use of flat to Short Term Let (STL) accommodation (sui generis) with maximum occupancy of 4 people. It was noted that the applicant advised that the maximum occupancy for the STL was four persons at any one time, with a minimum stay duration of two nights. There would be no maximum period of stay. The property would be operated as an STL on a permanent basis. Waste from the property would be collected from the on-street communal residential waste bins. There was no off street parking provided currently nor is proposed as part of this application.

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

The retrospective change of use of the property from a residential flat to short term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flat which shared the same entrance. This was because the occupants of the neighbouring flat would have to share the communal entrance, vestibule and stairway solely with frequently changing transient guests and cleaners of the short term let accommodation unit, who would be unknown to them. Taking into account the open nature of the vestibule and close proximity of the private entrances of each property to each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighbouring flat, as well as result in likely general noise disturbance compared to if the application property was in mainstream residential use.

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The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. It is recognised in general terms that the location of this short term let accommodation unit would likely have local economic benefits in that it would provide tourist accommodation which is accessible from the city centre, the amenities and businesses of Great Western Road and it was in a location that was accessible to public transportation. However, the specific circumstances of this site and the proposal were such that it would result in an unacceptable impact on the local amenity of the area to a degree that would significantly outweigh any local economic benefit that would arise from the use of the property as a short term let accommodation unit. The proposal was therefore also contrary to the aims of Policy 30 (Tourism) of NPF4.

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

- A copy of the welcome note was provided with house guidelines;
- The current occupier of the flat below had no complaints about the use of the flat as a STL for over two years and they did not object to the proposed application;
- They had positive reviews on Airbnb and the listing was targeted at families and couples;
- The flat was professionally managed by family who had been involved in hospitality for many years;
- They felt it was difficult to see how impact on amenity would outweigh the local economic benefits;
- They stated that the Chief Planners letter made it clear that the Local Development Plan would outweigh NPF4 as adopted later, where there was incompatibility and they considered that Policy 30 with local amenity requirements conflicted with policy VC2 in the Local Development Plan;

In terms of Consultations, none were received.

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

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

Ms Greene then answered various questions from Members.

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Members each advised in turn and by majority agreed to overturn the appointed officers decision and grant planning permission conditionally. The Chairperson and Councillors Blake, Copland and Macdonald all indicated to approve the application conditionally and Councillor van Sweeden opted to refuse the application in line with the officers decision.

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

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

That the use of the flat as a short term let would be acceptable in terms of its impact on the residential occupants of the flat below and the character of the local area. There was no evidence of adverse impact during the period of two years over which the flat has been used as a short term let. As the flat shared a communal entrance and staircase with one other residential flat and in order to allow for re-assessment of the proposal in the light of future changes in housing demand and need, it was considered prudent to attach a condition restricting the use to a temporary period of two years. The proposal thereby complies with Policy H1 in the Aberdeen Local Development Plan 2023.

It was further considered that the proposed use would benefit the local economy including by visitors using cafes and restaurants in the area and that this would outweigh the loss of residential accommodation. The proposal would thereby comply with Policy 30: Tourism in National Planning Framework 4 (NPF4) and Policy VC2: Tourism and Culture.

CONDITIONS

This permission is granted subject to the following conditions.

(01) TIME LIMIT FOR SHORT TERM LET USE

The use of the property for short term let accommodation as hereby approved, shall expire two years following the date of this notice.

Reason - In order to allow reassessment of the impact on residential amenity, local housing need and demand situation and the local economic benefits derived from the use as short term let accommodation to be reassessed in two years' time, to ensure that the loss of the residential accommodation would remain compliant with Policy 30 of NPF4.

43 MIDDLETON CIRCLE ABERDEEN - 241224

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3. The LRB then considered the third request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for the change of use of amenity land to domestic garden ground and the erection of a fence, gate and steps (retrospective), at 43 Middleton Circle Aberdeen, planning reference 241224.

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 17 October 2024 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) and the Notice of Review submitted by the agent.

Ms Greene then described the site and outlined the appellant's proposal. The site comprised a c.63sqm area of open space to the southwest of 43 Middleton Circle. The site had been the subject of an unauthorised change of use to garden ground to be incorporated into the rear garden ground of 43 Middleton Circle. An unauthorised fence on a raised platform had been erected enclosing the area and an outbuilding had also been installed within the enclosed area. Prior to the unauthorised change of use, the area formed part of a large band of woodland open space known as 'West Belt' which surrounded the site to the southeast, southwest and northwest. The open space was zoned as Policy NE2 (Green Space Network) in the Aberdeen Local Development Plan 2023 and was known as part of Grandhome Moss, providing links between the green spaces within Bridge of Don and Balgownie to the Grandhome Moss Local Nature Conservation Site to the north. It also formed part of an important woodland buffer between the Grandhome development to the southwest (allocated as OP9 in the Aberdeen Local Development Plan 2023) and the established Middleton residential area to its north and east.

The open space had a well-used public footpath running through the site, which provided extensive links to the residential areas of Bridge of Don to the north, as well as to Core Path 26, which was c.50m to the southeast on Whitestripes Avenue. The open space corresponded with the mapped layer of Ancient Woodland Inventory and was identified on historic maps dating from 1899 as being woodland. It was however noted that there were no trees within the application site boundary.

Ms Greene noted that planning permission was sought retrospectively for the change of use of the application site from amenity land to domestic garden ground and for the erection of a raised fence, gate and steps enclosing the space. The ground level of the area gradually sloped away from the original garden boundary and was thus a maximum of 0.5m below that garden. The fence was 1.8m in height and was attached to a 0.5m high raised timber platform which levelled the resultant garden ground and resulted in the development being a total of 2.3m in height. The northwest and

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southeast sections of the fencing were c.5.2m in length and the southwest section of fence was c.12.3m in length. The outbuilding in the area was not included in the description, nor was it shown on all plans submitted with the application. It was therefore not included in this application.

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

The change of use of this land to domestic garden ground and the erection of the fence, gate and steps results in the enclosure and loss of a valued area of open space, part of the Green Space Network and an area of ancient woodland. The site forms part of an important natural woodland buffer between the Middleton area of Bridge of Don and the Grandhome development and is shown as such on the agreed Grandhome Development Framework.

The proposal thus conflicted with Policies 6 (Forestry, Woodland and Trees) and 20 (Blue and Green Infrastructure) of NPF4 and NE2 (Green and Blue Infrastructure) of National Planning Framework 4 (NPF4) and Policy NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023.

Whilst it was unclear if the development had resulted in the loss of any specific trees given the retrospective nature of the application, the proposal results in the loss of an area of ancient woodland. The proposal therefore conflicts with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of the ALDP. The resultant irregular boundary layout adversely affects the character and appearance of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.

If the proposal were to be granted planning permission, it would result in the permanent loss of an area of ancient woodland, as well as result in the area being afforded domestic Permitted Development Rights whereby development could occur without the need for express planning permission. This would be to the detriment of, rather than an enhancement to, biodiversity. Whilst the development is of a small scale, the removal of an area of Green Space Network would have an adverse impact on biodiversity, no mitigation is proposed and there are furthermore no material considerations in assessing this development proposal whereby it could be considered that the development is placing significant weight in positively addressing the global climate and nature crises. As such, proportionate to the scale of the development, the proposal conflicts with the aims of policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation, and Adaptation), 3 (Biodiversity) and 4 (Natural Places) of NPF4.

Noting the abundance of similar residential properties which bound this band of open space in the wider area and, notwithstanding every application is assessed on its merits, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space, the defined Green Space Network

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and ancient woodland. Such an approach would exacerbate the adverse impacts cumulatively be significantly detrimental to the character and amenity the area, as well as biodiversity.

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

- There statement included photos of other properties allegedly showing use of amenity space;
- The amenity ground within the extended garden still served as an environmental buffer, which had been enhanced;
- There had been an enhancement through the removal of vegetation, bat boxes and birdhouses with no negative impact;
- They had communicated with the landowner and others with no objections;
- The proposals complied with the policies cited with no harm to the amenity, biodiversity or landscape and with conditions, it would be a reasonable outcome;
- The land was unmanaged with no trees and also was neglected with no clear ownership or public use;
- Biodiversity measures and future maintenance could be conditioned;
- The development was climate neutral and was small scale; and
- There was no precedent as decisions are made on merits of each case.

In terms of consultations, one letter of objection was received.

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

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

Ms Greene then answered various questions from Members.

Members each advised in turn and unanimously agreed to uphold the officers earlier decision and to refuse the application.

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

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

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The change of use of this land to domestic garden ground and the erection of the fence, gate and steps resulted in the enclosure and loss of a valued area of open space, part of the Green Space Network and an area of ancient woodland. The site formed part of an important natural woodland buffer between the Middleton area of Bridge of Don and the Grandhome development and was shown as such on the agreed Grandhome Development Framework. The proposal thus conflicts with Policies 6 (Forestry, Woodland and Trees) and 20 (Blue and Green Infrastructure) of NPF4 and NE2 (Green and Blue Infrastructure) of National Planning Framework 4 (NPF4) and Policy NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023.

Whilst it was unclear if the development had resulted in the loss of any specific trees given the retrospective nature of the application, the proposal resulted in the loss of an area of ancient woodland. The proposal therefore conflicted with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of the ALDP.

The resultant irregular boundary layout adversely affects the character and appearance of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.

If the proposal were to be granted planning permission, it would result in the permanent loss of an area of ancient woodland, as well as result in the area being afforded domestic Permitted Development Rights whereby development could occur without the need for express planning permission. This would be to the detriment of, rather than an enhancement to, biodiversity. Whilst the development was of a small scale, the removal of an area of Green Space Network would have an adverse impact on biodiversity, no mitigation was proposed and there were furthermore no material considerations in assessing this development proposal whereby it could be considered that the development was placing significant weight in positively addressing the global climate and nature crises. As such, proportionate to the scale of the development, the proposal conflicted with the aims of policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation, and Adaptation), 3 (Biodiversity) and 4 (Natural Places) of NPF4.

Noting the abundance of similar residential properties which bound this band of open space in the wider area and, notwithstanding every application was assessed on its merits, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space, the defined Green Space Network and ancient woodland. Such an approach would exacerbate the adverse impacts cumulatively be significantly detrimental to the character and amenity the area, as well as biodiversity.

- **COUNCILLOR CIARAN MCRAE, Chairperson**

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