

Signed (authorised Officer(s)):

73 CHARLOTTE STREET, ABERDEEN

REINSTATEMENT OF BASEMENT FLATS  
(2NOS) TO HABITABLE STUDIO APTS.

For: AMD PROPERTY (ABDN) LTD

Application Type : Detailed Planning  
Permission

Application Ref. : P141535

Application Date : 02/10/2014

Advert :

Advertised on :

Officer : Dineke Brasier

Creation Date : 24 November 2014

Ward: George Street/Harbour (A May/J  
Morrison/N Morrison)

Community Council: No response received

## **RECOMMENDATION:**

**Refuse**

## **DESCRIPTION**

73 Charlotte Street is a three storey tenement-style building split into six flats. It is constructed of granite rubble and has a slated roof with dormers on the front and rear elevation. Overall ground levels are relatively flat, although there are internal steps down to the basement level access. The rear basement elevation is exposed, as there is a 1.3m deep 'trench' along its length. There are two window openings in that exposed rear elevation. The rear garden area has been turned into a parking area, with only a small amount of amenity space, enclosed by a low metal fence, near the building.

The site is located within an existing residential area, although the other side of the street is identified as being part of a mixed use zone.

## **RELEVANT HISTORY**

None

## **PROPOSAL**

Planning consent is sought for the conversion of the rearmost part of the basement to 2x two roomed studio flats. The resultant flats would each be accessed from the existing rear door and make use of the two existing windows in the rear elevation. The accommodation would consist of a small living/sleeping/kitchen area with a separate bathroom.

## **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=141535>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

## **CONSULTATIONS**

**Roads Projects Team** – No observations

**Environmental Health** – No observations

**Communities, Housing and Infrastructure (Flooding)** – None received

**Community Council** – None received

## **REPRESENTATIONS**

None received

## **PLANNING POLICY**

### **Aberdeen Local Development Plan**

D1 – Architecture and Placemaking: New development must be designed with due consideration for its context and make a positive contribution to its setting.

D2 – Design and Amenity: In order to ensure the provision of appropriate levels of amenity, the following principles will be applied:

- Privacy shall be designed into higher density housing;
- Residential development shall have a public face to a street and a private face to an enclosed garden or street;
- All residents shall have access to sitting-out areas;
- Individual flats or houses shall be designed to make the most of opportunities offered by the site for views and sunlight.

H1 – Residential Areas: In principle residential development will be acceptable in residential areas if:

- It does not constitute overdevelopment;
- It does not have an unacceptable impact on the character or amenity of the surrounding area.

## **Proposed Aberdeen Local Development Plan**

D1 – Quality Place Making by Design (D1 Architecture and Placemaking and D2 - Design and Amenity in the Adopted Local Development Plan)

H1 – Residential Areas (H1 – Residential Areas in the Adopted Local Development Plan)

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

### Principle of residential development

The site is located within a residential area, where the principle of residential development is acceptable provided it complies with all policies in relation to design, provision of amenity and does not constitute overdevelopment.

### Impact on character and appearance of existing dwelling and the surrounding area:

The only external alterations to the property are the replacement of the two basement windows with similar examples. The outdoor area to the rear is already mainly hard surfaced, and this proposal does not include any further alterations. The proposed external changes are minor, and do not have any impact on the character and appearance of the existing and the surrounding area.

### Impact on residential amenities:

The proposal would not have any impact on the operation of the residential flats above. The basement door would not be blocked off and residents will still have internal access to the area within the rear part of the basement (possible storage) and to the rear external area which is used for parking.

Policy D2 sets out that all new flatted developments should have access to suitable outdoor space. The area to the rear of the building is accessible to the residents of the proposed flats. Most of this area is taken up by hard landscaping with a small area of drying space directly out of the door. For new development, the proportion of hard landscaping should not exceed 50%. This is not the case here, however, the proposal is for the conversion of an unused area of this existing tenement building. As such, on this occasion, this is considered acceptable.

The studio apartments are very small, with the total internal floorspace of each just over 19m<sup>2</sup> (205 ft<sup>2</sup>). Whilst, the flats are big enough to comply with all criteria set out in building standards. As such, it could be argued that they are large enough to provide acceptable living accommodation.

The main issue in relation to this conversion is natural day light, outlook and amenity/privacy. The only source of natural light is provided through the windows and serving the only living space. These windows face south west, which means they should catch sunlight most of the day. However, the right hand window is clearly overshadowed by a lean-to extension and boundary wall from 71 Charlotte Street. In addition, the lower section of both windows are below ground level and obscured by a bank providing access to the drying and parking area to the rear. Taking into consideration that these windows are the only source of natural light into the studio flats, this will result in limited natural light. Additionally the outlook into the surfaced car park and small communal external amenity area would be sub-standard and result in little quality in outlook and relatively regular impacts on privacy. As such, a suitable level of residential amenity would not be achieved. The proposal is therefore considered contrary to policy D2 (Design and Amenity) of the Aberdeen Local Development Plan and policy D1 (Quality Place Making by Design) of the Proposed Local Development Plan.

Impact on highways, especially in relation to parking and access:

The area to the rear is available for car parking for the two basement flats. At present, six flats can use this area. The area is not formally laid out, but appears sufficiently large to accommodate a further two spaces required for this development. In addition, the site is within a very sustainable location near the city centre and close to a number of bus routes.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues have been raised.

**RECOMMENDATION**

**Refuse**

## **REASONS FOR RECOMMENDATION**

The two studio flats, especially the flat on the right hand side of the rear elevation, are considered not to receive a sufficient level of natural light, amenity or privacy. This is due to: the location of the single window serving the proposed studio flat, which is located behind a raised bank and is severely overshadowed by an existing single storey extension at the neighbouring property of 71 Charlotte Street; limited outlook; and likely impingement on privacy within the single living space, as a result of persons accessing the existing flats in the upper floors. The proposal is therefore considered to be contrary to policy D2 (Design and Amenity) of the Aberdeen Local Development Plan and policy D1 (Quality Place Making by Design) of the Proposed Local Development Plan.