

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 1 December 2025. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Copland (as substitute for Councillor McRae), Chairperson; and Cooke, Lawrence, Macdonald and Thomson.

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

Councillor Lawrence took no part in the proceedings for reviews one and two, for the reason that the properties were located within his Electoral Ward.

43 FAIRVIEW PARADE - REVIEW OF THE CONDITIONS FOR THE APPLICATION FOR CHANGE OF USE FROM DOMESTIC OUTBUILDING TO CLASS 1A (SHOPS, FINANCIAL PROFESSIONAL AND OTHER SERVICES) (RETROSPECTIVE)

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 against the conditions for the change of use from domestic outbuilding to class 1A (shops, financial professional and other services) (retrospective) at 43 Fairview Parade, Aberdeen, AB22 8ZX, Planning Reference 250079/DPP.

The Chairperson 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 27 January 2025; (3) the Decision Notice dated 17 July 2025; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant/agent; and (6) consultee responses from the Roads and Environmental Health Teams and 14 letters of representation.

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

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

- The use of the outbuilding as a hairdressing salon would allow for the continuation of an existing business working from a residential home. Subject to a condition limiting opening hours, in particular during the weekend, the proposal would not have a detrimental impact on the residential amenity of neighbouring properties. The proposal was thus in compliance with Policy 26 (Business and Industry) of NPF4 and Policy H1 (Residential Areas) of Aberdeen Local Development Plan 2023;
- Sufficient space for parking was available on the site and in the immediate surrounding area, and there were options for bike storage. The proposal is thus compliant with Policy T3 (Parking) of Aberdeen Local Development Plan 2023;
- The proposal was for a small homeworking business in an existing outbuilding, and sufficient consideration has been given to Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation) of NPF4; and
- Condition: The use hereby approved should not operate out with the hours of 09:00 to 17:00 Monday, Thursday and Friday; 09:00 - 20:00 Tuesday and Wednesday; and 09:00 - 14:00 Saturday; and should not operate on Sunday. Reason - In order to ensure that the use would not result in undue loss of residential amenity to neighbouring properties.

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

- sought to amend Condition (01) as follows:- Monday to Friday: 09:00–21:00 Saturday: 09:00–18:00 Sunday: Closed Although these hours provide flexibility, in practice, the salon would only operate late on two evenings per week, dependent on family and client commitments;
- the requested amendment would not set a precedent for other businesses in the area. A hair salon was a uniquely low-impact use, with limited traffic and negligible noise. Approval of extended hours in this instance could not be extrapolated to higher-impact commercial uses;
- there was no evidence of harm to residential amenity. Environmental Health confirm there has been no detrimental impact;
- the proposal was supported by planning policy which encourages home-working where no material impacts arise;
- the salon provided local economic and social benefits, allowing a small business to thrive in a sustainable, low-impact way;
- the amendment would allow the applicant to meet client demand while balancing family responsibilities, supporting the wider principles of flexible working; and
- the benefits clearly outweighed any perceived or unsubstantiated concerns.

In terms of consultation, Ms Greene advised that the Council's Environmental Health Team had no objection. The existing use of the premises was a home salon and did not appear to have a detrimental impact on local amenity, nevertheless, to protect the amenity of existing neighbours from noise, the following conditions/controls were recommended:-

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- the premises shall be used only as hair salon and shall not be used for any other purpose without an express grant of planning permission from the Planning Authority; and
- the premises shall only be operational between 08:00 and 21:00 hours

She also advised that the Council's Roads Team had no objection and there was no response from the Community Council. She explained that there were 14 letters of representation which supported the proposal.

In terms of procedure by which the review would be conducted, Ms Greene advised that the applicant had expressed the view that the case may proceed without the need of a site visit or further hearings, however it was for members to consider whether any further procedures were required.

The Chairperson and Councillors Cooke, Macdonald 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 questions from members relating to the initial conditions, specifically how they were proposed and the proposed changes to the conditions.

Members each advised in turn and unanimously agreed to reverse the appointed officer's decision and therefore approve changes to the conditions.

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 use of the outbuilding as a hairdressing salon during increased hours on a Saturday afternoon would allow for the continuation of an existing business working from a residential property. The condition would be amended to allow the business to be open to clients from 09:00 until 17:00 on Saturdays whilst opening hours during the remainder of the week would remain as previously approved. This would not have a detrimental impact on the residential amenity of neighbouring properties. The proposal is thus in compliance with Policy 26 (Business and Industry) of NPF4 and Policy H1 (Residential Areas) of Aberdeen Local Development Plan 2023.

CONDITIONS

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This permission is granted subject to the following condition:-

(01) RESTRICTION OF HOURS

The use hereby approved shall not operate out with the hours of 09:00 to 17:00 Monday, Thursday and Friday; 09:00 – 20:00 Tuesday and Wednesday; and 09:00 to 17:00 Saturday; and shall not operate on Sunday. Access outside these times shall be permitted for purposes ancillary to the use, including cleaning, restocking, preparation and private domestic use.

Reason – In order to ensure that the use would not result in undue loss of residential amenity to neighbouring properties.

148 VICTORIA STREET ABERDEEN - ERECTION OF TWO STOREY EXTENSION TO REAR

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 erection of two storey extension to rear at 148 Victoria Street, Dyce, Aberdeen, AB21 7BE. Planning Reference Number 250366.

The Chairperson advised that Ms Lucy Greene would again be acting as the Planning Adviser to the Body in the following case under consideration this day and reiterated that although the Planning Adviser was employed by the planning authority, she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 7 April 2025; (3) the Decision Notice dated 4 September 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.

Ms Greene then described the site, provided information on planning history 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:-

- Due primarily to its disproportionate scale as a 2-storey extension on a 1½-storey dwellinghouse, the proposed plain box form cutting into most of the roof, and the elevational treatment which would exaggerate the harmful effects of scale and form, the proposed extension would dominate the existing dwellinghouse at its

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prominent corner site when viewed from Gladstone Place, failing to be subordinate to it and harming its character and that of the surrounding area. This was particularly given the architectural merit of the traditional dwellinghouse and its rear elevation, which currently made a positive contribution to the character of the area; and

- The development would therefore be contrary to the first General Principle of Aberdeen Planning Guidance: Householder Development Guide and against the design principles of Policies 14 (Design Quality and Place) of National Planning Framework 4 (NPF4) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP), in particular the requirements to be distinctive and welcoming. Likewise, the development would be contrary to Policy 16 (Quality Homes) of NPF4, which supported householder development only where it did not have a detrimental impact on the character of the home in terms of size, design and materials, and Policy H1 (Residential Areas) of the ALDP, which did not support development which would have an adverse impact on the character and appearance of an area.

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

- the extension design was a distinct and separate element. Old and new;
- contemporary and subordinate – not exceeding ridge height;
- sympathetic to surroundings which contained a mix of styles and ages of property, including range of extensions and alterations;
- the granite frontage would remain unaltered;
- no undue impact – privacy, overshadowing and separation distance;
- supported sustainability with adaptability and usability of house;
- the granite would be reused from removal of rear block;
- Not listed nor in Conservation Area; and
- Photographs of various properties were submitted.

In terms of procedure by which the review would be conducted, Ms Greene advised that the applicant had expressed the view that the case may proceed without the need of a site visit or further hearings, however it was for members to consider whether any further procedures were required.

The Chairperson and Councillors Cooke, Macdonald and Thomson indicated in turn that they each had enough information before them, the Committee 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.

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

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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 –

Due primarily to its disproportionate scale as a 2-storey extension on a 1½-storey dwellinghouse, the proposed plain box form cutting into most of the roof, and the elevational treatment which would exaggerate the harmful effects of scale and form, the proposed extension would dominate the existing dwellinghouse at its prominent corner site when viewed from Gladstone Place, failing to be subordinate to it and harming its character and that of the surrounding area. This is particularly given the architectural merit of the traditional dwellinghouse and its rear elevation, which currently make a positive contribution to the character of the area.

The development would therefore be contrary to the first General Principle of Aberdeen Planning Guidance: Householder Development Guide and against the design principles of Policies 14 (Design Quality and Place) of National Planning Framework 4 (NPF4) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP), in particular the requirements to be distinctive and welcoming. Likewise, the development would be contrary to Policy 16 (Quality Homes) of NPF4, which supports householder development only where it does not have a detrimental impact on the character of the home in terms of size, design and materials, and Policy H1 (Residential Areas) of the ALDP, which does not support development which would have an adverse impact on the character and appearance of an area.

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

Councillor Lawrence joined the meeting at this juncture.

36 DEVONSHIRE ROAD ABERDEEN - INSTALLATION OF FENCE TO FRONT (RETROSPECTIVE)

3. The LRB then considered the third 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 installation of a fence to front (retrospective) at 36 Devonshire Road, Aberdeen, AB10 6XR. Planning Reference Number 250430.

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

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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 28 April 2025; (3) the Decision Notice dated 22 July 2025; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant/agent; and (6) three letters of representation.

Ms Greene advised that the applicant had indicated on the Notice of Review that there were new matters to be raised. The applicant had also expressed the view that a hearing should take place in order for the applicant to convey the impact this has had and answer questions from the LRB members.

She then described the site including planning history and outlined the appellant's proposal for detailed planning permission.

The LRB then heard from Elena Plews, Legal Adviser, Aberdeen City Council who provided information relating to a request from the applicant to speak to the LRB. She explained that in terms of the Local Review Body Regulations, this could happen, if the LRB decided that it required further information before determining the review. Additionally, information could be by way of a site visit, further written submissions, or by holding a hearing session. In this situation, following this request, the only way the applicant could speak to the LRB would be by way of the LRB convening a hearing session.

Mrs Plews outlined the procedure for hearing sessions and indicated that the LRB members now needed to decide whether or not they needed further information relating to planning considerations, to be able to determine this review by way of holding a hearing session, or whether they believe that they have sufficient information to be able to determine this review.

The Chairperson and Councillors Lawrence, Macdonald 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 the need of a hearing.

Mrs Plews then provided information relating to the consideration of new matters advising that it was for the LRB to consider whether or not to accept the new information. In this case, the applicant had provided some information explaining in their view, why that material could not have been presented to the Planning Case Officer during the application stage and that the information was extremely sensitive, therefore she recommended that the LRB meeting move into private session to consider that information, which was of a sensitive nature.

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The LRB agreed to hear the sensitive information in private session.

On return to public session, the Chairperson and Councillors Lawrence, Macdonald and Thomson all indicated in turn that they would accept the additional information into the proceedings, due to the exceptional circumstances provided by the applicant.

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

- The fence was of an excessive height and alien design and materials for the context of the application site and the surrounding area. This adversely disrupted the regular and extensive rhythm of largely low boundary treatments in stone, metal railing or planted hedging that has been established on the street and which made a significant contribution to its historic character and distinctive sense of place;
- The development therefore failed to preserve the character and appearance of the surrounding area, contrary to Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policy H1(Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The proposed works were also contrary to the relevant guidance set out in the Householder Development Guide Aberdeen Planning Guidance; and
- The fence harmed the distinctiveness of the surrounding area and was therefore contrary to Policies 14 (Design Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP. The works would also fail to preserve the character and appearance of the conservation area, contrary to Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Places) of NPF4 and Policy D6(Historic Environment) of the ALDP.

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

- 1.7m fence was already in place, but offered to reduce height to 1.4m by removing 2 slats;
- There was an offer to paint it banco National Trust green and grow clematis;
- not applying for planning permission was a genuine oversight;
- this was previously a 2m hedge jointly maintained;
- subsequently the hedge was partially removed and canes with tinsel on boundary, plastic poles and fairy lights. These were not in keeping with Conservation Area;
- Understands the value of conserving historic character;
- there were human reasons for the fence;
- there was reference to advice from the Council's Enforcement Officer, which referred to the reason the fence was not permitted development; and
- refers to another fence nearby of greater height.

Ms Greene intimated that there were three letters of representation, two of which were letters of support and one objection.

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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 site layout, boundary and height of the fence.

Members each advised in turn and unanimously agreed to reverse the appointed officer's earlier decision. Planning permission was therefore granted 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 Local Review Body agreed that the fence is an excessive height and should therefore be reduced by two slats although the design and materials for the context of the application site and the surrounding area are acceptable. At the reduced height the fence would not adversely disrupt the regular and extensive rhythm of largely low boundary treatments in stone, metal railing or planted hedging that has been established on the street and which makes a significant contribution to its historic character and distinctive sense of place.

With conditions relating to the height reduction, application of colour and planting the development would be acceptable, would preserve the character and appearance of the surrounding area, and comply with Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). It would also comply with the relevant guidance set out in the Householder Development Guide Aberdeen Planning Guidance.

The fence, subject to appropriate conditions, would not harm the distinctiveness of the surrounding area and would therefore comply with Policies 14 (Design Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP preserving, the character and appearance of the Albyn Place / Rubislaw Conservation Area, and complying with Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP.

CONDITIONS

This permission is granted subject to the following conditions:-

- (01) REDUCTION IN HEIGHT OF FENCE

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That within 3 months of the date of this permission the fence shall be reduced in height by the removal of two horizontal timber slats and a similar reduction in height of support posts.

Reason: In the interests of preserving the character of the Conservation Area.

(02) PAINT COLOUR

That within 3 months of the date of this permission the fence shall be painted in a dark colour, in accordance with details which shall be submitted to and approved in writing by the planning authority in advance.

Reason: In the interests of visual amenity and the character of the Conservation Area.

(03) PLANTING

That within 3 months of the date of this permission there shall be submitted to and approved in writing by the planning authority details of climbing plants to be planted adjacent to the fence. The details shall include species, number of plants and size at planting.

Planting shall be carried out prior to 31 May 2026 and any plants becoming diseased or dying within five years shall be replaced during the following planting season by plants of the same species.

Reason: In order to soften the appearance of the fence, in the interests of preserving the character of the Conservation Area.

- **COUNCILLOR NEIL COPLAND, Chairperson**