



## Strategic Place Planning

Report of Handling by Development Management Manager

<b>Site Address:</b>	Spademill Studio, Spademill Lane, Aberdeen AB15 4EZ
<b>Application Description:</b>	Erection of dwellinghouse with garage, rear boundary wall and associated landscaping
<b>Application Ref:</b>	230759/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	22 June 2023
<b>Applicant:</b>	Diamond Property Developments
<b>Ward:</b>	Hazlehead/Queen's Cross/Countesswells
<b>Community Council:</b>	Queen's Cross and Harlaw

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The site extending to approximately 489m<sup>2</sup> sits on the southern side of Spademill Lane, approximately 60m east of its junction with Bayview Road and currently accommodates a late 20<sup>th</sup> Century two storey office building with a footprint of approximately 101m<sup>2</sup>. The building is currently occupied by a commercial business, Tailored Training Services, with the agent advising that this is on a temporary basis. The existing 'L' shaped building, with a lean-to conservatory, sits to the north east of the site, abutting the lane and the eastern boundary. The remainder of the site is laid with hardstanding used for car parking. There are five trees within the site and a number of trees that stand to the east and south, that are outwith the application site boundary.

The site itself is relatively flat, but as you approach the lane it slopes upwards by approximately 0.5m with the floor level of the existing building sitting below the lane. The lane itself has a noticeable variation in its levels, with a level difference of approximately 10m over the entire length of the lane as you go from east to west. The level difference is more apparent around the application site with a difference of approximately 5m between 70 Queen's Road and 80 Queen's Road.

The building is not listed, but does sit within the Albyn Place/Rubislaw Conservation Area. The site is bounded to the west by the car park and gardens associated with the residential flats at 80 Queen's Road and to the east by car park and amenity ground associated with the residential flats and houses at 72-76 Queen's Road. To the south, beyond the existing hedging, sits 78 Queen's Road, a category C listed, two and a half storey, traditional granite building with a rear garden area and substantial front curtilage, which has recently been excavated and levelled. 78 Queen's Road had been the original feu before it was split as a separate entity and has gained planning permission and listed building consent for a change of use from an office to form three residential flatted dwellings. Due to the topography of the sites, 78 Queen's Road sits approximately 1m lower than that of the application site.

**Relevant Planning History**

240930/CAC – Conservation area consent for the complete demolition of 2 storey office building – Pending Consideration.

Adjacent site to the south at 78 Queen's Road:

230472/DPP – Detailed planning permission for a change of use from offices to form 3 residential units including alterations to windows; formation of entrance door from window opening; door replacement; installation of window and patio doors, boiler flues, pipes and external lights; replacement of railings with associated car parking and amenity space – Approved, 19.12.2023.

230471/LBC – Listed building consent for internal and external alterations to office building to form 3 residential units including alterations to windows; formation of entrance door from window opening; door replacement; installation of window and patio doors, boiler flues, pipes and external lights; replacement of railings with associated car parking and amenity space – Approved, 11 January 2024.

**APPLICATION DESCRIPTION****Description of Proposal**

Planning permission is sought for the erection of a dwellinghouse and associated landscaping. This development would involve the demolition of the existing building, but as this is an unlisted building in the conservation area, such development would require the approval of conservation area consent.

The proposed dwelling would sit to the north of the site and abut Spademill Lane, across the full width of that boundary. The dwelling would be two storeys in height, with asymmetric pitched roof arranged across the lane frontage and with a single storey rear extension which would terminate approximately 1.2m from the rear boundary of the site.

In terms the dwellings height, there are some inaccuracies based on the written dimensions and those measurements scaled from the submitted drawings. In these cases it is more appropriate to advise of the heights based on the written dimensions. The height of the two storey part of the dwelling, when viewed from the lane, would vary due to the topography of the lane, which as mentioned above slopes upwards from east to west, with a proposed height of between 7.4m on the western side and 8m on the eastern side.

The dwellings width would be 16.3m and its depth would sit at 8.2m (ground floor level) and 7.9m (first floor level), with the first-floor level is stepped in by 300mm. The single storey part would encompass approximately a third of the rear curtilage, measuring 6.2m in width, sitting adjacent the eastern boundary and would run from the rear elevation of the two storey element to with 1.2m of the rear site boundary, at a depth of 18.7m, resulting in a total depth of the proposed dwelling of 27.2m. The resulting footprint would be 254m<sup>2</sup>, but the total floor area of the proposed dwelling would be 385m<sup>2</sup>.

The proposed site sections show the site as being relatively flat, but as you approach the lane there are steps and a ramp which provide access from the garage and the pend, respectively.

The ground floor would accommodate a pend style access from the lane and a double garage, both of which lead to a covered walkway providing access to the dwelling's entrance and rear curtilage. Internally the proposed ground floor of the dwelling is to have a hallway, utility, plant, boot and shower rooms, three bedrooms (two with ensuite and a master with ensuite, walk-in wardrobe and sauna). The first floor comprises a living room space with a separate open plan kitchen and dining room with a further bedroom/study and a WC. A covered terrace with glazed balustrade is to run along approximately 2/3 of the length of the first floor on the south elevation.

A total of four window openings are proposed on the north elevation onto Spademill Lane, two at the first floor level and two at the ground floor level and proposed is a sliding timber screen garage door covering both the garage and the pend entrance. No openings are proposed on either side elevations. Given the internal layout, the entrance is proposed to be on the south elevation and the main living space arranged to face south, the south elevation would appear to be the main elevation, accommodating glazed openings at first floor level, along with the aforementioned covered terrace overlooking the single storey extension and 78 Queen's Road beyond. Openings would be located on the west elevation of the single storey element, which would overlook the courtyard garden and a number of rooflights are proposed which would be located towards the eastern boundary. The garden area proposed would extend to 194m<sup>2</sup> and along the southern boundary, the applicant intends to provide additional planting and a new boundary wall sitting at a height of 1.8m.

Proposed materials for the two storey dwelling include natural slate to the roof, unpainted vertical narrow board cladding to the upper level and random granite walls, while to the single storey part, it is proposed to have a green sedum roof and black textured rendered wall. Throughout there would be dark grey aluminium windows.

### **Amendments**

Amended plans have been submitted by the applicant which include the following changes:

- The length of the rear single storey extension has been reduced by 1.2m;
- The covered walkway to the rear has been removed;
- Changes to the rear wall, which would now sit at 1.8m in height;
- New window openings have been introduced onto the lane;
- The upper floor has been stepped in; and
- Additional planting is proposed in the garden.

These changes are not in line with the requests made by the Planning Service nor do they address the concerns previously highlighted in correspondences.

### **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=RWN7GDBZKQQ00>

- Design Statement
- Heritage Statement
- Planning Review
- Bat Survey
- Tree Survey

### **CONSULTATIONS**

**ACC - Environmental Health** – has no objection to the application. However, the Service does note that should a domestic stove be installed, it would have the potential for smoke/fume emission to impact upon neighbouring properties. As such, the Service has requested that an advisory relating to that be attached should the application be approved.

**ACC - Roads Development Management Team** – has no objections to this proposal.

**ACC - Waste and Recycling** – has no objections to this proposal.

**Queen's Cross and Harlaw Community Council** – no comments 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.

Where a proposal affects a listed building or its setting, section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and 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**

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 6 (Forestry, Woodland and Trees)
- 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 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)
- Policy 24 (Digital Infrastructure)

#### **Aberdeen Local Development Plan 2023**

- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy H1 (Residential Areas)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

- Policy CI1 (Digital Infrastructure)

### **Aberdeen Planning Guidance**

- Development Along Lanes
- Sub-division and Redevelopment of Residential Curtilages
- Transport and Accessibility
- Open Space and Green Infrastructure

### **Other National Policy and Guidance**

- Historic Environment Policy for Scotland
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance: Setting

### **Other Material Considerations**

- Albyn Place and Rubislaw Conservation Area Character Appraisal

## **EVALUATION**

### **Key Determining Issues**

The key determining issues against which a proposal will be assessed relate to the scale, design and form of the proposed dwelling, the potential impact on the character of conservation area and on the setting of the adjacent listed building. In relation to any impact on the conservation area and listed building, there is a statutory duty placed on planning authorities to have special regard to the desirability of ensuring that both are either preserved or enhanced by any proposed development.

These matters will be considered in full detail below, however, the principle of development will be assessed first and this addressed in the subsequent section.

It is however worth noting that at section 3.1 of the Planning Review document submitted in support of the application, it is stated that "*National Planning Framework 4 (NPF4) has also been mentioned. NPF4 though is a strategic policy document which does not offer any real detail on how development should take place. That is the role of the LDP*". This is not the case, NPF4 forms part of the Development Plan along with the Aberdeen Local Development Plan 2023 (ALDP) and is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It sets out thirty-one policies that cover a host of topics that planning authorities are required to consider when assessing any planning application and while not all policies with NPF4 will be relevant to each and every proposal, the purpose of the policy document is clear in that it seeks to create a more successful country with opportunities for all of Scotland to flourish through increased wellbeing, and sustainable and inclusive economic growth.

### **Principle of development and residential use**

Many of the properties along Queen's Road are in commercial/business use, however the area is zoned as residential and thus the assessment of the principle of development would fall under Policy H1 (Residential Areas) of the ALDP. There are three criteria that require to be satisfied in order for residential development to be acceptable and these are that: 1) the development cannot constitute over development, 2) cannot have an adverse impact on residential amenity and the character and amenity of the surrounding area, and 3) cannot result in the loss of open space. Criteria 1) and 2) are discussed in detail below, however, in respect to criteria 3) as this is a private curtilage, there would be no loss of open space as a result of this development.

The agent has made reference to and considers the proposal complies with Policy 16 (Quality Homes) section (c) of NPF4, which states that proposals for new homes that improve affordability

and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. Specific reference has been made to part i. of that policy which identifies self-provided homes'. However, this needs to be read in the context within which it is written in Policy 16; that "*Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported*". The policy continues by listing eight types of home that this could include. No other justification has been given as to why the proposal meets Policy 16. The intent of this national policy 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. However, again no actual evidence has been provided to justify why this proposal accords with this policy.

It is recognised that in most cases, the Planning Service, in principle, can be supportive of the redevelopment of these sites for residential uses, with Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 advising under section a) that proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land, whether permanent or temporary, will be supported. However, under section d) of the same policy, it is advised that the re-use of the existing building will be supported and demolition will be regarded as the least preferred option given the need to conserve embodied energy. Further to this, Policy 12 (Zero Waste) of NPF4 advises that new development should minimise demolition. In this case, the matter of demolition is not a consideration to be assessed under this application, this is due to the fact that the building falls within the conservation area boundary, but is not listed. Therefore, assessment of the demolition requires to be undertaken via a separate conservation area consent (CAC) application and against the relevant policies of the Development Plan. The CAC application, 240930/CAC, has been submitted and at the time of writing is pending consideration. Nevertheless, this application for the dwellinghouse can still be assessed without that application being determined. However, the applicant requires both consents to be in place for the development to be implemented.

To assess this proposal, careful consideration must be given to the layout, siting and design of the development as well as its impact on Spademill Lane, the setting of the neighbouring listed building and the character and setting of the wider Albyn Place / Rubislaw Conservation Area, as well as consideration to any potential impact on existing and proposed residential amenity of the surrounding area. These fundamental criteria for high quality development will be considered in full below with a full assessment given in regard to the following, Policy 7 (Historic Assets and Places), Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of NPF4, Policy H1 (Residential Areas), Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) and Policy D6 (Historic Environment) of the ALDP, the Development Along Lanes Aberdeen Planning Guidance (APG), Historic Environment Policy for Scotland and the Historic Environment Scotland Managing Change Guidance on Setting.

In respect to the Development Along Lanes APG, it advises that lanes have always been part of the urban development of Aberdeen as a necessary means of servicing a larger planned network and their use can be traced back to medieval times. Historically, the grandest of properties would have the lane at the rear of the feu edged with a mews building, being two storey and accommodating carriages, horses, general storage and sometimes with living accommodation above. Today there are remnants of mews buildings along lanes in Aberdeen including Bon Accord Crescent Lane, Albyn Lane and Queens Lane North and South, however many have been lost. Mews buildings today, either as a reworked existing, or new buildings, remain as an appropriate form of small scale development both within historic areas, in that they offer the opportunity to have an attractive home close to amenities and whose form, of relatively small scale living, gives an attractive contrast and diversity of dwelling types within the surrounding historic areas. The APG was approved by the Planning and Development Management Committee to encourage new mews forms of development in certain sensitive historic locations, where

opportunity arises. The guidance is based on historic precedent and is to promote small scale development and small scale living that meets specific design-led criteria to preserve and enhance the characteristics of their locations with high quality context sensitive new design. In order to share considerations of key criteria the APG provides a 'design checklist' of factors to guide development and these are important considerations when assessing this application.

### **Over development**

In considering 'over development', neither the Policy H1 of the ALDP nor the Development Along Lanes APG outlines calculations of what is an acceptable level of development, however, point a. of the APG does advise us to look at historic context of the site, with reference to the footprint, orientation, walls, entrances and any other features, as well as any previous building footprint and it is these which should be used to inform future development. The Sub-division and Redevelopment of Residential Curtilages APG does however provide some guidance in these cases, with the document stating that it can be used on proposals for the construction of dwellings on greenfield and brownfield sites that are not currently in residential use. This APG states that as a general guide, no more than a third (33%) of the total site area for each individual curtilage should be built upon, but consideration also needs to be given to the existing and proposed site context, as well as the surrounding area.

Looking first at the sites context, the earliest visual representation of this site dates from the early 1900's, with the proposed site shown as part of the wider curtilage of 78 Queen's Road, as would have been the historic context. In the 1900's maps and the subsequent maps up to the 1960's, a building abutting the lane is visible, but this is small in scale, which extends approximately half the width of the feu, with a depth of only a few metres, approximately 8m by 5m and likely to be an ancillary wash house and shed to the original dwelling at 78 Queen's Road. At a later date, the site was sub-divided, which is likely to have taken place in the 1980's with the a building which is still present on the site being constructed around the same time. Appreciating that this building it is larger than what was historically present on the site in the early to mid-1900's, it is still deemed to be small in scale with a footprint of approximately 101m<sup>2</sup>. In terms of the surrounding area, while there are other developments that abut the lane, the majority of these are small scale, either being ancillary garage buildings associated with residential properties, dwellings or office buildings. Additionally, the pattern of development here is for generally single storey buildings with narrow frontages that do not cover the entire width of the feu but rather extending into the site.

In terms of levels of development, the existing building represents a level of development of only 21% of the site, with the remainder left as hardstanding for carparking associated with the existing use. What has been proposed under this application is a significantly larger development with a footprint of 254m<sup>2</sup>, which based on the size of the site, represents an increase of 31%, with the level of development that would sit at 52% of the site. This is a substantial increase in respect of the development on site, which based on the Sub-division and Redevelopment of Residential Curtilages APG, is well in excess of the 33% that would generally be permitted. Furthermore, based on the surrounding context this development would be significantly larger than any other in the surrounding area, taking up the entire width of the feu, but also extending the majority of the sites depth. As highlighted above, this has not happened anywhere else along the extent of this lane and generally the development along the lane, would be considered as small scale.

Additionally, footprint of 78 Queen's Road is 242m<sup>2</sup>, with a proposed footprint of 254m<sup>2</sup>, therefore the proposed mews development would be of a similar size as the original building.

In light of the above, the level of development that has been proposed in this case is not acceptable and it is deemed that no consideration has been given to the current building's footprint, any historical development, the main and original building at 78 Queen's Road or indeed the wider context of development along the lane and thus demonstrates a lack of compliance with

Policy H1, as well as the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG's.

Other factors also need to be considered with this proposal, in particular, the form, scale, massing and overall design of the proposed dwelling. Such matters will be addressed in the following section.

### **Siting, layout and design**

Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP seek to ensure pleasant high quality successful places, while Policy D5 (Landscape Design) of the ALDP seeks to ensure a sense of place is maintained and enhanced.

In providing a foundation for assessment on siting, layout and design, the Development Along Lanes APG was written to promote mews-type development along principally lanes in conservation areas, the APG 'design checklist' sets out a number of factors that need to be considered, these are noted below.

- b. Form a strong boundary to the edge of the lane to maintain the sense of enclosure and define the curtilage.
- c. Have regard to solar orientation to design-in and maximise passive solar gain.
- h. Be built across the entire feu width, or most of the feu width to maintain the sense of enclosure of the lane.
- i. Be no more than two domestic storey's in height and be equal to or less than 5.6 metres to the ridge line of the roof from the ground floor level in order to maintain a traditional domestic height and scale. The guidance on height is to maintain a height proportionate to the historic characteristics of a lane to preserve and enhance the sense of place.
- j. Be no deeper than 7 metres in order to maintain a relatively narrow footprint in keeping with a traditional mews

In respect to point b. and h., as with the existing building, the proposed development maintains a strong boundary with the lane and as it is proposed to be built across the full width of the feu, there is a definitive sense of enclosure and a defined curtilage, reinforcing a key characteristic of an historic lane. However, this is not a key characteristic of this lane as previously highlighted. The proposed orientation and layout of the proposed development does allow for maximum solar gain, due to the living accommodation being located on the upper floor and being south facing, thus meeting point c. above.

In terms of point j. the depth of the two storey part of the dwelling is proposed to be 8.2m, despite what has been advised at section 3.4 of the Planning Review document, these measurement do not meet the requirements of the APG, exceeding a limit of 7m depth by 1.2m which is 17% more than stipulated in the APG. However, the above does not take into account the development that runs along the eastern boundary which results in an overall depth of 27.2m, which reflects an increase of 288% above the APG requirements. While the depth of the single storey element was reduced by 1.2m from that of the initial drawings, this is not sufficient to address the concerns previously raised and only represents an overall reduction of approximately 4%. The APG was written to encourage new building forms and footprints that respected their historic context and therefore would provide a volume of development in a form that is appropriate in scale, in distance and in building detail to its context. These measurements do reflect the guidance within the APG and do not represent a narrow footprint which is reflective of a traditional mews dwelling which by their nature are small in scale relative to the primary building within the original feu, which in this case is the building at 78 Queen's Road. In addition, as is described in the APG, lanes have certain key characteristics and a sense of place derived in part from the human scale of development that forms their boundaries, which would not be the case with this proposal.



The applicant has provided some justification to support this proposal within the submitted Planning Review, which states that Spademill Lane is not a typical mews lane, in that it tends to feel slightly wider than other city lanes and with many more rear lane buildings fronting onto it. When looking at the lane, the fact that it may feel wider is not relevant, upon undertaking an assessment of the lanes in the surrounding area, including Queen's Lane South, Queen's Lane North, Albyn Lane and Union Grove Lane, their widths are approximately 5.75m, 3.64m, 4.92m and 5.34m, respectively. Therefore, Spademill Lane sitting at approximately 5m wide is similar to lanes that can be found in the West End of Aberdeen, as such the applicants justification is not accepted. It is accepted that other forms of development have occurred along the lane, some of them at a time when design and placemaking quality had a lesser policy position than it does today resulting in the loss of historic feu walls, diminishing the original scale of historic development, not protecting or enhancing the conservation area by regarding all development within feus other than the frontage to the main property, etc. The site is bounded by retained and new feu walls, historic properties and retains the 'sense of place' of a lane.

The agent has also carried out a review of the lane, which indicated that an average depth of the buildings along the length of the lane to be around 12m. However, this takes into account all developments along the lane, including garages and dwellings, not just those that are typical mews or mews style developments. If looking at these types of developments alone, there appears to be only three on the south side of the lane that correspond with what could be deemed to be a mews development, these are located at 68 and 52 Spademill Lane and to the rear of 46 Queens Road, which is located to the east side of the lane, close to its junction with Spademill Road. These properties correspond with E, M and P on the submitted Planning Review. Based on the information provided, the depths of these buildings are 14.6m, 7m and 15m, however, from information available on the Council's own GIS system, the depths of these properties are 13m, 7m and 14m, respectively. It is accepted that two of these properties exceeds the aforementioned guidance, but it is also needs to be noted that these are wholly different contexts and developments, which were approved and constructed long before the APG (and its previous version as a Technical Advice Note) being brought into effect.

68 Spademill Lane is a single storey property, with a width across the feu of approximately 6m, and while at a depth of 14.6m it does exceed the 7m requirement in terms of its depth, its scale is such that it does not detract from the street scene, especially when moving east to west along the lane. The property to the rear of 46 Queen's Road, is different again, in that it is a two storey office development, which does have a depth in excess of the advised 7m. However, this again does not detract from the lane due to the fact that does not enclose the entire width of the feu. In addition, it was granted consent in 2012 and constructed shortly thereafter, as such, the proposal was not assessed against current guidance, therefore, its existence bears no relevance to this proposed development.

The applicant further advises in the Planning Review document that the main two storey element would be approximately 7m in depth, with this being the only visible part of the development. However, as mentioned, the depth of the two storey part measures 8.2m at ground-floor level, which exceeds the requirements of the APG and while it is stated that the single storey part would not be visible, this is not the case. When approaching the site from the east, the single storey element would sit approximately 1.2m above the height of the boundary wall and therefore be clearly visible from Spademill Lane, this is regardless if any existing vegetation that is within the adjacent property's site. At an overall depth in excess of 27m the proposed building is not in accordance with the APG, nor the spirit of the guidance. This measurement is far beyond any average set out in the supporting statement and demonstrably does not align the APG, which seeks small-scale narrow developments which are typical mews developments that respect the site on which they sit as well as the surrounding area.

Given the above, the Planning Service, despite numerous requests to reduce the scale and depth of the building to be something more context specific, harmonious and respectful to the site, are unable to support the scale of development proposed because of its significant depth that far exceeds the guidance in the APG and which cannot and has not been justified in this site.

In respect to point i. while the proposed is no more than two storeys in height, its overall height to the ridge sits at 6.8m and nearing 7.6m when viewed from the lowest part of the lane, with the height from ground floor level being 7.5m. It is the agent's opinion that a 5.6m to ridge height is an unrealistic figure to aim for, but the Planning Service contests this and would suggest that this is only unrealistic due to the nature and design of the development that is proposed. These heights have been achieved in mews developments approved on other lanes around the city and if altered to suit the surrounding context then a building with a height of 5.6m, or thereby, could be achieved with no impact on place or the appreciable volume along Spademill Lane. Despite what has been stated at section 3.4 of the Planning Review statement, the height of the proposed dwelling exceeds the 5.6m criteria by 1.9m, 34% higher than what is stated in the APG, this is not a minor increase and reflects an obvious and clear conflict with the APG.

The proposed height is also exacerbated by the topography of the lane, which, as previously advised, rises upwards moving from east to west and due to the increased depth, the development would be more apparent and overly dominant in the streetscape, to the detriment of the scale and 'sense of place' along the lane.

Turning to the proposed design, the APG advises that the contemporary designs, which this is, are welcomed and there is no disputing that, however, it also advises that the development should;

- k. Have a ground floor public elevation with a robust appearance, with appropriate materials, to reinforce the sense of enclosure of a lane with a defensible edge to the property.
- r. Have an upper floor of a stepped or canted form to reduce any potential over-bearing to the lane and to allow for architectural expression, depending upon the construction materials used.

With respect to r. the APG requires the upper floor to either be stepped or canted to reduce any potential over-bearing to the lane, or indeed for a first floor to be modelled to reduce any massiveness in scale and to encourage the design of living accommodation in roof space areas rather than create the mass of a separate roof void. In this case, the revised plans now show an upper elevation that is stepped in by 300mm, however, this has not helped reduce the massing of the proposal, which is still excessive. This is especially the case when viewing the proposed front elevation from the lane. In one sense the proposal meets design checklist point k. and r. by having a robust appearance, which is contemporary in its design, and an upper elevation that is stepped in, but in this does not help reduce the overbearing nature of the development, which is exacerbated by the volume/mass of the proposal its excessive height and the topography of the lane.

Due to the above, while the Planning Service support high quality context specific design and architecture, the dimensions of the design proposed are not reflective of the scale of the surrounding context, or of a typical mews development and as such it cannot be supported due to its unacceptable massing and overall design and the resultant impact on the appearance and character of the lane.

In respect to the other points in the APG, which are relevant under 'Siting, layout and design' these include;

- f. Respect the built environment context by incorporating existing original boundary walls where they exist and reinstating or reinterpreting them through new development where they have been lost.

I. Have a clearly defined and secure pedestrian access to/through the mews to a private courtyard area.

In terms of point f., as the existing boundary walls are to be maintained and thus there is no impact in respect of this point and with respect to I., what is proposed is clearly defined and provides a secure pedestrian access to a private courtyard area. However, the acceptability of these aspects do not outweigh the over-riding concerns of scale and proportion presented above.

#### *Impact on the historic environment*

Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP seeks to ensure that development protects, preserves and enhances the historic environment, including its historic fabric, whilst also enabling positive change to aid the regeneration of places. The Managing Change guidance on the Setting states that 'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. As highlighted above, there is no issue with a proposal for contemporary architecture, however, the character of both the surrounding conservation area and adjacent listed building at 78 Queen's Road need to be taken into account.

With this site and elsewhere along the lane, with the exception of 72 and 74 Queens Road, there is evidence of a clear and distinct separation between any mews/ancillary buildings and the original building. This is a matter which is highlighted in the Development Along Lanes APG, which states that the form of any new development should allow existing properties to appear as originally built. While it is acknowledged that the site is subdivided, on different levels and the existing building offers no architectural or historic merit, it must be recognised that it has been designed and sited in such a way that it allows the main building at 78 Queen's Road to be the main focal point of the wider site, as required by the APG. Further to this, the Conservation Area Character Appraisal advises that a threat to the area is unsympathetic development that does not reflect or relate to the character of the area. In this instance, the proposed development would result in an unsympathetic over development of the site, with a similar footprint to the building at 78 Queen's Road and has proposed would have inappropriate form, scale and massing, all of which would have a detrimental impact on the setting of the existing listed building and character of the conservation area.

The APG also advises that 'any addition to and beyond the original building envelope must be thoughtfully proposed to enhance the building and the feu as an entity', and it should be small in scale with appropriate form and massing. What is proposed in this case, is a substantially sized two storey dwelling, that incorporates a single storey development which would run along the majority of the eastern boundary sitting just 1.2m from the southern boundary and a new southern boundary wall that would site at 1.8m in height. This results in a new development that would sit uncomfortably close to the original building envelope of 78 Queen's Road, which now has permission for three residential flatted dwellings. Therefore, this proposal would have a detrimental impact on the setting of the listed building and would not meet the requirements of either Policy 7 of NPF4 and Policy D6 of the ALDP, which seek developments that protect, preserve and enhance the historic environment.

In this case, the applicant has given limited consideration to the historic context of this site, which is that it was at one time one feu, or indeed that of the surrounding area. The proposal has been progressed on the basis that it is two separate sites, with no due diligence given to how this proposed development would impact the setting of the existing listed building as has been highlighted above.

#### *Summary*

Overall, the proposal is not acceptable in that it significantly over develops the site to an unacceptable and inappropriate level and should be of a smaller scale as required by the

Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG documents. Furthermore, the proposed layout and design, in terms of its scale, form and massing, is unacceptable and would detract from the character of the wider area, the conservation area in which the site sits as well as the setting of the adjacent listed building, due to its unnecessary closeness.

Therefore, the proposal does not comply with the relevant criteria of Policy H1 (Residential Areas), nor does it achieve successful placemaking, create a positive sense of place or protect and enhance the historic environment as required by Policy 7 (Historic Assets and Places) and Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking), Policy D5 (Landscape Design) and Policy D6 (Historic Environment) of the ALDP. While some elements do comply with the design checklist of the Development Along Lanes APG, overall the proposed dwelling is not appropriate in scale and form for the site and is not reflective of what the APG criteria for developing mews-type dwellings and buildings for opportunity sites within conservation areas. Therefore, the proposal cannot be accepted or supported.

### **Residential amenity and impact on adjacent land uses**

Policy D2 (Amenity) of the ALDP seeks to ensure that new residential developments are provided with an appropriate level of amenity, this is in respect of outlook, sunlight, daylight, privacy and sufficient external space, amongst others. Adjacent land uses must also be considered when new residential development is proposed to ensure that existing levels of amenity are not impacted upon.

Furthermore, the APG advises the following with respect to amenity, the development should;

- g. Not prejudice the amenity or servicing of adjacent property.
- m. Provide an attractive level of external low maintenance hard and soft landscaped amenity space incorporating a drying green / courtyard, both private and communal, to the property and not prejudice, compromise or borrow amenity from neighbouring property.
- n. Be capable of fulfilling necessary daylight and sunlight needs to habitable rooms in accordance with British Research Establishment (BRE) standards.
- s. Provide for natural surveillance across the lane without compromising the privacy of habitable rooms in nearby residential property, and for sight-line analysis to be provided in the any Design and Access Statement.

There are no concerns in respect of this proposal in terms of amenity, given the internal layout of the property, acceptable levels of outlook, sunlight, daylight and privacy would be achieved, thus meeting point n. above.

Turning to the adjacent properties, there is unlikely to be any impact on the properties to the east and west, owing to the fact that the proposed development is located to the north of the site, adjacent existing car parks associated with those buildings, with acceptable window to window distances proposed in excess of 12m. In respect to the existing 78 Queen's Road to the south, owing to its layout and internal configuration of the approved flatted dwellings, there would unlikely be an impact in respect of overlooking with proposed window to window distances of in excess of 12m. There is however likely to an overbearing impact on the north elevation of the rear extension of 78 Queen's Road. This is due to the current development proposal to erect a wall along the southern boundary, which would sit at 1.8m in height. As a result of the different site levels of the application site and that of No. 78, the height of the wall would be increased by approximately 1m to 2.8m, with the rear elevation of No. 78 only sitting 2m from that northern boundary.

Owing to the above, the proposal in part complies with Policy D2, in that the dwelling, if approved, would be provided with sufficient amenity and there would be no impact on the adjacent sites to the east, west. However, there would be an undue amenity impact on 78 Queen's Road to the

south owing to the provision of a new boundary wall. Thus, neither Policy D2 or point g. of the APG can be satisfied at this time.

With regards to external space, what is shown as garden ground is in general insufficient given the substantial size of the site and due to the fact that under the Sub-division and Redevelopment of Residential Curtilages APG, there is a requirement to have two-thirds of the site undeveloped. In this case, just under half of the site would remain undeveloped, which due to the conflict with the APG, results in tension with both Policy D2 and Policy NE2 (Green and Blue Infrastructure) of the ALDP, as well as point m. of the APG. It is noted that further space could have been provided if the size of the proposed dwelling was reduced in size as requested.

In respect of point s. above, an element of natural surveillance would be accommodated over the lane, owing to the provision of openings on the north elevation, however, overall this would be limited due given the internal layout being such that the property faces south rather than north. Despite this concern, it would not be appropriate to refuse this application on this basis alone.

In light of the above and given the overall assessment of the amenity of the proposed development and the potential impact on the neighbouring property to the south, the development has not satisfactorily demonstrated compliance with the relevant criteria of Policy H1 of Policy D2 of the ALDP.

### **Transport, accessibility, parking & servicing**

Policy 13 (Sustainable Transport) of NPF4 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably, echoed by Policy T2 (Sustainable Transport) of the ALDP. Policy 15 (Local Living and 20 Minute Neighbourhoods) meanwhile is in support of development proposals which contribute to local living including, where relevant, 20 minute neighbourhoods, which as outlined in NPF4 provide '*a method of achieving connected and often compact neighbourhoods designed in such a way that people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel methods*'.

In this case, given the relative proximity of the site to the city centre and the resulting access which this then offers to a range of sustainable transport and active travel options, future residents would be well served as far as potential connections for employment, shopping and other amenity opportunities. As such, the proposal complies with Policy 13 and Policy 15 of ALDP and Policy T2 of the ALDP.

The APG requires development to;

- o. Consider the practical supply and servicing of any site including water and sewerage provision as well as bicycle storage.
- q. Be sited off a lane that is adopted by Aberdeen City Council in order that the quality of the urban realm, including street lighting and refuse collection, is of an acceptable standard for accessibility and that the environment is controlled. Proposals along unadopted lanes are therefore unlikely to be supported.

In respect to the parking on site, two spaces are proposed for the dwellinghouse which meets the standards highlighted in the Transport and Accessibility APG. In addition, the site has adequate space for cycle storage and this is acceptable. Furthermore, the proposal would be located off an adopted lane and thus complies with the relevant parts of point o. and of point q. The proposal also complies with Policy T3 (Parking) of the ALDP.

In respect to servicing, as the site is located in urban location, servicing will be achieved via public infrastructure. In terms of waste storage and collection, Policy R5 (Waste Management

Requirements for New Development) of the ALDP and point p. of the APG requires all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposed site has sufficient space for storage of bins and this can be presented to Spademill Lane for collection. The proposal would therefore suitably comply with the requirements of Policy R5 of the ALDP and would not be contrary to the expectations of Policy 12 (Zero Waste) of NPF4, as well as complying with the remaining part of point o. and point p. of the APG.

### **Natural heritage**

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. In respect of biodiversity, areas of garden ground and landscaping are proposed on site where there is currently just hardstanding and in that respect there will be an enhancement of biodiversity. Additionally, a proposed sedum roof is also shown for the roof of the single storey rear extension, which is welcomed, however it is noted that no details of the species/planting/maintenance have been provided at this time. Such information could be requested by condition.

Therefore, while there is a degree of compliance with Policy 3, consideration must also be given to natural heritage, which also falls under the broad heading of biodiversity. In this instance, due to the presence of trees and suitable habitat in the surrounding area, there is the potential of bats to be roosting within the building and given that the applicants is seeking to replace that building with the proposed dwelling, an assessment of the potential impact requires to be undertaken. In this case a Preliminary Roost Assessment was requested by the Planning Service on the 28 July 2023 via Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulation 2013. In July 2024, a Bat Survey was submitted and reviewed by the Council's Environmental Policy team, it has since been advised that the bat survey report is acceptable. No further action is required as no evidence of roosting bats was found. As such, this aspect of the proposal is acceptable when assessed against Policy NE3 (Our Natural Heritage) of the ALDP or Policy 3 (Biodiversity) of NPF4.

Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of the ALDP advise that trees should be protected, with development resulting in the loss of trees not being supported, this includes trees that fall within the site and those on neighbouring sites. Points d. and e. of the APG also seek to ensure that trees within or in close proximity to the site have been assessed via a Tree Survey and that the applicant recognise that trees form a crucial role within new development to provide environmental, practical and aesthetic benefit.

Within the site there are five trees, located beside the existing building, but there are also trees within close proximity to the site, specifically to the east at 76 Queen's Road and to the south at 78 Queen's Road. In order to assess whether there would be an impact on these trees as a result of this development, which is highly likely given the positioning of the proposed building and proximity to the existing trees and their root protection area, a Tree Survey was requested by the Planning Service on the 28 July 2023 via Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulation 2013. In July 2024, a Tree Survey was submitted and reviewed by the Council's Environmental Policy team, it has since been advised that while the survey is not presented in the usual format as per BS5837 2012, and as detailed in the Tree & Woodland APG, due to the small scale of the development, and when read in conjunction with the proposed site plan, the information is broadly acceptable and thus the removal of the existing trees is not deemed to be an issue. However, details of the size of the replacement trees would be required and such information could be requested by condition. In relation to trees T6, T7 & T8, it is noted that these are outwith the site boundary, but within the applicant's ownership, falling within the curtilage of 78 Queen's Road. Should any works be proposed to these an application for Tree Works will be required due to them being located within

the conservation area. Details of regarding the storage of materials relating to this proposal would also be required, to ensure that this is not within the root protection areas of T6, T7, or T8.

Based on the information provided, the proposal is acceptable when assessed against Policy NE5 (Trees and Woodland) of the ALDP or Policy 3 (Biodiversity) and Policy 6 (Forestry, Woodland and Trees) of NPF4.

### **Digital infrastructure**

Policy CI1 (Digital Infrastructure) of the ALDP states that '*All new commercial and residential development where five or more units are proposed will be expected to have high-speed communications infrastructure*'. Bearing in mind the location of the application site it is considered that the proposed residential properties would have access to an acceptable level of communications infrastructure and therefore an acceptable level of compliance with Policy CI1 would be achieved. Therefore, the proposal also complies with Policy 24 (Digital Infrastructure) of NPF4.

### **Climate change and energy statement**

Policy 1 (Tackling the Climate and Nature Crises) of 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) of NPF4 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. Consideration has previously been given to Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste) of NPF4.

While the site is brownfield, the principle of demolition in this case has not been established, as such the proposal at this point cannot be assessed at this time if the proposal complies with Policy 1 (Tackling the Climate and Nature Crises) or Policy 2 (Climate Mitigation and Adaptation) of NPF4, as this development, through the provision of constructing a new building and operation of that building as a residential unit, would result in some impacts on climate change.

In relation to Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP, further information on this would be required and in the event of an approval a condition would be utilised. However, given the issues previously highlighted, the proposal is not being supported, therefore this condition is not recommended.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The proposal has been assessed against the relevant policies of the National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP) and is deemed to be unacceptable, in that the level of development proposed is excessive, thus conflicting with Policy H1 (Residential Areas) of the ALDP and the requirements of the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages Aberdeen Planning Guidance documents (APG). Further to this, the dwellings scale, form and design is not acceptable, in that it is not small in scale resulting in an impact on Spademill Lane. Additionally, the proposal does not represent an appropriate development that has been informed by the existing or historic context of the site or surrounding area and bears no appreciation for the original building envelope, thus conflicting with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking) of the ALDP, Policy 14 (Design, Quality and Place) of NPF4, as well as the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG's.

The development would result in an overbearing impact on the north elevation of 78 Queen's Road and the site itself does not provide an appropriate level of external amenity space, thus conflicting with Policy D2 (Amenity) and Policy NE2 (Green and Blue Infrastructure) of the ALDP and the Development Along Lanes and Sub-division and Redevelopment of Residential Curtilages APG's.

With respect to Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP, the excessive scale and form of the development would result in a detrimental impact on the character of the Albyn Place/Rubislaw Conservation Area, would not preserve or make a contribution to enhancing the immediate context and the wider conservation area, with the setting of the category C listed 78 Queen's Road also being impacted upon, thus conflicting with the aforementioned policies, along with Historic Environment Policy for Scotland and the Managing Change Guidance – Settings.