



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Andrew Brown
Brown & Brown Architects
Unit 2
Station Square
Aboyne
AB34 5HX

on behalf of **Diamond Property Developments**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	230759/DPP
Address of Development	Spademill Studio Spademill Lane Aberdeen AB15 4EZ
Description of Development	Erection of dwelling house with garage, rear boundary wall and associated landscaping
Date of Decision	22 August 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

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.

REASON FOR DECISION

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

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.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

332_p 001	Location Plan
332_p 003 Rev B	Site Layout (Proposed)
332_p 101 Rev B	Ground Floor Plan (Proposed)
332_p 102 Rev B	First Floor Plan (Proposed)
332_p 103 Rev B	Roof Plan (Proposed)
332_p 112 Rev A	Multiple Elevations (Proposed)
332_p 113 Rev C	Multiple Elevations (Proposed)
332_p 121 Rev B	Site Cross Section

Signed on behalf of the planning authority



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

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.