

Agent Reference: 2854

Applicant: Mr & Mrs P. Webb

Application Address: 36 Albyn Place, Aberdeen

Request for review of Planning application 241416/DPP for the Change of use and reconstruction of existing commercial garages to form triple domestic garage with upper floor storage and external stair access.

Statement to accompany the Notice of Review.

To read in conjunction with information previously supplied to Aberdeen City Council.

Introduction

This appeal has been prepared by Ken Mathieson Architectural Design Ltd on behalf of Mr & Mrs P. Webb to support the request for review under appeals against non-determination.

Site Description

The original building was constructed in 1840 with the side extension being added in 1884. Built as a dwelling the property combined use as a dwelling with surgery in 1942 and a residential ballet school from 1960. It was in 1969 that the property was to be used as an office building for Campbell Connors solicitors who were in occupation of the building until the applicant took possession in 2023. The property is 183 years old and was a residence for 129 years. During the buildings lifetime it has never been vacant.

It is not known exactly when the gardens to the rear of No. 35 & 36 were formed into car parking but we can assume this was post 1942.

Separate vehicle access points to the rear car parks have been formed off Albyn Lane with modern boundary masonry walls to both No. 35 & 36.

The property is Class C listed jointly with the neighbouring property No. 35 Albyn Place and is located within the Albyn Place / Rubislaw Conservation area.

The application site is accessed at front from Albyn Place and rear from Albyn Lane. The applicant has ownership of the carpark to the rear accessed from Albyn Lane which includes the old coach house / garage. The carpark to the rear of No 35 Albyn Place, the coach house / garage of No 35 and the rear garden of No 35 are also owned by the applicant.

To the East of the application site is No 35 a vacant office building. To the West is No 37 which is operated as an office building with multiple tenants. The original building at No 37 remains facing Albyn Place and there has been an addition of large extension to the rear.

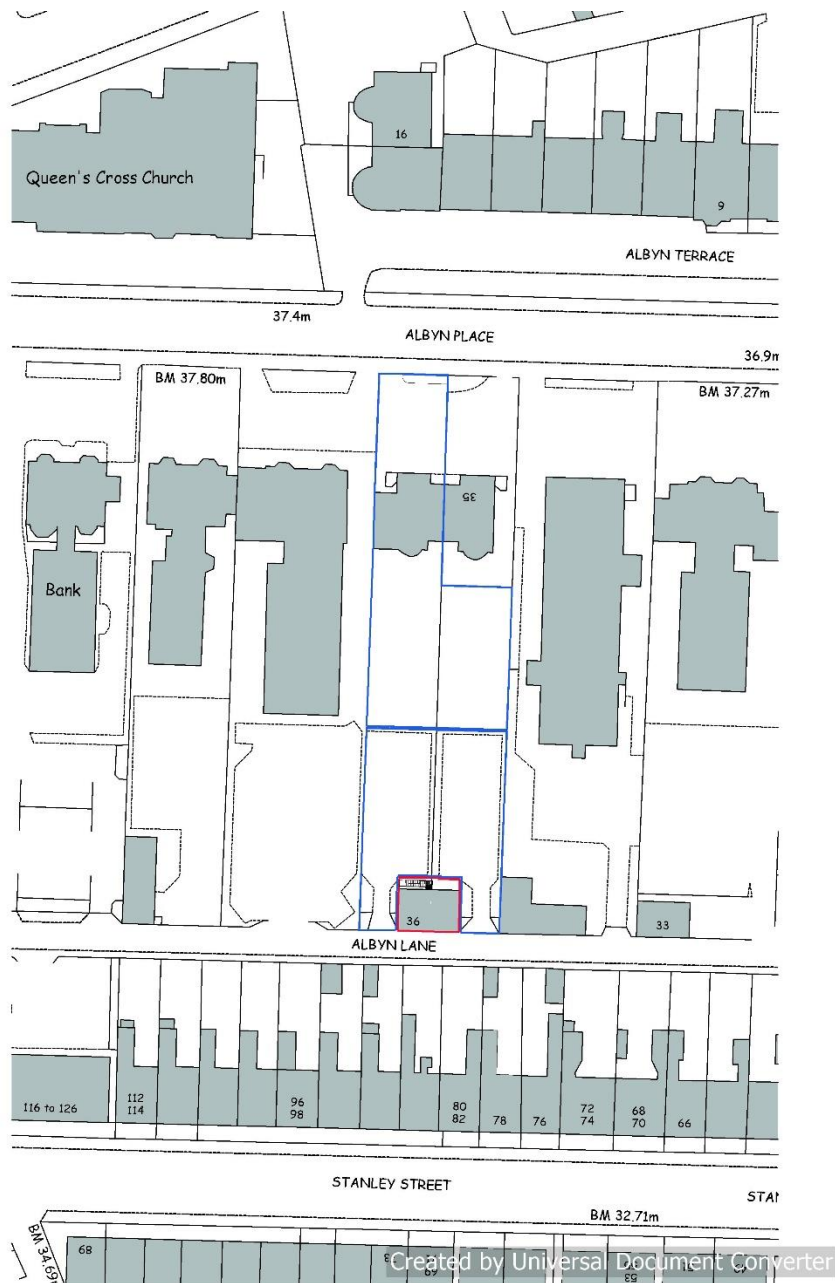


Photograph taken from Albyn Lane showing garage at 35 & 36 Albyn Place

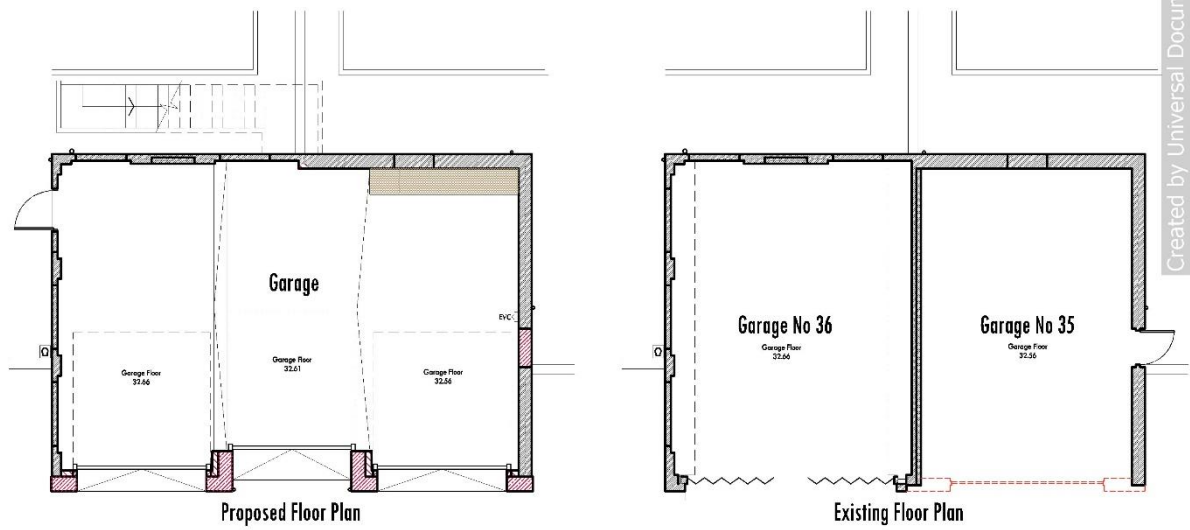
Proposal

The application seeks detailed planning permission for the change of use and reconstruction of existing commercial garages which were formally the garages to the main dwelling houses to take them back into residential use, create a triple garage within the existing footprint of the garages and create an upper store which would be accessed by an external stair in keeping with the numerous external stair access into buildings as can be seen from the application site.

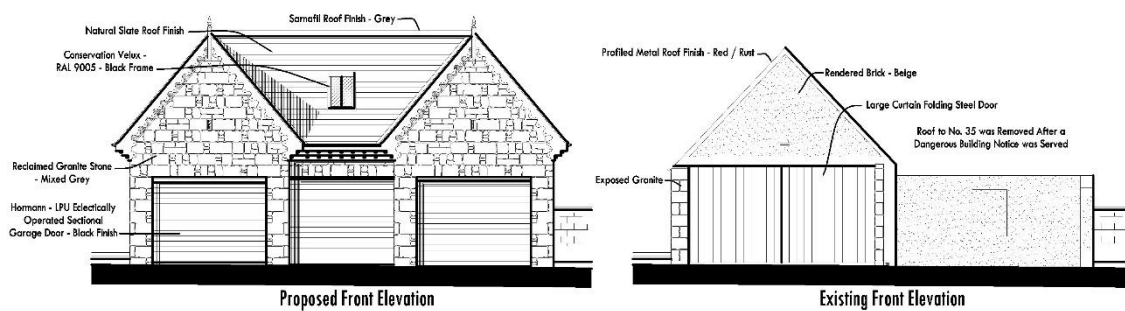
The property is to be reinstated back to domestic use and new roof constructed after a section of the roof fell into disrepair and was removed on safety grounds.



This Site plan shows the proposed rear external stair to the rear of the property in context to the surrounding area.



Drawing showing the Proposed & Existing Layout Plans side by side for comparison.



The above drawing shows the Proposed & Existing Front Elevations for comparison.

Reason for Appeal Review: 241416/DPP

The Planning Department have not provided a decision with the statutory determination date ending 4th February 2025.

Relevant Planning History

Planning Permission was Granted under reference 220733/DPP on 14/07/2022 for change of use from Class 2 (financial, professional and other services) to Class 9 (dwellinghouse).

Listed Building Consent was Granted under reference 221457/LBC on 17/05/2023 for 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 partition.

Listed Building Consent was Granted under reference 221476/LBC on 24/05/2023 Installation of replacement windows, doors & rooflights.

Planning Permission was Granted under reference 221477/DPP on 16/05/2023 for the 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.

Listed Building Consent was Granted under reference 221498/LBC on 10/03/2023 for the installation of gas meter box to front.

Listed Building Consent was applied for under reference 221505/LBC on 14/12/2022 for garage roof removal (to make safe).

The garage was the subject to a Dangerous Building Notice reference E22022 dated 15th December allowing the removal of the roof to make safe.

Planning Permission was Granted under reference 230652/DPP on 13/10/2023 after a Notice of Review due to the planning Department exceeding the determination date for the erection of balcony with external stairs and formation of door from an existing window opening to rear.

Listed Building Consent was Granted after appeal under reference LBA-100-2022 on 13/10/2023 due to the Planning Department exceeding the determination date for application reference 230653/LBC for the erection of balcony with external stairs and formation of door from an existing window opening to rear.

The Planning Officer allocated to this application has been involved in all of the projects noted above.

Application Timeline: 241416/DPP

Planning application submitted 4th December 2025

Planning registered with Planning department 5th December 2025.

Planning application submitted along side Listed Building Consent application ref: 241415/LBC.

Last advertised in Press on 8th January 2024

Expiry date for comments expires 29th January 2025. No neighbour or consultant comments are submitted.

Planning officer emails Agent on 9th January 2025 at 4:44pm requesting clarification in storage space of garage. See Appendix for copy of email.

Agent replies to Planning officer on 9th January 2025 at 5:12pm confirming domestic use and requesting information on timescales. See Appendix for copy of email.

Agent phones, leaving voicemail & emails Planning officer on 15th January at 4:50pm looking for reply to previous email sent 9th January. See Appendix for Copy of email.

Agent emails Planning officer on 17th January at 4:10pm looking for reply to previous email sent 9th January & 15th January. See Appendix for Copy of email.

Planning officer replies to email on 20th January at 8:53am noting that they are awaiting Roads department comment. See Appendix for Copy of email.

Agent emails Planning officer on 20th January at 9:10am asking for information on any Planning concerns while awaiting Roads comments to prevent any delays. See Appendix for Copy of email.

****Determination deadline passes 4th February 2025 with no correspondence from the Planning Department.****

Agent phones leaving voicemail & emails Planning officer on the 6th February 2025 at 2:43pm noting that the determination date has expired to enquire if the approvals documents are forthcoming. Appendix for Copy of email.

Planning officer emails agent on 19th February 2025 at 5:17pm with long list of queries. This is 15 days after the determination deadline and 30 days since the Agents last request for any Planning queries.

See appendix for timeline graphic showing the above.

Consultee & Neighbour Comments

No concerns or comments from any consultee or neighbour have been noted within the application Planning Portal.

Conclusion

The Act states only that the right to appeal the non-determination of an application arises if the appointed case officer “...has not determined it within such period as may be prescribed by regulations or a development order or within such extended period as may at any time be agreed upon in writing between the applicant and the person so appointed” I can confirm that no extension of time has been requested, agreed or signed by the Agent / Applicant & the Planning Department so any correspondence after the determination date of 4th February 2025 should not form part of this review.

The garage was subject to a Dangerous Building notice due to the lack of maintenance in the year prior to the applicant purchasing the property. It currently sits with temporary security fencing in place to prevent vandalism. The building is a blight on a Conservation area and the applicant has put forward a solution to bring the building back to life with appropriate good quality materials suitable for the historic setting.

It has been established that where there are run down buildings then an element of criminality can develop with anti-social behaviour increasing where property is not brought back into use, recently within Aberdeen there have been a series of fires started by as yet uncaught persons. In close proximity to the application site a car was set alight on the 18th February 2025 in Albert Street. By approving the garage rebuild the Council would be bring a building back into use and providing a safe secure location for domestic cars to be parked overnight.

The applicant is committed to take on the difficult task of refurbishing the building to allow the garage to be used for its original domestic purpose. With so many properties sitting vacant within the city centre it is a credit to the applicant to take on the challenge of working within a period property, but it is only being undertaken due to the applicants love of Aberdeen and their commitment to reside within the City centre for many years to come.

Prior to purchasing the property, the applicant had been assured that Aberdeen City Council were encouraging the reinstatement of the granite properties from vacant commercial use back to residential use but the negative experience of working with the Planning Department who have been averse to any proposals presented to them at 36 Albyn Place and have been secretive with their reasoning and absent when contacted has soured the design process.

Without applicants willing to take on the challenge of bringing abandoned period properties back into their original residential use, Aberdeen will soon look different to the silver city, we wish it to remain. We would be grateful if the Council could support the refurbishment of the dilapidated building in this location rather than allowing the Planning department to place obstacles in the way of willing applicants.

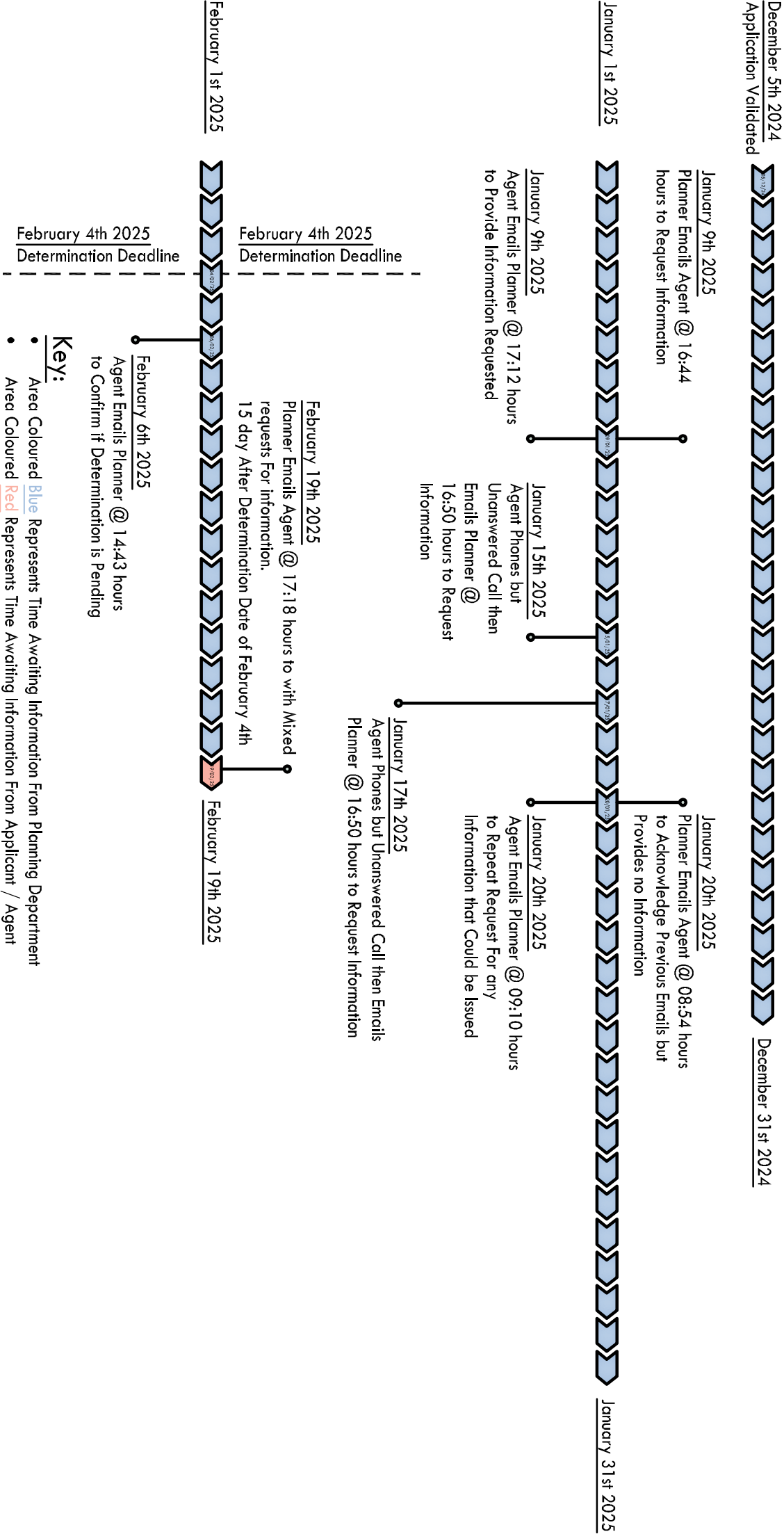
No objections were noted online from any neighbours or Planning consultees. The property is located within a large site and the proposal will have no adverse impact on any residential amenity.

It is not disputed by the Planning Department that the building was once part of the residential property but they somehow want to use bureaucracy to leave the building with a commercial use. The works to return the building back to its original use as a domestic garage require time and effort by the applicant and the reinstatement of the roof will help ensure long term maintenance requirements can be undertaken safely and on a regular basis to prevent the level of deterioration which is currently present.

We feel that if the Local Review Body can visit this site first hand, they will see that our proposed reinstatement of the garage with scale, and materials choices which respect the character of the building, benefits modern living requirements with no adverse impact on the neighbouring properties or the Conservation area.

Application Timeline

Timeline Representing Planning Application Ref:241416/DPF & Listed Building Consent Ref:241415/LBC
For: Change of Use and Reconstruction of Existing Commercial Garages to Form Triple Domestic Garage with Upper Floor Store and External Stair Access
At: 36 Albryn Place, Aberdeen, AB10 1YF



Stuart Mathieson

From: Stuart Mathieson
Sent: 20 January 2025 09:10
To: Jane Forbes
Subject: FW: 2854-RE: Planning Application Ref 241416/DPP & Listed Building Consent Application Ref 241415/LBC - 36 Albyn Place

Morning Jane,
Thank you for the reply, the applicant is keen to address any potential issues which may arise at the earliest opportunity to avoid any delays in determining the application.
Could you please let me know if you have any concerns with the application prior to the Roads department returning their comments.
Any queries give me a call.

Kind Regards
Stuart

on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Jane Forbes <JANEF@aberdeencity.gov.uk>
Sent: 20 January 2025 08:53
To: Stuart Mathieson <stuart@kenmathieson.com>
Subject: RE: 2854-RE: Planning Application Ref 241416/DPP & Listed Building Consent Application Ref 241415/LBC - 36 Albyn Place

Hi Stuart

Apologies for not having got back to you earlier, but we are awaiting Roads comments so my intention would be to get back to you on the application once these are received and all matters can then be discussed.

Regards
Jane



Jane Forbes MRTPI | Planner – Development Management
Aberdeen City Council | Development Management | Strategic Place Planning
City Regeneration & Environment | Marischal College | Ground Floor North |
Street | Aberdeen | AB10 1AB

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From: Stuart Mathieson <stuart@kenmathieson.com>
Sent: 17 January 2025 16:10
To: Jane Forbes <JANEF@aberdeencity.gov.uk>
Subject: FW: 2854-RE: Planning Application Ref 241416/DPP & Listed Building Consent Application Ref 241415/LBC - 36 Albyn Place

Hi Jane,

Can you please give me a call on Monday to let me know if there is anything we should be addressing for the garage at 36 Albyn Place.

Kind Regards
Stuart

on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Stuart Mathieson
Sent: 15 January 2025 16:50
To: Jane Forbes <JANEF@aberdeencity.gov.uk>
Subject: 2854-RE: Planning Application Ref 241416/DPP & Listed Building Consent Application Ref 241415/LBC - 36 Albyn Place

Hi Jane,
Tried calling a couple of times with no luck.
Could you please give me a call on Tel: 01224 710357 to let m know your thoughts on the above application.

Kind Regards
Stuart

on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Stuart Mathieson
Sent: 09 January 2025 17:12
To: Jane Forbes <JANEF@aberdeencity.gov.uk>
Subject: 2854-RE: Planning Application Ref 241416/DPP & Listed Building Consent Application Ref 241415/LBC - 36 Albyn Place

Evening Jane,
Planning permission for the change of use for the main property at No. 36 Albyn Place to be returned from Office back to residential was obtained on the 14th July 2022 (220733/DPP).
The rear car park to No. 36 could not be included in the change of use application for the property as it is subject to lease to the neighbouring offices for parking. This was an inherited condition of the purchase of the property and not something put in place by the applicant.
The applicant purchased the car paring, garage and section of the rear garden from the owners of No. 35 and all the ground is now within their ownership.
The applicant and his family are close to finalising the refurbishment of the property and have moved into their new home at No. 36. They are now in a position where they are ready to renovate the rear garages which have been neglected to a state where a Dangerous Building Notice was issued on the 15th December 2022 (E220022) to allow the collapsing roof to be removed for public safety.
The application we have made to the Council includes a change of use from commercial back to residential and is for the sole use of the applicant who as noted above is the owner of all the surrounding ground.
The storage area in the roof space is for domestic storage only. It would be counter productive for the applicant to apply for a change of use from commercial to domestic only to use the property for commercial use.
Please let me know your thoughts as soon as possible on how the Planning Department are going to proceed given the clarifications provided above.

I look forward to hearing from you, however in the meantime should you have any queries please do not hesitate to contact me.

Kind Regards
Stuart

on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Jane Forbes <JANEF@aberdeencity.gov.uk>

Sent: 09 January 2025 16:44

To: Stuart Mathieson <stuart@kenmathieson.com>

Subject: Planning Application Ref 241416/DPP & Listed Building Consent Application Ref 241415/LBC - 36 Albyn Place

Hello Stuart

As part of our initial assessment of the above applications, and on the basis that the proposed garage would neither lie within the residential curtilage of No 36 Albyn Place or within any other residential curtilage and therefore cannot be considered for domestic purposes, we are seeking clarification on how the garage and the storage space above would be used.

Thanks very much for providing clarity on the above.

Regards
Jane



Jane Forbes MRTPI | Planner – Development Management
Aberdeen City Council | Development Management | Strategic Place Planning
City Regeneration & Environment | Marischal College | Ground Floor North | 1
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Stuart Mathieson

From: Stuart Mathieson
Sent: 06 February 2025 14:43
To: Jane Forbes
Subject: 2854 - Garage - rear lane to 36 Albyn Place - 241426/DPP & 241415/LBC

Afternoon Jane,

Tried calling earlier and left a message on your voicemail.

I'm writing in regards to the 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 & 241415/LBC) to the rear of 36 Albyn Place.

The determination date passed this week on the 4th February and we received no documentation regarding the application.

We have reached out previously with my last email being sent on the 20th January to which there was no reply from yourself.

Having checked online I note there are no objections shown from any neighbour or consultee.

The applicant is keen to move forward with finalizing the Building Warrant drawings and we would be grateful if you could please indicate that the Planning & LBC approvals are forthcoming.

I trust all is in order and look forward to hearing from you.

Kind Regards
Stuart

on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.

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e-mail - stuart@kenmathieson.com

From: Jane Forbes <JANEF@aberdeencity.gov.uk>
Sent: 19 February 2025 17:17
To: Stuart Mathieson
Subject: Planning Application Ref 241416/DPP & Listed Building Consent Application Ref 241415/LBC - 36 Albyn Place

Hello Stuart

We would want to advise that the above applications have been considered in full, with detailed discussions which have now taken place having raised a number of issues and concerns with regards the proposed development works. These are outlined as follows:

Principle of Proposed Development

- The proposal seeks a change of use from commercial to residential garage, however the proposed garage building with storage space within the upper floor would lie outwith any residential curtilage. Rather, the proposed garage would be sited within a commercial car park, and whilst it is acknowledged the car park is within the ownership of the applicant, it is clearly not in residential use. A residential curtilage cannot be created where there is no residential property, therefore this raises the fundamental question as to how this proposal is categorised and defined and what justification there would be for a change of use to residential for a triple garage with domestic storage in these circumstances, where that building would lie within a commercial site. That is the dilemma which the Planning Service is currently wrestling with and which has significant implications in terms of how it is both assessed and determined.
- The scale/form/layout of the proposed garage would result in two separate garage buildings being replaced by a single building which would straddle the rear curtilages of No's 35 and 36 Albyn Place, resulting in the loss of the established and historic feu boundaries and a failure to address and respect the historic character and context of the conservation area within which the existing garages lie. It is expected that a clear definition of the two feus and their associated boundaries is retained.
- Notwithstanding the dilemma identified in the first bullet point, based on what you have stated is the intended purpose of the garage, the proposal would result in a total of 9 spaces being delivered as car parking for a single dwelling. The Council's Aberdeen Planning Guidance on Transport and Accessibility outlines maximum parking standards for residential properties, with a maximum parking allocation of 3 spaces for dwellings in this location of 4 bedrooms or more. It is noted that the property at No 36 Albyn Place currently provides off-street parking for 6 vehicles within the front curtilage, with this level of parking therefore already equating to double the maximum standards applicable to the property. This proposal would see those maximum parking standards further breached and with no justification.

Notwithstanding that there are issues with the basic principle of development that need to be resolved, as outlined above, there are also concerns with this proposal from a design/build perspective, notably:

- Whilst the listed building consent application and the associated planning application were both described as 'refurbishment' of the existing garages, taking into account the current status of the buildings and scale of the proposed development works being sought, the proposal is described more accurately as a reconstruction of these garage buildings. Bearing this in mind and given the detail shown within the existing and proposed layout plans and elevational drawings, it is apparent that the proposal involves demolition works. However, with the exception of some reference 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 further reference is made on any of the plans submitted as part of the listed building consent application to the additional demolition works being proposed. It should be noted that all demolition work (partial or complete) required in association with the reconstruction of these two garage buildings must be clearly identified and shown on the relevant plans as part of this listed building consent application, with

clear justification provided for such works. It has been noted that the existing wall which currently splits the two garage buildings does not form part of the proposed 3 car garage layout, however the proposal makes no reference to the demolition of this wall. Noting the current condition, in particular of the east wall of the partially demolished garage at No.35, we would encourage you to consider carefully at this stage the full extent of demolition works that will, or are likely to be required, so that the current listed building consent application can take account of those works. It would be unlawful to undertake any additional demolition work which is not approved as part of a listed building consent. If additional works were identified at the time of detailed design of the garage or at the demolition stage, a new listed building consent would be required before such works could proceed. All relevant plans/drawings that take account of the above should be submitted accordingly.

- In considering the scale, form and design of the proposed garage, Policies 7 (Historic Assts and Places) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the Aberdeen Local Development Plan 2023 are directly relevant, together with the Aberdeen Planning Guidance (APG) documents 'Development Along Lanes' and 'Householder Development Guide'. In the context of this site, within the curtilage of a listed building and within a conservation area, and the lane on which it would front, the scale/form/height and overall volume of the garage is deemed excessive and is not acceptable as currently proposed. The garage would incorporate internal ceiling heights of between 2.7 to 2.8 metres at ground floor and 2.4 metres at 1st floor. There is no justification or apparent requirement for the elevated ceiling heights at either ground or first floor level, which it should be noted would even exceed the minimum required for a dwelling. The resulting height of the proposed development is considered to be neither acceptable or indeed appears to be necessary in terms of the intended use of this ancillary building for garage and storage purposes. In accordance with the Development along Lanes APG the maximum ridge height is of no more than 5.6 metres. The adjacent mews building, at 1½ storeys, has a traditional roof form and dormers that 'pushes the dwelling volume away from the lane', thus respecting the scale of the lane. The proposed garage is different with its gables to the lane which are on the same plane as the ground floor, thus emphasising the height of the structure and not reducing its volume.
- The design of the garage is noted as being particularly ornate with the gable features and barge boards, which give modelling and visual interest. This is welcomed. However, the pitch of the roof, at 50 degrees, does need to be revisited with a view to reducing the top-heavy design and massing of the proposed building.
- Finally, in terms of the design of the proposed garage building and taking into account that its stated intended use is to be used by the occupants of the house at 36 Albyn Place and thus ancillary to its residential occupation, then it is also appropriate and relevant to assess the proposal against the guidance on the design of outbuildings detailed within the Council's Aberdeen Planning Guidance on Householder Development Guide is of particular relevance. The guidance outlines that outbuildings '*are traditionally single storey in height, with either a flat or pitched roof*' and advises that '*it may be possible to accommodate an additional storey within the roof space of a pitched-roof outbuilding, although in such cases 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 guidance states that '*dormers will not be permitted as a means of gaining additional headroom.*' and that '*access to an upper floor should be situated internally*'. Further, it states '*where highly visible and especially in conservation area, detached garages should be of a scale and design that respects the prevalent context of the surrounding area*'. The design, scale and form of the proposed garage building are clearly contrary to these requirements.

Thank you in advance for advising whether any amendment to the current proposal will be made with a view to addressing the concerns noted above, or whether the applications should be determined as they stand. Specifically, with regard to the listed building consent application, that decision can only be refusal on the grounds of missing detail identifying the extent of demolition on the submitted drawings.

Regards
Jane



Jane Forbes MRTPI | Planner

Development Management | Strategic Place Planning | City Regeneration & Environment |

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