

Ref: 18-245

21 September 2018

## **PROPOSED DEVELOPMENT AT 85 BLenheim PLACE, ABERDEEN**

### **STATEMENT**

We would seek review of the refusal of the application 181008/DPP dated 19 June 2018, refused permission on 8 August 2018

### **Background**

The property is located within the Albyn Place and Rubislaw conservation area. The gate in question is located on the boundary facing the unnamed lane to the rear of 85 Blenheim Place

This metal vertical roller gate was installed earlier this year as a replacement for an existing sliding timber gate giving access to an existing driveway to the rear of the property. The reason for the installation of this gate rather than a direct replacement was due to the weight of the existing gate was causing structural damage to the adjacent garage and boundary wall. The walls were in imminent danger of falling into the back lane. Immediate structural repairs had to be carried out and subsequently, in the interest of public safety in the back lane and access to the driveway, it was decided that a self-supporting gate would be the best solution to preserve the stability of the existing structures. A vertical gate was installed as it could be automatically operated to minimise obstructing the public road and would not impinge on either the roadway or garden ground

This was carried out by my client who at the time was unaware that a replacement gate would require consent.

The current arrangements allow for my client to conveniently access the communal (dwellings Blenheim Place 85 and 87) car charger point and with minimal delay respond to his on-call commitments at Aberdeen Royal Infirmary.

The existing gate was identified by the planning officer as being unapproved during a site visit for a separate application and we were asked to make a retrospective application

### **Grounds for refusal**

1. The proposal is contrary to Historic Environment Scotland Policy Statement, Scottish Planning Policy, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017 as the proposed roller shutter gate, due to its size, design and materials do not enhance nor preserve the character of the Albyn Place and Rubislaw Conservation Area
2. The proposal is contrary to Policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and the Supplementary guidance - Householder Development Guide; the proposed roller shutter gate, due to its inappropriate size, design and materials do not make a positive contribution to the setting and would have unacceptable impact on both the character and visual amenity of the surrounding area

3. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area.

### **Reasons for review**

In response to the grounds for refusal:

1. Whilst the proposal is deemed contrary to Historic Environment Scotland Policy Statement, Scottish Planning Policy, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017 as it does not enhance nor preserve the character of the Albyn Place and Rubislaw Conservation Area it is wholly in context with the lane to the Rear of Blenheim Place and existing gates on Deswood Place
2. As various out buildings and driveway accesses have been formed in the lane over years the roller shutter gate does comply with points made in Supplementary Guidance Householder Development Guide - 3.1.10 Other Domestic Alterations: Fences, Walls and Other Boundary Enclosures. That “the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact and “would not result in an unacceptable impact upon the amenity of neighbouring dwellings”. To this effect we have enclosed written statements from the nearest neighbours and photographs of the back lane
3. Approval of this application would not create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area as there are already gates of a similar nature and design on the lane.

Our contention is that given the varied nature of the streetscape to both sides of the lane this application is not to the detriment to the surrounding area and should be considered for approval.