



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	36 Albyn Place, Aberdeen, AB10 1YF
Application Description:	Change of use and reconstruction of existing commercial garages to form triple domestic garage with upper floor store and external stair access
Application Ref:	241416/DPP
Application Type:	Detailed Planning Permission
Application Date:	5 December 2024
Applicant:	Mr P Webb
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site lies on the north side of Albyn Lane, at a distance of some 130m east of its junction with St Swithin Street and within the Albyn Place and Rubislaw Conservation Area. The site comprises two commercial garage buildings and an area of ground extending to some 20 square metres lying directly to the north of the garages. One of the garage buildings lies within the historic, but not current feu of No 36 Albyn, a Category C listed, semi-detached property which is now in residential use and the second within the historic, but again not current feu of No 35, the adjoining commercial property, also Category C listed.

The two adjoining garage buildings form part of the historic southern boundaries of the aforementioned feus, with access from the garages directly onto Albyn Lane. The southern boundaries include separate accesses off the lane serving two commercial car parks which lie to the north of the garage buildings. Beyond the car parking and to the rear of the dwellinghouse at No 36 Albyn Place lies an area of enclosed garden ground which forms the residential curtilage associated with that property, and to its east is an area of garden ground associated with the commercial property at No 35.

The rear feu walls to No's 35 and 36 Albyn Place, which are of traditional granite rubble construction, extend along and delineate the outer boundaries of the aforementioned feus. A traditional granite rubble wall with brick coping also serves to separate the two feus and is seen to continue between the two garage buildings, beyond their northern (rear) elevations to form part of their internal walls.

The westernmost garage building which lies to the south of No 36 Albyn Place has a blue grey faced granite frontage and metal lintel framing the metal garage door entrance with red brick walls rendered in grey wet dash to the side and rear, grey rendered concrete blockwork forming the gable ends (north and south) and a corrugated metal roof.

The easternmost garage building which lies to the south of No 35 Albyn Place has been partially demolished following its identification as a dangerous building and a notice having been served in December 2022 under the Building (Scotland) Act 2003. This resulted in the demolition of the hipped slate pitched roof and the steel beam and front walls of the garage building, with these works having had to commence by 19 December 2022 and be completed by 31st January 2023.

This garage has mixed colour rubble granite walls, with the retained easternmost wall incorporating a door opening, the northern (rear) wall a previously infilled window opening and with a degree of damage and deterioration to the upper sections of both these walls that has become more apparent since the demolition works were carried out, now more than two years ago.

Relevant Planning History

220733/DPP - Change of Use from class 2 (financial, professional and other services) to class 9 (house). Approved unconditionally on 14 July 2022.

221457/LBC - Erection of fence (rear); installation of railings & gate (front); replacement of rainwater goods to front and rear; associated internal works including removal of existing and installation of new partitions. Approved conditionally on 17 May 2023.

221476/LBC – Installation of replacement windows, doors & rooflights. Approved unconditionally on 24 May 2023.

221477/DPP – Erection of fence to rear; installation of railings and gate to front; replacement rainwater goods to front & rear; window, door & rooflight replacement and associated works. Approved conditionally on 16 May 2023.

221498/LBC - Installation of gas meter box to front. Approved unconditionally on 10 March 2023.

230652/DPP - Erection of balcony with external stairs and formation of door from an existing window opening to rear. Approved conditionally by LRB on 13 October 2023.

230653/LBC - Erection of balcony with external stairs and formation of door from an existing window opening to rear. Approved conditionally on Appeal by The Scottish Government Planning and Environmental Appeals Division on 13 October 2023.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use of the two aforementioned commercial garages and the ground lying immediately to their north and reconstruction to form a single triple domestic garage with storage space within the upper floor of the garage building, accessed via external stairs.

With the exception of the external stairs, which would be located to the rear (north) of the garage building, providing independent access to its upper floor, the proposed garage development would retain the overall footprint of the existing two garage buildings, with a total length of 11.1 metres and width of 7.8 metres, whilst introducing a maximum roof height of 6.2 metres compared to the existing 5.6 metres. The proposed single garage would therefore have a footprint of 86.5 square metres, with accommodation providing some 72 square metres of internal floor space at ground level and

incorporating an internal ceiling height of 2.8 metres. The upper floor of the garage would provide an additional floor space of some 40 square metres for storage purposes and incorporate an internal ceiling height of 2.4 metres. The external stairs proposed to the rear (north) of the garage building would provide independent access to this upper floor.

The proposal seeks to retain the existing brickwork and granite walls to form the rear and side walls of the reconstructed garage, with a new wet dash render finish. The proposal would incorporate a new frontage to the garage, incorporating two gable ends to the lane with a central roof section sloping back to meet with the ridge level of the gables, thus forming a centrally positioned flat roof. The front (south) elevation of the garage would incorporate three garage door openings and be finished in reclaimed granite stone. On the rear roof slope of the garage a flat roofed dormer clad in timber linings would be formed to accommodate a door opening serving the external stairs. The sloping sections of roof would be slated and incorporate a total of five rooflights.

Amendments

None.

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=SNYUMQBZM1Q00>

- Design Statement

CONSULTATIONS

ACC - Roads Development Management Team – No objection raised.

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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Development Plan

National Planning Framework 4

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 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC6 (West End Area)

Aberdeen Planning Guidance

- Development Along Lanes
- Householder Development Guide
- Transport and Accessibility

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE): Boundaries & Demolition

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

Key Determining Issues

Taking into account all legislative requirements, policy considerations and bearing in mind the context of the application site, the fundamental determining factors set out in the evaluation below

are the intended use of the ancillary building, its reconstruction and the resulting impact on its historic fabric, the scale/form/design of the proposed development and its impact on the historic character of the area. The assessment detailed below of these matters against the relevant NPF4 and ALDP policies, national guidance on the historic environment and the statutory duty on planning authorities to seek to preserve or enhance the character and appearance of conservation areas demonstrates and explains why the proposal is not acceptable.

Principle of Development

The application site lies within the West End Office Area, zoned under Policy VC6 in the Aberdeen Local Development Plan 2023 (ALDP) and characterised by a mix of uses including residential, business, food and drink and other commercial uses. In this area, the principle of a change of use from office to residential will be supported. Policy VC6 (West End Office Area) states that applications for all development must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity. Policy VC6 also requires all development proposals to respect the special historic and architectural character of the West End.

In this instance the proposed change of use and reconstruction of two existing commercial garages for domestic use, resulting in an ancillary building which would incorporate a triple garage and storage at 1st floor level. The proposed triple garage building would be located outwith and remote from any existing residential curtilage, with commercial car parking separating the application site and the residential property at No 36 Albyn Place which the garage is proposed to serve.

The Aberdeen Planning Guidance on Householder Development includes specific guidance on outbuildings/ancillary buildings. It states that these are '*detached buildings within a dwelling's curtilage that are used in association with the enjoyment of the residential use of the property*'. The same guidance identifies these outbuildings/ancillary buildings, to include garages, sheds and greenhouses. Whilst the applicant's stated intention is for the proposed development to provide a triple garage and storage facilities associated with the residential use of the property at No 36 Albyn Place, it is apparent that the resulting building would be located remotely from and function independently of that dwelling's curtilage, with its intended use having no formally recognised link with the residential use of the property.

Taking the above into account the principle of the proposed development does raise a degree of conflict with the expectations of Policy VC6 of the ALDP, given the intended domestic use of the garage which would lie outwith and independent of any residential curtilage.

The potential impact of the proposed development on the historic and architectural character of the West End Office Area is considered as part of the detailed evaluation outlined below.

Design, Scale and Impact of the Proposed Development, including on the Historic Environment

Under Policy 14 (Design, Quality and Place) of National Planning Framework 4 (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) of the Aberdeen Local Development Plan 2023 (ALDP) which seeks to ensure high standards of design for development proposals, with a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Whilst accepting that not all development will be of a scale that makes a significant placemaking impact Policy D1 recognises that good design and detail adds to the attractiveness of the built environment.

Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 is of relevance in the consideration of this proposal on the basis that it seeks to support development proposals which result in the sustainable reuse of vacant buildings, whether permanent or temporary. Subsection (d) notably states that *'Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option'*. Taking into account that the development, as proposed, is for the reconstruction and re-use of the vacant garage buildings, then it is considered that in principle, such a proposal would suitably address the intention of Policy 9.

Policy 7 (Historic Assets and Places) of NPF4, Historic Environment Policy for Scotland (HEPS) and Policy D6 (Historic Environment) of the ALDP all require works to listed buildings to either preserve or enhance the special character of the listed building and works in conservation areas to either preserve or enhance the character and appearance of the conservation area. Under subsection (c) of Policy 7 it is stated that *'Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest'*. Subsection 9 (d) of Policy 7 states that *'Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the: architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials'*. Subsection (e) meanwhile 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.'*

Policy D7 (Our Granite Heritage) of the ALDP seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features. It states that *'Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent.'* The Policy continues by outlining that in order to support such demolition, a number of tests should be met, notably that:

- Evidence provided to demonstrate that every effort has been made to retain it, and
- It is no longer of special interest or cultural significance; or
- It is incapable of meaningful repair; or
- It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or
- Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner.

In considering the scale/form and layout of the proposed triple garage it is noted that the resulting development would see the reconstruction of the two existing and currently separate but adjoining garage buildings to form a single building which would straddle the rear curtilages of No's 35 and 36 Albyn Place, giving rise to the loss of the established and historic feu boundaries. Historic Environment Scotland's Managing Change in the Historic Environment guidance on Boundaries outlines the importance of boundary treatment in defining the character of historic buildings and conservation areas. It notes how boundaries contribute substantially to the sense of place and historic understanding of an urban landscape. It acknowledges that whilst many boundaries are decorative, others are functional, providing a mark of property ownership or a structural support as a retaining wall.

In considering the proposed scale and design of the proposed development, it is relevant to note the expectations of both the Aberdeen Planning Guidance (APG) on Development Along Lanes and on Householder Development. The advice contained within the APG on Development Along Lanes is largely focussed on mews style buildings for residential use, however it does acknowledge that it may be appropriate for other uses. Of relevance in the consideration of this proposal is the design checklist contained with the APG, which includes an expectation that development along a lane *'looks to the historic context; respects 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; and that it is no more than two domestic stories in height and 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 proposed garage would rise to a ridge height of 6.2 metres and incorporate internal ceiling heights of 2.8 metres at ground floor and 2.4 metres at 1st floor, thus exceeding on both levels the minimum internal ceiling height required for a dwelling. No justification has been provided, nor does there appear to be any obvious requirement for such a scale of development, in terms of the intended use of the proposed ancillary building as a domestic garage and for storage purposes.

In considering the proposed garage in terms of the criteria applicable for outbuildings contained within the APG on Householder Development it is noted that this guidance states that such buildings are *'traditionally single storey in height, with either a flat or pitched roof'*. Whilst the APG does outline that *'it may be possible to accommodate an additional storey within the roof space of a pitched-roof outbuilding'*, it also clearly states that *'the use of dormers will not be supported, as they increase the visual dominance of an outbuilding and give the impression of a two storey appearance.'*

The same APG specifies that two storey outbuildings will generally not be permitted and where a second storey is to be accommodated within a pitched roof space, that the impression of a single storey building should be retained, once again noting that dormers will not be permitted as a means of gaining additional headroom. The APG clearly states that access to an upper floor of an outbuilding should be situated internally and that such buildings should not have a negative impact on the character of the surrounding area, and in instances where they are highly visible and especially in conservation areas, it notes that detached garages should be of a scale and design that respects the prevalent context of the surrounding area. Taking all of this into account it is apparent that the proposed development would fail to address a number of the aforementioned criteria, with the resulting single garage building having a footprint of some 86.5 square metres, a total floor area of some 112 square metres and therefore of a scale which would be more akin to that of a detached house. It is considered likely that this garage would be of a combined scale and massing that would be in excess of any other existing garage on the surrounding lanes within the West End area and within the conservation area.

The Design Statement submitted in support of the application does state that the proposed *'refurbishment sits well within the site as we are using the existing walls within the existing footprint'*. It is however noted that neither the existing granite rubble wall which currently splits the two garage buildings or the brick wall which forms the eastern elevation of the garage at No 36 form part of the proposed triple garage layout. The proposal makes no reference to the demolition of these walls. In this respect it is of relevance that Historic Environment Scotland's Managing Change in the Historic Environment guidance on Boundaries outlines the importance of boundary treatment in defining the character of historic buildings and conservation areas. It notes how boundaries contribute substantially to the sense of place and historic understanding of an urban landscape. It acknowledges that whilst many boundaries are decorative, others are functional, providing a mark of property ownership or a structural support as a retaining wall.

Taking the above into account, whilst noting that the detailed drawings submitted in support of the application include no specific reference to the retention of any of the existing garage walls, it would appear from the proposed sections and ground floor layout plan and from information provided within the Design Statement, that the intention is indeed for the external walls which currently form the side and rear walls of the existing garages to be retained to form the outer 'shell' of the new garage. Given the age, condition and construction type of the existing garage buildings, including the garage to the east at No 35 which has already been partially demolished, with the front wall and roof removed as a result of a Dangerous Building Notice served in December 2022, there are real concerns regarding the structural capability of the remaining garage walls to accommodate the scale and massing of the triple garage development as proposed.

Since completion of the demolition works to the garage building associated with No 35 Albyn Place in December 2022, and contrary to the terms of the aforementioned Notice which required the applicant to make good and watertight all exposed walls and surfaces, those garage walls which do remain have been left open to the elements, resulting in additional water damage and further deterioration. With this in mind and once again, given the scale of development being sought, it is considered likely that in order to meet modern day building standard requirements, the proposed garage development would result in more extensive demolition work than is currently being proposed as part of what has been described within the Design Statement as a 'refurbishment' of the existing garages.

Whilst there is some reference contained within the aforementioned Design Statement to the garage roof at No 35 and a section of its front wall having been removed as part of the Dangerous Building Notice served in December 2022, no detail has been provided or reference made on the plans submitted on the necessity for any further demolition works being required to deliver the proposed development, nor any justification provided for additional demolition works to be undertaken, notably the removal of the intervening wall that separates the two existing garages. So whilst the expectations of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 would likely be addressed on the basis of the proposal solely seeking the re-use of the existing buildings, compliance with Policy 9 would fail in the event of the proposed development involving demolition work and substantial rebuild.

In the event that the proposal does in fact require further demolition work to the existing garages, then Historic Environment Scotland's Managing Change in the Historic Environment guidance on Demolition would be of relevance as would Policy D7 (Our Granite Heritage) of the ALDP. Policy D7 clearly seeks the retention and appropriate re-use, conversion and adaptation of all historic granite buildings, structures and features. It specifically states that '*Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission or listed building consent*'. In the event that demolition works are proposed as part of a proposal, then relevant supporting information is required for consideration, notably evidence demonstrating what effort has been made to retain the granite structure; that it is no longer of special interest; incapable of repair; that such work is essential to deliver significant benefits to economic growth or the wider community; or that repair and reuse is not economically viable.

So whilst the proposal does raise concerns in terms of the lack of clarity on the extent of demolition works that would likely be required to support the proposed reconstruction of the existing garage buildings, it is also worth noting that in the event that the existing garages are indeed being retained, no detail has been provided in support of the application as to how the existing walls would be repaired and stabilised and subsequently built up as part of their refurbishment.

In addition to the above concerns and the clear lack of general detail and supporting information relative to the proposal, it is considered that the building form and layout of the development as

proposed fails to suitably address and respect the historic character and context of the conservation area within which the existing garages lie, including a lack of recognition or definition of the existing feus relative to No's 35 and 36 Albyn Place and their associated boundaries which form an integral part of the listing. The introduction of a triple garage in this location, where it would straddle the feu boundary and therefore result in a loss of established feu identity, whilst also requiring removal of part of the historic feu wall which currently serves to separate the existing garages, would cause harm to the character of the conservation area, where such feu boundaries are regarded as a key characteristic, as outlined within the Council's Albyn Place and Rubislaw Conservation Area Character Appraisal.

In further considering the setting of the application site, its relationship to the curtilages of the listed properties at No's 35 and 36, to the wider Albyn Place and Rubislaw Conservation Area, and with the proposed development in terms of its frontage onto Albyn Lane and the open aspect of this site when viewed from the lane, it is considered that the scale, form, height and overall massing of the proposed development would result in a particularly dominant and oversized ancillary building in the context of the surrounding streetscape.

The proposed garage design includes gables to the lane which are on the same plane as the ground floor, with this emphasising the height of the building and its overall volume when viewed in relation to the neighbouring mews property, which at 1½ storeys in height, has a more traditional roof form and dormers which see the upper volume pushed away from the lane, thus more clearly respecting its scale. The proposed pitch of the garage roof, at 50 degrees, along with the introduction of a solid dormer to the rear to accommodate the external stair access, would further add to the top-heavy nature of the design and overall massing of the building. In this respect and given how visible the proposed detached garage building would be within the streetscene, neither its scale nor design are considered to be in keeping with the prevalent context of the surrounding area. Taking into account the ridge height of 6.2 metres and double gable form to the front of the proposed garage, it would appear significantly more bulky within the streetscape when compared to the adjacent building to the east.

Taking all of the above into account, it is considered that the proposal, comprising the reconstruction and change of use of the existing commercial garages to form a single triple domestic garage with 1st floor storage and external stair access, does raise a number of concerns in terms of its failure to comply with all relevant policies and guidance.

Notwithstanding that there is conflict in terms of the principle of the proposed change of use from commercial garages to a single domestic garage on the basis that the triple garage, which according to the applicant would be ancillary to the dwellinghouse at No 36 Albyn Place, would in fact be located outwith the residential curtilage and separated from that curtilage by a commercial car park; there are also concerns with this proposal in terms of its scale and design and the resulting impact of the proposed triple garage, including on the historic and architectural character of the area. The proposed development fails to address the relevant criteria in terms of both Aberdeen Planning Guidance on Development along Lanes and on Householder Development relating to outbuildings, and conflicts with the expectations of Policy 14 (Design, Quality and Place) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP, given the excessive scale of development that is being sought in the context of an ancillary building for domestic use.

In its current format, the proposed development would result in the loss of historic fabric due to the removal of part of the established and historic feu boundaries, with no justification provided, and would therefore not suitably preserve or enhance the character and appearance of the conservation area or its setting. Whilst the proposal may support the re-use of the vacant garage buildings, thereby addressing the expectations of Policy 9 (Brownfield, Vacant and Derelict Land and Empty

Building) of NPF4, it would nevertheless fail to address the expectations of Policy 7 (Historic Assts and Places) of National Planning Framework 4 and Policies D6 (Historic Environment) and D7 (Our Granite Heritage) of the Aberdeen Local Development Plan 2023, whilst also failing to address the expectations of Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Boundaries and Demolition.

Transport and Parking

Finally, the proposal is considered under Policy T3 (Parking) of the Aberdeen Local Development Plan, where there is an expectation for new development to have sufficient car parking for the context of the proposed use and its location and for parking to accord with Council standards.

The Roads Development Management (DM) team considered the proposed change of use of the two existing commercial garages to a triple domestic garage with upper floor store. The Roads DM team advised that they had no objection to the proposal on the basis that the garage use would remain, with the same footprint of building, would achieve acceptable dimensions as proposed (internal width, depth and entrance way) and with the visibility of accesses which lie either side of the site remaining as existing, and therefore with no worsening.

However, notwithstanding the above consultation response, this proposal does raise fundamental concerns in terms of how the additional parking which would be delivered can be justified in this instance. Given the intended domestic use of the proposed triple garage by the occupants of No 36 Albyn Place, the proposed development would result in off-street parking for a total of 9 vehicles for what is a 4 bedroom dwellinghouse, thus far exceeding the maximum parking standards of 3 vehicles for a residential property of this scale, as outlined within the Aberdeen Planning Guidance on Transport and Accessibility. It is noted that the existing parking allocation for this property, where 6 off-street parking spaces are currently accommodated within its front curtilage, and enclosed by means of railings and an electric gate, already exceeds those maximum parking standards and therefore the delivery of additional parking would introduce further conflict with the requirements of the aforementioned APG.

In this instance the proposal would result in the further accumulation of off street car parking available to and serving a single residential property, thereby doing nothing to discourage car use nor encourage travel by more sustainable means, including by the use of public transport or by walking or cycling. As such the proposal not only fails to address the requirements of Policy T2 (Parking) of the ALDP and the associated Aberdeen Planning Guidance on Transport and Accessibility, but in failing to take account of the impact which additional car use has on the climate, would also be contrary to the expectations of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP, which seek to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and use of public transport for everyday travel and reduce the need to travel unsustainably.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

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 whilst Policy 2 (Climate Mitigation and Adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

It is acknowledged that neither the extent or type of development being proposed in this instance would have a significant impact on the global climate and nature crises and offer limited opportunity for climate mitigation and adaptation or for minimising greenhouse gas emissions. Moreover, in the event that the proposed works are limited to the refurbishment of the existing garages, it is accepted that this would allow the re-use of embodied energy, thereby delivering a more sustainable option than that of constructing a new garage, including on a brownfield site. However, it is nevertheless apparent that as a direct result of increasing off street car parking the proposal would encourage more car use. The proposal would therefore raise a degree of tension with the expectations of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4). On the basis that the proposed development would be largely contained within the footprint of the existing garage buildings, it would offer no real opportunity for biodiversity gain, so whilst there may therefore be a degree of tension with Policy 3 of NPF4, this would not in itself be sufficient to raise any significant concerns with the proposal.

Notice of Review Supporting Statement

It is noted that pre-application advice was not sought for this proposed development, which if the applicant had done so, would have given the applicant a clear steer on what is considered to be an acceptable scale and form of development on this site. The Planning Service did formally request in writing a number of amendments to the proposed development with a view to addressing the issues which this proposal raises, and which are outlined in the evaluation above. Whilst that communication occurred after the target date for determination of the planning application, it was still a live planning application and it does not undermine or negate the relevance and importance of the matters raised and explanations provided for why the proposal is unacceptable when assessed against the relevant NPF4 and ALDP policies, national guidance on the historic environment and the statutory duty on planning authorities to seek to preserve or enhance the character and appearance of conservation areas. No response was received to that request and rather than attempting to address these issues, the applicant/agent chose instead to seek a decision through the Local Review Body.

Issues raised within the Statement include reference to one of the existing garages having been the subject of a Dangerous Building Notice, the current state of disrepair of that garage being a blight on the conservation area with the potential to attract criminality, and the tendency for anti-social behaviour increasing where property is not in use. The Planning Service submits that whilst not a relevant consideration, no evidence has been provided by the Agent or Applicant that criminality or anti-social behaviour has occurred at this site, or on this lane. One incident in Albert Street, which is not in close proximity, does not justify the works that are being proposed. It is also submitted by the Planning Service that both past and continuing lack of maintenance of a building which has resulted in its structural deterioration is not a material consideration in the determination of a planning application, other than potentially justifying the demolition of that building, rather, the proposal must be determined in the first instance against relevant national and local policy.

It is maintained within the Statement that the proposed garage building would provide a safe, secure location for domestic cars to be parked overnight. The Planning Service would submit that there is currently car parking available for up to six vehicles within the front curtilage of the dwelling at No 36 Albyn Place, with this space being enclosed by railings and a gate and directly overlooked by windows in the property, thus providing a safe and secure space.

The Statement notes the commitment to taking on a difficult task of refurbishment of a building to allow for it to be brought back into use and the challenges faced in working within a period property. The Planning Service submits that insufficient information has been submitted to demonstrate that

the proposed development, which is referred to by the Agent as the 'refurbishment' of the existing garage buildings, is in fact achievable as currently proposed, and that the existing garages are in fact structurally capable of being 'refurbished', given their age, current condition and construction type.

It is noted within the Statement that the proposed 'reinstatement of the garage with scale and material choices which respect the character of the building, benefits modern living requirements with no adverse impact on the neighbouring properties or the Conservation Area.' The Planning Service submits that the inappropriate scale and design and resulting visual impact of the proposed development fails to respect the character, appearance and setting of the historic environment. Notwithstanding that the Planning Service considers it most likely that the proposed development will require substantial or complete demolition of the existing garage buildings, the proposal as it currently stands would already result in the loss of historic fabric through the removal of a section of boundary wall, thereby delivering a layout for the triple garage building which fails to recognise and reflect the historic feu boundaries of the properties at No's 35 and 36 Albyn Place, an integral part of these properties listing and a key characteristic of the Albyn Place and Rubislaw Conservation Area, whilst also adversely affecting the historic setting of these properties through the loss of feu identity.

The Statement refers to the Planning Department having been averse to any proposals presented to them in relation to development at No 36 Albyn Place. However, no evidence has been presented to back up this claim. Indeed, the planning history listed above and included in the Notice of Review Statement by the applicant contradicts this notion.

Whilst other matters have been raised by the Agent, the Planning Service submits that these are not of relevance in the consideration of the planning application.

Precedent

Precedent is not normally a factor to consider but there is the potential for a cumulative impact if this application were approved and as a result it does become an important and relevant material consideration. Approval would set a precedent whereby it could allow for the introduction of similar, oversized garage buildings along rear lanes within the West End, resulting in the character and appearance of the corresponding conservation areas being adversely affected and to the detriment of the built historic environment.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The site lies within the West End Area (Policy VC6), as zoned in the Aberdeen Local Development Plan 2023 (ALDP). Policy VC6 (West End Office Area) states that applications for all development must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity.

The proposal seeks a change of use and reconstruction of two existing commercial garages for domestic use, resulting in a building which would incorporate a triple garage and storage at 1st floor level. The proposed triple garage building would be located outwith and remote from any existing

residential curtilage, with commercial car parking separating the application site and the residential property at No 36 Albyn Place which the garage is proposed to serve. The principle of the proposed development does therefore raise a degree of conflict with the expectations of Policy VC6 of the ALDP, given the intended domestic use of the garage and its siting which would be independent of any residential curtilage.

This siting of the development also raises conflict with the Aberdeen Planning Guidance on Householder Development with specific guidance on outbuildings/ancillary buildings stating that these are '*detached buildings within a dwelling's curtilage that are used in association with the enjoyment of the residential use of the property*'. Whilst the proposal seeks consent for a triple domestic garage and storage facilities associated with the residential use of the property at No 36 Albyn Place, the resulting building would be remote from and function independently of that dwelling's curtilage, and its intended use would have no formal connection with the residential use of the property.

The proposed development is unacceptable in terms of its scale/form and its impact, including on the historic environment, with the application site forming the original curtilage of the listed buildings of No's 35 and 36 Albyn Place and lying within the Albyn Place and Rubislaw Conservation Area. The development as proposed would require removal of a boundary wall which forms part of the formal listing and with the resulting triple garage straddling the rear curtilages of No's 35 and 36 Albyn Place, the loss of established and historic feu boundaries which are a key characteristic of the conservation area, as outlined within the Council's Albyn Place and Rubislaw Conservation Area Character Appraisal. Such loss would cause harm to the character of the conservation area, thereby directly conflicting with the expectations of Policy 7 (Historic Assts and Places) of NPF4, Policies D6 (Historic Environment) and D7 (Our Granite Heritage) of the ALDP, with Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Boundaries and Demolition.

Taking account of the scale and form of the proposed triple garage, it is not apparent that the reconstruction of the existing buildings would in fact be achievable, given their current status and different material construction, and with one of the garages having been the subject over two years ago now of a Dangerous Building Notice which resulted in its partial demolition. With this in mind and whilst acknowledging that the proposed development in its current format would support the re-use of the vacant garage buildings, thereby addressing the expectations of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Building) of National Planning Framework 4 (NPF4), compliance with Policy 9 would however fail in the event of the proposed development involving demolition work and substantial rebuild.

The scale and form of the proposed development would appear particularly dominant within the streetscape in the context of its intended use as a domestic garage, and notably a resulting floorspace over the two floors which would be equivalent to that of a sizeable dwellinghouse. The proposed design would introduce additional height and massing to the ancillary building, including the incorporation of an external stairs with box dormer to the upper floor which would allow for access independent of the garage accommodation, with these aspects being in clear conflict with the requirements of the Council's Aberdeen Planning Guidance on Householder Development Guide.

Taking the above into account the proposal would not suitably address the expectations of Policies 14 (Design, Quality and Place) and 7 (Historic Assts and Places) of NPF4, or Policies D1 (Quality Placemaking), D6 (Historic Environment) and D7 (Our Granite Heritage) of the ALDP, along with the associated Aberdeen Planning Guidance on Development Along Lanes and Householder Development Guide, and would also fail to address the expectations of Historic Environment Policy

for Scotland (HEPS) and Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE) on Boundaries and Demolition.

Whilst the proposed development does not raise road safety concerns, the additional vehicle parking which it would deliver would further breach the maximum parking standards of 3 off-street parking spaces relative to the 4 bedroom dwelling at 36 Albyn Place. The proposal would result in a total of 9 parking spaces for this single domestic property. It would therefore not only fail to address the requirements of Policy T2 (Parking) of the ALDP and the associated Aberdeen Planning Guidance on Transport and Accessibility, but would also be contrary to the expectations of Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP in that it would not encourage the use of sustainable modes of transport.

In terms of the current proposal, where the demolition work identified relative to the existing garage buildings would appear to be relatively limited, then the resulting re-use of embodied energy would deliver a more sustainable option than that of constructing a new garage, including on a brownfield site. However, regardless of the scale of demolition work required, the proposal, by its very nature would encourage more car use and therefore would conflict with the expectations of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. Whilst offering limited opportunity for biodiversity gain and therefore resulting in some tension with Policy 3 of NPF4, this in itself does not raise any significant concern with the proposal.