

Our Ref: RMcG/C058/Planning
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NOTICE OF REVIEW – SUPPORTING DOCUMENT

Application Ref No.: 221357/DPP

Applicant: Cito Cimo Commercial Ltd.

Proposal: Change of use from offices to form residential flat including installation of replacement windows and doors; installation of roof lights and formation of patio doors from window opening with associated works

Address: 166 Great Western Road, Aberdeen, AB10 6QE

INTRODUCTION

The applicant, Cito Cimo Commercial Ltd., has requested a review of the decision to refuse planning permission for the above application. They had been encouraged and excited by the response received following the pre-application enquiry, and they were confident that full planning permission would be approved. The only issues highlighted in the response that required additional information at the application stage were bin and cycle storage. The conclusion being that:

“the proposed flat could deliver an acceptable level of residential amenity, and it is therefore likely that such a change of use could thus be supported.” (Pre-Application Response, Page 3)

It is understood that the level of amenity was the main factor in the refusal, despite there being no material change to the proposals between the enquiry and the full application. The aspects described as reasons for the refusal were previously acknowledged in the pre-application response, so they were already known, and Development Management did not raise any concerns at the time.

It is also understood that the decision was not straightforward, in that there was cause for discussions between Planners. Therefore, it seems clear that there is a case for a review.

DECISION NOTICE / POLICIES

The reasons for the refusal of planning permission are described in the Decision Notice. Those reasons have been broken down into sections below, along with comments on them.

The first part is:

“The proposed change of use of the existing single storey rear office extension to a residential flat is considered not to provide an acceptable level of residential amenity due to its single-aspect nature resulting in a limited outlook from the building, and limited levels of direct sunlight receipt into the dwelling.” (Decision Notice, Page 2)

Single-Aspect

The pre-application response states:

“In this case, the application site was previously used as offices and, as it is located to the rear of the building, does not have a public or active frontage onto the street.”
(Pre-Application Response, Page 2)

From the above comments, the single-aspect nature of the proposal was known during the pre-application stage. Therefore, because it was already clear, it is difficult to accept that the same point was then used as a reason to refuse planning permission. Nothing had changed.

The pre-application response went on to state:

“It would therefore not have any windows facing out onto the street. However, there would be large full height windows in the rear (north) elevation serving two bedrooms and an open plan living/dining/kitchen area. In addition, from the location plan it would appear that there would be access to a private rear garden. A number of rooflights are also proposed.”
(Pre-Application Response, Page 2)

Again, the proposal was clear at the pre-application stage, as the advice acknowledged that there would not be windows facing onto the street, and that there would be large full-height windows to the rear.

Limited Outlook from the Building

With regards to comments in the Decision Notice on limited outlook from the building – the private outdoor space to the rear of the building has a large area of 164m². The large full-height windows and French doors to the rear of the proposed flat would provide a direct outlook and access to the outdoor space. It is considered that this would be a positive and desirable aspect, and one that many other residential flats do not benefit from. Landscaping would also improve the quality of the outdoor space and would provide an outdoor seating area.

Air-Conditioning Units

Also, with regards to the private outdoor space, there are currently air-conditioning units used by the office accommodation. During the Neighbour Consultation period of the planning application, a neighbouring resident commented to request that the air-conditioning units be moved due to noise disturbance at night. If the proposal was granted planning permission, the units would be removed, which would remove the disturbance.

Direct Sunlight

Whilst direct sunlight may be limited at certain times of the year, there would be sufficient levels of daylight provided by the large full-height windows, French doors and several rooflights. It could be accepted by the applicant that the tree in the outdoor space may require trimming and regular maintenance, as part of landscaping works, to ensure daylight levels are not adversely affected.

Site Context / Access

The Decision Notice also states:

“It is considered that the proposed conversion would not respond well to the site context due to its position to the rear of the main building and public street, resulting in a property that would not have a public face to the street and would be accessed through a narrow lane to the side of the existing building.” (Decision Notice, Page 2)

Again, the position to the rear of the main building and public street was clear at the pre-application stage and was accepted in the pre-application response. The proposed access via the lane/path at the side of the existing building is already used as the access route for residential flat No. 168. Therefore, in the proposals, it would be shared with that flat. If planning permission is not granted on the basis of the proposals, it is likely that the existing office accommodation to the rear would be accessed via the existing door from the lane. It would be less desirable and private for No. 168 to share the lane with an office rather than a residential flat due to a clash of different uses.

Improved security lighting would be provided to the lane as part of the development, and CCTV could also be provided for increased security. New paving would also be laid to improve accessibility and attractiveness.

The Decision Notice goes on to state:

“This would be contrary to the established pattern of development, which consists of buildings fronting onto Great Western Road and neighbouring roads with a private face to the rear.”
(Decision Notice, Page 2)

Whilst it is accepted that there is an established pattern of properties fronting onto Great Western Road, and neighbouring roads, there are nearby examples of properties that do not front onto a street (1 and 2 Claremont Mews). However, again, it was clear at the pre-application stage that the property would not front onto a street, and it was considered that it could deliver an acceptable level of residential amenity.

Policy D1 – Six Qualities of Successful Placemaking

The Decision Notice states:

“As such, the proposal is considered not to sufficiently address the six qualities of successful placemaking, or the six qualities of successful places.” (Decision Notice, Page 2)

The following relevant policies stated in the Decision Notice have been considered in detail:

Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan

Policy D1 (Quality Placemaking) of the 2020 Proposed Aberdeen Local Development Plan

The six qualities are listed below, along with points that are relevant to what the proposals would provide:

1) Distinctive

- Given that the proposal is for the conversion of an existing building, there is limited scope to design in line with the points listed in the policy guidance under ‘Distinctive’.

2) Welcoming

- Signage would be added to, or around, the access gate to make the entrance obvious.
- New lighting would improve the appearance of the lane.
- New paving would improve the appearance of the lane.

3) Safe and Pleasant

- Existing air-conditioning units would be removed from the rear of the property. That would remove the noise disturbance for neighbouring properties.
- New automatic safety lighting in the lane would improve safety.
- CCTV could be installed in the lane to further improve safety.
- The lane would be for the private use of the new flat and No. 168. Nobody would enter the lane to access office accommodation.

4) Easy to get to / move around

- There are nearby bus stops on both sides of the road, as well as walking and cycling routes.
- A large existing hardstanding to the front of the building would distance pedestrians accessing the property from the road.
- A toucan crossing is directly adjacent to the hardstanding.
- A bench could be added to the hardstanding if required for pedestrians.
- The proposals include cycle storage in the hallway of the property, there is also a private shed in the outdoor space to the rear.

5) Adaptable

- The existing building currently has an open-plan layout. With new non-loadbearing internal partitions, the layout could be adapted easily in the future for a range of uses.

6) Resource Efficient

- The proposal reuses an existing building.
- The close proximity to bus stops and cycle routes promotes journeys by sustainable transport.
- The existing flat roof would be re-laid, and it could also be adapted into a green roof.
- The walls and roof of the building would be insulated to a higher standard than existing.
- Bins would be stored in the lane next to the bins for No. 168 without causing any obstruction.

Policy D2 – Amenity

Another policy stated in the Decision Notice was Policy D2 (Amenity) of the 2020 Proposed Aberdeen Local Development Plan. The list of principles has been considered, and points relevant to what the proposals would provide are:

- Landscaping to the rear outdoor space would provide pleasant views from the rear windows/doors of the proposed residential flat.
- Sunlight/Daylight would be optimised via full-height windows, French doors, and rooflights.
- Whilst no natural surveillance would be possible to the front of the building, CCTV could provide alternative surveillance at the front of the building and in the lane.
- Bins would be stored in the private lane next to the bins for No. 168.
- External lighting would be improved in the lane, and light spillage into adjoining areas and the sky would be minimized.
- Occupiers would be afforded adequate levels of privacy. The private outdoor space would not be overlooked, nor would the windows and doors to the rear.
- At 94m², the internal floor space would be generous for a two-bedroom residential flat.
- At 164m², the enclosed private outdoor space would be generous for a two-bedroom residential flat, and would provide a sense of safety.
- A landscaping and maintenance policy would ensure that the tree would not overly impact the flat due to shading.

Policy 14 – Design, Quality and Place

The final policy stated in the Decision Notice was Policy 14 (Design, Quality and Place) of the draft NPF4. The list of principles is similar to those stated in Policy D2 – therefore, the above points also cover Policy 14.

CONCLUSION

It is confusing and frustrating for the applicant that the pre-application response was so positive towards a potential full application but, despite no material changes, it was ultimately refused. As stated, the aspects raised as reasons for the refusal were points that were known at the pre-application stage, but they were not raised as issues at the time.

The points made in this document provide positive support for the proposals, and it is hoped that a review will result in planning permission being granted – even if some of the points could result in conditions being added. It is the applicant's aim to provide the most attractive residential accommodation possible. Therefore, they are happy to do whatever is necessary to ensure that the proposals are considered acceptable.