



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	1 Bayview Road, Aberdeen, AB15 4EY
Application Description:	Change of use to domestic garden ground, replacement and extension of boundary walls, removal of render to expose original granite on dwelling house, installation of flue, wall lights, CCTV and associated external alterations including to existing window/door openings (all retrospective); installation of intercom
Application Ref:	240711/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 June 2024
Applicant:	Mr Paul Gibson
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the western side of Bayview Road at a distance of some 50 metres north of its junction with Queen's Road and comprises a detached 1½ storey property with a footprint of some 96m², positioned side-on to Bayview Road. An area of hardstanding which provides off-street parking for the site lies immediately to the north of the property with garden ground to the south. In total the site extends to approximately 425m², with the existing building occupying a footprint of some 96m².

The site lies within the Albyn Place and Rubislaw Conservation Area and is enclosed along its eastern boundary with a 3.3m high, traditional granite wall. To the north of the site is a narrow lane which provides access to the rear of numbers 88-92 Queen's Road, whilst to the south and west lies the former Aberdeen Grammar School Former Pupils Club property of 86 Queen's Road, a category C listed building and its associated grounds, with this site currently being converted for residential use.

Relevant Planning History

Application No.	Proposal	Decision Date
211159/DPP	Change of use from class 2 (office) to class 9 (house)	Approved Unconditionally on 6 December 2021

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought, retrospectively, for a change of use of an area of ground to domestic

garden ground south and west of the existing dwellinghouse and for the introduction of replacement and new boundary treatment along the north, south and west boundaries of the extended site through the erection of boundary walls. The walls as erected rise to a maximum height of 4.2m along the north boundary, equating to a height of between 2 to 3.2 metres when viewed from the lane to the north of the site; to a maximum of 4.4m along the western boundary, when viewed from within and outwith the site; and to a maximum height of 2.5 metres along the southern boundary, with this equating to a height of between 2.6 and 3.25 metres when viewed from the neighbouring site at No 86 Queen's Road due to the change in ground levels. The proposal also includes removal of the rendered finish to the property on its north, south and west elevations and to the upper level of its eastern gable which forms the site boundary onto Bayview Road, revealing the granite finish below. Further alterations to the property include replacement of the entrance door and associated glazing arrangement to the north elevation of the property through the introduction of a timber framed and fully glazed door and full height glazed panel. To the southern elevation existing window openings have been enlarged, one forming full height glazing with timber framed French doors and the second an enlarged timber framed window with full height glazing. All window and door frames to be finished in dark grey (RAL 7010). The proposal includes the installation of a stainless steel flue, finished in powder coated black to the west facing, gable end of the property; two wall lights, one each to the granite gate pillars at the entrance to the application site on Bayview Road; and CCTV cameras fixed to the underside of the soffits on each of the four corners of the property. In addition to the aforementioned alterations, all of which are retrospective in nature, the proposal does include the installation of an intercom plaque to the granite boundary wall adjacent to the southern gate pillar.

Amendments

At the request of the Planning Service amendments were sought to the proposal as originally submitted. These amendments were as follows:

- That the proposed infilling of the northern boundary wall be entirely in granite, to match the existing gable end which currently forms part of the site boundary. The height of the boundary wall should not exceed the eaves level of the existing granite gable.
- The corresponding section of wall which forms the initial section of the western elevation to also be in granite & the height reduced to tie in with the corresponding reduced height of the northern boundary.
- The small section of reinstated granite wall required to tie in with the western boundary should also be tapered down to form that connection.
- In relation to the southern section of boundary wall, a reduction in height along its full length, ensuring the finished wall sits no higher than the roof of the bin store associated with the redevelopment of 86 Queen's Road.
- The inclusion of replacement tree planting to address the unauthorised tree removal (3 x mature Western Red Cedars) from within the curtilage of 1 Bayview Road. A detailed landscape plan to be submitted, with replacement planting located in the south-east corner of the site, along the boundary with Bayview Road, and the replacement trees to be as a minimum, heavy-standard in size and of the same species.

These requested amendments have not been incorporated into the current proposals by the applicant.

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=SEURGZBZGIT00>

CONSULTATIONS

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.

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.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan (2023)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy D8 (Windows and Doors)
- Policy NE5 (Trees and Woodland)

Aberdeen Planning Guidance

- Householder Development Guide
- Trees & Woodlands

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance on 'External Fixtures' and 'Boundaries'

EVALUATION

Principle of Development

The application site is zoned within Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP), and the proposal comprises development related to a residential use. The proposed change of use to domestic garden ground and development works associated with the residential use of the property would accord with Policy H1 provided it does not constitute overdevelopment; does not adversely affect residential amenity and the character and appearance of the surrounding area; and does not result in the loss of open space. The proposed development works would not be solely contained within the envelope of the existing dwelling and its associated curtilage, with the proposal seeking a change of use of an area of land which extends to some 255m² and for it to be incorporated within the residential curtilage of 1 Bayview Road. The land in question forms part of the garden ground at 86 Queen's Road which relates to the former Aberdeen Grammar FP's Club, and it is noted that the property and associated curtilage of No 86 is currently under construction as part of a change of use to residential development. The proposal would however neither result in over development of the site or in the loss of any open space. The remaining criteria and relevant policies and guidance, including those of the ALDP and National Planning Framework 4 (NPF4) are considered in the evaluation below.

Impact of Development, including on the Historic Environment

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 D2 (Amenity) of the ALDP meanwhile seeks to ensure an acceptable level of amenity is provided for all development and provides a detailed list of criteria to be applied in the consideration of proposals, including 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 Policy 7 (Historic Assets and Places) of NPF4 is also of relevance in the consideration of the proposal on the basis that the application property is located within the Albyn Place and Rubislaw Conservation Area. Sections of the proposed replacement and new wall would adjoin the existing granite rubble wall which serves both as the boundary to No 86 Queen's Road, where it is included as part of the Category C listing of that property, and that of the application site. Policy 7 seeks to protect and enhance historic environment assets and places and enable positive change as a catalyst for the regeneration of places. 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 D6 (Historic Environment) of the 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. Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Boundaries' outlines the importance of boundaries, stating that *'Walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes'* whilst also highlighting that *'The layout and design of a boundary, its materials and method of construction, and the way in which it relates to other structures can be important elements of the character of a building or street, or contribute substantially to the sense of place and historical understanding of a rural or urban landscape'*. Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Setting' meanwhile outlines the factors contributing to the setting of an historic asset or place with these including the townscape context; views to, from and across or beyond the historic asset or place; views including foregrounds and backdrops; relationship with built and natural features. The guidance states that in assessing the impact of a change on the setting of a historic asset or place, consideration should be given as to whether key views to or from the historic asset or place are interrupted and whether the proposed change dominates the historic asset or place.

Change of Use of Land / New Boundary Treatment

The proposed change of use of the land from garden ground associated with the former Grammar FP's Club to garden ground associated with the residential use of the application site would not in itself detrimentally affect the character or appearance of the Albyn Place and Rubislaw Conservation Area within which the site lies. Nor would the loss of an area of some 255m² of garden ground associated with 86 Queen's Road, which is currently under development as part of a change of use to residential, have any adverse effect on the amenity available to future residents, with expansive garden grounds to remain thus ensuring a more than acceptable level of semi-private communal space is still being delivered.

The introduction of new boundary treatment however requires full consideration in terms of any impact that may result from such development.

The principle of introducing replacement and new boundary treatment to suitably enclose the extended residential curtilage is deemed acceptable, however the works undertaken raise significant concerns in terms of the scale and material finish of the boundary walls as erected. These concerns include the excessive height of the new wall erected along the length of the southern boundary, where it rises to a maximum height of some 3.25 metres and not only exceeds the height of the existing wall which extends along the boundary with Bayview Road, but also rises above the roof of the bin store which lies along part of that same boundary. The excessive height of this section of wall, when viewed from within the neighbouring property at No 86 Queen's Road but also from beyond this, where it is clearly visible from both Queen's Road and Bayview Road, is such that it appears more in keeping with that of an industrial boundary enclosure in terms of its scale. The resulting overbearing and overpowering visual impact of the wall is considered unacceptable in the context of a residential site, and this is further compounded given the adverse impact which it has on the setting of the listed property at No 86 Queen's Road and the character and appearance of the wider conservation area within which it lies. It is noted that in terms of the Aberdeen Planning Guidance (APG) on Householder Development, specific guidance on fences, walls and other boundary enclosures does state that *'In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact'* and that *'Proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings'*.

The proposal also raises concerns in terms of the excessive height of the replacement wall erected along sections of both the northern and western boundaries, where it rises to maximum heights of 4.2m and 4.4m respectively, in addition to the material finish of these same sections of wall, with both being clearly visible from Bayview Road and from the neighbouring lane which extends west off Bayview Road where it lies beyond the northern boundary of the site. The proposal includes a blockwork wall with render finish erected alongside a remaining section of traditional granite wall to part of the northern boundary of the site, and at a height which far exceeds the wall that previously formed this boundary. The same rendered wall continues along the length of the western boundary, with its northernmost section visible from Bayview Road. Amendments to the proposal were sought of the applicant, as detailed above, notably a reduction in height of 800mm for the replacement wall, as built, along the northern boundary and for the same reduction to the northernmost section of the western boundary wall, also as built. A reduction in height of some 700mm to the new boundary wall erected along the southern boundary of the site was also sought, thus ensuring it did not exceed the height of the bin store roof. None of these amendments have been addressed.

The southern boundary wall as constructed appears particularly visually intrusive and inappropriate in the context of the Albyn Place and Rubislaw Conservation Area, with concerns being further exemplified by the fact that it introduces a new boundary treatment serving to partly enclose the curtilage of the listed building at 86 Queen's Road. Having regard to the rise in ground levels from south to north between the two sites, this results in the southern elevation of the new wall having a significant negative impact when viewed not only from within the site at No 86 Queen's Road, on facing north towards 1 Bayview Road, but also from outwith the site, where it is clearly visible from Bayview Road and Queen's Road.

In terms of the overbearing visual impact of the wall when viewed from within the site at No 86 Queen's Road, this will be especially evident for future occupants of the soon to be completed ground floor apartment which incorporates glazed bi-fold doors opening onto a terraced area along with a full height window on its north elevation, with these openings facing directly towards the aforementioned wall. With a separation distance of just 5.7m between the glazed doors and window and the 3.25m high wall, the boundary treatment as constructed will appear particularly overpowering and have a significant adverse impact on daylighting both to the private terraced area and to the ground floor accommodation.

In considering the proposal against the criteria outlined within Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Setting', it is apparent, given the scale of wall erected and the overbearing and negative impact it has when viewed from within No 86 Queen's Road, its associated curtilage and from the surrounding area, that this has a direct and negative impact on the setting of this historic asset.

Taking into account the excessive height of boundary walls constructed along both the southern and western boundaries of the site, it should be noted that the applicant has maintained that this was necessary to achieve an appropriate level of privacy for residents of the application property at 1 Bayview Road due to the change in ground levels between the application site and the curtilage of No 86 Queen's Road. However this issue has arisen largely as a consequence of unauthorised excavation works carried out by the applicant within the grounds of 86 Queen's Road, with these works having taken place in conjunction with the unauthorised raising of ground levels within the southern section of the application site. If such unauthorised ground works had not taken place across both sites then it is apparent that lower walls would have achieved sufficient levels of privacy for all future residents without resulting in such a significant adverse impact.

In addition to seeking reductions in wall height, and whilst accepting that a rendered blockwork construction may be acceptable within the confines of the application site, a traditional granite finish had also been sought for the length of replacement wall erected along the northern boundary of the site, thus ensuring it would tie in with the material finish of the existing granite gable which already forms part of this boundary onto the public lane, and which is clearly visible from Bayview Road. Similarly, a granite finish was sought for the initial section of wall along the western boundary of the site, given its relative prominence when viewed from Bayview Road. Once again, none of these amendments have been addressed, with the rendered finish of the new wall sections failing to reflect the traditional character and typical granite rubble material finish that would be expected in the context of the application site and the conservation area within which it lies.

Taking all of the above into account it is considered that the excessive height and inappropriate material finish to part of the replacement and new wall structures has resulted in a significant adverse visual impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and setting of the adjacent listed building at 86 Queen's Road. This aspect of the proposal is deemed contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP. It fails to address the Council's APG on Householder Development relative to boundary treatment, the expectations of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Boundaries.'

The proposal also conflicts with the requirements of Policy D2 (Amenity), given the adverse visual and daylighting impact which the southern section of wall will have on both internal and external space associated with the ground floor apartment located to the rear (north facing elevation) of 86 Queen's Road, thus compromising residential amenity for future residents of this property.

The application does also seek retrospective consent for alterations to the external finish of the property and to a number of window and door openings, along with the installation of an external flue to the western gable and installation of lighting and security measures to the gate pillars. Consideration of these proposed alterations are outlined below:

Installation of Flue

The proposal includes the introduction of a 4.2m high flue to the western facing gable of the property, as installed. Whilst the upper 1.9 metre section of the flue extends above the roof slope of the property, it is largely screened from public view by a flat roofed dormer on the same northern elevation, with a section of just 400mm projecting above the roof of the dormer and thus being visible from Bayview Road. It is considered that the flue appears suitably discreet, given its position on the western, non-public gable of the property and the partial screening offered by the dormer when viewed from the east.

Installation of wall lights, intercom & CCTV cameras

Retrospective consent is also being sought for 4 x domestic CCTV cameras, with one fitted to each corner of the property at 1 Bayview Road, to the underside of the soffits and the fitting of 2 x wall lights, both measuring 250mm long x 170mm wide and each secured to the gate piers on Bayview Road at a height of 2.3m above ground level. Further to this, permission is also sought for the fitting of a metal intercom plate measuring 252mm x 172mm fitted to the eastern boundary wall, adjacent to the gate piers and at a height of 1.55m above ground level.

Taking into account the scale and design of the aforementioned fixtures and their siting, in terms of Policy D1 (Quality Placemaking by Design) and D6 (Historic Environment) of the ALDP, it is considered that their introduction is acceptable, with none of these fixtures appearing out of keeping

in the context of a residential property and its associated curtilage, and with no adverse impact on the character and appearance of the conservation area within which the property lies.

Historic Environment Scotland's 'Managing Change in the Historic Environment: External Fixtures' guidance expects new fixtures to be sited to maintain the architectural interest of any historic building and the historic environment. Whilst the cameras, lights and intercom plate are clearly visible from Bayview Road, they are nevertheless of an appropriate, subordinate scale in relation to the wall and gate piers and to the property itself. The design and material finishes are acceptable and suitably subservient in the context of the application property and site and their positioning ensures any visual impact on the surrounding conservation area is minimised, including through the suitably discrete siting of the CCTV cameras.

Taking into account the appropriate scale, design and positioning of the fixtures and that their introduction raises no concerns in terms of any adverse impact on residential amenity or on the historic environment, it is considered that this aspect of the proposal is suitably compliant with Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP, and does also address the expectations of Historic Environment Scotland's guidance on Managing Change in the Historic Environment: External Fixtures.

Alterations to Window/Door Openings & Removal of External Render

The retrospective application includes alterations to existing window/door openings along with the removal of a dry dash render finish to the property, with the original granite construction revealed. These works to the external finish of the property, as implemented, now show the traditional granite finish of the building which is very much in-keeping and appropriate in the context of the application site and the surrounding area.

The entrance door and associated glazing arrangement to the north elevation of the property has been replaced with a timber framed and fully glazed door and full height glazed panel. To the southern elevation the proposal includes the enlargement of two existing window openings, with the introduction of full height glazing within timber framed French doors and the formation of an enlarged timber framed window, again with full height glazing. All window and door frames to be finished in dark grey (RAL 7010).

Policy D8 (Windows and Doors) of the ALDP and the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors are both largely silent on the replacement of non-original doors on non-public elevations. The guidance states that for the *'alteration of existing openings, the original proportions of doorways and door openings on street frontages must always be retained, and proposals to recess a door either less or more deeply within the door opening will not be supported.'* It continues by stating that *'New doorways should only be considered where they can be incorporated into the existing architecture and designed and detailed in a way that is compatible with the existing historic fabric.'* It is noted that the property sits at right angles and side on to Bayview Road, with the front and rear elevations facing north and south respectively, and the eastern gable which is the public elevation of the property fronting directly onto Bayview Road. The main entrance door located on the north elevation of the property is set back from the main building line by some 600mm, with this arrangement providing a covered recess. The existing boundary walls which extend along the northern and western boundary of the site provide further screening of this entrance door to the property. The proposed replacement door, as installed, is of a modern, fully glazed design which incorporates a timber frame. Its simple design and detail appears appropriate in the context of the property and does not adversely affect the character and appearance of the surrounding area.

The APG on the Repair and Replacement of Windows and Doors does provide guidance on altering existing window openings, but in relation to proposals affecting windows on principal elevations. In this instance the proposal includes the enlargement of two windows, both of which are located on the rear elevation of the property. The enlarged window openings, including the formation of French doors which provide access to the private garden, are deemed to be of an appropriate scale and material finish.

The aforementioned development works do not conflict with either Policy D8 (Windows and Doors) of the ALDP or with the Council's APG on the Repair and Replacement of Windows and Doors.

Impact of Development on Trees

Three mature Western Red Cedars were removed unlawfully from the site in July 2024. Following consultation with the Council's Environmental Policy team a request was made for the submission of a detailed landscape plan, with a requirement having been established and the applicant/agent informed of this requirement for replacement tree planting to be located in the same south-east corner of the site from where the three trees were removed, along the boundary with Bayview Road, and for the replacement trees to be as a minimum, heavy-standard in size and of the same species. Taking into account that the application proposal has failed to incorporate the required replacement tree planting it is considered contrary to both Policy 6 (Forestry, Woodland and Trees) of NPF4 which seeks to protect and expand forests, woodland and trees, and Policy NE5 (Trees and Woodland) of the ALDP which clearly states that '*Development should not result in the loss of, or damage to, trees and woodlands*'.

Policy 7 (Historic Assets and Places) of NPF4 states that '*Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained*'. Given the prominence of the trees removed from the site, when viewed from both Bayview Road and Queen's Road and the resulting significant adverse visual impact which the loss of these three mature trees has had on the street-scene and therefore on the character and appearance of the Albyn Place and Rubislaw Conservation Area, this aspect of the proposal also conflicts with the expectations of Policy 7 of NPF4.

Tackling the Climate and Nature Crises, Climate Mitigation and Adaptation

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, with a policy intent of encouraging, promoting and facilitating development that addresses the global climate emergency and nature crises. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

Neither the type or scale of the proposed development work is such that there would be an expectation for it to incorporate any significant measure in tackling either the climate or nature crises or for it to include climate mitigation and adaptation. However, with the proposal clearly failing to deliver the replacement tree planting required as a result of the unlawful removal of mature trees from the site it does have an indirect impact on the nature crises. As a result, whilst the proposal is not deemed to be contrary to Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4), it does conflict with the overall expectations of Policy 1 (Tackling the Climate and Nature Crises) of NPF4.

DECISION

Refuse

REASON FOR DECISION

The application, which with the exception of the installation of the intercom plaque is retrospective in nature, includes the proposed change of use of an area of land of some 255m² to domestic garden ground, extending the residential curtilage of 1 Bayview Road. The land in question forms part of the grounds of the former Aberdeen Grammar FP's Club at No 86 Queen's Road, currently under development as part of a change of use to residential flats. The proposed change of use does not in itself have an adverse impact on the character and appearance of the surrounding area, it does not result in over development of the site or in the loss of any open space, nor does it adversely affect residential amenity, with ample garden grounds to remain within the curtilage of No 86 in support of the approved residential use of that site. The principle of a change of use to domestic garden ground is therefore deemed acceptable on the basis that it would be compliant with the criteria of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The retrospective works also include alterations to a number of window and door openings of the property and to its external finish along with the introduction of a flue and external fixtures, including lighting, CCTV cameras and intercom. These aspects of the proposal, as implemented, are considered acceptable, and suitably address the relevant policies of the National Planning Framework 4 (NPF4) and Aberdeen Local Development Plan 2023 (ALDP), notably Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4, Policies D1 (Quality Placemaking by Design), D6 (Historic Environment), D8 (Windows and Doors), H1 (Residential Areas) of the ALDP, the Council's Aberdeen Planning Guidance (APG) on the Repair and Replacement of Windows and Doors, and Historic Environment Scotland's guidance on Managing Change in the Historic Environment: External Fixtures.

Notwithstanding the above, and whilst acknowledging that the principle of introducing replacement and new boundary treatment to suitably enclose the extended residential curtilage is deemed acceptable, the unauthorised works do nevertheless raise significant concerns in terms of the scale and material finish of sections of the boundary walls, as erected. These concerns relate to the excessive height of the new wall erected along the entire length of the southern boundary, where it rises to a maximum of 3.25 metres, and along part of the northern and western boundaries of the site, where it rises to a maximum height of 4.2 and 4.4 metres respectively, and to the inappropriate introduction of a blockwork construction with rendered finish, in place of a traditional granite rubble construction, to sections of the wall forming the northern and western boundaries which are clearly visible from outwith the site. The introduction of new and replacement boundary wall as constructed has resulted in a significant adverse visual impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area and on the setting of the adjacent listed building, 86 Queen's Road. This aspect of the proposal is contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D6 (Historic Environment) of the ALDP. It fails to address the Council's APG on Householder Development relative to boundary treatment, the expectations of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment guidance on 'Boundaries' and 'Setting'

In considering the adverse visual and daylighting impact, and particularly overbearing effect which the southern section of boundary wall will have on both internal and external space associated with the ground floor apartment located to the rear (north facing elevation) of 86 Queen's Road, resulting in the quality of residential amenity for future residents of this property being significantly compromised, it is also apparent that the boundary treatment, as erected, conflicts with the

requirements of Policies H1 (Residential Areas) and D2 (Amenity) of the ALDP.

Following the unauthorised and therefore unlawful removal of three mature evergreen trees from the south-east corner of the site, as a result of works which took place in July 2024, the proposal has failed to address the loss of these trees and the significant adverse visual impact which their removal has had on the street-scene along Bayview Road. This is despite the planning authority having identified the need for appropriate replacement tree planting to be included as part of the application and for this to be addressed in the first instance through the submission of a detailed landscape plan for consideration. The proposal is therefore contrary to both Policy 6 (Forestry, Woodland and Trees) of NPF4 which seeks to protect and expand forests, woodland and trees, and Policy NE5 (Trees and Woodland) of the ALDP which clearly states that '*Development should not result in the loss of, or damage to, trees and woodlands*', whilst also conflicting with the expectations of Policy 7 (Historic Assets and Places) of NPF4, which requires the retention of natural features, including trees, which contribute to the character of the conservation area and its setting.

Whilst the proposal is not deemed to be contrary to Policy 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4), it is apparent that in the absence of replacement tree planting on site, it does fail to suitably address the expectations of Policy 1 (Tackling the Climate and Nature Crises) of NPF4, with the unauthorised loss of mature trees further contributing to the nature crises.

There are no material planning considerations which would warrant approval of planning permission in this instance.