

# QUEEN'S CROSS HARLAW COMMUNITY COUNCIL

Founded April 1987

Ms Lucy Greene,  
Planning and Sustainable Development,  
Aberdeen City Council,  
Marischal College,  
Aberdeen.

Andrew H.R. Goldie,  
276 Union Grove,  
Aberdeen AB10 6TQ  
4<sup>th</sup> April 2012  
Tel.:

**Application 120238: Demolition of Garage and Outhouse, and Erection of New Dwelling with Frontage on to Spademill Lane.**

Dear Ms. Greene,

Further to our recent telephone conversations, I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above proposal. Following approaches from concerned residents and subsequent discussion within the Community Council, we consider the proposed development to be unsatisfactory in a number of areas, and wish to register objection accordingly.

We note that the above proposal follows a previous development application for a dwelling on the same site. This previous application was refused by committee several months ago; and although the present application is based on an altered design, the view of the community council is that most of the grounds of objection previously raised still apply to the present case.

Our comments are as follows:-

1. This property is located within Conservation Area 4. Protection afforded by such status applies not only to property frontages, but also to rear elevations, rear gardens and associated access lanes. This proposed development would stand out as an aberration to the established building pattern, and would have an adverse effect on both neighbours and general visual amenity. Furthermore, the development (and others that would follow) would incrementally increase both building and population density, thereby altering the character of the area. As it would neither enhance nor preserve the Conservation Area setting, the proposed development is therefore at odds with conservation principles and should be rejected accordingly.

2. In terms of both height and footprint, the proposed development is considerably larger than the buildings it will replace, and will be a prominent visual intrusion from the rear perspective of neighbouring properties on Bayview Road. In particular, no. 6 Bayview Road would be affected by overshadowing, visual intrusion and blocking of sunlight; but the aspect of other adjacent sites would also suffer a loss of general amenity by having such a large, dominating structure imposed upon the rear aspect of the properties.
3. In common with previous applications for housing on this site, there is concern with pedestrian access and the potential for conflict with traffic using the access lane. While there is a short stretch of pavement at the very top of Spademill Lane, it is on the opposite side of the lane from the proposed development; and there does not appear to be provision for any additional pedestrian access in the plans as submitted. Presumably, the narrowness of this section of the lane makes it impossible to improve pedestrian access without restricting the lane to a single carriageway. Inevitably, this leaves pedestrians in contention with vehicular traffic in the lane, and thus constitutes a hazard to both pedestrians and passing traffic.
4. Within the Conservation Area, the majority of buildings are of traditional granite construction, and most retain original stone boundary walls, which also define the access lanes to the rear. The proposed building however, does not conform to the granite tradition. Instead, the walls are to be finished in concrete-grey Fyfe-stone (a manufactured product), and topped with grey concrete roof tiles. Apart from the raspberry ribbon of terracotta ridge tiles, the proposed build is in aesthetic terms, a study in concrete. As such, it is out of keeping with, and unsympathetic to, the special character of this conservation area and should be refused accordingly.
5. There has unfortunately, been some development of modern buildings on the south side of Spademill Lane within the large, curtilages to the rear of properties on Queen's Road. The view of the Community Council however, is that the construction of these modern buildings has undermined the Conservation Area, and that the previous granting of planning permission for such buildings must now be looked on as a matter for regret. The existence of such buildings should not provide sufficient precedent to justify similar desecration of the north side of Spademill Lane.
6. Council policy (as detailed in *Supplementary Guidance: The Sub-division and Redevelopment of Residential Curtilages*) on developments in rear-garden areas that front onto lanes rather than a public road is that "there will be a general presumption against the construction of new dwellings in rear garden ground". It is quite clear that the current proposal is in direct contradiction of policy; and planning permission should therefore be refused as a matter of routine.
7. The rear boundary of 4 Bayview Road (and hence the proposed development) faces onto a gated avenue of garages, one of which is to be demolished as part of this proposal. Allowing this development would set a precedent for other property owners in Bayview Road to make similar applications to develop housing to the rear of their properties; and ultimately, the current gated avenue

of garages could develop into a secondary, back-land avenue of additional housing. Similarly, granting approval for the current application would provide encouragement to owners of properties in Rubislaw Den South who may wish to capitalise on their extensive rear gardens by building residential properties fronting onto Spademill Lane. In short, approval of this application would make it more difficult for the Council to adhere to approved policy and resist the flood of similar applications that would inevitably follow.

The above summary is a fair reflection of the views of Queen's Cross and Harlaw Community Council, and we trust that you will give our comments due weight in the determination of this application. We are of the firm belief that this planning application should be rejected for the reasons outlined above. Should Committee Members feel in any way inclined to doubt our assessment however, then we recommend that a site visit be undertaken to resolve matters.

Should you require clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely,

***Andrew Goldie***

Planning Convenor, Queen's Cross & Harlaw Community Council.



*Bayview Rd*

**Evised Registered with the Civic Trust**  
**Registered Charity Number SC003089**  
**Honorary Secretary: Mr A Struthers**

Aberdeen Civic Society  
c/o 77 Headland Court,  
ABERDEEN  
AB10 7HW

Aberdeen City Council  
Planning & Infrastructure  
Enterprise, Planning and Infrastructure  
St Nicholas House  
Broad Street  
Aberdeen  
AB10 1BW

20 March 2012

Dear Dr Bochel

**P120238 – Spademill Lane rear of 4 Bayview Road**

The Society has considered the above application and wishes to comment as follows:-

*As with the previous application for this site, the Society feel that the proposal is of inappropriate design, particularly for a Conservation Area and would further exacerbate the over-use of an inadequate lane without footpaths which would be prejudicial to public safety. We would respectfully suggest that, as per the previous decision, this area should not be subject to further development.*

We would be grateful if our representation could be given consideration.

Yours sincerely

Alastair Struthers

**From:** Bruce Cochrane  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 20/03/2012 12:23  
**Subject:** Second Planning application 4 Bayview Road Aberdeen

Dear Sirs

I wish to object to the above planning application for 4 Bayview Road Aberdeen ref 120238

The first application has already been rejected and I see no reason that the changes made to the design should change this position

- 1 The application is an overdevelopment of the site
- 2 The plan requires 4 new vehicular dangerous openings onto Spademill Lane No 4 already has access through the communally owned garage space to the rear of the house
- 3 There is no pavement on the north side of Spademill Lane
- 4 The proposed two story house hard on the north boundary would block light from number 6 house and garden
- 5 The area is a conservation area and the materials and design are inappropriate to the surrounds

yours sincerely

T Bruce Cochrane  
11 Bayview Road

*Bayview*

**From:** "Thomson, Les"  
**To:** <pi@aberdeencity.gov.uk>  
**CC:** "Allison Skinner"  
**Date:** 3/19/2012 2:58 pm  
**Subject:** Objection to: Application number 120238, dated 28 February 2012, Proposed development of new dwelling house and associated parking, at the rear of 4 Bayview Road.  
**Attachments:** Objection to No.4b.doc

Please Pass this letter of objection to - Lucy Greene, Planning Reception, Planning and Sustainable Development, Marischal College Reception, Broad Street, Aberdeen, AB10 1AB by 20 March 2012. Thanks very much.

<<Objection to No.4b.doc>>

Talisman Energy (UK) limited, incorporated in England and Wales (Company number 825828) having its registered office at 20-22 Bedford Row, London WC1R 4JS.  
Please follow the attached link for legal and corporate information on the sender of this email:

Dear Sir/Madam,

**Re; Application number 120238, dated 28 February 2012, Proposed development of new dwelling house and associated parking, at the rear of 4 Bayview Road, Aberdeen AB15 4EY.**

We refer to the above application and want to let you know that we object to the proposal. We also note that this proposal is but a slightly modified version of the previous development proposal No 111510, which has already been rejected by the planning and sustainable development department.

Our objections are as follows:-

The proposed development is within the designated Conservation Area 4 - as defined by Aberdeen Council. The designation is made "in order to protect, and where possible, enhance their architectural character" of the conservation area. This development proposal is in conflict with these objectives.

In addition to not meeting the council's conservation objectives, the proposal would result in leaving a large family home with no back garden. We are concerned that the next development proposal that you are likely to receive from the incumbents, will be to divide the family home into apartments. This would have an even more negative impact on the amenity and character of the area in which we live. The gate, to this very predictable outcome, should not be opened.

We object to the fact that the proposal does not give due consideration to the site's context or make a positive contribution to its setting in the conservation area. Both the design and choice of materials for this development are incompatible with the existing architectural style and character of the area.

The development will impact the privacy of a number of dwellings in the area. There is a short stretch of public footpath at the top of Spademill Lane, on the opposite side from the proposed development. Pedestrians have to share the lane with vehicles, many of which use the lane to access the rear car parks of offices on Queens Road - this is a safety hazard.

The proposed development would create an undesirable precedent for future applications of a similar nature to develop garden ground. Three other similar applications involving development in the rear portion of a back garden in established Aberdeen areas were recently considered at Appeal and all three were refused.

Bayview Road is our long term home and we wish to object in the strongest possible terms to this kind of speculative development in a conservation area. If permission to proceed is granted, then a very destructive precedent will have been set. Everyone with a garden backing onto Spademill Lane, could reasonably expect to be allowed to build large homes at the bottom of their gardens. This outcome would clearly not comply with the council's desire to protect the character of the area - through the conservation process. If the decision is

made to grant this planning permission then the council should declare that the local plan for the west end of Aberdeen has changed and make it clear that instead of having "conservation area 4 status", the back garden spaces have been reclassified as housing development areas. We have contacted our various political representatives and conservation organisations to describe what could happen and to seek their support to ensure that the conservation status of the area is protected.

Please keep us fully informed during the various stages of your development assessment process. We are anxious to make our representations, in person, at any meetings that you may plan to have.

Yours faithfully,

R. L. Thomson and A.A Thomson

7 Bayview Road

25/10/11

|  |              |
|--|--------------|
| City Development Services<br>Letters of Representation |              |
| Application Number                                     | 120238       |
| RECEIVED   | 19 MAR 2012  |
| Dev. (North)   | Dev. (South) |
| Case Officer Initials:                                 | CCG          |
| Date Acknowledged:                                     | 22/03/12     |



**From:** Sandra McIntosh  
**To:** "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>  
**CC:** "jastewart@aberdeencity.gov.uk"  
**Date:** 20/03/2012 16:43  
**Subject:** Planning application no. 120238

Dear Sir,

Ref. 4 Bayview Road  
Application no. 120238

We am writing to object to the planning application submitted by the owners of 4 Bayview Road in respect of a dwelling to be built in the rear garden.

We are owners and residents of 14 Bayview Road and have a garage in our back garden accessed off Spademill Lane. We regularly use the rear lane access so are familiar with the area and the impact of this planning application.

We have several points which we would like to draw to the attention of the planning committee.

- Bayview Road is in a conservation area and as such the new building would not be constructed using materials sympathetic to other properties in the street. This would have a detrimental visual impact in a conservation area.

- This is an over-development of a rear garden reducing the garden area to no. 4 and demolishing the garage. Whilst the proposed plan does include car parking space at no. 4 the access is likely to be so awkward that this parking area will not be used and cars will park on Bayview Road further impacting that road.

- The house design of the proposed plan is at complete odds with that of no. 4 Bayview Road and all others on that street. To grant this application could be seen as a precedent which would spoil this very attractive conservation area.

- The property will impact on the neighbours at no. 6 as well as those across Spademill Lane as they will be overlooked.

- The garage area to the rear of Bayview Road is used on a daily basis by the garage owners and having a property immediately to the side of this entry and exit would cause access and vision problems.

- Spademill Lane is a narrow lane and any extra traffic should be discouraged. The access to the rear properties of Queens Road are directly opposite this proposed application and would cause traffic congestion.

- We would strongly urge you to reject this application on the basis of it being an over-development in a conservation area causing possible traffic congestion. We should be proud of the heritage of beautiful granite properties we have in the west end of Aberdeen and seek to preserve that rather than spoil this area.

Yours faithfully,  
Alaister and Sandra McIntosh  
14 Bayview Road,  
Aberdeen AB15 4EY

Tell

Duplicate

**From:** Lucy Greene  
**To:** PI  
**Date:** 20/03/2012 09:48  
**Subject:** Fwd: FAO Lucy Greene - Objection to planning application reference 120238  
**Attachments:** Objection to planning app ref 120238.pdf

Hi

This may duplicate an objection already received by PI, but if not please could you book into APP  
Thanks,  
Lucy

>>> The McCallums | \_\_\_\_\_ 20 March 2012 09:39 >>>  
Hi Lucy

Further to our conversation, here is our objection. Hopefully you will already have it but just to make doubly sure!

As this is a forwarded message, please can you check that the attachment opens ok?

Kind regards  
Yvonne

Sent from my iPhone

Begin forwarded message:

**From:** Andrew McCallum | \_\_\_\_\_  
**Date:** 18 March 2012 18:49:04 GMT  
**To:** [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)  
**Cc:** Andrew McCallum | \_\_\_\_\_  
**Subject:** FAO Lucy Greene - Objection to planning application reference 120238

Dear Ms Greene

We are the owner-occupiers of 6 Bayview Road, Aberdeen.

We object to the application (120238) that has been submitted by Mrs Ainslee Scott for the following reasons:

<!--[if !supportLists]--> <!--[endif]-->The proposal does not comply with the Aberdeen Local Plan 2012 in terms of Policies D1, NE3, D2 and D4.

<!--[if !supportLists]--> <!--[endif]-->The proposal does not comply with Supplementary Guidance "The Subdivision and Redevelopment of Residential Curtilages" in that it represents a form of backland development fronting onto a lane which is out of keeping with the character, setting and overall density of the conservation area. It may also create a potential pedestrian and driver safety hazard.

<!--[if !supportLists]--> <!--[endif]-->Similar applications have been refused by Aberdeen City Council and at Appeal and approval would create an undesirable precedent  
Please find attached our detailed objection to the proposed development.

Yours sincerely

Mr and Mrs Andrew McCallum

18 March 2012

Ms Lucy Greene  
Senior Planner  
Planning and Sustainable Development  
Aberdeen City Council  
Marischal College  
Aberdeen  
AB10 1AB

Dear Ms Greene

**PLANNING APPLICATION REFERENCE: 120238**

**DEMOLITION OF EXISTING GARAGE AND outhouse AND  
FORMATION OF TWO BED DWELLING WITH ASSOCIATED PARKING AT  
4 BAYVIEW ROAD, ABERDEEN**

We are the owner-occupiers of 6 Bayview Road, Aberdeen. We object to the application that has been submitted by Mrs Ainslee Scott for the following reasons:

- ∞ The proposal does not comply with the Aberdeen Local Plan 2012 in terms of Policies D1, NE3, D2 and D4.
- ∞ The proposal does not comply with Supplementary Guidance "The Subdivision and Redevelopment of Residential Curtilages" in that it represents a form of backland development fronting onto a lane which is out of keeping with the character, setting and overall density of the conservation area. It may also create a potential pedestrian and driver safety hazard.
- ∞ Similar applications have been refused by Aberdeen City Council and at Appeal and approval would create an undesirable precedent.

**1. Aberdeen Local Plan 2012**

- a. Policy D1 of the Aberdeen Local Plan 2012 (ALP 2012) requires new development to be designed with due consideration for its context and make a positive contribution to its setting. The site is within the designated Conservation Area 4 as defined by Aberdeen City Council. The objective of the designation is to protect and where possible, enhance the architectural character of the area.

The density of development surrounding the site is relatively high, comprising detached and semi-detached dwellings. The large, rear gardens of the properties provide valuable open space, which contribute to both residential amenity and the quality of the environment.

The proposed development will erode the rear garden of 4 Bayview Road to create car parking. Furthermore a considerable proportion of the garden for the proposed new dwelling will be assigned to car parking. That is entirely out of keeping with the surrounding properties and consumes valuable green space.

**The proposal does not give due consideration to the site's context or make a positive contribution to its setting, particularly given the fact it is in a conservation area.**

- b. Policy NE3 confirms existing areas of landscaped or amenity urban green space – including smaller spaces such as private gardens – shall not be considered as brownfield sites for new development.

Development will only be acceptable provided there is: (1) no significant loss to the landscape character and amenity of the site and adjoining areas; (2) access is either maintained or enhanced; (3) the site is of no significant wildlife or heritage value; and (4) there is no loss of established or mature trees.

**There will be a significant loss to the landscape character and amenity of the site given the removal of urban green space in favour of the proposed dwelling itself and car parking for both it and the existing dwelling at 4 Bayview Road.**

- c. Policy D2 sets out criteria for design and amenity. It is noted that all residential development is required to have a public face to a street and a private face to an enclosed garden or court.

**The proposed development would have its public face to Spademill Lane, which is, in essence, simply a service road primarily giving access to the rear car parks of office buildings on Queens Road.**

- d. Policy D4 – Aberdeen's Granite Heritage – states that consent will not be given for the demolition of granite-built garden or other boundary walls in conservation areas.

Point 10 in the notes on the 'Proposed Elevation' drawings within the application clearly indicates that the "existing boundary wall (will be) demolished and rebuilt with random rubble to match ex. with red brick coping and black pointed steel fence and gates".

**The demolition of the granite wall, which will largely be replaced with steel railings and gates, is incompatible with Policy D4, Aberdeen's Granite Heritage.**

## 2. Supplementary Planning Guidance

The ALP 2012 states all development is expected to be designed with regard to Aberdeen City Council's published Supplementary Guidance. The guidance on "The Subdivision and Redevelopment of Residential Curtilages" applies and the following paragraphs of the Supplementary Guidance are relevant:

The guidance establishes criteria for privacy, residential amenity, daylight and sunlight. While we remain concerned about privacy, of more immediate concern is residential amenity, daylight and sunlight.

- a. The guidance states gardens of dwellings up to two storeys in height should have an average length of at least nine metres.

**While it appears that the proposed development may marginally meet this requirement, both its garden and particularly the rear garden to the existing dwelling at 4 Bayview Road are much smaller than those of all other properties on Bayview Road.**

- b. The guidance states that parking within a private court must be located to the rear of any development, not between the street frontage and the public road.

**The proposed development does not comply as the car parking clearly dominates the space and is located at the front of the property.**

- c. The guidance states that developments must not adversely affect the daylight and sunlight of adjacent or surrounding properties.

**The proposed development is of a height and width that is intrusive and will significantly affect daylight and sunlight at 6 Bayview Road.**

- d. The guidance states that the design and external finishes of any new dwellings should complement those of the surrounding area, although high quality contemporary or modern design that enhances the appearance of the area will be encouraged.

The ALP 2012 states that the use of granite has declined and that existing granite heritage should be conserved and the use of granite in new development should be encouraged.

**Both the design and choice of materials for this development are incompatible with the existing architectural style and character of the area. The area is dominated by granite / granite-faced buildings and the choice of Fyfe stone is clearly incompatible.**

- e. The guidance states that the acceptability of a new dwelling will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling or dwellings may have on the character of the area.

**The proposed 2-bedroom, small development is completely out of character with the form of development in the locality. The area is characterised by large 5 & 6 bedroom detached and semi-detached houses with large rear gardens, all of which face the road.**

**The lack of garden ground is entirely out of keeping with the surrounding properties which all enjoy large rear gardens. That is entirely out of keeping with the surrounding properties and is alien to the established density, character and pattern of development.**

- f. The guidance states sets out that "tandem" or backland development sets an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode the character and residential amenity of such areas.

**It is undesirable to set any sort of precedent for development of rear gardens in this area of Aberdeen, being a conservation area.**

- g. The guidance states that the provision of pedestrian and vehicular access to both the existing and new dwelling is essential. In every case there should be safe and convenient access from the dwelling to the public road and pavement, avoiding contrived situations. It will not normally be acceptable for pedestrian access to be shared with vehicles eg, where pedestrians have to walk on the carriageway of rear lanes or public roads to gain access to the development. This raises a number of issues:

**There is only a short stretch of public footpath at the top of Spademill Lane. It is on the opposite side from the proposed development. Therefore, pedestrians would have to share the lane with vehicles, many of which use the lane to access the rear car parks of offices on Queens Road. Thus creating a hazard for both.**

**It will be difficult to achieve satisfactory visibility splays. Cars it would either have to reverse into the driveway or reverse out. There is no option of proceeding in and out in a forward gear as is often required. This presents safety issues for drivers and pedestrians.**

### 3. Undesirable Precedent

**a. The proposed development would create an undesirable precedent for future applications of a similar nature to develop garden ground.**

If replicated, the residential amenity of the area and character of the conservation area would be eroded by the creation of second line buildings behind the existing dwellings.

**b. Aberdeen City Council has considered similar applications previously and refused those. We would urge the Council to refuse this application on the same grounds.**

An application to demolish an existing garage and erect two dwelling houses at Spademill Lane, at the rear of 43 Rubislaw Den South (Application Reference P110848) was refused on 18 August 2011. That application is very similar to the present proposal and raises almost identical issues.

**c. Three other similar applications involving development in the rear portion of a back garden in established Aberdeen areas were recently considered at Appeal and all three were refused.**

In each of those Appeals (references: P/PPA/100/415, P/PPA/100/429 and PPA-100-2019) the Reporters referred to Policies 1 and 8 of the ALP 2008 and found the proposals conflicted with the guidance on density and pattern of development in the Supplementary Guidance.

Against the above background and as a family with two young children looking forward to enjoying the benefits of living in a conservation area in a lovely part of the city, we would respectfully request that the current application is refused.

Yours sincerely

**Mr and Mrs Andrew McCallum**

6 Bayview Road  
Aberdeen  
AB15 4EY

Home: \_\_\_\_\_  
Andrew: \_\_\_\_\_  
Yvonne: \_\_\_\_\_

**From:** <webmaster@aberdeencity.gov.uk>  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 3/18/2012 10:02 pm  
**Subject:** Planning Comment for 120238

Comment for Planning Application 120238

Name : Philip Eost

Address : 47 Rubislaw Den South

ABerdeen

AB15 4BD

Telephone \_\_\_\_\_

Email { \_\_\_\_\_

type : \_\_\_\_\_

Comment : I am writing to register my objection to the above application.

This is a development in a rear garden in a suburban residential area and will result in the construction of a dwelling house which does not front on to a main public road. This is not in accordance with the guidance given in Section 5.4 of the Aberdeen Local Development Plan Interim Supplemental Guidance document - The Subdivision and Redevelopment of Residential Curtilages (Sept 2011).

The design of the building has little architectural merit and the materials of construction proposed do not compliment those of the surrounding conservation area. In particular no use of granite is specified for any of the external walls.

Spademill Lane is narrow lane providing access to the carparks of office buildings on Queens Road. The proposed vehicular access to this proposed development does not provide safe sightlines for pedestrians or car drivers and would also require vehicles and pedestrians to share the same entrance to the property.

The area of the proposed development has a very low crime rate and access to the rear of properties on Bayview Road and Rubislaw Den South is already controlled by means of security gates. I refute any suggestion that construction of this development would reduce significantly the levels of crime in the general area.

For these reasons I object to planning permission being granted for the above application. If approved it would have a negative effect on the character of the conservation area and would inevitably create pedestrian and vehicular conflict. Approval of the proposal would also set an undesirable precedent for future similar developments in the immediate area or wider city. Previous comparable applications in the local area including one for this location have already been refused for these reasons.



12 Bayview Road  
Aberdeen

13<sup>th</sup> March 2012

Aberdeen City Council,  
Planning Department,  
Marischal College,  
Broad Street,  
ABERDEEN

Dear Sirs,

Objection to Planning Application Reference ~~111510~~ 120238

I reside at 12 Bayview Road, Aberdeen and have resided there for over 25 years and I am aware of the character of the area and the amenities available. The proposed erection of a new dwelling in the rear garden of Number 4 would, in my view, be an over development of the site itself and would create a potential further danger to all those parties who own garages which are accessed by the lane at the rear of the gardens at the east side of Bayview Road. There are approximately 21 users of that lane for the purposes of garaging their cars and exiting the lane is already a dangerous manoeuvre as a result of the increased traffic on Spademill Lane which has developed in recent years as a result of planning applications having allowed increased access to the rear of office buildings which are now used as car parks despite the fact that the purpose of the lane was for accessing garages in residents rear gardens.

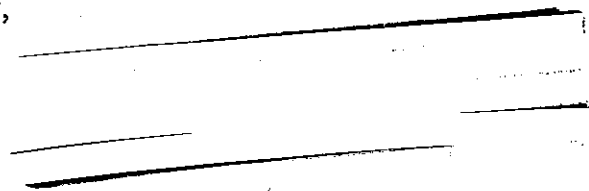
Further, the design and choice of materials proposed for this proposed development are incompatible with the existing architectural style and character of the area.

The development, if allowed, will impact on the privacy of a number of dwellings in the area and more particularly the safety of pedestrian and road users, who use the lane at the rear of the east side of Bayview Road and Spademill Lane.

In summary my main concerns are with regard to safety as a user of the rear lane and Spademill Lane both as a car driver and also as a pedestrian. This is a conservation area and there would be significant loss of amenity and the possibility of the setting of a precedent if this application were to be approved.

Lastly, it is disappointing that following upon the refusal of the last application that the Applicants have decided to lodge a further application when clearly the neighbourhood are against the proposal

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'ALAN J. NICOLL', is written over three horizontal lines. The signature is slanted upwards from left to right.

ALAN J. NICOLL

**From:** "Robert Skidmore"  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 3/13/2012 2:15 pm  
**Subject:** RE: Planning Application number 120238

Dear Sir

Re; Application number 120238, dated 16 February 2012, Proposed development of new dwelling and hard standing on Spademill Lane at rear of 4 Bayview Road, Aberdeen.

I write to object to the above planning application.

As you will probably be aware this application is a revision and modification to application number 111510 of 7.10.11 which was unreservedly rejected by yourselves on 8.12.11.

The new application appears to be little different from the rejected one. In outline the key difference seem to be that it says it is for a two bed dwelling rather than a three bed dwelling as in the earlier one, although I see from the plans that the new one includes two bedrooms and a "study", hence further reducing the differentiation between the two applications.

The earlier one was rejected by yourselves on numerous grounds including contravention of the policies in the Aberdeen Local Plan re subdivision and curtilages, inappropriate backland development, creation of duplicate building line, inadequate resultant ground for proposed and existing properties, out of keeping materials, adverse amenity impact and an undesirable precedent.

I do not believe any of these grounds have been eliminated in this new application and hence still believe this is a wholly inappropriate and offensive development for the area and the conservation area.

I would also like to reiterate my objection listed below made for the original application which are equally valid to this one.

Yours faithfully

Robert Skidmore

10 Bayview Road

Aberdeen

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From: Robert Skidmore  
Sent: 23 October 2011 18:44  
To: 'pi@aberdeencity.gov.uk'  
Subject: Planning Application number 111510

Dear Sir

Re; Application number 111510, dated 7 October 2011, Proposed development of new dwelling and hard standing on Spademill Lane at rear of 4 Bayview Road, Aberdeen.

I would like to record the following representations in objection to the above planning application;

1. The Aberdeen Local Plan of June 2008 has specific guidelines in section 3.12 and 3.13 with regard to buildings in rear lanes and retention of granite buildings and boundaries in order to protect and preserve the appearance of these areas, and hence support the continuity of their character in line with their conservation area status. This application appears to be a significant departure from these objectives. From a personal interpretation it would appear to be an unnecessary and inappropriate development.

2. Impact on road safety. Spademill Road is an access road and not a residential road and further development as proposed will increase the frequency of road traffic in the area and hence safety in a residential area.

This proposal is also positioned at what would be a potentially congested vehicle access point. There is already existing access opposite this site from the flatted developments to the rear of Queens Road properties, and from the existing additional rear lane that runs perpendicular to Spademill Lane, to the East of the rear of Bayview Road. Further development as proposed with up to 4 vehicles entering and leaving this development will cause significant safety and access problems, compounded by the poor line of sight for these vehicles evident from the plans.

It is perhaps noteworthy that other than the two long standing residential units, and the only two on the North side of Spademill Lane, which presumably were permitted and constructed well before appropriate attention was paid to road safety, other developments, notably the development of the former university lodgings on Queen's Road into residential units, very close to this proposed development, were not allowed vehicle access into Spademill road in order to prevent additional traffic movements.

3. Design, and Conservation Area location. The proposed development is within the designated Conservation Area 4 as defined by Aberdeen Council. The objective of this designation, to quote the councils information, is "in order to protect, and where possible, enhance their architectural character". I would have to question how this proposal and any development in this location conforms with these objectives.

On a minor point, and if these two latter major policy compliance points of protection and enhancement are overlooked, I would point to the inability to be able to provide natural light into the proposed dwelling, other than on the south elevation alone, as indicating how inappropriate this proposal is in this location.

4. Compatibility within the area. The area is a residential one, bordering on the commercial area of Queens Road, but throughout, both areas are dominated by large granite mansions, or flatted developments in a similar style, all supporting the aforementioned objectives of protecting and enhancing the appearance of the area. A development of this nature would be incongruous in the setting and a detriment not enhancement to the area and Conservation Area objectives.

Yours faithfully

Robert Skidmore

10 Bayview Road

Aberdeen

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Version: 10.0.1411 / Virus Database: 1522/3967 - Release Date: 10/22/11

**From:** <webmaster@aberdeencity.gov.uk>  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 15/03/2012 18:28  
**Subject:** Planning Comment for 120238

Comment for Planning Application 120238  
Name : Mr Mrs C P Fletcher  
Address : 72A Queens Road  
Aberdeen

Telephone : \_\_\_\_\_

Email : \_\_\_\_\_

type :

Comment : We wish to register our objection to the proposed development behind 4 Bayview Road. Our objections are based on the negative effects the development would have on Spademill lane as a thoroughfare and the immediate neighbourhood.

Contrary to the architect's supporting letter, Spademill Lane is not, and should not be allowed to become, a 'main road'. Indeed the road it feeds onto (Bayview Road) can barely be considered one. This back lane is ill-equipped to support additional housing and traffic. While this plan is in some ways preferable to the previous application for this site, the increased urbanisation and traffic on the lane gives cause for concern. We are not convinced by the assurances in the supporting letter that granting this application would not constitute a precedent for more developments posing even greater threats to existing properties on the lane. We remain concerned that further development will lead to this back lane becoming a 'street', with increased traffic, and potential safety concerns eventually leading to calls for speed bumps which are dangerous, bad for the environment, and cause damage to adjacent properties.

**From:** Jill Hollis  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 11/03/2012 15:51  
**Subject:** Planning Application 120238

Dear Sir/Madam

As the residents of 9 Bayview Road we are writing to oppose the planning application with reference number 120238 which has been lodged at 4 Bayview Road. We are opposed to the plans for a number of reasons which we have listed below.

1. The proposal does not give due consideration to the site's context or make a positive contribution to its setting, particularly given the fact it is in a conservation area
2. There will be a significant loss to the landscape character and amenity of the site given the removal of urban green space in favour of the proposed dwelling itself and car parking for both it and the existing dwelling at 4 Bayview Road
3. The proposed development would have its public face to Spademill Lane which is a service road primarily giving access to the rear car parks of office buildings on Queens Road.
4. Both the design and choice of materials for this development are incompatible with the existing architectural style and character of the area. The area is dominated by granite / granite-faced buildings and the choice Fyfestone is clearly incompatible.
5. The development will impact the privacy of a number of dwellings in the area
6. There is only a short stretch of public footpath at the top of Spademill Lane. It is on the opposite side from the proposed development. Therefore, pedestrians would have to share the lane with vehicles, many of which use the lane to access the rear car parks of offices on Queens Road. Thus creating a hazard for both.
7. It will be difficult to achieve satisfactory visibility splays. Cars would either have to reverse into the driveway or reverse out. There is no option of proceeding in and out in a forward gear as is often required. This presents safety issues for drivers and pedestrians.
8. The proposed development would create an undesirable precedent for future applications of a similar nature to develop garden ground.
9. Three other similar applications involving development in the rear portion of a back garden in established Aberdeen areas were recently considered at Appeal and all three were refused.

I hope that you will take the above points into consideration when reaching your decision.

Yours faithfully

Graham and Jill Hollis



41 Spademill Lane  
ABERDEEN  
AB15 4EZ

12 March 2012

Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB

Dear Sir

**PLANNING APPLICATION P120238  
4 BAYVIEW ROAD, ABERDEEN  
DEMOLITION OF EXISTING GARAGE AND outhouse AND  
FORMATION OF 2 BED DWELLING WITH ASSOCIATED PARKING  
MRS AINSLIE SCOTT**

My wife and I reside at 41 Spademill Lane which lies to the east of the application site at 4 Bayview Road.

We have carefully assessed the revised planning proposal for the creation of a new house. This is clearly contrary to the provisions of the Aberdeen Local Plan and Supplementary Planning Guidance and for the reasons set out below, the application should be refused.

The letter of support, dated 14<sup>th</sup> February 2012 which accompanied the application, fails to demonstrate that the proposal is acceptable in this location and it is clear that the application conflicts with established policies set out in the Development Plan. Specifically,

1. The proposed new house would not 'complete the development area' nor 'improve the look of this length of road'. In particular the meaning of the former phrase is unclear i.e. what the applicant means by 'a development area'. No such definition is contained in the Local Plan.
2. The question of surveillance/security is irrelevant in terms of the merits and assessment of the application. In any event, no greater 'security risk' or crime levels exist in this area compared to other parts of the city.

3. The proposal would result in the creation of a house plot of substandard and inappropriate dimensions at odds with the established urban form in this area. No comparable residential development of this design and character is present in the locality and approval would set an undesirable precedent.
4. Points in the statement regarding design, layout and orientation are irrelevant since the principle of a house on a small backland plot in this location is unacceptable.

In addition to these points, objections to the previous refusal (P111510) on this site remain relevant as listed below.

1. The proposal is for a detached house within the garden curtilage of a substantial house which fronts Bayview Road. If allowed, the proposal would significantly reduce the garden ground available to the existing house.
2. The scale and dimensions of the proposed house are totally at odds with the existing house and others in the locality.
3. The site lies within the Albyn Place/Rubislaw Conservation Area and the proposal is contrary to the aims and objectives of established Conservation Area Policy in that it is out of character and relates poorly in visual terms to surrounding houses.

In conclusion, the applicant has made minor alterations to the previous scheme which was refused by the Council in December 2011. The application remains contrary to a range of policies which aim to secure a high standard of new residential development which should harmonise with and be sympathetic to the established architectural form. The proposal is contrary to Policies 1 and 40 of the Aberdeen Local Plan in that it involves backland development, tandem building line which is out of context with the established pattern of residential development, provision of inadequate garden ground and would set an undesirable precedent.

The proposal clearly fails to meet Local Plan Policy guidelines and in order to ensure consistency relative to the most recent decision on the development of this site, the application should be refused.

We would be grateful if you could acknowledge receipt of this objection.

Yours faithfully

ALAN and MARY GARDNER

**From:** <webmaster@aberdeencity.gov.uk>  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 07/03/2012 22:07  
**Subject:** Planning Comment for 120238

Comment for Planning Application 120238

Name : Isabella Ennis

Address : 3 Bayview Road

Aberdeen

AB15 4EY

Telephone : \_\_\_\_\_

Email : \_\_\_\_\_

type :

Comment : I should like to object to the application to demolish the existing garage and outhouse at 4 Bayview Road Aberdeen and replace it with a 2 bedroom dwellinghouse with parking for the following reasons:

1. This proposal for the erection of the dwellinghouse is almost identical in scale and nature to Planning Application reference number 111510. This planning application was refused. Whilst there are small differences in the two applications, the nature, size and character of the development proposed in this most recent application is of such similarity as to be materially the same. This application amounts to an appeal by a different route. The granting of this application would accordingly be a decision which no reasonable local planning authority would make in all these circumstances.
  2. The proposal does not give proper consideration to the site's context as a rear garden of a Victorian granite house. The proposed development does not make any positive contribution to the area, particularly given the fact it is in a conservation area.
  3. There will be a significant loss to the landscape character and amenity of the site given the removal of urban green space in favour of the proposed dwelling itself and car parking for both it and the existing dwelling at 4 Bayview Road.
  4. The proposed development would front on to Spademill Lane. This is a narrow lane. It is not a main road. It has none of the characteristics of a main road. At its end with Bayview Road it is only just wide enough for two cars to pass. It takes a considerable volume of traffic using it as a "rat run" for cars avoiding Queens Road. It has only a very short pavement. It has a number of properties and a garaged area accessing off it, with cars turning in and out of it frequently at present. The lane provides a pedestrian route for many local residents walking up and down it, particularly with prams, avoiding the bumpy pavements! The proposed development would increase the traffic flow on this narrow lane, increase the number of cars turning on to and off it and decrease the amenity of the lane to existing road and pedestrian users.
  5. The design and choice of materials for this development are incompatible with the existing architectural style and character of the area. The locality is dominated by granite / granite-faced buildings and the choice of Fyfe stone is clearly incompatible in this conservation area with many Grade C and above properties in the area.
  6. The development will impact adversely upon the character of the lane and surrounding area. The demolition of a granite wall and the replacement of it with substantial railings is unsightly and out of character with the location. The erection of iron railings from almost the beginning of the lane on its north side, extending beyond the enclosed gated garages at present would be unsightly and not in keeping with the character of the lane. The visual impact of all of this fencing would be adverse.
  7. The location of a dwellinghouse adjacent to the amenity of a public space enclosed by private gates impacts adversely upon the use made of this area by the residents.
  8. This is a conservation area. It is one of low density development. Building upon garden ground increases the urban density which is not in keeping with the area. This property did not have a "gatehouse" originally as the Victorian feu would have been too small! The proposal for a dwellinghouse doubles the density of the site, developing it beyond that of any existing property in the area, to the detriment of the area.
- The site is not unique on the lane. Whilst it alone has a linear garden running down the lane, many of the properties in Rubislaw Den South back on to the lane with substantially similar lengths of boundary wall along the north length of the lane. Development of this garden ground on to the lane sets a precedent for further development of these gardens also bounding the lane to the same extent.

9. The development of the original garden of this property detracts from the nature of the Victorian property and from that of the adjacent properties.

10. There is no positive benefit to the area from this development. The style of the proposed dwellinghouse has no aesthetic merit. The visual impact of the metal railings will be adverse, as has been noted above. The dwellinghouse will have little garden ground to mitigate against loss of existing garden ground, mature shrubs and trees and will substantial increase in the built environment, to the detriment of the area.

11. It will be difficult to achieve satisfactory visibility splays. Cars would either have to reverse into the driveway or reverse out. There is no option of proceeding in and out in a forward gear as is often required. This presents safety issues for drivers and pedestrians.

12. Three other similar applications involving development in the rear portion of a back garden in established Aberdeen areas were recently considered at Appeal and all three were refused.

|   |             |
|---|-------------|
| City Development Services<br>Letter of Representation |             |
| 120238  |             |
| RECEIVED 08 MAR 2012                                  |             |
| For (Name)  | Dev. (Name) |
| Case Officer Initials.                                | LCG         |
| Date Received   | 08/03/12    |

**From:** Lodewijk Van Wachem  
**To:** <pi@aberdeencity.gov.uk>  
**CC:** Lodewijk Van Wachem; Andrew McCallum  
<aymcca...>  
**Date:** 08/03/2012 15:54  
**Subject:** objection to application number 120238

Dear Sir

Re; Application number 120238, dated Feb 2012, Proposed development of new dwelling at rear of 4 Bayview Road, Aberdeen.

I would like to record the following representations in objection to the above planning application;

1. The proposal does not give due consideration to the site's context or make a positive contribution to its setting, particularly given the fact it is in a conservation area
2. There will be a significant loss to the landscape character and amenity of the site given the removal of urban green space in favour of the proposed dwelling itself and car parking for both it and the existing dwelling at 4 Bayview Road
3. The proposed development would have its public face to Spademill Lane, which is, in essence, simply a service road primarily giving access to the rear car parks of office buildings on Queens Road.
4. Both the design and choice of materials for this development are incompatible with the existing architectural style and character of the area. The area is dominated by granite / granite-faced buildings and the choice Fyfestone is clearly incompatible.
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9. Three other similar applications involving development in the rear portion of a back garden in established Aberdeen areas were recently considered at Appeal and all three were refused.

Furthermore, we believe the new application does not change the main objections made to the previous application of this address, such as;

1. The Aberdeen Local Plan of June 2008 has specific guidelines in section 3.12 and 3.13 with regard to buildings in rear lanes and retention of granite buildings and boundaries in order to protect and preserve the appearance of these areas, and hence support the continuity of their character in line with their conservation area status. This application appears to be a significant departure from these objectives. From a personal interpretation it would appear to be an unnecessary and inappropriate development.

2. Impact on road safety. Spademill Road is an access road and not a residential road and further development as proposed will increase the frequency of road traffic in the area and hence safety in a residential area.

This proposal is also positioned at what would be a potentially congested vehicle access point. There is already existing access opposite this site from the flatted developments to the rear of Queens Road properties, and from the existing additional rear lane that runs perpendicular to Spademill Lane, to the East of the rear of Bayview Road. Further development as proposed with up to 4 vehicles entering and leaving this development will cause significant safety and access problems, compounded by the poor line of sight for these vehicles evident from the plans.

It is perhaps noteworthy that other than the two long standing residential units, and the only two on the North side of Spademill Lane, which presumably were permitted and constructed well before appropriate attention was paid to road safety, other developments, notably the development of the former university lodgings on Queen's Road into residential units, very close to this proposed development, were not allowed vehicle access into Spademill road in order to prevent additional traffic movements.

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Yours faithfully

Susan and Lo van Wachem  
20 Bayview Road  
Aberdeen