

**Development Management
Planning and Sustainable Development
Aberdeen City Council
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Date: 1 September 2016
Our ref: SXB/WES0118.0002
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Dear Sirs

Objection to Planning Application Ref 161022/DPP ("Planning Application") and Listed Building Consent Application Ref 161020/LBC ("LBC Application") (collectively referred to as "Applications") in respect of formation of new hotel, bar and restaurant including Change of Use of former school, demolition of existing school extension and dwellinghouse (55 Queen's Lane South), and associated infrastructure and landscaping works ("Development") at The Hamilton School 55-57 Queen's Road Aberdeen AB15 4YP ("Property")

Mr and Mrs West, residing at 26 Harlaw Road, Aberdeen, AB15 4YY ("Our Clients")

Further to your neighbour notification to Our Clients, we are instructed to strongly object to the above Applications on their behalf as they do not accord with the provisions of the development plan and there are also over-whelming material considerations to justify their refusal. This is mainly due to the unacceptable adverse effect the Development will have on residential amenity; the detrimental impact and unacceptable erosion it will have on the character of two listed buildings and a conservation area; there is a clear presumption in favour of converting properties into office and/or mainstream residential use and that tourist development should be directed to the city centre based on the sequential approach; and the Development will set an unacceptable precedent.

We urge your Council to refuse planning permission and listed building consent for the following reasons:

1. **Context to the Development and Surrounding Area**
 - 1.1 55 and 57 Queen's Road are B Listed Buildings (57 is also in a B-Group listing with 59 Queen's Road). A copy of their listing is in the Appendix. The Property is also located within the Albyn Place/Rubislaw Conservation Area, one of the first Conservation Areas designated in Aberdeen.
 - 1.2 Each neighbouring building to the Development is in hotel use (The Chester and The Malmaison). However, the surrounding buildings in the area are predominately residential,

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especially to the west and south across Queen's Lane South which comprise the rear gardens and garages of residential properties facing onto Harlaw Road. Office use is mainly in buildings to the east.

- 1.3 To the rear of Queens Road, the building lines have developed in a piecemeal fashion with a number of extensions having been built, often applying for retrospective permission.
- 1.4 It is proposed that access to the Development for car parking and servicing will be taken from Queen's Lane South. This is within a controlled parking zone which only restricts parking between 9am and 5pm, Monday to Friday. Queen's Lane South is a very narrow street, constructed before motor vehicles existed. Residents experience traffic movement problems in terms of access to and egress from their garages, especially due to on street parking. There are also current road safety concerns as pedestrians have to walk on the road as it has no pedestrian footway provision due to the width of the carriageway which is constrained by existing development. Albyn School is also located in close proximity and school children use Queen's Lane South as a route to the school. Its junction together with Forest Avenue is particularly busy with drop offs and pick ups at the beginning and end of the school day. Services such as refuse collection, the Fire Brigade, and commercial deliveries experience extreme difficulty and congestion can often occur. Lorries have also knocked down bollards on the corner Queens Lane South and Forest Avenue. Street signage has been damaged. Queen's Lane South is also a designated Cycle Route and is often used by cyclists.
- 1.5 The Council are fully aware of the potential for on street parking and problems associated with using Queen's Lane South as an access. The planning authority placed a restriction on the use of a rear gate of the Chester Hotel since 1996 for service vehicles and in order to prevent parking in the lane by customers, a condition was also attached to a 1996 consent preventing public pedestrian or vehicular entrance or exit to the Chester Hotel site into Queen's Lane South. This restriction was reaffirmed through planning permissions for the extension of the Chester Hotel in 2000, 2006 and 2013 and there was a minor variation granted recently to allow "open gate" access for deliveries at a certain time.
- 1.6 Our Clients also currently experience anti-social behaviour and nuisance especially due to disturbance and noise levels from the existing hotels together with on street parking problems (i.e. due to a function suite with capacity for 300 people along with their public bars).

The Grounds for Objection – Planning Assessment

The Applications ought to be refused as they are not in accordance with the following development plan policy

2. Aberdeen City and Shire Structure Plan

- 2.1 The City and Shire Structure Plan outlines a series of key objectives, each with its own corresponding targets alongside details on achieving these targets and means of monitoring. Of these objectives the following, in relation to Quality of the Environment, is of relevance to the proposed development: *'To make sure new development maintains and improves the region's important built, natural and cultural assets'*. One of the targets identified as contributing towards achieving that objective is as follows: *'To make sure that development improves and does not lead to the loss of, or damage to, built, natural or cultural heritage assets'*. We have set out below why we consider the Development conflicts with the key historic environment objectives of the Structure Plan.

3. Aberdeen Local Development Plan 2012

Policy BI3 - West End Office Area

- 3.1 The West End Office Area is a prestigious, high quality office location on the edge of the City Centre, readily accessible by public transport and which also provides off street car-parking and space for expansion.
- 3.2 In this area applications for change of use for office purposes are to be given favourable consideration. Applications for change of use of properties to residential use are also encouraged, subject to a satisfactory residential environment being established and that the continued operation of existing uses is not prejudiced. The creation of new residential buildings, where considered acceptable, on the rear lanes of properties requires that a safe means of pedestrian and vehicular access be provided. Where there is scope to provide access to properties from rear lanes this will only be considered acceptable if satisfactory traffic management measures are in place, or can be provided by the developer, along the rear lanes. The conversion of existing front gardens to car parks, and the subsequent erosion of associated landscaping, will not be permitted. The reinstatement and restoration of car parks to front gardens will be encouraged by the Council.
- 3.3 Other commercial uses are not mentioned as being acceptable in the policy. While some commercial uses, such as office use, can operate adjacent to residential areas without detriment to amenity, the Development alone and cumulatively along with adjacent hotels can't. As noted below, bad neighbour uses, such as ancillary public bars in the hotel, should be located so that they do not adversely affect the amenity of adjoining users.
- 3.4 In addition, as noted throughout this letter, the non-office/residential uses and/or problems of parking and traffic congestion in the back lane are already problems which will only be exacerbated. No satisfactory traffic management measures have been proposed by the applicant nor can they be.
- 3.5 The Development alone and cumulatively with its occupiers will generate excessive noise, disturbance and intensify existing amenity problems including refuse collection, parking problems, pedestrian safety concerns and traffic movement/congestion all of which, will have an adverse impact on, and be detrimental to, all the surrounding residential properties and the area's existing amenity, especially when the cumulative impact of having three hotels in close proximity is considered.
- 3.6 Planning permission ought to therefore be refused.

Policy H1 (Residential Areas)

- 3.7 Although the Development is zoned under BI3 (West End Office Area), the lane and adjacent residential properties are zoned as Policy H1 and therefore it is considered relevant. The West End Office Area Policy above reinforces the protection of residential amenity. Within existing residential areas, proposals for non-residential uses are to be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. In this instance, whilst the adjacent properties on Queen's Road are in hotel use, the size of the Development together with the associated cumulative impact with the adjoining hotels will clearly have a detrimental impact on the character and amenity of the adjoining residential uses.
- 3.8 The conversion of the back garden would also see the introduction of a servicing and parking area. A rear car park for 23 cars and the associated movements with both the cars and servicing vehicles, especially in comparison to the frontage of site or for office/residential use, cannot be considered in any way to be negligible, particularly in the respect of associated traffic (see below) noise and amenity impacts. Over 24 hours, the opportunity for, and frequency of, visitors entering and leaving the Development together with staff, servicing and deliveries will lead to an increase in noise and disturbance; severely heightened and

- increased traffic movements and congestion from both visitors, staff, delivery and service vehicles; increase parking requirements for visitors, staff, delivery and service vehicle; and increased noise, disturbance and nuisance are all material considerations that will impact upon and severely reduce the level of local amenity that is currently enjoyed.
- 3.9 The proposed use will not utilise the existing envelope of the current buildings, and would see new extensions necessary. As such, new overlooking and privacy issues would arise as a result of the atrium, thus conflicting with the principles of Policy H1.
- 3.10 The Development will clearly reduce local amenity residents by introducing an intensive tourist commercial entity in what is a suburban residential street to the east and south. The further erosion of the residential character of the area is unacceptable as it will facilitate and lead to a range of cultural, social, physical and economic changes, which the Council as planning authority ought to control and prevent. The Development is not compatible with the wider residential area and will lead to an unacceptable erosion of the area's residential amenity and thus conflicts with the aims of H1.
- 3.11 Planning permission ought to therefore be refused.

Policy D1 (Architecture and Placemaking) and Policy D5 (Built Heritage)

- 3.12 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.
- 3.13 The Development proposals have failed to take account of the quality and special features of the two listed buildings and the wider Albyn Place/Rubislaw Conservation Area. The Development has no respect for the appearance and historic character of its host building and street scene, particularly in terms of scale, massing, form and design; all to the detriment to the character and appearance of the Conservation Area together with an adverse impact on the setting of two Listed Buildings.
- 3.14 The cumulative effect of the Development's characteristics is unacceptable as it will cause an incremental erosion of character and the unity of the character and appearance of the Conservation Area.
- 3.15 Though the applicant claims that visual impact of the proposal from Queen's Road would be negligible, the increased use of Queen's Lane South as a result of the access arrangements for the hotels and the Development is such that any visual impact when seen from the rear would be considerable. The Development is three dimensional and the appearance of the rear elevation is inconsistent in terms of scale, form, materials, height and massing of the listed buildings and the buildings in the local area.
- 3.16 The elevations are specifically referred to in the listing descriptions (see Appendix). The proposal represents a significant extension along the entire rear elevation and effectively "masks", dominates and overwhelms the original listed building. While it is noted that there are other properties on Queen's Road which have benefited from extensions of a similar scale, such as the Malmaison Hotel and Chester Hotel, each planning application must be determined on its own merits. In this instance, it is not considered that the Development has been designed with due regard for its context, nor would it make a positive contribution to its setting.
- 3.17 The relationship with both the Conservation Area and the original category B-listed buildings (and others in the area) is important. The character of the surrounding area is that of substantial granite-built properties set within long, generously proportioned plots. As noted below, the changing demands of businesses within the West End Office Area have led to pressure for the substantial extension of these traditional properties, which has in some instances contributed to a change in that character. It is reasonable for listed buildings to accommodate a degree of change in order to ensure their suitability for continued use and modern requirements, though there must be a limit to the level of change which will be permitted, on the basis that at a certain point the historic interest of the building will be lost.

- 3.18 The proposed extension is also of considerable size in relation to the existing buildings and that the resultant building would occupy a greater proportion of the site, resulting in over-development. Whilst the Site is generously proportioned, this does not provide justification for the level of extension proposed. It fails to maintain historic buildings in an appropriate setting and would fundamentally alter the townscape, which is characterised by large detached properties, situated to the front of long plots, with an open aspect from the rear lane, Queen's Lane South. It clearly does not take account of the context in which it sits nor has any regard for the surrounding townscape, to the detriment of, and adverse impact on the character and appearance of the Conservation Area and the setting of adjacent listed buildings. If the level of accommodation sought cannot be appropriately incorporated into the site, there are clearly better alternative locations for a hotel of this size.
- 3.19 The provision of the glass atrium and lack of windows also ignores the surrounding and current built form i.e. there are two buildings; would not in any way be reflective of the character and appearance of the listed buildings; nor any of the properties within the surrounding conservation area.
- 3.20 Accordingly, it is considered that the Development fails to preserve or enhance the character and appearance of the Conservation Area and the setting of adjacent listed buildings and it is therefore contrary to these policies together with the Scottish Government's policy as regards the historic environment, as set out below.
- 3.21 Planning permission and Listed Building Consent ought to therefore be refused.

Policies T2 (Managing the Transport Impact of Development) and D3 (Sustainable and Active Travel)

- 3.22 New developments will need to demonstrate that sufficient measures have been taken to minimize traffic generated. Not only do the 41 car parking spaces breach the National Roads Development Guide car parking standards but there are existing problems associated with parking and traffic movement on Queen's Lane South. In addition, to the possibility of 41 cars, there is no special provision made for coach parking and if a coach were to park at the Property, it is questionable where cars would be parked and it is not clear whether there will be any allocation for staff parking.
- 3.23 The properties along both Queen's Road and Harlaw Road utilise rear lane access. There are currently over 25 deliveries each day and on occasion more than 40 to each hotel. The Transport Statement fails to consider the impact of the deliveries either individually and cumulatively. As noted above, the Council are fully aware of the potential problems regarding on street parking and imposed a planning condition on preventing access to the Chester Hotel at the rear other than for deliveries within a certain time.
- 3.24 The matter of controlling overspill parking in order to protect residential amenity is also covered by Policy H1 (Residential Areas) which requires new non-residential uses to demonstrate that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. As noted above, although the Development is zoned under BI3 (West End Office Area), the lane and adjacent residential properties are zoned as Policy H1 and therefore it is considered relevant. The revised West End Office Area Policy in the proposed plan reinforces the protection of residential amenity.
- 3.25 Clearly, the use of Queen's Lane South rear lane would intensify as a result of the Development (visitors, staff and servicing) and together with the cumulative impact of adjoining hotels is unacceptable.
- 3.26 Planning permission ought to therefore be refused.

4. Material Considerations

There are no material considerations which indicate that the Application should be granted but a number which support it being refused:

(A) The Development would have an unacceptable and detrimental impact on the residential character and amenity of the area, especially by the cumulative impact of public bars. The promotion of social objectives of reducing alcohol consumption ought to be considered.

- 4.1 Whilst it is accepted that each planning application must be considered on its own merits, the Development, if granted planning permission, will set an unacceptable precedent by allowing other commercial development, including a further bar, in what is "a prestigious, high quality office location on the edge of the City Centre", to the significant detriment to the amenity of the wider residential area.
- 4.2 A concentration of late night licensed premises in a particular area causes a number of problems which are material considerations in land use terms including noise and nuisance.
- 4.3 Changing Scotland's relationship with alcohol is of central importance in realising the Scottish Government's core purpose¹. Underpinning the Government's Purpose and Economic Strategy are five Strategic Objectives - to make Scotland Wealthier and Fairer, Safer and Stronger, Healthier, Smarter and Greener. Promoting social objectives is a material consideration in the context of planning law and planning controls.² The cumulative impact of three bars as well as the proximity to Albyn School clearly undermines the aims and objectives of the Government's Purpose and Economic Strategy.

(B) The Development would have an unacceptable and detrimental impact on residential amenity due to increased traffic, parking and congestion problems as well as road safety.

- 4.4 Regardless of a travel plan, there would be no control over the mode of transport used by visitors. Nor would the Council be able to impose a valid planning condition or control the Development in such a way by a s75 that the terms of the travel plan could be enforced. As noted above, services such as refuse lorries, removal and deliveries have manoeuvring problems along the back lane and it is questionable as to how the Development could be serviced if the car park is at capacity. In any case, the Application lacks details of how the Development would be serviced or where the refuse bins would be stored and collected. It also fails to acknowledge that the Development would generate extra traffic as such especially as the Transport Statement focusses on peak traffic on weekdays when it is considered that most of the traffic movements will be generated at weekends. The Transport Statement is also incorrect to imply that as there is vehicular access from Queen's Lane South already the principle of vehicular access is established. It is a different use of the Property with a greater impact on the level of amenity currently enjoyed. Queen's Lane South is also a Cycle Route. In essence, the Development would exacerbate existing amenity problems as regards conflicts with traffic movement in the area.

(C) The Development will introduce unacceptable levels of noise and disturbance, impacting upon residential amenity.

- 4.5 There will be an unacceptable increase in noise and disturbance from the amount of people and traffic entering and leaving the Development, especially outwith social hours. No noise assessment has been submitted with the Planning Application.

(D) There is not a need for the Development in the area and there are better alternative sites

- 4.6 There is an overwhelming need to return the Property to office or mainstream residential housing. There are better alternative sites for this type of Development, especially in the City Centre where all tourist development should be directed based on the sequential approach

¹ Changing Scotland's Relationship with Alcohol: A Framework for Action

² R. (on the application of Copeland) v Tower Hamlets LBC [2010] EWHC 1845 (Admin); Stringer v Minister for Housing and Local Government [1970] 1 W.L.R. 1281

and directed to existing "brownfield" hotels where operators are currently vacating premises i.e. the Royal Hotel. To direct hotel development to the city centre is an approach supported by the Aberdeen City Centre Masterplan (June 2015) strategy which is focused on reviving the historic core and incorporating areas of growth between the rivers Denburn and Dee. This acknowledges the need to enrich Union Street as the central east – west spine through the city centre and to better connect an extended north – south axis that crosses the heart of the city centre. The masterplan supports initiatives to enhance the city centre's attraction as a visitor destination. Project EC08 is specifically identified as a site for new hotel development in the Denburn Valley as it is considered that the city centre requires a wider choice of accommodation to meet broader needs and budgets.

(E) The Development would have a negative effect on the Character and Appearance of the Conservation Area and Listed Buildings

The following policy documents are relevant material considerations:

4.7 The Aberdeen City Conservation Area Character Appraisals and Management Plan states:

The area embraces the Victorian development of the city, providing good examples of planned streetscapes; formal gardens and residential developments. The area is characterised by wide tree lined streets, which follow a linear and grid pattern. The majority are accompanied by low granite front garden walls and back lanes that provide access to the rear of buildings....The area comprises a substantial number of listed buildings and listed structures. Many of the streets within the Conservation Area consist primarily of listed building and many are group listed. The area highlights an outstanding array of buildings, encompassing many styles, materials and building practices that are locally distinctive.

There is a distinctive divide between residential dwellings and commercial/business....for the majority of Queen's Road, there is a concentration of business, commercial and educational facilities which occupy substantial granite buildings close to the city centre of Aberdeen. Beyond these streets lie high quality granite and slate terraces, semi-detached and detached residential dwellings most of which are two storeys.

Character Area B: Queen's Road - The buildings are typically detached of two storeys or three storeys with attic dormers although a number of semi-detached villas are present. Generally these relatively plain buildings, mostly built in a classical style, have minimal ornate detailing. The terrace of Queen's Garden, which has individually listed Category B buildings, has intricate detailing and features that are atypical of the area, such as cast iron balconies. Alongside the villas there are a number of institutions. The facades of the buildings are relatively unchanged however as many of the buildings are now used as commercial properties, There have been a number of additions, including rear extensions, rear car parking, signage and front car parking. The buildings within this area have a distinctive rhythm. The spaces between the buildings and the placement of the buildings within the plots are repeated, creating a regular flow. Alongside this, the buildings are symmetrical in form or, where in sets, is mirror image symmetrical, again compounding the rhythm.

Materials: Within the Conservation Area as a whole the materials used are granite, both course and ashlar. Although the majority of the buildings are constructed of grey granite, there are concentrations of buildings of mixed pink and grey and solely pink granite. Coursed rubble is also present in residential buildings. Detailing is achieved through differing coloured grey granite and ridge line detailing or through ornamental detailing such as scroll patterns on gables and boundary walls. The roof material is typically slate. Windows are white painted timber sash and case for the most part with iron framed windows within some institutional buildings. Cast iron is featured through the use of railings separating the street from front gardens, on guttering and down pipes, and on roof and dormer window features.

Use: Queen's Road and the south side of Albyn Place. The area has a predominantly commercial use, focussing on professional and financial services, health practitioners, hotel use, institutions and schools. The majority of the area is zoned under the West End Office Area, which promotes commercial enterprise in the area. This has led to a change in the layout of many of the forecourts and back garden areas, which have been turned into car parking spaces or now accommodate large

rear extensions. There have also been a large number of signs erected in the area to advertise business premises. Some of these fit well through their use of material, scale and siting. There are residential dwellings to the west of the character area. There is a night time economy within this area from the hotels, hostel, restaurants' and bars.

Negative factors/Issues: Queen's Road and the south side of Albyn Place. Due to the nature of this character area, as a predominately commercial area which promotes commercial development there are features which cause friction within the Conservation Area. A unique feature of the original residential dwelling houses was the large garden space. These areas have now been developed into rear car parking or additional office space through the erection of rear extensions. This has eroded a large part of the original green space within the area. The office extensions are typically substantial as companies try to maximise office accommodation. To the front, in order to advertise their presence, commercial premises have erected signage. Some of these are not in keeping with the Conservation Area in terms of material used, scale, positioning. Further additions include the development of car parking in the front garden. This has in cases removed a proportion of green space within the character area. A number of commercial back land developments have also taken place within this character area,

Roads: Queen's Road and the south side of Albyn Place These streets are busy with pedestrian and vehicle traffic during the day. Pedestrians also use the back lanes in this area. Parking is present both on and off street in the area. The boundary walls are high, stone rubble. Large sections of the high boundary walls have been removed to provide access to car parking to the rear. There are also garage door and outbuildings present in the lane.

Natural Environment: Queen's Road and the south side of Albyn Place. Negative factors/Issues The loss of open space in the front and rear gardens due to car parking and rear office extensions has had a negative impact on the natural environment within the character area.

Weaknesses: Area of pavements in poor repair around the root system of trees • Front car parking on some properties in Victoria Street removing the original street pattern • Removal of timber sash and case windows • Installation of thick framed uPVC windows • Inappropriately placed satellite dishes • Inappropriate box dormers on front elevation of listed buildings • Loss of the original pattern and boundary walls of back land development due to car parking and rear extensions. • Loss of vegetation in the front courtyard and rear gardens due to car parking and extensions • Inappropriate signage materials, proportions and colours • Inappropriate floodlighting detracting from the best features of individual buildings

Strengths: Linear and grid pattern of the development • High quality buildings, many of which are listed, in good state of repair and maintenance • Abundance of street trees and trees/vegetation within front gardens/ front courtyards • Diversity of buildings • Original dormer pattern retained on residential streets • Quality of material used • Traditional and historic palette of materials which is characteristic of Aberdeen and its granite heritage

Threats: Loss of the original pattern of development and boundary walls of back land development due to car parking and extensions • Loss of vegetation in the front courtyard and rear gardens due to car parking and extensions • Unsympathetic development that does not reflect or relate to the character of the character area • Lack of enforcement for breaches of planning permission/regulations • Removal of boundary walls

Opportunities: High quality extensions that respect, compliment and add to the character of the Conservation Area."

4.8 Scottish Planning Policy states:

Of the principle policies listed, it identifies a presumption in favour of development that contributes to sustainable development. SPP states the importance of the historic environment in making development management decisions, highlighting its contribution to enhancing national, regional and local distinctiveness. The policy principles relating to valuing the historic environment acknowledges that the planning system should "enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future

use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced".

Specifically, it states within paragraph 141 that *"change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting, and any features of special architectural or historic interest"*.

In relation to Conservation Areas, it is stated that planning permission should normally be refused for development that would fail to preserve or enhance the character or appearance of the area.

4.9 Scottish Historic Environment Policy (SHEP) states:

The policy of the Scottish Ministers is that actions taken in respect of Scotland's historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations; there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it; Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic, and environmental resource of great value.

Scottish Ministers Policy on Listed Building Consent is to presume against works that adversely affect the special interest of a listed building or its setting. Paragraph 3.35 states *"The majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building's special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms, listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner"*. It further goes on to state within paragraph 3.48 that *"Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted"*. SHEP paragraph 3.53 states that *"When considering a developer's proposals to integrate listed buildings into an overall development, Ministers expect planning authorities to take into account not only the desirability of preserving the building's historic fabric but the need to maintain it in an appropriate setting"*.

With regards to conservation areas, SHEP Annex 3 also highlights that *"It is character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other which the legislation covering conservation areas seeks to preserve"*.

In essence, planning authorities are required when determining applications for planning permission or listed building consent, to have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. The layout, design, material, scale, siting and use of any development which would affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. In terms of Conservation Areas, the design, materials, scale and siting of new development within a conservation area, and development out with the conservation area that will impact upon its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance that character or appearance of the area.

4.10 Managing Change In The Historic Environment Series (Historic Scotland, 2010) states:

Extensions – Most historic buildings can be extended sensitively. However, extensions must protect the character and appearance of the building, should be subordinate in scale and form, should be located on a secondary elevation, must be designed in a high-quality manner using appropriate materials.

Roofs - sets out the principles that apply to altering the roofs of historic buildings. It recognises that the roof and associated features of a historic building, or group of historic buildings, form important elements in defining their character. The significance of a historic roof is derived from a number of factors including its age, functional performance, shape and pitch, profile, and the qualities of its supporting structure, covering materials and associated features. In planning works to a roof it is important to understand its contribution to the building's character and to protect the special interest of the building through the re-use of existing historic materials and close matching of new materials. The addition of new features to principal or prominent roof slopes should generally be avoided.

Windows - states that in most cases windows are carefully sized and located as part of a broader design for a building or group of buildings. Window proportions and spacing frequently relate to other elements of the building, such as the overall dimensions of an elevation or other features (e.g. doorways). Windows are important components of an architectural design, perhaps expressing different parts of a building through differences in size, positioning and design. The form, glazing materials and pattern, framing materials, method of opening, finish and associated fixtures of the window are important considerations. Location and design are key considerations in proposals for new window openings. In cases where the building forms part of a larger grouping, it may be necessary to consider the wider context of the group and the potential for a cumulative effect if similar work was undertaken on every building. Where the location is appropriate in principle, the design of the new window must take account of the size, proportion, material and detailing of surrounding or nearby windows.

Setting - of a historic asset and assessing how any new development would impact upon this. It stresses that it will be for planning authorities to determine whether a development will impact on the setting of a historic asset or place. Factors contributing to setting include the following;

Current landscape or townscape context;

- Visual envelope, incorporating views to, from and across the historic asset or place;
- Relationships between both built and natural features;
- Aesthetic qualities;
- Character of the surrounding landscape;
- A 'sense of place': the overall effect formed by the above factors.

- 4.11 As noted under Policy D1 (Architecture and Placemaking) and Policy D5 (Built Heritage), we consider that the Development conflicts with the aims of the above historic environment policy. The impact of the Development on the appearance and character of the existing listed buildings and street scene is not satisfactory, particularly in terms of the form, scale and design of the Development and aesthetic qualities including choice of materials (i.e. especially the extension "the dark solid base, copper coloured wings and a lightweight glazed core").
- 4.12 We consider that the lack of windows on the rear and side elevations, whilst addressing some privacy concerns, ignores the form of the existing windows within the listed building and the buildings in its immediate surroundings and also causes inadequate daylight and sunlight (and an assessment based on BRE Guidelines ought to be submitted).
- 4.13 As noted above due to the nature of this character area, commercial development of this nature will cause friction within the Conservation Area. The Development would further weaken and threaten the character of the conservation area and impact on the setting of the immediate and surrounding listed buildings. There would be further loss of the original pattern of development; back land development due to car parking and the extension; the development is unsympathetic in its design and does not reflect or relate to the character of the character area; in terms of visual envelope, the views to, from and across the listed building and other in the locality area will change.
- 4.14 We therefore consider that the Development fails to preserve or enhance the character or appearance of the conservation area together with having a detrimental impact on the setting of listed buildings. A dangerous precedent will be set by planning permission and listed

building consent being granted for the Development which will also lead to incremental erosion of character of the listed buildings and the wider conservation area.

Summary

Section 25 and 37 (2) of the Town & Country Planning (Scotland) Act 1997 states that 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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. 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 of conservation areas. Proposals which fail to preserve or enhance the character or appearance either ought to be refused.

For the reasons outlined above, we urge the Council to refuse planning permission and listed building consent for the Applications due to the unacceptable adverse effect the Development will have on residential amenity; the detrimental impact and unacceptable erosion it will have on the character of two listed buildings and a conservation area; there is a clear presumption in favour of converting properties into office and/or mainstream residential use and that tourist development should be directed to more appropriate areas based on the sequential approach; and the Development will set an unacceptable precedent.

It does not accord with the provisions of the development plan and there are also over-whelming material considerations to justify its refusal. The Planning Application and LBC Application ought to be refused on the foregoing basis and we strongly urge the Council to do so.

We would also like the opportunity to speak at any pre determination hearing should the Applications go before the Planning Committee.

Please acknowledge safe and timeous receipt of this objection.

Yours faithfully



APPENDIX – LISTING DESCRIPTIONS

55 Queen's Road

Description

A Marshall Mackenzie, 1898; later additions and alterations. 2-storey, basement and attic, 3-bay traditional villa. Tooled coursed pink granite ashlar, finely finished to margins at NW elevation; Aberdeen bond rubble to remainder. Rough-faced granite basement floor; ground floor cill course; raised margins; strip quoins; eaves course.

NW (PRINCIPAL) ELEVATION: symmetrical; architraved doorway to centre bay of ground floor, 4 stone steps flanked by iron railings lead to 2-leaf panelled timber door with oval glazed upper panels; tripartite windows to basement and ground floor of flanking bays to left and right; regular fenestration to 1st floor.

SW ELEVATION: part gabled; link to 57 Queen's Road at ground and basement floor; simple lean-to oriel below wallhead with window to centre.

SE ELEVATION: asymmetrical; full basement floor; addition advanced to centre bay of basement, surmounted by lean-to conservatory at ground floor, 2-storey lean-to addition adjoining at bay to left; regular openings to all floors of bay to right, window to 1st floor of centre bay; flue of wallhead stack advanced and breaking eaves between centre bay and bay to left; bipartite window to bay to left at 1st floor; variety of dormers to attic floor.

NE ELEVATION: part gabled; piend-roofed addition to centre of ground floor, window to 1st floor above.

Predominantly timber sash and case windows, plate glass lower sash and small-pane upper sash; some 4-pane windows to rear. Piended and gableded grey slate roof with lead ridges. Corniced gablehead and wallhead stacks with octagonal and circular cans. Cast-iron rainwater goods.

INTERIOR: good interior; many of mouldings, cornices, architraves, wall and ceiling plasterwork survives. Decoratively glazed 2-pane inner door with fanlight; ionic pilastered hallway with rib-vaulted roof; panelling and neo-classical plasterwork ceiling to principal room at ground floor, fire surround; staircase and balusters survive.

GATEPIERS AND BOUNDARY WALLS: corniced square-plan rough-faced granite gatepiers to NW (shared with adjacent properties); low coped walls between, surmounted by railings (later addition); granite and brick coped rubble walls to remainder.

Statement of Special Interest

From the beginning of the 19th century Aberdeen rapidly expanded westwards from Union Street. 55 Queen's Road is part of the later 19th century development W of Queen's Cross. Queen's Road is on the site of Skene Road, which was originally surrounded by the estate of Rubislaw. In 1877 Rubislaw Estate was bought by the City of Aberdeen Land Association, who re-aligned the road and sold off the estate in smaller plots. Streets became wider and villas with substantial gardens often replaced terraces. Prestigious architects, such as A Marshall Mackenzie, were often employed to produce bold and unusual designs to reflect the wealth and individuality of the clients. Mackenzie designed many of the adjacent villas (see separate listings). 55 Queen's Road is one of the more traditional villas at this end of Queen's Road with simple detailing and mouldings, but a fine interior.

57 Queen's Road

Description

A Marshall Mackenzie, 1896. 2-storey, basement and attic, 3-bay, rectangular-plan villa. Rough-faced coursed pink granite ashlar with pale grey dressings, finely finished to NW elevation; granite rubble to

remainder. Ground and 1st floor cill course; long and short rusticated quoins; eaves course and cornice.

NW (PRINCIPAL) ELEVATION: symmetrical; decorative doorpiece to pedimented centre bay at ground floor, Tuscan columns supporting rusticated entablature and cornice, round-arched doorway with rusticated voussoirs, fluted panels flanking panelled timber door, decorative fanlight with dentil moulded cornice around; tripartite windows to flanking bays to left and right at basement and ground floors, modern railings enclosing basement; regular fenestration to 1st floor.

SW ELEVATION: gabled; flat-roofed addition to ground floor, window to centre of 1st floor above, single window off-centre to left set in gablehead.

SE ELEVATION: near-symmetrical; full basement floor; near-regular fenestration to all floors, with windows to right slightly broader, and windows to centre bay off-centre to left; 2 canted dormers to attic floor.

NE ELEVATION: gabled; link to 55 Queen's Road at basement and ground floors, with doorway to left return; barred openings to centre bays above, small window off-centre to right in gablehead.

Predominantly timber casement windows, plate glass central panes, 2-pane lower and small-pane uppers. Grey slate roof with lead ridge. Stone skewers with blocked skewputts. Corniced gablehead stacks and coped wallhead stack to rear, octagonal cans. Cast-iron rainwater goods.

INTERIOR: elaborate interior; majority of mouldings, architraves, some panelled doors, cornices and fire surrounds survive. 2-leaf glazed inner door; elaborately panelled hallway with decorative ceiling mouldings, fire surround; fine staircase with fretwork and turned balusters.

GATEPIERS, RAILINGS AND BOUNDARY WALLS: corniced square-plan rough-faced granite gatepiers to NW (shared with adjacent properties); low coped walls between, surmounted by railings (later addition); granite and brick coped rubble walls to remainder.

Statement of Special Interest

B-Group with 59 Queen's Road (see separate listing). From the beginning of the 19th century Aberdeen rapidly expanded westwards from Union Street. 57 Queen's Road 's Road is on the site of Skene Road, which was originally surrounded by the estate of Rubislaw. In 1877 Rubislaw Estate was bought by the City of Aberdeen Land Association, who re-aligned the road and sold off the estate in smaller plots. Streets became wider and villas with substantial gardens often replaced terraces. Prestigious architects, such as A Marshall Mackenzie, were often employed to produce bold and unusual designs to reflect the wealth and individuality of the clients. Mackenzie designed many of the adjacent villas (see separate listings), including the adjacent 59 Queen's Road, which in all but the colour of the granite is identical to 57 Queen's Road (59 Queen's Road has lost its window and much of the interior decorative scheme

