

**Mr Alan Ross**

**21 Ashley Park Lane, Aberdeen, AB10 6RZ**

Request for review of refusal of planning application P150025 for the erection of an extension to provide re-located office and archive

Statement to accompany the Notice of Review.

## **Introduction**

This Notice of Review has been prepared by Fitzgerald and Associates Ltd on behalf of Mr Alan Ross to support the request for review under the terms of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant detailed planning permission for the construction of an extension to the repair garage premises at 21 Ashley Park Lane.

## **Site Description**

The application site is located on the western end of Ashley Park Lane, a cul-de-sac which runs between and parallel to Ashley Park South and Great Western Road. Ashley Park Lane is essentially a service lane providing rear access to properties and to lock up garages throughout its length.

The property consists of a garage building with associated car parking to the side. The building is a pre-fabricated industrial style unit with a rectangular footprint and pitched roof, finished in profile metal sheeting. There is a surfaced yard to the east of the building which is used for the parking of associated vehicles. The applicant has control of five of the lock up garages in the lane, close to the repair garage.

The surrounding area is predominantly residential in nature, and includes granite residential properties on all sides. The site is not covered by any special protection and lies outwith any conservation area.

The repair garage is a long established business, operating for 25+ years, providing a service to an extensive local customer base. The applicant and his family have, throughout their time operating the business, sought to be a good neighbour and are not aware of any complaints about the operation of the business.

## **Proposal**

The application seeks full planning permission for the erection of a two storey extension on the eastern elevation of the building, on land currently used for parking of vehicles. The building would measure approximately 3.8m x 21.3m and would have an overall height of approximately 6m. This is 1.5 metres lower than the ridge line of the existing workshop. The building would be located 3m from the application site boundary. The ground floor of the extension would include a reception, office space, toilet facilities with the first floor being used as an archive store and canteen. The building would be finished in grey cladding and would include glazing on the front elevation to the lane.

## **Decision of Appointed Officer**

The application was refused on 1 May 2015 for the following reason.

That the proposal is contrary to Policy H1 Residential Areas of the Aberdeen Local Development Plan because it would result in the expansion and the intensification of a non-conforming use in a back lane location in close proximity to domestic properties to the detriment of the existing residential amenity. The loss of existing on-site parking would be likely to result in overspill parking occurring on the lane, to the detriment of the existing residential amenity.

A copy of the decision is attached as appendix 1 and a copy of the Report of Handling as appendix 2

## **Relevant Planning History**

Planning permission was granted on 7 November 2014 for the erection of a single storey extension to provide ancillary office accommodation, which covers part of the footprint of the proposed extension under review. Refer to drawing 3766\_sk01a

## **Response to Grounds of Refusal and Assessment of Application by the Appointed Officer**

It is agreed that the two most relevant Aberdeen Local Development Plan policies are those which are discussed in the Report of Handling namely Policy H1 - Residential Areas and Policy D1 - Architecture and Placemaking.

It is unfortunate however that no reference was made in the Report of Handling to the central aims of national policy in terms of Scottish Planning Policy and the high level aims of the Aberdeen City and Shire Strategic Development Plan 2014 to support sustainable economic development. Small businesses make a very important contribution to the economy. The garage business at 21 Ashley Park Lane employs 11 staff as well as providing an important service to the local area.

## **Policy D1**

Policy D1 seeks to ensure high standards of design. The proposed extension has been designed to give a crisp, contemporary appearance which will enhance the appearance of the existing premises. The Appointed Officer in the Report of Handling considers that:

'The proposal would include materials that complement the character and appearance of building and it is assessed that the design has been undertaken with due consideration for its context. The proposed design therefore accords with the general terms of Policy D1 (Architecture and Placemaking) of the ALDP'.

The impact of the proposed extension on neighbouring residential properties has also been considered in terms of Policy D1. Information was submitted which confirms that the proposed extension meets the requirements of best practice set out in the Building Research Establishment: Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR 209). This is shown in drawing 3766\_101.

The Appointed Officer concluded that;

'The proposal has also been assessed in terms of potential impact on neighbouring residential properties has been considered, including those lying adjacent in Ashley Park Lane. The windows at ground floor level would be obscured by a large fence and the high level window at first floor level would provide light into a proposed canteen. It is considered that any impact on privacy/ overlooking would be negligible and not to such an extent as to warrant refusal of planning permission. In addition, the agent has provided drawings indicating that the overbearing impact of the proposed extension would not be to such a degree as to warrant refusal of planning permission. No overshadowing in the rear gardens is anticipated.'

It is clear, therefore, that the proposal meets the requirements of Policy D1 both in terms of the overall design quality and that there is no adverse impact on residential amenity by virtue of the scale, form and siting of the proposed extension.

## **Policy H1**

Policy H1 requires that within existing residential areas, proposals for non-residential uses will be refused unless:

1. They are considered complementary to residential use; or
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The policy does not distinguish between the extension of existing non-residential uses and the introduction of new uses in to the area.

The garage is a long established business use which has been operated in a considerate manner without detriment to residential amenity.

The application seeks permission for a modest extension to the premises essentially to allow improved administration, storage and staff facilities.

The reason for refusal appears to relate solely to concerns about displaced parking into the lane and the impact this will have on residential amenity. The application involves the loss of one car parking space above that which was approved in terms of the 2014 permission. That space is difficult to access and would be easily blocked. The applicants have sought to address the issue of car parking by the use of neighbouring lock up garages for vehicle storage. The workshop itself is not being extended. However the relocation of the existing small office space provides an additional car bay to meet new MOT legislation.

The conclusion of the Appointed Officer in terms of Policy H1 is

'As a result, there is the potential for the displaced vehicles to be parked in the lane. There are no parking restrictions in the lane. It is reasonable to assume that overspill parking would occur, which could result in access to the domestic garages in the lane being blocked, to the detriment of the amenity of the residents in the locality. The intensification of the activity of the site, the potential additional vehicles movements that would occur and the potential overspill parking on the lane cumulatively would negatively impact on the residential character and amenity of the surrounding area to an unacceptable degree. As a result the proposed development does not accord with Policy H1 (Residential Areas) of the ALDP'.

There is no evidence to support this conclusion.

The Roads Officer's comments which are attached as appendix 3 clearly state that the Roads Section supports the application. It is not clear why the Report of Handling refers to the Roads Section as not objecting to the application whereas, in fact, the Roads Section positively support the proposal and it is worth repeating the Roads Comment's below.

' The previous application noted there were 5 lock ups in the ownership of the garage providing space for vehicle storage in addition to vehicles stored within the garage workshop space. Aberdeen City Council guidelines require the service bays to have 3 parking spaces available.

Given the office space to the east side of the building relocates the office and facilities currently sited within the garage, there is an increase in vehicle parking within the garage building. The additional parking space available in the lock ups, as noted in P141345, can be regarded as storage space for vehicles.

I would support the application'.

It is felt that there is no justification for the Appointed Officer's conclusions and that there is no reason to believe that the proposed extension will cause any adverse impact to residential amenity by reason of traffic issues.

There was no response received either from the Community Council or any other consultee.

## **Letter of Objection**

The Report of Handling indicates one letter of objection was received which was summarised in the Report. It is unfortunate that further in the Report, under the evaluation of the application, it refers to letters rather than the single letter which was summarised. The objections relate to the following matters -

- '1. That the proposal would constitute over development in a predominantly residential area;
2. That the proposed extension would remove a significant amount of car parking space from the yard, exacerbating the problem in the surrounding area;
3. That the proposal would have an unacceptable impact on the levels of privacy afforded to neighbouring properties; and
4. The scale of development would obstruct a significant amount of daylight from neighbouring properties'.

It is felt that these issues have all been addressed in this Statement which demonstrates conclusively that there is no adverse impact on residential amenity either as a result of the scale and form of the extension or through parking or traffic in the lane.

It is felt there are no other material considerations.

## **Conclusion**

The extension to the premises has been well designed to respect the character of the area and to protect residential amenity. The site can readily accommodate the development without giving rise to parking or traffic issues in Ashley Park Lane.

The Local Review Body is accordingly asked to grant this appeal to allow a long established, successful, small, local business to develop in a sensitive manner.