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To: Councillor Henrickson, Chairperson; and Councillors Clark, Cooke, Copland and Crockett.

Town House,
ABERDEEN 12 June 2023

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 19 JUNE 2023 at 11.00 am.**

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

Members of the Public can observe the meeting via Microsoft Teams [here](#). You must not switch your camera or microphone on and must observe only.

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

Link to the [Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - LUCY GREENE

- 2.1 Detailed Planning Permission for the change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking and landscaping works with associated boundary treatment (rear) - 11 Victoria Street Aberdeen - 220517
- Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 220517.
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 38)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 39 - 40)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 41 - 54)
- 2.5 Determination - Reasons for Decision
- Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

PLANNING ADVISER - LUCY GREENE

- 3.1 Detailed Planning Permission for the installation of 2 roof lights (retrospective) | 4 Thistle Lane Aberdeen - 230303
- Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 230303.
- 3.2 Delegated Report, Original Application Form and Decision Notice (Pages 55 - 72)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 73 - 74)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 75 - 92)
- 3.5 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 067344

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
6. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
7. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;

- (c) an inspection of the site.
8. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
 9. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 - “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
12. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
13. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions**.
14. The LRB will give clear reasons for its decision.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2>
<p>Report of Handling</p>	

Site Address:	11 Victoria Street, City Centre, Aberdeen, AB10 1XB
Application Description:	Change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking and landscaping works with associated boundary treatment (rear)
Application Ref:	220517/DPP
Application Type:	Detailed Planning Permission
Application Date:	26 April 2022
Applicant:	Mr Neil Scullion and Nicky Turnbull
Ward:	Mid Stocket/Rosemount
Community Council:	City Centre
Case Officer:	Jane Forbes

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the east side of Victoria Street at a distance of some 55 metres north of its junction with Albyn Place and 40 metres south of its junction with Thistle Street/Waverley Place and lies within the Albyn Place/Rubislaw Conservation Area. The site comprises a traditional, Category C listed, 2 storey with attic, end terraced granite property of a block of three constructed c. 1850 with a 2 storey modern extension to the rear which dates from the early 1990's. The property is currently lying vacant but was previously, over a period of many years, in commercial office use. The front curtilage comprises a small area of garden ground with low level granite boundary wall. The rear curtilage is in hardstanding and enclosed along its northern boundary by means of a random rubble granite wall with red brick coping. It provides an area of car parking which is accessed from a service lane via Thistle Place. The site lies within the West End Office Area zoning as designated by the Aberdeen Local Development Plan 2017.

Relevant Planning History

Application Ref 220882/LBC – Listed building consent was granted subject to condition in December 2022 for the conversion of the office building to form 2no. residential dwellings, including removal of existing and installation of new partitions; formation of patio doors from existing window opening, window enlargement to form new door openings with Juliet balconies, installation of rooflights and replacement door (rear); reinstatement of railings and gate (front) and boundary treatment (rear).

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use and conversion of an office building to form 2 residential properties. One 3 bedroom property would occupy the 3 floors located to the front (west) of the building with the main entrance from Victoria Street and a secondary access via the rear curtilage of the site, from a lane off Thistle Place. The second 1 bedroom property would be located within the 2 storey extension to the rear, with access from the lane off Thistle Place via the rear curtilage and by means of a shared rear hallway.

The proposed conversion to residential use would include various external alterations to the property and the wider site including:

- Opening up existing window openings to the rear extension to form 2 x full height, timber framed windows with Juliet balconies at 1st floor and timber framed patio doors at ground floor level;
- Replacement of modern timber door to the rear extension with a timber door and fanlight;
- Erection of 1.8m high masonry wall with roughcast render and brick coping to enclose southern boundary of rear curtilage and 1.2 to 1.8m high timber fence serving to delineate pedestrian access, car parking space and garden ground;
- Introduction of 4 x conservation style rooflights (MK08) to the rear extension;
- Replacement of a timber casement window to the rear of the original property with a timber sash and case window;
- Installation of cast iron railings and gate to the front boundary.

Amendments

Post submission, the application saw a number of amendments including the removal of a window opening to the north gable, the addition of 2 velux rooflights to the rear extension and alterations to the layout of the rear curtilage with a reduction from 2 to 1 car parking spaces and formation of a southern boundary wall.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RAR0HGBZMUC00>

- Design Statement with Photographic Survey
- 3D Visualisations

CONSULTATIONS

ACC - Environmental Health – No concerns or observations.

ACC - Waste and Recycling – No objection raised. Confirmed that residents would have access to the existing communal bins located outside No 9 Victoria Street which would be an acceptable arrangement.

ACC - Roads Development Management Team – No objection raised. The Roads DM Team confirmed that the site is located within the city centre and in a controlled parking zone which allows for one permit for a single business premises or private residential property. The revised proposal

would deliver a single off-street parking space within the rear curtilage and it is noted that the SG allows for 1 space per dwelling. The Roads DM Team advised the shortfall of one space would be acceptable. The proposed parking bay and inclusion of an EV charger would be acceptable. It was noted that whilst cycle parking was proposed this should be long stay, covered and secure.

City Centre Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan (2017)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period. The following policies are relevant –

- Policy B3 (West End Office Area)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)

- Policy T3 (Sustainable and Active Travel)
- Policy R6 (Waste Management Requirements for New Development)

ALDP Supplementary Guidance and Technical Advice Notes

- Transport and Accessibility (SG)
- The Repair and Replacement of Windows and Doors (SG)
- Repair and Reinstatement of Cast Iron Railings (TAN)

Proposed Aberdeen Local Development Plan (2020)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration. The following policies are relevant –

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)
- Policy R5 (Waste Management Requirements in New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC6 (West End Area)

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) meanwhile requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development which would see a change of use to the existing property and involve minor external alterations is sufficiently small-scale that it would have no material impact on the global climate and nature crises nor on climate mitigation and adaptation. There are also limited opportunities to minimise greenhouse gas emissions given the nature of the proposal. With this in mind it is considered that the proposed development would not conflict with Policies 1 and 2 of NPF4. The proposal would see the partial removal of hardstanding within the rear curtilage and the

introduction of garden ground with a small degree of landscaping, thereby contributing towards and enhancing biodiversity in accordance with Policy 3 of NPF4.

Principle of Development

The application site lies within the West End Office Area, as zoned in the Aberdeen Local Development Plan 2017 (ALDP), and the proposal is therefore considered against Policy B3 (West End Office Area). The ALDP identifies the area as a prestigious, high quality office location on the edge of the city centre, which also contains a mix of other uses, including schools, hotels, flats and a hospital. Whilst Policy B3 is predominantly aimed at supporting office development, it does also state that 'Proposals for change of use to residential use, or any new residential development, will be considered on their merits' whilst outlining that 'New development proposals that do not protect existing residential amenity will be refused'.

The area surrounding the site has seen a rise in the number of offices lying vacant over recent times due in part to the downturn in the oil industry but also as a result of an increased demand and availability of purpose-built office accommodation elsewhere in the city. These changes have been reflected in the Council's vision for the West End Office Area, with Policy VC6 (West End Area) of the Proposed Aberdeen Local Development Plan (PALDP) which is to replace Policy B3 of the ALDP having a stronger focus on supporting a mix of uses. With this in mind it is noted that Policy VC6 states that 'The West End Area comprises a mix of uses including residential, business (Class 4), food and drink (Class 3) and other commercial uses. In this area the principle of change of use from office to residential will be supported. Applications for all development, including changes of use, must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity.'

It would therefore appear that the proposed change of use to residential would not be contrary to the overall expectations of Policy B3 and would therefore be deemed acceptable in principle, provided an appropriate and acceptable level of residential amenity can be delivered for future residents of the two properties, that the proposed residential use does not cause conflict with adjacent land uses, nor adversely affect the character of the surrounding area, and that the proposal suitably addresses all other relevant policies and guidance, with this considered in detail below. The application property is Category C listed and lies within the Albyn Place/Rubislaw Conservation Area and as such the proposed change of use must also consider whether the proposal would have any adverse impact on the building, its setting or the wider conservation area.

Scale/Design/Amenity of Proposed Development

Under Policy 14 (Design, Quality and Place) of the NPF4, high quality design is sought for development proposals with a view to improving the overall quality of an area and this aligns with Policy D1 (Quality Placemaking by Design) of the ALDP which seeks to ensure high standards of design for development proposals, with a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Whilst noting that the criteria associated with Policy 16 (Quality Homes) of NPF4 would not apply to a change of use proposal, the intent of Policy 16, which is 'to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland' would be a material consideration.

Policy D1 of the ALDP accepts that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. It refers to the six essential qualities of placemaking: distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and resource efficient whilst demonstrating how such qualities should be met in the delivery of good development. The policy requirements of the

2020 Proposed Local Development Plan (PALDP) now carry significant weight and are a strong material consideration in the determination of this application. It is noted that the current requirements of Policy D1 are very much reflected within Policy D1 (Quality Placemaking) of the PALDP. The PALDP does also see the introduction of Policy D2 (Amenity) which gives greater focus on the importance of delivering an appropriate and acceptable level of amenity and states that 'amenity has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing. Buildings must be fit for purpose and meet the needs of users and occupiers.'

Policy D2 of the PALDP seeks to ensure an acceptable level of amenity is provided for all development and provides a detailed list of criteria to be applied including: making the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation; ensuring that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook; having a public face to the street to ensure natural surveillance, and active street frontages. The policy further outlines specific criteria applicable to residential developments which includes: ensuring that occupiers are afforded adequate levels of privacy; ensuring minimum standards for internal floor space and private external amenity space in terms of quantity and quality; ensuring minimal shading of external private and public spaces; ensuring all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens; and having a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

In this instance the proposed development is for a change of use of the existing office building where it would be sub-divided to form 2 residential dwellings, with a 3 bedroom property occupying the front and original part of the listed building and spanning 3 floors and with its main entrance off Victoria Street and a secondary access from a shared hallway through the rear curtilage of the site, access to which is gained via a service lane off Thistle Place. The second, 1 bedroom property would occupy the rear 2 storey modern extension and would have a single means of access from the shared hallway, through the rear curtilage of the site and via the aforementioned service lane off Thistle Place. The rear curtilage would be enclosed along the southern boundary by a new boundary wall and subdivided with a shared access path delivered along the length of its southern boundary and a further two areas delineated by means of fencing, one of which (c 27m²) would be located adjacent to the access lane where 1 car parking space and a 1.5m x 6.5m long strip of grass would be provided for the 3 bed property and the remaining area (c. 27m²) delivering a private area of garden ground and decking with access off the shared path and via patio doors for the 1 bedroom property.

Having considered the proposed design, internal and external layout and associated access arrangements for the two units as proposed there are real concerns with the level of amenity which would be delivered for future residents of the converted building. In relation to the 1 bedroom unit proposed to the rear, its sole means of access would be off a narrow and unlit service lane, with no street lighting within clear sight of the entrance door or the rear curtilage. The lane off which the property would be accessed is not a through-route but serves solely as a means of access to the rear car parks of neighbouring commercial premises. The 1 bedroom unit would have a set of patio doors at ground and 2 x full height windows at 1st floor level all facing east across the rear curtilage of the site and the aforementioned lane onto the gable end of the 3½ storey tenement property at 8 Thistle Place which lies at a distance of some 17 metres from the rear building line of the application property. Whilst it is acknowledged that the proposal would deliver an appropriate area of private garden space for this 1 bedroom unit, beyond this, and given the context of the area surrounding the rear curtilage, it is quite apparent that this 1 bedroom dwelling would have a particularly poor outlook with no public street frontage and furthermore, taking into account its orientation and single aspect, any direct sunlight into the property would also be limited. The sole entrance to this 1

bedroom property would appear neither distinctive nor welcoming, and it could not reasonably be deemed as well-defined given the context of the rear elevation of the application property and that of the neighbouring commercial properties. Finally, any natural surveillance of this dwelling would be extremely limited, with its sole outlook and only means of access for future residents off an unadopted and unlit lane which would be of particular concern outwith daylight hours.

In considering the proposed design, layout and access arrangements for the 3 bedroom property it is noted that there would be direct access off Victoria Street, with the west (front) elevation of the existing building forming the main frontage of this dwelling. The ground and 1st floor levels would be single aspect, with the 2nd floor accommodation benefitting from dual aspect with dormer windows to the front and rear. This 3 bed property would have access to an open front garden with an active street frontage and given its main orientation to the west, a reasonable level of sunlight to the habitable accommodation on all 3 floors. It would have access to a shared rear hallway serving the rear curtilage where it would be afforded a single car parking space adjacent to which would be a narrow strip of garden ground (1.5m wide x 6.4 long). Neither the parking space or adjacent strip of garden ground would be fully enclosed and as a result the 3 bed dwelling would have no access to secure, private amenity space.

It is worth noting that the subdivision of the existing building and the delivery of 2 residential units would be considered acceptable in principle, however the current proposal raises real concerns given the absence of an active street frontage, unacceptable means of access and particularly poor level of amenity for the 1 bedroom dwelling which is proposed to the rear of the building and the lack of private amenity space for the 3 bedroom dwelling to the front. The development would not provide an acceptable level of amenity based on the subdivision of the building and resulting layout as currently proposed.

Taking all of the above into account it is considered that the proposal would fail to address the requirements of Policy D1 (Quality Placemaking by Design) of the ALDP and Policies D1 (Quality Placemaking) and D2 (Amenity) of the PALDP. The proposed development would not meet the criteria for the six qualities of successful places as set out in Policy 14 (Design, Quality and Place) of the NPF4 nor would it accord with the intention of Policy 16 (Quality Homes) on the basis that the new dwellings would fail to deliver an appropriate level of amenity for future residents and as such would not provide the high quality homes which this policy seeks to support.

Impact of Development on the Historic Environment

The application property comprises a Category C listed building located within the Albyn Place/Rubislaw Conservation Area. Policy 7 (Historic Assets and Places) of NPF4 is therefore of relevance on the basis that it seeks to protect and enhance historic environment assets and places and enable positive change as a catalyst for the regeneration of places. Under subsection (c), Policy 7 states that 'Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest', whilst subsection (d) of Policy 7 advises that 'Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the architectural and historic character of the area; existing density, building form and layout; and context, siting, quality of design and suitable materials.'

Historic Environment Policy for Scotland (HEPS) outlines the importance of fully understanding the impact of decisions for development proposal on the historic environment, with negative impact avoided where possible. It accepts that some change to the historic environment is inevitable but advises that intervention should be minimised and any negative impact avoided where possible.

Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017 (ALDP) meanwhile seeks to support high quality design that respects the character, appearance and setting of the historic environment, looks to protect the special architectural interests of its listed buildings and to preserve and enhance the historic environment in line with HEPS. It states that 'there will be a presumption in favour of the retention and reuse of listed buildings and buildings within conservation areas that contribute to their character'. Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of the NPF4 also seeks to support development proposals which result in the sustainable reuse of vacant buildings, whether permanent or temporary.

Taking into account that the proposal would see the re-use of a listed property which is currently lying vacant, it is considered that the principle of conversion for residential use is acceptable and this would accord with Policy 9 of NPF4. The proposed alterations associated with the conversion are relatively minor in nature and are outlined and considered as follows:

Alterations to existing window/door openings and formation of new rooflights

The Council's Supplementary Guidance (SG) on 'The Repair or Replacement of Windows and Doors' outlines the importance of repair and retention of original or historic windows and doors. In relation to the conversion of windows to doors the SG advises that 'Subsidiary elevations are more suitable for work of this type. Wherever possible the existing width of the window should be maintained and the opening expanded downwards to ground level'.

Taking into account the proposed alterations focus on the rear elevation of the modern extension and would involve enlarging existing window openings and replacing an existing door, none of which are either original or historic to the building, and where the width of existing openings are indeed retained, then the principle is deemed acceptable.

The proposed replacements and new windows and doors would all be in timber and are deemed to be of an acceptable design and scale. Given the context of the proposed works and noting that the adjoining properties at No's 9 and 7 Victoria Street have similar modern extensions to their rear elevation which abut the application property, then it is considered that any impact resulting from the proposed development would be suitably limited. Whilst acknowledging that the increased openings that are proposed to this rear elevation would be visible from Thistle Place and the associated service lane, it is not considered that such an intervention would cause any visual imbalance and ultimately would have no adverse impact on the special character of the listed building or the wider area. The 4 new rooflights as proposed would be introduced to the pitched roof of the modern rear extension and would be of an appropriate scale and conservation style, with limited visual impact from beyond the site.

The proposed alterations outlined above are considered reasonable in terms of the change of use of the property, allowing for improved levels of daylighting to be secured for the property located off the rear service lane. The scale, design and material finish of the proposed development works are deemed appropriate and would not adversely affect the special character of the listed building or the conservation area within which it lies.

Reinstatement of railings and gate (front) and erection of boundary treatment (rear)

The proposal includes the installation of 900mm high cast iron railings and gate to the front curtilage, extending along the western boundary of the site, thereby re-establishing a sense of enclosure along Victoria Street.

The Council's Albyn Place and Rubislaw Conservation Area Character Appraisal highlights the

'repair and reinstatement of traditional cast iron railings' as a positive opportunity for the conservation area. The Council's Technical Advice Note on The Repair and Reinstatement of Cast Iron Railings states that in circumstances where original railings have been completely removed, 'the new railings should be as faithful a copy of the original railings, as possible'. In this instance no railings remain in-situ at the property however it is accepted that what is proposed is of a suitably traditional design and material, formed in cast iron and finished in black with finials and railings of an appropriate scale. No detail has been submitted in terms of how the railings would be secured to the granite, however this information could be the subject of a suspensive condition, had the application been acceptable. Overall, it is considered that the principle of their installation is acceptable and would cause no harm to the special character of the listed building.

The proposal includes the erection of a new 1.8m high masonry wall, to extend from the rear extension along the length of the southern boundary of the site and to be finished in a roughcast render with brick coping. A section of 1.8m high timber fence with gate would link with the wall, serving to partially enclose the rear curtilage. In this instance and given the context of the site, where the rear curtilage has no remaining enclosure along the southern boundary it is considered that the simple style and material finish as proposed would provide an acceptable boundary treatment and whilst not matching the traditional granite rubble wall with brick cope which extends along the northern boundary of the site, would be considered suitably in-keeping and would not cause conflict with the surrounding area.

Taking the above into account it is considered that the proposed development works associated with the change of use have been designed with appropriate recognition of the site context and would be of an acceptable quality in terms of design, finish and detailing. The proposal would comply with Policy 7 (Historic Assets and Places) of NPF4, Policy D4 (Historic Environment) of the ALDP and the relevant SG and TAN and is acceptable when considered against Historic Environment Policy for Scotland.

Transport, Accessibility and Parking

Policy 13 (Sustainable Transport) of NPF4 states that 'Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies' and this includes providing 'direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation' and being 'accessible by public transport, ideally supporting the use of existing services'. Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP require new development to be accessible by a range of transport modes, with an emphasis on active and sustainable transport.

The Roads Development Management (DM) Team confirmed the city centre location of the application site where future residents would be well served in terms of walking and cycling and the site lies within easy walking distance of public transport options, with the closest bus stops located on Alford Place providing links to the wider city. Whilst the original proposal was for 2 off-street parking spaces within the rear curtilage this layout was subsequently amended with a single parking space to remain with associated EV charging facility, which would be allocated to the 3 bedroom dwelling which fronts onto Victoria Street. The Roads DM Team confirmed there are no objections and advised that whilst the proposal included secure cycle parking, this should be delivered in the form of covered, long stay cycle parking, with one space for each dwelling. The current proposal shows a wall mounted bike anchor for each dwelling however, had the application been acceptable, a condition would have been applied requiring the submission of relevant detail and subsequent delivery of covered cycle parking.

Notwithstanding the above it would appear that vehicle access/egress of the proposed car parking

space on site would be severely compromised given the proposed layout of the rear curtilage, including the boundary treatment and garden ground and its relationship to the service lane and surrounding buildings/walls. The proposed parking space and boundary treatment would lie at an angle in relation to the lane which is approximately 3.5m wide and any manoeuvring into/out of the space would therefore be extremely difficult given the proximity of the gable wall of No 8 Thistle Place.

With this in mind it is considered that whilst the proposal may be suitably compliant with Policy 13 (Sustainable Transport) of the NPF4, there would be a degree of tension with Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP and with the requirements of the Council's SG on Transport and Accessibility.

Waste Management

The Council's Waste and Recycling Team were consulted and confirmed that future residents would use existing on-street bins located outside No 9 Victoria Street and as such the proposal would not be contrary to the expectations of Policy 12 (Zero Waste) of NPF4 or the requirements of Policy R6 (Waste Management Requirements for New Development) of the ALDP.

Proposed Aberdeen Local Development Plan

The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is not acceptable in terms of both plans for the reasons previously given.

Policy VC6 (West End Area) is to replace Policy B3 of the ALDP having a stronger focus on supporting a mix of uses. The proposal is considered to be in line with this policy as discussed above.

Policy D2 (Amenity) is a new policy that focuses on providing an acceptable level of amenity for all existing and new development. This policy has been discussed in detail above.

DECISION

Refuse

REASON FOR DECISION

It is accepted that the principle of a residential use for this property and for the area within which it lies is appropriate and the proposal would therefore be compliant with the overall expectations of Policy B3 (West End Office) of the Aberdeen Local Development Plan 2017 (ALDP). However, by virtue of its form and layout, the conversion of the property to form two dwellings would deliver a particularly poor level of residential amenity for the 1 bedroom dwelling proposed to the rear of the building, whilst also failing to provide an appropriate level of private amenity space for the second, 3 bedroom dwelling which would be located to the front. The 1 bedroom dwelling would have a single-aspect outlook, with limited levels of sunlight for the internal space as a result of its orientation and with a sole means of access off an unlit, unadopted service lane resulting in a property with no public face to the street. As a result the proposed development fails to comply with Policy D1 (Quality Placemaking by Design) of the ALDP and Policy D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020 (PALDP) and Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4).

The proposal would be compliant with Policy R6 (Waste Management Requirements for New Development) of the ALDP or Policy 12 (Zero Waste) of NPF4 and whilst suitably compliant with

Policy 13 (Sustainable Transport) of NPF4, there would be a degree of tension with Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP and with the requirements of the Council's Supplementary Guidance on 'Transport and Accessibility'.

It is acknowledged that the proposal would have no adverse impact on the character or appearance of the Albyn Place/Rubislaw Conservation Area and suitably accords with the aims of Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the ALDP, the relevant Supplementary Guidance on 'The Repair or Replacement of Windows and Doors' and Technical Advice Note on 'The Repair and Reinstatement of Cast Iron Railings' and with the requirements of Policy 7 (Historic Assets and Places) of NPF4. The proposal would also suitably address the aims of Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4.

Taking the above into account, there are no material planning considerations, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100554767-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

proposed works include the change of use from commercial office space into 2no. residential dwellings with private gardens

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Graham Mitchell Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Graham	Building Name:	Troupsmill
Last Name: *	Mitchell	Building Number:	
Telephone Number: *	07711 503 165	Address 1 (Street): *	Drumblade
Extension Number:		Address 2:	Huntly
Mobile Number:		Town/City: *	Aberdeenshire
Fax Number:		Country: *	Scotland
		Postcode: *	AB54 6EU
Email Address: *	office@gma-aberdeen.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Neil	Building Number:	50
Last Name: *	Scullion	Address 1 (Street): *	King's Gate
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 4DB
Fax Number:			
Email Address: *	office@gma-aberdeen.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

11 VICTORIA STREET

Address 2:

CITY CENTRE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1XB

Please identify/describe the location of the site or sites

Northing

805846

Easting

393241

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

238.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

commercial office accommodation with adjacent car park

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

area to store bins included in each garden

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Graham Mitchell

On behalf of: Mr Neil Scullion

Date: 14/04/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Graham Mitchell

Declaration Date: 14/04/2022

Payment Details

Online payment: ABSP00008204
Payment date: 22/04/2022 16:28:00

Created: 22/04/2022 16:28

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Graham Mitchell Architects
Troupsmill
Drumblade
Huntly
Aberdeenshire
AB54 6EU

on behalf of **Mr Neil Scullion And Nicky Turnbull**

With reference to your application validly received on 26 April 2022 for the following development:-

Change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening, window enlargement to form new openings with Juliet balconies, replacement door and installation of rooflights (rear); reinstatement of railings and gate (front); formation of car parking and landscaping works with associated boundary treatment (rear)

at 11 Victoria Street, City Centre

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
2203 - 15 C	Site Layout (Proposed)
2203 - 21	Proposed External Door & Window Details
2203 - 23	Proposed Wall, Fences & Railing Elevations
2203 - LP	Location Plan
2203 - 20 D	Proposed Floor Plans, Elevations and Section

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Post submission, the application saw a number of amendments including the removal of a window opening to the north elevation, the addition of 2 velux rooflights to the rear extension and alterations to the layout of the rear curtilage with a reduction from 2 to 1 car parking spaces and formation of a southern boundary wall.

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

It is accepted that the principle of a residential use for this property and for the area within which it lies is appropriate and the proposal would therefore be compliant with the overall expectations of Policy B3 (West End Office) of the Aberdeen Local Development Plan 2017 (ALDP). However, by virtue of its form and layout, the conversion of the property to form two dwellings would deliver a particularly poor level of residential amenity for the 1 bedroom dwelling proposed to the rear of the building, whilst also failing to provide an appropriate level of private amenity space for the second, 3 bedroom dwelling which would be located to the front. The 1 bedroom dwelling would have a single-aspect outlook, with limited levels of sunlight for the internal space as a result of its orientation and with a sole means of access off an unlit, unadopted service lane resulting in a property with no public face to the street. As a result the proposed development fails to comply with Policy D1 (Quality Placemaking by Design) of the ALDP and Policy D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020 (PALDP) and Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4).

The proposal would be compliant with Policy R6 (Waste Management Requirements for New Development) of the ALDP or Policy 12 (Zero Waste) of NPF4 and whilst suitably compliant with Policy 13 (Sustainable Transport) of NPF4, there would be a degree of tension with Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the ALDP and with the requirements of the Council's Supplementary Guidance on 'Transport and Accessibility'.

It is acknowledged that the proposal would have no adverse impact on the character or appearance of the Albyn Place/Rubislaw Conservation Area and suitably accords with the aims of Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the ALDP, the relevant Supplementary Guidance on 'The Repair or Replacement of Windows and Doors' and Technical Advice Note on 'The Repair and Reinstatement of Cast Iron Railings' and with the requirements of Policy 7 (Historic Assets and Places) of NPF4. The proposal would also suitably address the aims of Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4.

Taking the above into account, there are no material planning considerations, including evaluation under the Proposed Aberdeen Local Development Plan 2020, that would warrant approval of the application in this instance.

Date of Signing 18 April 2023



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 220517/DPP

Application Summary

Application Number: 220517/DPP

Address: 11 Victoria Street City Centre Aberdeen AB10 1XB

Proposal: Change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening; window enlargement to form new door openings; opening of former window opening blocking up windows and installation of rooflights with associated car parking and landscaping

Case Officer: Jane Forbes

Consultee Details

Name: Mr Mark Nicholl

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Environmental Health

Comments

No concerns or observations.

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Consultee Comments for Planning Application 220517/DPP

Application Summary

Application Number: 220517/DPP

Address: 11 Victoria Street City Centre Aberdeen AB10 1XB

Proposal: Change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening; window enlargement to form new door openings; opening of former window opening blocking up windows and installation of rooflights with associated car parking and landscaping

Case Officer: Jane Forbes

Consultee Details

Name: Mr Jack Penman

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this proposal is for a change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening; window enlargement to form new door openings; opening of former window opening blocking up windows and installation of rooflights with associated car parking and landscaping at 11 Victoria Street, City Centre, Aberdeen, AB10 1XB.

It is noted that the property is well served in terms of walking and cycling. It fronts directly onto adopted footway which provides links to the city centre area and beyond. There are on road cycle lanes on Alford Place and Union Street bus lanes are available for cyclists to use.

There are many public transport options available with the closest stops being on Alford Place, whilst Union Street, which is a short walk away, is very well served by local bus routes allowing links to other parts of the city.

This site is in the city centre and is in controlled parking zone c. Properties in zone C are entitled to one fixed permit. As this was a single business premises and the proposal is for two residential properties this could see an overall increase in permit demand of one. I note current site has 3 parking spaces, but the proposal will reduce this to 2. Our SG for residential properties in the city centre are for one space per dwelling which this proposal meets. I note that there are however no dimensions on the plan which shows the parking area. Can a dimensioned drawing showing the parking spaces please be provided to ensure they meet the dimensions? Additionally, can the applicant explain how the parking would be allocated?

For residential developments, one EV charge point (passive provision) is the minimum required for

each unit where spaces are private and off-street. Charge points should be connected to the domestic electricity supply.

It is important that secure cycle parking is provided in all developments. Safe, secure cycle parking should be provided on the basis of one space per dwelling. This could potentially be accommodated within the shared hallway or in the rear area.

I note that there is bin store area in the rear.

I would advise that there appears to already be on street residential bins outside property no.9 Victoria Street, it should be explored with the waste management team if these can be used. Otherwise I would query what the waste collection plan was?

There are outstanding issues with this application, and I will be in a position to provide further comments on receipt of this information.

I note this proposal is for a change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening; window enlargement to form new door openings; opening of former window opening blocking up windows and installation of rooflights with associated car parking and landscaping at 11 Victoria Street, City Centre, Aberdeen, AB10 1XB.

This is the **second** revision of roads comments.

This site is in the city centre and is in controlled parking zone c. Properties in zone C are entitled to one fixed permit. As this was a single business premises and the proposal is for two residential properties this could see an overall increase in permit demand of one.

I note proposed site plan now shows only 1 parking space. Our SG for residential properties in the city centre is for one space per dwelling. However, owing to its city centre location we could consider these properties for no car developments. The shortfall of one space is therefore acceptable.

The parking bay is shown to be 2.4m x 4.8m which is the minimum acceptable size of a parking space.

I note an EV charger is being proposed which is acceptable.

I note secure cycle parking is being proposed. This should however be long stay I.E. covered and secure. What is currently proposed is not covered. This should be addressed.

There are no roads objections to this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Jane Forbes	To: ACC - Waste And Recycling
E-mail: JANEF@aberdeencity.gov.uk	Date Sent: 25 May 2022
Tel.: 01224 522276	Respond by: 15 June 2022

Application Type: Detailed Planning Permission
Application Address: 11 Victoria Street City Centre Aberdeen AB10 1XB
Proposal Description: Change of use from commercial office space into 2no. residential dwellings including formation of patio doors from existing window opening; window enlargement to form new door openings; opening of former window opening blocking up windows and installation of rooflights with associated car parking and landscaping
Application Reference: 220517/DPP
Consultation Reference: DC/ACC/RCFXJDBZ00Y02

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Waste Services response regarding application 220517 11 Victoria Street

As I understand, the development will consist of 2 Residential Dwellings.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

It is pertinent to note that these services will be provided taking account of the following:

General points

- Residents to use on street bins currently located outside No9.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

Responding Officer: L Todd

Date: 02/06/2022

Email: wasteplanning@aberdeencity.gov.uk

Application 220517/DPP

Development Plan:

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2023

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

- Policy B3 (West End Office Area)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy R6 (Waste Management Requirements for New Development)

Aberdeen Planning Guidance

Repair and Replacement of Windows and Doors

Transport and Accessibility

Repair and Reinstatement of Cast Iron Railings (Technical Advice Note)

[Supplementary guidance and technical advice | Aberdeen City Council](#)

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100554767-009

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Graham Mitchell Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Graham"/>	Building Name:	<input type="text" value="Troupsmill"/>
Last Name: *	<input type="text" value="Mitchell"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07711 503 165"/>	Address 1 (Street): *	<input type="text" value="Drumblade"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Huntly"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeenshire"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB54 6EU"/>
Email Address: *	<input type="text" value="office@gma-aberdeen.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Nicky"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Turnbull"/>	Address 1 (Street): *	<input type="text" value="Victoria Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland, UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1XB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="11 VICTORIA STREET"/>
Address 2:	<input type="text" value="CITY CENTRE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1XB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805846"/>	Easting	<input type="text" value="393241"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from commercial office to form two residential dwellings

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to 'Planning Summary' document which is uploaded in the Supporting Documents area.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Existing and proposed plans, sections and elevations for the property, a Design Statement (containing a description of the development, pictures and images taken from a 3D model), and a Planning Summary document, detailing relevant matters for consideration by the local review panel.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

APP/220517/DPP

What date was the application submitted to the planning authority? *

26/04/2022

What date was the decision issued by the planning authority? *

18/04/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Graham Mitchell

Declaration Date: 24/05/2023

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graham mitchell architects

Troupsmill Farm
Drumblade
Huntly
Aberdeenshire
AB54 6EU

t: 07711 503 165
w: gma-aberdeen.co.uk

Planning Summary

11 Victoria Street

Aberdeen
AB10 1XB

Application for:

**Change of use from Commercial Office to form
Two Residential Dwellings**

Planning Application Reference: APP/220517/DPP



Job number 2203

May 2023

Context

11 Victoria Street, is a simple granite terraced 19th Century townhouse located in the city's leafy West end in a street laid out by Archibald Simpson. Is noted historically as contributing to a townscape, 'where buildings present features of special charm,' and is unusual in having buildings on the East side of the street of two-storey, and on the West of single storey plus attic.

The planning application to form two houses from an unused commercial office, is stated as according with policy as follows:

- **The principle of a residential use is acceptable** for the area and for the property - **Policy B3 of ALDP**.
- It is acknowledged that the proposal would have **no adverse impact on the character or appearance of the Albyn Place/Rubislaw Conservation Area**.
- **The proposal would suitably address the aims of Policy 1** (Tackling the Climate and Nature Crises), **2** (Climate Mitigation and Adaptation), **3** (Biodiversity) and **9** (Brownfield, Vacant and Derelict Land and Empty Buildings) **of NPF4**.
- **It suitably accords with the aims of Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the ALDP**.
- **NPF4 Policy R6** (Waste Management), **Policy 12** (Zero Waste), **Policy 13** (Sustainable Transport) **are also all satisfied**.

The matters which informed the decision for refusal are as follows:

- **'Amenity'** - House fronting to Victoria Street: relating to garden areas.
- **'Amenity'** - House facing rear lane (accessed from Thistle Place): relating to garden area, outlook (single aspect), sunlight, access and (a lack of) public face to street.

The properties in Victoria Street were constructed as dwelling houses, and the current proposal seeks to restore this property to its original residential use. At its simplest, and in light of both their location and acknowledged architectural merit, it is difficult comprehend why either of these houses should inherently be perceived to 'lack amenity.'

The reason given for justification of refusal is 'amenity,' which is deemed to include access, outlook, daylighting and public face.

Each is addressed on an item by item basis below. It is sought to demonstrate that the houses have differing and but none-the-less significant qualities, which render them as ideally suited for residential use, and therefore will enable the decision to refuse the planning application to be reconsidered, overturned, and the application supported.

House Fronting to Victoria Street

'Amenity not at an appropriate level'

This property has a historically acknowledged and manifestly appropriate amenity for its proposed use as a house.

It is envisaged due to its size and location, as a home appropriate for varied demographics, including young professional couples, upsize young families or mature urbanites.

The West facing front garden is ideally orientated for sitting out in and enjoying the afternoon/evening sun, and the rear garden is private and suited for merely enjoying the outdoors, and/or gardening activities. Both gardens are accessible directly from within the house

Together these have an area of 44m² which is within the normal range for houses in the city centre. The figures render the planning officers comments with regard to garden areas and amenity, difficult to understand.

It is also proposed to use part of the rear garden area for parking/charging a single car. This was not raised as being problematic during the progress of the application, however, it was stated as a justification for refusal.

If this was thought to be of benefit, the applicants would be prepared to have this area conditioned as solely dedicated for garden use (as opposed to mixed car/garden use). Thus providing a larger useful garden area, and further increased amenity.

Please note:

- Planning permission was granted for the conversion of a similar unused office building to form 2 flats at 2 Rubislaw Place on the 4th May 2023: **App Ref: 220954/DPP**. Front and rear garden spaces of similar areas have been provided in this proposal in addition to 2 number off street car parking spaces.



11 Victoria Street Front West Facing Garden



11 Victoria Street Rear Garden

House Fronting to Lane

'Amenity particularly poor'

The proposed rear house also has significant quality in its own terms.

That is as a city dwelling, suited for example for use by professionals living and working locally during the week, or young/mature, singles/couples. It has an excellent connection with an appealing locality, comprising of and surrounded by rear garden areas and a picturesque view of the Alford Place Church sanctuary, all framed by a variety of hard landscaping, trees and leafy garden vegetation.

It has its own direct access from a not unpleasant and well used lane, and is located in an inherently safe locale with all the facilities of the city centre nearby. It benefits from having its own small private courtyard garden of 26m² which is well screened by enclosing walls, and directly accessed from the ground floor bedroom.

It is difficult to understand how its level of amenity could be described as 'poor.' On the contrary, this is a characterful and desirable property, with it's own access and private outdoor space, nested firmly in the city centre.

Please note:

- A similar application for formation of a dwelling house from an outbuilding at the rear lane at 57 Crown Street received planning approval in July 2021 - **App Ref: 210194/DPP**.
- In addition to its own garden spaces, 11 Victoria Street is located at distance of just over 100m from Rubislaw Terrace gardens, one of Aberdeen's popular outdoor spaces which is flanked by café's, a restaurant and a busy bistro/bar thus further complying with **NFP4 Policy 14** (Local Living and 20 Minute Neighbourhoods) and **Policy 15** (Interconnectivity with surrounding area)



11 Victoria Street Rear Garden
(from rear house GF Bedroom)

Outlook - 'Single aspect'

Single aspect is a common feature for city centre flats and houses.

The proposed house which fronts to the Lane, has generous door height windows at both ground and first floors, and the main living area features 4 number large roof lights which would flood the space with light, and give a great connection with the outdoors and views of the sky & clouds.

And, the elevated first floor living space with full height glazed doors with Juliett balconies, provides a wide-angle view of the adjacent garden areas, Alford Place Church, and other varied cityscape elements to the rear of Alford Place and Thistle Lane.

Together these attributes provide interest and charm, and would compensate for any disadvantage conferred by the property being single aspect.



Alford Place Church Sanctuary

Sunlight - 'limited levels due to orientation.'

This is a house which would be light and airy and well provided for by natural light.

In response to comments made by the planning officer during the progress of the application, the ground floor and first floor accommodation were swapped round, bringing the main living spaces to the first floor. This was a change welcomed by all, as it potentially provides a living area which would particularly well lit.

And in the ground floor bedroom a large pair of glazed French doors link it directly to the garden. This room would be well served by natural light, and would be sheltered from city traffic and other noise.

The first floor open plan living space has two large windows and 4 number roof lights. This provides a daylight ratio of 24% - here measured as area of external glazed doors and roof windows to floor area. Comparing favourably with a Building Regulations minimum requirement of 15%, which is acknowledged as providing an acceptable level of daylighting for habitable rooms.

It should be noted that the orientation of this property is exactly the same, with the similar levels of daylight as the previously referred to approved planning application, located only 1 street away, at 2 Rubislaw Place: **App Ref: 220954/DPP**. It is difficult to comprehend why this has been raised as an issue at Victoria Street, but not at the consented nearby one, which is unfathomably considered to have different daylighting conditions.



Rear House Rooflights



Rear House Rooflights in Open Plan Area
(A light and airy living space)

Access - 'sole means of access via an unadopted (ie private) service lane'

The shared lane from which the house is accessed is neither long nor unpleasant.

At 15m this access lane is shorter than many driveways, and is already lit by lights located on the neighbouring properties, and in nearby car parking areas.

In response to the recently published 'NPF 4' document, it is suggested by the applicants that additional lighting could be provided, mounted on the proposed new garden walls. This would be for the benefit of all users of the lane and surrounding areas, and as specifically noted in the policy 'for the safety of women.' The applicants would also be accepting of this as a condition attached to any consent if thought to be of benefit.



Thistle Lane & Rear Gardens

'No public face to the street'

Or more accurately, no public face to 'Victoria Street,' since it clearly has a public face.

The principal elevation of the house is visible from both the adjacent lanes and surrounding tenements.

It has a frontage to an area which has its own quality, and which is without detriment to the main house, which retains its principal orientation to Victoria Street.

This is far from being without precedent in the city centre, and the would both make a positive contribution to the urban quality of the rear lane, and would have architectural value in its own right.

The proposed arrangement of the two houses with the larger having its main door access to Victoria street provides an arguably far better level of amenity than the alternative. That is having a shared access front door from Victoria Street. This would result in a communal hallway to access both properties, rather than as proposed with each having their principal entrance as private.

It is a mews type setting with numerous flats and houses already being accessed from Thistle Lane, and is very much the 'norm' for urban living.



Elevation to Rear Lane

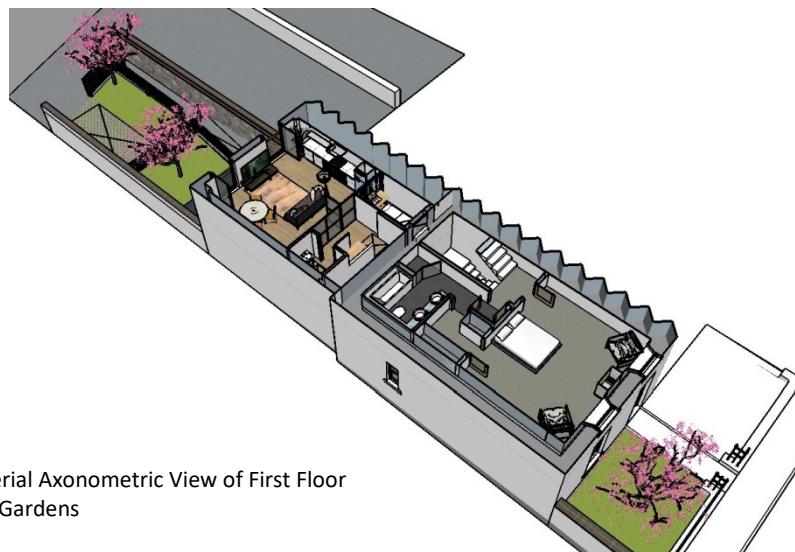
Summary

It is proposed to form two houses, which are different in nature and which together contribute to the unique dense and historic character of this area of the city. One is street facing and the other contributing to a more artisan and mews type environment.

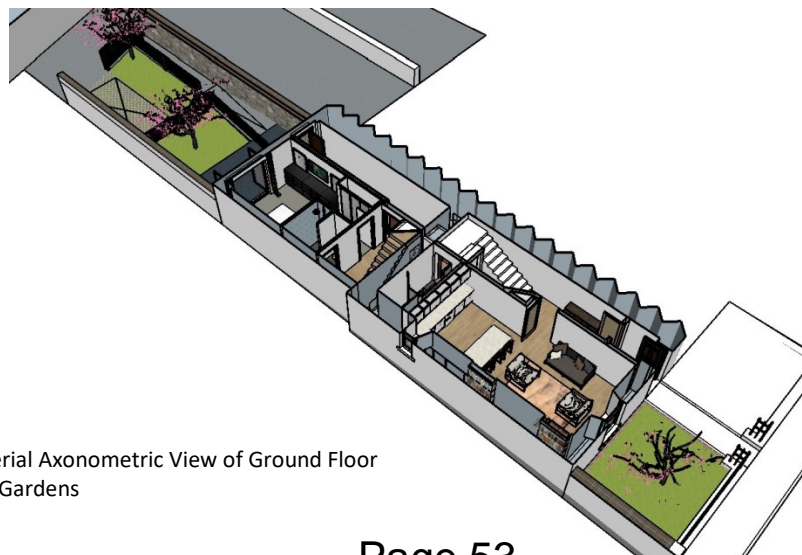
Both houses are afforded significant amenity. This is achieved through providing quality internal and external spaces, a variety of outlooks - each with a distinctive architectural character, and with desirable and well-lit habitable rooms.

The proposal is by an award winning client and architect team who have an established record of providing properties of finish and quality of the highest standard. This provides an excellent opportunity to re-generate a fine listed building in an important historic street.

The property has been lying empty for the past 3 years would be brought back to life. It would provide vitality to the area, a life line to help this part of city centre regenerate, and enable nearby local small businesses to remain viable and be sustainable in the long-term.




Aerial Axonometric View of First Floor
& Gardens



Aerial Axonometric View of Ground Floor
& Gardens

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	4 Thistle Lane, Aberdeen, AB10 1TZ
Application Description:	Installation of 2 roof lights (retrospective)
Application Ref:	230303/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 March 2023
Applicant:	Mrs Laura Wills
Ward:	Mid Stocket/Rosemount
Community Council:	City Centre
Case Officer:	Rebecca Kerr

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located in the north-west of the city centre and is located in the Albyn Place and Rubislaw Conservation Area. Whilst the property itself is not listed and historical map analysis does indicate a structure of similar form existed on the site from c.1920-30s, supporting evidence submitted from the applicant confirms the building is c.1970s construction, and therefore the mews cottage building would not be considered curtilage listed with the original curtilage of 55 Victoria Street (category B listed building). The application property is a single storey mews cottage building, finished in cream roughcast render and traditional slate pitched roof. The north-east gable elevation immediately abuts Thistle Lane, with the entrance door located on the north-west elevation accessible through a gate and access path from Thistle Lane, with the mutual boundary to 179 and 180 Skene Street to the north. The other gable faces south-west, overlooking a small rear garden curtilage which is bound with 55 Victoria Street by means of a dividing timber fence and the remaining south-east elevation is positioned hard up against the mutual boundary shared with 53 Victoria Street.

Relevant Planning History

190565/TCA – Protected Tree works (Sycamore) approved 11 April 2019.

APPLICATION DESCRIPTION

Description of Proposal

The application seeks detailed planning permission for the installation of two rooflights, positioned on the south-east roof slope. Each rooflight has dimensions of c.1600mm high x c.940mm width,

made from composite material and finished in dark grey colour. The application is considered retrospective as the rooflights have already been installed.

Upon a site visit to the application dwelling, it became apparent that the slate covering on the south-east roof slope has also been replaced. Such works do not form part of the assessment of this application, however the applicant has been informed accordingly that this would also require planning permission as the property is located in a conservation area and thus would fall outside permitted development rights under Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.

Amendments

None.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRGSDOBZHFF00>

CONSULTATIONS

City Centre Community Council – none received.

REPRESENTATIONS

None received.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 7 (Historic Assets and Places) (a) proposals to be informed by national policy and guidance on managing change in the historic environment; (d) proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced.

- Policy 16 (Quality Homes) (g) householder development proposals will be supported where they do not have a detrimental impact on the character of the home and the surrounding area in terms of design and materials.

Aberdeen Local Development Plan (ALDP) 2017

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policies are relevant –

- D1 (Quality Placemaking by Design)
- D4 (Historic Environment)
- H1 (Residential Areas)

Proposed Aberdeen Local Development Plan (PALDP) 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- D1 (Quality Placemaking)
- D2 (Amenity)
- D6 (Historic Environment)
- D8 (Windows and Doors)
- H1 (Residential Areas)

Supplementary Guidance (SG)

- Householder Development Guide
- Repair and Replacement of Windows and Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland: Managing Change Guidance on 'Windows' and 'Setting'

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

Principle of Development

The application site lies with a residential area, as zoned in the Aberdeen Local Development Plan (ALDP) Proposals Map, covered by Policy H1 (Residential Areas) which states that '*within existing residential areas, proposals for new development and householder development will be approved in principle if it:*

1. *does not constitute over development;*
2. *does not have an unacceptable impact on the character and amenity of the surrounding*

area;

3. *does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and*
4. *complies with Supplementary Guidance'*

The proposed new rooflights are considered as householder development and would be located on an existing roofslope of a property in residential use. As such, the principle of development is acceptable and given the nature of the works are all contained within the existing residential curtilage, the proposed development is not considered to be overdevelopment, nor would it result in the loss of any public open space. However, further assessment of the detailed design of the works is required in order to determine compliance with the above criteria and the impact of the proposals on the character and appearance of the Albyn Place and Rubislaw Conservation Area. The remaining matters will be discussed in the evaluation below.

Design and Impact on Historic Environment

Historic Environment Policy for Scotland (HEPS), Policy D4 (Historic Environment) of the ALDP and the Householder Development Guide SG all seek to ensure that new development in conservation areas preserves or enhances the character and appearance, and this is paid special attention to in the assessment of planning applications in conservation areas. The application property is located within the Albyn Place and Rubislaw Conservation Area, and as such forms part of its historic character. Whilst the application property is not listed, it does lie within close proximity to other properties on Victoria Street, the terrace of which is category B listed, and this application also requires to be assessed in terms of potential impact on the special character and setting of listed buildings – as outlined in HES Managing Change Guidance on 'Setting'. This guidance states that development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets (setting).

With regards to the Local Development Plan, Policy D1 (Quality Placemaking by Design) of the ALDP states that *'all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.'* In terms of supplementary guidance, the 'Repair and Replacement of Windows and Doors' (SG) states that *'new window openings must be carefully located to avoid disruption to the characteristics of the surrounding external and internal context. Where the building forms part of a larger grouping, it may be necessary to consider the wider impact'*, and that rooflights in conservation areas should be of *'a 'conservation' style, incorporating central vertical glazing bars'*. Furthermore, the Council's 'Householder Development Guide' (SG) states that *'proposals for alterations should be architecturally compatible in design and scale with the original house and its surrounding area ...and any alteration should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.'* Specifically in regard to rooflights, this guidance also states that rooflights should have a vertical proportion; sympathetic 'conservation' type of rooflight with central glazing bars will be expected in conservation areas and on listed buildings; the projection of the rooflight above the plane of the slates should be kept to a minimum.

The application site is located in 'Character area A – Albyn Place, Carden Place, Albert Terrace and Victoria Street' – as identified in the Albyn Place and Rubislaw Conservation Area Character Appraisal. The overall area forms a triangle of some of the earliest planned development in this conservation area, comprising a mixture of Aberdeen cottage residential dwellings on Victoria Street, Albert Terrace and Carden Place and a number of terrace buildings which are now office accommodation. The Albyn Place and Rubislaw Conservation Area Character Appraisal also identified that in the majority of buildings and terraces in the character area are listed as terraces, in recognition that their collective architectural and historical significance. The area is characterised by wide tree lined streets which follow a linear and grid pattern, with the majority of properties accompanied by low granite front garden walls and back lanes to the rear that provide

access. In domestic premises garages and rear gardens are often enclosed by high stone walls which remain mostly intact and large proportions have garage door openings built into the walls.

The surrounding context of the application site is one of a rear back lane, with the application property comprising a single storey mews cottage style building, with its eastern gable positioned hard up against Thistle Lane. Rear lanes within the conservation area are largely undeveloped residential rear curtilages, with some developed commercial properties and therefore the small-scale mews cottage, such as this, is less prevalent as a feature in the wider conservation area. Thistle Lane extends from Skene Street until it meets Thistle Street to the south and the application site is located at the northern end of Thistle Lane, c.30m south of its junction with Skene Street. Located on the western side of the lane, this side of the lane is characterised by rear garages and rear curtilage given over to car parking, with a newer modern flatted development located at 43 Thistle Lane. The eastern side of Thistle Lane is occupied by traditional granite 2.5 storey tenement properties (5 & 7 Thistle Lane) and more modern flatted development of Prince Albert Mews (15, 17 & 19 Thistle Lane), with other residential uses close by on Margaret Street. It is recognised therefore, that the immediate surrounding context of the application site contains a higher proportion of residential dwellings and uses than is typical in rear lanes. In addition, the positioning of the proposed rooflights on the south-east elevation would take cognisance of views in and out of the conservation area, as this is considered to be the more secondary elevation and the rooflights would therefore not be visible from Skene Street. Therefore, the principle of the installing rooflights on the south-east elevation could be considered acceptable, subject to design.

As the principle can be established, it is therefore the suitability of the design, type and style of rooflights that requires a detailed assessment, with consideration given to the potential impact on the character and appearance of the conservation area and on the setting of any listed buildings, as well as compliance with relevant policies and guidance outlined above. The rooflights which in this case, are retrospective, are not considered to positively preserve or enhance the character and appearance of the conservation area, due to their design and scale. Whilst it is recognised that the type of rooflights is technically conservation style, in that they are positioned flush with the slates on the roofslope, they do not contain vertical central glazing bars and are the largest size rooflights available from the manufacturer's conservation range. During assessment of the application, the applicant indicated a willingness to add the central glazing bars, however, this would not address the fundamental issue of scale. The use and installation of two large rooflights in context of the modest scale of the existing roofslope is considered to be excessive and not architecturally compatible with the design and scale of the original mews dwelling and dominates the south-east roofslope – which is contrary to the 'Householder Design Guide' SG. As a result, the rooflights are considered to disrupt the characteristics of the surrounding conservation area, detracting from its character and visual amenity. The choice of large dimensioned rooflights is also not considered to have been designed with due consideration of the negative impact on the setting of surrounding listed buildings and therefore is contrary to the requirements of Policy D1 and D4 of the ALDP and the 'Repair and Replacement of Windows and Doors' SG. Whilst it is recognised that other forms of rooflights do exist on other properties to the rear of Victoria Street, these are considered to be of an appropriate scale in context of their respective roof slopes. Furthermore, the Albyn Place and Rubislaw Conservation Area Character Appraisal outlines that 'unsympathetic development that does not reflect or relate to the character of the conservation area' and a 'variety of window styles' are threats to preserving the conservation area, in introducing another larger form of rooflight this adversely disrupts the pattern of development in regard to rooflights.

In conclusion, whilst the principle of rooflights on the south-east elevation of the application dwelling may be considered acceptable, the proposed rooflights, as installed, are not considered to suitably preserve and enhance the character and amenity of the conservation area or setting of surrounding listed buildings. The rooflights have not been designed with due consideration of its context, both in terms of scale relative to the existing roofslope and the character of the

surrounding conservation area. The proposal is therefore contrary to the requirements of HEPS; Policies D1 and D4 of the ALDP and the relevant SG; 'Householder Development Guide' and 'Repair and Replacement of Windows and Doors' and HES Managing Change Guidance on 'Windows' and 'Setting'.

Impact on Amenity

Policy H1 and the 'Householder Development Guide' SG outlines that no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected, and that significant adverse impact on privacy, daylight and general amenity will count against a development proposal. Due to the nature and located of the rooflights, there are not considered to be any impacts on any neighbouring privacy or amenity as a result.

National Planning Framework 4

The intent of Policy 7 (Historic Assets and Places) of NPF4 is to protect and enhance historic environment assets and places, and specifically parts (a) (c) and (d) seeks that development proposals should be informed by appropriate national policy and guidance, preserve the character, special architectural or historic interest and setting of listed buildings and in conservation areas development will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced, taking consideration of context, quality of design and suitable materials. Furthermore, section (g) of Policy 16 (Quality homes) advises that householder development proposals will be supported where they do not have a detrimental impact on the character of the home or the surrounding area. In this case and due to the reasons outlined in the foregoing evaluation, the proposal is considered to conflict with both Policy 7 and Policy 16 of NPF4 for the reasons previously given in the foregoing evaluation.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP Policies (D1, D6 and H1) substantively reiterate those in the adopted ALDP and therefore the proposal is unacceptable in terms of both plans for the reasons previously given. Policy D2 (Amenity) is a new policy in the Proposed ALDP with no direct equivalent in the adopted ALDP, which seeks to ensure that all new development would not adversely affect the amenity of any neighbouring properties. The foregoing evaluation notes that the works would not harm the amenity of any neighbouring properties, thus the proposals would otherwise be compliant with Policy D2. Policy D8 (Windows and Doors) is also a new policy that sets out requirements in relation to the replacement of historic windows and doors. This policy contains the same principles as those set out in the existing 'Repair and Replacement of Windows and Doors' Supplementary Guidance. However, given the proposal does not comply with the criteria as set out in that guidance document, it similarly does not comply with this proposed policy.

DECISION

Refuse

REASON FOR DECISION

Whilst the principle of rooflights on the south-east elevation of the application dwelling may be considered acceptable, the proposed rooflights are not considered to suitably preserve and enhance the character and amenity of the conservation area or setting of surrounding listed buildings. The rooflights have not been designed with due consideration of its context, both in terms of scale relative to the existing roof slope and the character of the surrounding area. The proposal is therefore considered contrary to relevant sections within and the requirements of; Historic Environment Policy for Scotland and Managing Change in the Historic Environment Guidance on 'Windows' and 'Setting'; conflicts with both Policy 7 and Policy 16 of NPF4; is contrary to Policies H1 (Residential Areas); D1 (Quality Placemaking by Design); and D4 (Historic

Environment) of the Aberdeen Local Development Plan (2017); associated Supplementary Guidance on the 'Repair and Replacement of Windows and Doors' and the 'Householder Development Guide'. The Policies D1, D6, D8 and H1 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal also fails to comply with the relevant policies of both Plans.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100621087-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

2 No Conservation Area Roof Windows.

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

03/01/2023

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

Applicant not aware property within a Conservation Area.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	SL Architectural & Building Services Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Sean	Building Name:	<input type="text"/>
Last Name: *	Lockhead	Building Number:	22
Telephone Number: *	01224 317777	Address 1 (Street): *	Seafield Avenue
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Aberdeenshire
		Postcode: *	AB15 7XB
Email Address: *	sean@sl-services.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Laura	Building Number:	4
Last Name: *	Wills	Address 1 (Street): *	Thistle Lane
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB10 1TZ
Fax Number:	<input type="text"/>		
Email Address: *	sean@sl-services.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

4 THISTLE LANE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1TZ

Please identify/describe the location of the site or sites

Northing

806078

Easting

393187

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Planner Stuart Morrice confirmed the 2 Veluxs require Retrospective Planning Conservation Area approval.

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Morrice

Correspondence Reference Number:

ENF230010

Date (dd/mm/yyyy):

19/01/2023

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Sean Lockhead

On behalf of: Mrs Laura Wills

Date: 13/03/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Sean Lockhead

Declaration Date: 13/03/2023

Payment Details

Online payment: ABSP00009345
Payment date: 13/03/2023 14:07:00

Created: 13/03/2023 14:07

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Sean Lockhead
SL Architectural & Building Services Ltd
22 Seafield Avenue
Aberdeen
Aberdeenshire
AB15 7XB

on behalf of **Mrs Laura Wills**

With reference to your application validly received on 13 March 2023 for the following development:-

**Installation of 2 roof lights (retrospective)
at 4 Thistle Lane, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<u>Drawing Number</u>	<u>Drawing Type</u>
SL-566-02	Location Plan
SL-566-01	Elevations and Floor Plans

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

Whilst the principle of rooflights on the south-east elevation of the application dwelling may be considered acceptable, the proposed rooflights are not considered to suitably preserve and enhance the character and amenity of the conservation area or setting of surrounding listed buildings. The rooflights have not been designed with due consideration of its context, both in terms of scale relative to the existing roof slope and the character of the surrounding area. The proposal is therefore considered contrary to relevant sections within and the requirements of; Historic Environment Policy for Scotland and Managing Change in the Historic Environment Guidance on 'Windows' and 'Setting'; conflicts with both Policy 7 and Policy 16 of NPF4; is contrary to Policies H1 (Residential Areas); D1 (Quality Placemaking by Design); and D4 (Historic Environment) of the Aberdeen Local Development Plan (2017); associated Supplementary Guidance on the 'Repair and Replacement of Windows and Doors' and the 'Householder Development Guide'. The Policies D1, D6, D8 and H1 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal also fails to comply with the relevant policies of both Plans.

Date of Signing 4 May 2023



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Application 230303/DPP - 4 Thistle Lane

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

Policy 7 (Historic Assets and Places)

Policy 16 (Quality Homes)

Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2023

[Aberdeen Local Development Plan review | Aberdeen City Council](#)

- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 (Amenity)
- D6 (Historic Environment)
- D8 (Windows and Doors)

Other Material Considerations

Aberdeen Planning Guidance

[Supplementary guidance and technical advice | Aberdeen City Council](#)

Householder Development Guide
Repair and Replacement of Windows and Doors

Other National Policy and Guidance

Historic Environment Policy for Scotland (HEPS)

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Historic Environment Scotland: Managing Change Guidance on 'Windows'
<https://www.historicenvironment.scot/archives-and-research/publications/?searchPubText=windows>

Managing Change Guidance: 'Setting'

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=80b7c0a0-584b-4625-b1fd-a60b009c2549>

Albyn Place and Rubislaw Conservation Area Character Appraisal

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards/building-conservation-and-heritage/conservation-areas/albyn-placerubislaw>



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100629952-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ledingham Chalmers LLP"/>		
Ref. Number:	<input type="text" value="DSC/KGA/82807.001"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karen"/>	Building Name:	<input type="text" value="Johnstone House"/>
Last Name: *	<input type="text" value="Gatherum"/>	Building Number:	<input type="text" value="52-54"/>
Telephone Number: *	<input type="text" value="01224408496"/>	Address 1 (Street): *	<input type="text" value="Johnstone House"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text" value="07570370007"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB10 1HA"/>
Email Address: *	<input type="text" value="karen.gatherum@ledinghamchalmers.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Laura"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Wills"/>	Address 1 (Street): *	<input type="text" value="Thistle Lane"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1TZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 THISTLE LANE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1TZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806078"/>	Easting	<input type="text" value="393187"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

2 No Conservation Area Roof lights

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See paper apart

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

2303003/DPP

What date was the application submitted to the planning authority? *

13/03/2023

What date was the decision issued by the planning authority? *

04/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

to allow the Local Review Body to examine the setting, context and visual aesthetics of the installation within the surrounding area.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ms Karen Gatherum

Declaration Date: 25/05/2023

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Planning Appeal Statement of Case

4 Thistle Lane, Aberdeen, AB10 1TZ

Detailed Planning Permission for
Installation of 2 Roof lights (retrospective)

Planning Application Reference- 2303003/DPP

On behalf of

Laura Wills

25 May 2023

ledingham|chalmers^{LLP}

Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA
DX: AB15 Aberdeen
FAS 5588
Reference: DSC/KGA/82807.0001

1.0 INTRODUCTION

- 1.1 This "Statement of Appeal" forms part of an Appeal to the Local Review Body by Laura Wills ("the Appellant"), in terms of section 43A of the Town and Country Planning (Scotland) Act ("the 1997 Act")
- 1.2 The appeal is against the refusal by Aberdeen City Council ("the Council") of the application for retrospective planning permission reference-2303003/DPP ("the Application") relating to the installation of 2 roof lights. The Application was received by Aberdeen City Council on 13 March 2023 and refused by delegated decision on 4 May 2023.
- 1.3 This Statement of Appeal contains particulars of the Appellant's grounds of Appeal and the matters required to be taken into account in determining this Appeal.

2.0 GROUNDS OF APPEAL- SUMMARY OF APPELLANTS CASE.

- 2.1 This Statement addresses the reason for refusal and the Appellant's wider justification for stating that there are no good reasons to refuse this retrospective planning permission
- 2.2 The Application was determined by an officer under delegated powers. The reason for the refusal is set out in the Decision Notice. The view was taken by the officer that the application could not be supported as:

Whilst the principle of rooflights on the south-east elevation of the application dwelling may be considered acceptable, the proposed rooflights are not considered to suitably preserve and enhance the character and amenity of the conservation area or setting of surrounding listed buildings. The rooflights have not been designed with due consideration of its context, both in terms of scale relative to the existing roof slope and the character of the surrounding area. The proposal is therefore considered contrary to relevant sections within and the requirements of; Historic Environment Policy for Scotland and Managing Change in the Historic Environment Guidance on 'Windows' and 'Setting'; conflicts with both Policy 7 and Policy 16 of NPF4; is contrary to Policies H1 (Residential Areas); D1 (Quality Placemaking by Design); and D4 (Historic Environment) of the Aberdeen Local Development Plan (2017); associated Supplementary Guidance on the 'Repair and Replacement of Windows and Doors' and the 'Householder Development Guide'. The Policies D1, D6, D8 and H1 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal also fails to comply with the relevant policies of both Plans.

- 2.3 Having regard to the Development Plan and to all material considerations as specified in this appeal the Appellant does not consider the stated reasons for refusal to be robust and consider that planning permission should be granted.

3.0 REASONS FOR REFUSAL AND RESPONSE

- 3.1 The Council's reasons for refusal are set out in the Decision notice issued on 4 May 2023. Having regard to the National Planning Framework 4, Historic Environment Scotland and the Local Development Plan, Supplementary Guidance and to material considerations as specified in this Appeal, the Appellant remains of the view that planning permission should be granted in accordance with Sections 25 and 37(2) of the 1997 Act and Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the following reasons: -
- 3.2 The Application is considered to be fully compliant with the Development Plan
- 3.3 No objections or representations were received to the Application. Significantly there were no objections from the City Centre Community Council, who are statutory consultees. Furthermore, there were no objections from Aberdeen City Heritage Trust or Historic Environment Scotland (HES)
- 3.4 The reasons for refusal are subjective, and are not based on guidance or founded in the Local Development Plan or Supplementary Guidance.

Response to Reason for Refusal

The Aberdeen Local Development ("ALDP")

Policy H1 of the ALDP states that proposals for householder development will be approved in principle if it does not constitute over development, it does not have an unacceptable impact on the character and amenity of the surrounding area, it does not result in a loss of open space and the works comply with Supplementary Guidance. In this case, the rooflights are considered as householder development and given that the works have been located in an existing roof slope of a property it cannot be considered as overdevelopment.

The Report of Handling avers that the works have not been designed with due consideration of its context, both in terms of scale relative to the existing roof slope and the character of the surrounding area. The rooflights were part of the design by a local, reputable architect and were purchased as rooflights suitable for a conservation area and installed by experienced fitters. The instalment of the rooflights was carried out using the highest quality of materials available on the market and designed to enhance the character of the building, taking into account the other rooflights in the area, which is a mixture of buildings of variable ages.

The rooflights were installed as part of a renovation of the whole roof which significantly enhanced the overall appearance of the property. To put the building in context, it is located in Thistle Lane, a rear lane made up of predominately garages and parking areas with some more recent developments.

Opposite the property is a relatively new development Prince Albert Mews. To the south east of the property are two aging garages with rusty corrugated iron roofs. Slightly further south there is a modern block of flats with glass balconies. The properties to the north west of the property are traditional, but they are also road facing to Skene Street. Photographic evidence is included in the inventory at the end of this statement. Picture two, in particular is taken

from junction of Margaret Street and Thistle Lane. This picture illustrates that the focus of the picture is on the rusty roof and the NCP signage. The roofslope and rooflights of the premises blend into the background.

Supplementary Guidance “the Repair and Replacement of Windows and Doors” (“SG”)

With regards to complying with supplementary guidance, the ALDP supplementary guidance is titled “the Repair and Replacement of Windows and Doors”. These are new rooflights which were neither replaced or were repaired, therefore the majority of the supplementary guidance is irrelevant. However, one paragraph refers to “new openings”. This states that *“new openings should be carefully located to avoid disruption to the characteristics of the surrounding external and internal context. Where the building forms part of a larger grouping it is necessary to consider the wider impact”*.

The two rooflights have been installed on the south facing roof aspect only. This looks onto the remainder of the lane and two garages. The installation of the rooflights has been carefully located to ensure that there are no neighbours overlooking the rooflights and designed to fit in with the wider area by ensuring that it was conservation style rooflights that were fitted.

The Supplementary Guidance-Householder Development Guide

SG Householder Development Guide at 3.1.9 refers to rooflights, and states that *“on older buildings and particularly in conservation areas, a “conservation” type of rooflight will be expected. That the addition of a central glazing bar could provide a more authentic appearance.”*

Conservation style rooflights have been used in this case. The Appellant has also offered to install centre bars but this offer was not taken up by the planning officer.

It also states that for rooflights fitted in conservation areas that the rooflights should be recessed into the roofslope. In the report of handling the officer acknowledges that the rooflights installed are conservation style and they are flush with the roof slates.

The SG does not state sizes of rooflights or scales for householders to determine the acceptable size of rooflights. However, there is a diagram which illustrates that a variety of sizes, spacing and levels that clutter the existing roof space will not be acceptable. There is no clutter in this instance. The rooflights installed are of equal size and equally spaced. Particular care was taken to ensure that the rooflights were installed properly, ensuring visual attractiveness in order to avoid any such unbalanced composition as illustrated in the diagram.

The Historic Environment Policy for Scotland

The Historic Environment Policy for Scotland and Managing Change in the Historic Environment Guidance on 'Windows' and 'Setting and Policy D4 of the ALDP seek to protect, preserve and enhance the historic environment. Policy D4 states that high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its conservation areas will be supported. As explained above, conservation style rooflights were installed to a high quality design, with respect to the surroundings, character and appearance and as an improvement to the previous roofing of the property. The Historic Environment Policy for Scotland states that

“good decisions make sure that nothing is lost without considering its value first and exploring options for avoiding loss” the replacement of the roof and the installation of the rooflights has ensured that the property is not falling into disrepair and dilapidation which would be a larger loss and impact on the amenity, character and appearance.

The policy does not state any size limits or other guidance in relation to the size or location of suitable rooflights. Therefore, the matter is entirely subjective. In this situation where the size and placing of the rooflights is all subjective, and there are no fixed size limits or restrictions in the SG, it is unreasonable for the planning officer to say that in their opinion, the rooflights that the Appellant has installed are not compliant.

It is the Appellant’s position that the rooflights fully respect the character, appearance and siting of the historic environment.

National Planning Framework 4

Policy 16 (Quality Homes) of the NPF4 would be a material consideration in the determination of this proposal on the basis that the intent of Policy 16 is to *“encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.”* Policy 16 states that *“Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported”*

Policy 16 (g) states *“Householder development proposals will be supported where they:*

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and*
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.”*

The rooflight instalments do not have a detrimental impact on the character or environmental quality of the home and the surrounding area.

The installations physically, visually and efficiently improve the quality of the property. The previous roof was in a dangerous, dilapidated state. The Appellant requires day light in order to manage depression.

With regard to the effect on the neighbouring properties there is no detrimental effect on neighbouring properties, no overshadowing or overlooking as this property is over one ground floor and is detached.

In terms of Policy 16 (h) *“Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.”*

The rooflights were installed to provide sunlight into the property. The Appellant suffers from health issues. Prior to the installation of the rooflights the property was extremely dark internally with no direct light. The lack of daylight was having a negative impact on the Appellant’s health.

Policy 7 (Historic Assets and Places) of the NPF4 is of relevance on the basis that the Application property is located within the Albyn Place and Rubislaw Conservation Area. It

seeks to protect and enhance historic environment assets and places and enable positive change as a catalyst for the regeneration of places. Subsection (d) of Policy 7 advises that *“Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant consideration includes the architectural and historic character of the area; existing density, building form and layout; and context, siting, quality of design and suitable materials.”*

The instalment of the rooflights was carried out using the highest quality of materials available on the market and the designed to enhance the character of the building, taking into account other windows in the area (a mixture of buildings from various years, including a modern apartment building that sports glass balconies).

The renovations were done with a view to primarily (i) energy efficiency and, (ii) character enhancement. A reputable, local and specialist architect with a high standard portfolio was selected to carefully design these works and together with highest standard, experienced and recommended installers.

The installers also referred to the LDP and the SG and ensured that were not installed in a way that would breach any local planning policies.

Under policy 14 (Design, Quality and Place) of NPF4, high quality design is sought for development proposals with a view to improving the overall quality of an area and this aligns with Policy D1 (Quality Placemaking by Design) of the ALDP which seeks to ensure high standards of design for development proposals, with a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Policy D1 of the ALDP accepts that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. The rooflights were installed having high regard to good design and detail and the Appellant affirms that they add to the attractiveness of the surrounding environment.

Aberdeen Local Development Plan (“ALDP”)

Policy D1 (Quality Placemaking by Design) – The relevant section of this policy is as follows *“All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”*

The rooflights have been designed by a reputable local and specialist architect with a high standard portfolio. The rooflights chosen are conservation style rooflights and have been installed with the highest quality of materials available on the market by high quality, reputable local installers, evidence of which can be provided.

Policy D2 (Amenity) under the ADLP is of particular relevance, with it giving greater focus on the importance of delivering an appropriate and acceptable level of amenity. It states that *“amenity has an influence on the quality of life of individuals and communities. Poor amenity can have a detrimental impact on health and wellbeing. Buildings must be fit for purpose and meet the needs of users and occupiers. “*

Policy D2 seeks to ensure an acceptable level of amenity is provided for all development and provides a detailed list of criteria to be applied including: making the most of any opportunities offered by the site to optimise views and sunlight through the appropriate

siting, layout and orientation; ensuring that the occupiers are afforded adequate levels of amenity in relation to the daylight and sunlight. As explained previously, the rooflights were installed to provide maximum sunlight as prior to the installation of the rooflights the property was extremely dark with no direct light. The lack of daylight was having a negative impact on the Appellant's health.

Policy D4 ADLP and D6 of PADLP (Historic Environment) seeks to ensure that new development in conservation areas preserves and enhances the character and appearance of the area. The building has been preserved in its original shape, size and area. There is no extension, no demolition, no change to the garden or any nature, and no change to the structure of the walls.

Again the Appellant ensured that planning policy was adhered to, and they ensured that they installed "conservation" style rooflights and they have offered to add window bars in order to further ensure compliance. The Appellant also considered they used quality materials for the roofslope and rooflights and ensured they were fitted to the correct standard. At all stages of planning and installation they sought to preserve and enhance the character and appearance of the area.

Taking all of the above into account it is considered that the works are acceptable in terms of the level of amenity being delivered as a result of the alterations which in themselves are high quality in terms of design, finish, material and detailing. The works have no adverse impact on its special character or setting or on the character of the conservation area within which it lies. The works comply with policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) of the ALDP and the relevant SG and is acceptable when considered against Historic Environment Policy for Scotland and the relevant Managing Change in the Historic Environment guidance.

The planning officer has not suggested any remedies nor engaged meaningfully to reach a suitable resolution for the parties. Should the Appellant have to remove the rooflights, the impact on the character of the conservation area, the visual appearance and amenity will be much greater. The roofslope will require patch work and there is a strong likelihood that the patch work will be evident and appear cluttered. Such work may also cause damage to the roof.

CONCLUSION

Taking all of the above into account it is considered and maintained that the rooflights are acceptable. The level of amenity being delivered as a result of the alterations, which in themselves are of a suitably high quality in terms of design, finish, material and detailing, is high. The proposal has no adverse impact on the special character or setting of the building, or on the character of the conservation area within which it lies. The proposal would comply with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment) of the ALDP and the relevant SG. It is acceptable when considered against Historic Environment Policy for Scotland and the relevant Managing Change in the Historic Environment guidance.

The Application, that is now the subject of this appeal was prepared and submitted in accordance with the Town and Country Planning (Scotland) Act 1997, as amended by the

Planning etc (Scotland) Acts 2006 and 2019 and complies with all known and relevant requirements.

S25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Acts 2006 and 2019 require that where, in making any determination under the planning acts, regard is to be given to the Development Plan. The determination is, unless material considerations indicate otherwise, to be made in accordance with that plan. There is no guidance on the restriction in the size or location of rooflights in any of the policy materials and therefore the decision is purely subjective.

The Application is in accordance with the Development Plan and, other than the planning officer's subjective view of the design, there are not considered to be any material considerations of sufficient weight that would justify refusal of planning permission.

In the case of this Application, it is therefore submitted that the consideration of the relevant Development Plan policies and the relevant material considerations support approval of the proposal, for the reasons set out above in this statement.

Ledingham Chalmers LLP

Agents for the Appellant

22 May 2023

Inventory

Picture 1



Picture taken from east of property, which illustrates the surroundings

Picture 2



Picture taken from junction of Margaret Street and Thistle Lane.



Picture 3

This is the Nuart mural which has appeared today in the carpark near to 4 Thistle Lane. Doing things like this in the City are nice, and the Appellant is not against it. However, this does not exactly conform with the “preserving the original character of the neighbourhood”.

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