

Planning Development Management Committee

39 KINGS CRESCENT, ABERDEEN

RECONSTRUCT MASONRY WALL BUTTRESS FOR STRUCTURAL PURPOSES, CLAD IN GRANITE TO MATCH THE ADJACENT WALLS. CONSTRUCT SMALL LINK BRIDGE FROM RETAINED SOIL BANK TO GABLE OF ADJACENT HOUSE (NO.39) IN PLAIN STEEL MEMBERS, GREY COLOUR, WITH MATCHING SMALL DIAMETER TUBULAR HANDRAILS 1100MM HIGH . COMPLETE WORKS BY ADDING SMALL DIAMETER STEEL HANDRAIL

For: Mr Sujon Hoque

Application Type : Detailed Planning Permission

Application Ref. : P151058

Application Date: 17/07/2015

Officer: Jacqui Thain

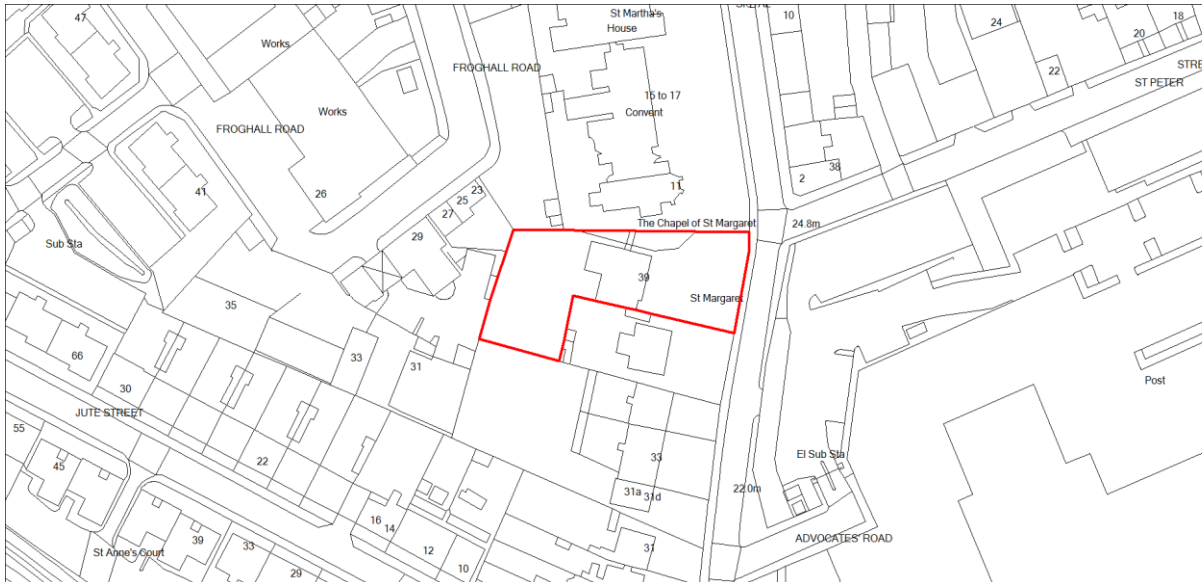
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert : Section 60/65 - Dev aff LB/CA

Advertised on: 29/07/2015

Committee Date: 29/10/2015

Community Council : Comments



RECOMMENDATION:
Approve Unconditionally

DESCRIPTION

The application property is a two storey detached dwellinghouse, located on an elevated site to the west of King's Crescent. The existing property is granite built with a slate roof. The garden ground to the rear is located on a number of descending levels, and eventually sits significantly lower than the floor level of the dwelling; flatted properties are located, at a lower level, to the rear. The property is also located immediately adjacent, to the south, of the Category 'A' Listed St Margaret's Convent and Chapel. To the east, across Kings Crescent, is the First Bus Depot and associated staff parking, offices and garaging. There are a number of trees in the front gardens of the properties fronting King's Crescent. The dwelling is situated within Conservation Area 1 (Old Aberdeen/Balgownie).

HISTORY

- Planning permission (Ref: 89/2054) was approved in January 1990 for a change of use of part of the convent to form a diocesan centre.
- Planning permission (Ref: 101949) was refused in February 2011 for the erection of a new garden wall on the southern elevation of the property.
- Planning permission (Ref: 120205) was approved in April 2012 for alterations to the associated access gates.
- Planning permission (Ref: 140715) for change of use from residential dwelling to HMO was refused by the Development Management Sub Committee on 7th August, 2014. A subsequent appeal was dismissed by the Scottish Government.
- An application for planning permission (Ref: 120520) for alterations to the boundary wall to the south of the site was approved in August 2014.
- An application for planning permission (Ref: 120204) for the erection of a greenhouse, raised decking and external steps to lawns, formation of retaining walls and alterations to the boundary walls was approved in December 2014.

PROPOSAL

The application seeks full planning permission to reconstruct the buttresses and construct a link bridge from the gable of the application property to abut the boundary wall to the north.

The existing buttresses would be built up to a height of 900mm with concrete block and clad with thin granite masonry to match the existing wall. The walkway would be located adjacent to the first floor level on the gable of the application dwelling and would extend to the retained soil bank to the north. The link bridge would measure approximately 4.35/4.65m long (the boundary wall is set at an angle) and would have an overall width of approximately 1250mm. The overall height of the walkway would be approximately 1250mm, including the 2 tubular steel handrails. In between the vertical tubular steel posts there would be plain, blank glazing. All steel to be plain and grey in colour.

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=151058>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because a letter of objection has been received from The Old Aberdeen Community Council. Therefore, in terms of the Council's Scheme of Delegation, the planning application must be determined by the Development Management Sub Committee.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

Masterplanning, Design & Conservation – No objection. The Senior Planner (Conservation) states that the proposed works are hardly visible from the public view and make minimal impact on the character of the Old Aberdeen Conservation Area. The use of contemporary design and materials marks this as clearly being 21st Century development, not to be confused with the 19th Century unlisted building itself or subsequent 20th Century alterations to it.

Community Council – A letter of objection has been received from The Old Aberdeen Community Council, the main points of which can be summarised as follows:

- (1) The design is unsympathetic to the frontal elevation of a prominent granite building within The Old Aberdeen Conservation Area. Justification:- Conservation Area Management Plan "*Ensure the appropriate use of materials.*" The property is on an elevated site and the dwelling presents an imposing view from Kings Crescent and the symmetrical front elevation is in grey granite and is currently true to the original design.
- (2) The proposed structure has no reasonable purpose.
- (3) At some time a granite bridge did exist, linking this building to the ecclesiastical buildings on its north, most likely when the dwelling was the Episcopal diocese offices and to allow access to the chapel. As this intrusion was later removed and the building restored to its original design, this is not a precedent and has no relevance to this application.
- (4) The proposed bridge will be in full view from King's Crescent and is specified as galvanised structural steel with unspecified handrail infills.

Both the design and the materials are totally unsuitable for the prominent elevation of a granite house in a conservation area. For this reason the Community Council ask that the application be refused.

REPRESENTATIONS

Five further letters of objection have been received, one of which is from Old Aberdeen Heritage Society. The main points of the objections can be summarised as follows:

- (a) It is misleading to describe the proposed work as reinstatement of a walkway; the house as originally built had no such walkway.
- (b) The previous walkway was not part of the original design because there would have been nowhere for the walkway to lead to.
- (c) The proposed walkway would not be a reinstatement as it would lead to a blank wall.
- (d) The proposed walkway would not replicate the previous walkway (materials).
- (e) The drawings submitted with the application are insufficient.
- (f) The walkway would connect a window with a blank boundary wall and as such it would serve no purpose and would have no function.
- (g) The proposal is contrary to Policy D1 of the Aberdeen Local Development Plan i.e. it is not designed with due consideration for its context nor does it make a positive contribution to its setting. The siting of such a bridge and a new buttress would be an unsightly addition to the house, visible from the front. The materials would be completely out of context with the dwelling house and with the surrounding buildings in King's Crescent and The Spital. The proposal does not respect the integrity of the building in terms of the space surrounding it. It rather adds an unnecessary and unsympathetic adjunct to the side.
- (h) The proposal is contrary to Policy D5 of the current Local Plan which requires that any development in a Conservation Area should not be detrimental to the amenity of the Conservation Area. The proposed link bridge would have an adverse effect on such amenity in terms of design, material, siting and scale. The bridge would be unsightly and would detract from the aesthetic of the building and the proposed structure would be out of keeping with the Conservation Area.
- (i) The proposal is contrary to Policy H1 of the Local Plan in that it would have an unacceptable impact upon the character of the surrounding area, by way of introducing a modern steel structure into a row of stone-built historic buildings. It would also be likely to be detrimental in particular to the amenity of the neighbouring ground and property at the former Convent.
- (j) The proposal is contrary to the Council's Supplementary Guidance "Householder Development Guide," i.e. "Proposals for ... alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building." It is clear that the current application for a steel bridge is not architecturally compatible in design with the original house or

- the area, nor are the materials used complementary to the original building.
- (k) No application has been submitted for Listed Building Consent. As the proposal would clearly have an impact on the setting of a Category "A" Listed Building.
 - (l) The structure would be unsightly and visible from King's Crescent by the public and is not in keeping with the Old Aberdeen Area.
 - (m) The Convent site and the application site are no longer in sole ownership and the objector does not understand why the ramp should be reinstated. The ramp would connect a first floor window to a property not in the ownership of the applicant.
 - (n) The uncluttered vista of the setting of this magnificent house should be preserved.
 - (o) The owners of St. Margaret's Chapel and Convent have not been consulted about the proposed structure which would be attached to their shared retaining boundary wall.
 - (p) St. Margaret's Chapel and boundary wall are Category A Listed, the proposed structure would be in full view from the Chapel and would encroach on the privacy of the owners of the Chapel.
 - (q) There are already a number of unsightly and unauthorised structures at 39 King's Crescent and the proposed structure will add to these.

In their letter of objection, The Old Aberdeen Heritage Society provided details relating to the history of the application property. The comments regarding the title of Architect's drawings have been noted.

Other matters were discussed that are not material planning considerations, therefore can not be taken into account during assessment of the planning application.

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy H1 – Residential Areas:

A proposal for householder development will be approved if it:

- Does not constitute over-development
- Does not have an unacceptable impact on the character and amenity of the surrounding area
- Complies with Supplementary Guidance on Household Development

Policy D1 – Architecture and Placemaking Design

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy D5 – Built Heritage

Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Historic Scotland's Scottish Historic & Environment Policy (SHEP) seeks to preserve and enhance the historic character and amenity of the Conservation Area.

Historic Scotland Managing Change - Extensions

The guidance state that extensions:

- must protect the character and appearance of the building
- should be subordinate in scale and form
- must not dominate the original building
- ought to be located on a secondary elevation
- must be designed in a high-quality manner using appropriate materials
- should be modest in scale and skilfully sited

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy H1 – Residential Areas:

The re-instatement of the walkway and buttresses would result in a neutral impact on residential amenity and character. As there were previously buttresses and a walkway of similar scale in situ, and the bulk of the proposed walkway would be constructed of glass, there would be no adverse impact. To the front, the walkway and buttresses would be set a considerable distance back from the front elevation of the application dwelling, approximately 6.25m, and would be afforded extensive screening by No. 39 King's Crescent and by the upper and lower retaining walls to the north of the dwelling, the north-most being a considerable distance higher than the walkway and buttresses. In addition, there would be substantial screening by several high, established trees and extensive bushes to the front of the application dwelling and several high trees between The Chapel and The Spital. To the rear, the buttresses and walkway would be situated approximately 9.45m in from the rear elevation and would be located a considerable distance from and at an angle to the houses and flats to the west & south-west. As there would be negligible change to the built footprint of the site, the proposal would not constitute over-development of the plot.

Supplementary Guidance

The proposals do not conflict with the Council's Household Development Guide. The alterations would sit well with and be subservient to the main dwelling. The

buttresses are of appropriate siting, scale, design and materials. The walkway, being of contemporary design and materials, would complement the main dwelling and is appropriate in relation to the application property and within the wider area.

Policy D1 – Architecture and Placemaking Design

Full consideration has been given to the proposals in relation to the application dwelling and within the vicinity. Due to appropriate design, scale and materials, the buttresses and walkway would make a positive contribution to their setting. The alterations are minimal in scale in relation to the application dwelling, the boundary walls to the north and compared to the footprint of The Convent. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements and landscaping have been considered in assessing the proposals.

Policy D5 – Built Heritage

The proposals do not conflict with Scottish Planning Policy, therefore comply with Policy D5 of the Aberdeen Local Development Plan.

Historic Scotland's Scottish Historic & Environment Policy (SHEP)

It is acknowledged that the previous walkway was not original, however, the walkway is an interesting feature that formed part of the historic fabric of the building and its re-instatement (notwithstanding utilising different materials to the original) would be beneficial to the character of the building and would serve to enhance the amenity and character of the Conservation Area. By virtue of its simple design and sympathetic materials, the walkway would result in a neutral impact on the character of the main dwelling and the amenity and character of the Conservation Area. And, as there was previously a walkway on situ, this would not be the introduction of a completely new element to the dwelling. The bulk of the walkway would be finished with glass, therefore would be largely unobtrusive resulting in minimal impact on the application dwelling and minimal disruption to the Convent and wider Conservation Area. Although situated in an elevated location, the walkway would be located a considerable distance along the gable and situated a substantial distance from the street. The bridge would be extensively screened by the application dwelling to the south, by the high walls to the north and west and by several high, established trees to the front of the application property and to the east of The Convent.

As there were buttresses previously in situ, and the proposed buttresses would be afforded extensive screening by the surrounding high walls, there would be negligible additional impact on the character and appearance of the Conservation Area by their re-instatement.

Historic Scotland Managing Change - Extensions

The proposed walkway complies with the guidance for the following reasons:

- the walkway would protect the character and appearance of the building
- the alteration is subordinate in scale and form and would not dominate the original building

- the proposal is modest in scale in relation to the main dwelling and skilfully sited
- the walkway would be located on a secondary elevation
- high quality design using appropriate materials

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, Policies D1 *Quality Placemaking by Design*, H1 *Residential Areas* and Policy D5 *Built Heritage* substantively reiterate the guidance given from policies in the adopted Local Development Plan and therefore the Proposed Plan does not envisage any material change to the applicable policy context or zoning which would warrant determination other than in accordance with the Development Plan. For the reasons previously given, the proposals are considered to accord with the Aberdeen Local Development Plan.

Issues Raised by The Community Council and Representations

(1/l) It is acknowledged that No. 39 King's Crescent sits on an elevated site in a prominent location within the Conservation Area and that the property is traditional with regard to design and materials. Although the proposed walkway is of modern design and materials, it is considered that the walkway would sit well with and complement the main dwelling, resulting in a neutral impact on the main dwelling and wider Conservation Area. The walkway is modest in scale in relation to the main dwelling, would be subservient to the application property and, although visible from the street, the walkway would be set back from the front elevation of the application property by approximately 6.25m and would be afforded extensive screening by the main dwelling to the south and by the substantial boundary wall to the north. The walkway would not be out of place within the wider Old Aberdeen Area; there is a large variety of properties, traditional and new, of various styles.

(2/f) The Planning Authority is not required to receive an explanation as to the reasoning behind an applicant applying for planning permission.

(3) It is acknowledged that a granite bridge previously existed adjacent to the north elevation of the application dwelling and is no longer in situ. The current

proposal has been assessed on its own merits and with consideration for its impact on the historic fabric of the building.

(4) Full consideration has been given to the prominence of the walkway in relation to King's Crescent and within the wider Conservation Area, and to the contemporary design and materials proposed.

(a/b/c/d) It is correct to state that when No. 39 King's Crescent was built, there was no walkway on the north-most gable. For the purposes of clarification, the walkway that is the subject of the current planning application would replace a previous structure, albeit of differing design and materials. It is acknowledged that the materials for the proposed walkway would not replicate the materials of the previous walkway, however, the design and materials proposed in the current planning application have been given full consideration in their own right.

(e) Additional drawings have been received that show the proposals in relation to the front, gable and rear of the property.

(g) The proposal does not conflict with Policy D1 of the Aberdeen Local Development Plan. The walkway and buttresses have been assessed with regard to context, siting, scale, massing, colour, details, the proportions of building elements and orientation. It is considered that the walkway, by virtue of simple design and appropriate materials, would make a positive contribution to its setting. The surrounding buildings and wider Conservation Area were also considered during assessment of the planning application. The integrity of the main building has not been compromised by the design.

(h) The alterations comply with Policy D5 of the Aberdeen Local Development Plan. Although it is acknowledged there may be a minor alteration to the Conservation Area by the proposal, the potential impact would not be detrimental. The walkway would be afforded extensive screening by the application property and by the high boundary wall to the north. In addition, the high trees and bushes to the front of No. 39 King's Crescent and high, established trees to the front of The Convent would serve to further restrict the impact of the walkway on the Conservation Area. The siting, design and scale are considered appropriate in relation to the main dwelling and within the wider area. The walkway would complement and not detract from the character of the main dwelling which would remain visually dominant.

(i) Although the walkway would introduce a modern structure within a row of traditional buildings, there would be no resultant detriment to the neighbouring properties or wider area. Due to the bulk of the structure being constructed of glass, the walkway would be largely transparent, therefore lessening the impact on the main dwelling and within the wider area. As the walkway would be situated on a much lower level than The Convent and located on the other side of a high boundary wall, there would be negligible impact on the overall Convent site by the proposal.

(j) The alterations do not conflict with the Council's Supplementary Guidance relating to Household Development. The alterations are architecturally compatible in design and scale with the main dwelling and within the surrounding area and, although the materials proposed would be different to those of the main dwelling and nearby, they would complement the main property and others in the vicinity.

(k) Listed Building Consent is not required for the alterations as the proposed works would not have a significant impact on The Convent.

(m) The matter of land ownership is not a material planning concern, therefore can not be taken into account during assessment of the planning application. The applicant does not need to specify the reason(s) for the re-instatement of the walkway.

(n) Whilst it is acknowledged that the front of No. 39 King's Crescent remains largely undeveloped, the proposed walkway would be a minimal addition that would abut the gable and would be set back approximately 6.25m from the main front elevation of the property, thus causing minimal disruption to the overall appearance of the dwelling.

(o) It is not necessary for the Planning Authority to consult with the owners of St. Margaret's Chapel and Convent. The statutory Neighbour Notification process was carried out by the Planning Authority and the planning application was advertised in the local press. Ownership of the shared boundary wall is not a planning matter and as such can not be taken into account during evaluation of the planning application.

(p) Full consideration has been given to the proximity of the walkway and buttresses in relation to The Chapel to the north and its setting. Although the walkway may be partially visible from The Chapel, the view of the walkway would be restricted by the high boundary wall and the walkway being situated on a lower level. It is acknowledged that there may be some additional impact on the privacy of the owners of The Chapel by the proposed walkway, however, the potential impact is considered to be minimal and insufficient to warrant refusal of the planning application. There is existing overlooking by a large 2nd floor window on the gable of the application dwelling. In addition, the Convent is located on a higher level than the proposed walkway and the north-most section of the walkway would face the blank boundary wall to the north that is significantly higher (than the walkway).

(q) It is acknowledged that previous alterations have taken place at No. 39 King's Crescent. For the purposes of clarification, each planning application is assessed on its own merits in relation to the main dwelling, within the plot and within the wider area.

Conclusion

The planning application has been fully evaluated under Policies H1, D1 & D5 of the Aberdeen Local Development Plan and found to be acceptable. Full consideration has been given to matters raised by The Community Council and in the letters of representation, however they neither outweigh the above policy position nor would they justify refusal of the application.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposed buttresses and walkway would sit well with the application dwelling and within the plot and fully comply with Policy H1 (Residential Areas), D1 (Architecture and Placemaking Design) and D5 (Built Heritage) of the Aberdeen Local Development Plan and with the related Supplementary Guidance. The proposals would result in no detrimental impact on the amenity and character of the residential area or on the character and amenity of the surrounding Conservation Area.