



NOTICE OF REVIEW UNDER

S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 210677/DPP

for

**PARTIAL CONVERSION OF AN EXISTING COACH-HOUSE TO DOMESTIC GARAGE INCLUDING
ERECTION OF SINGLE STOREY EXTENSION; INSTALLATION OF REPLACEMENT DOOR;
FORMATION OF GARAGE DOOR AND INSTALLATION OF ELECTRIC VEHICLE CHARGING POINT
TO REAR**

at

9 MARINE TERRACE

ABERDEEN

AB11 7SF

STATEMENT OF REASONS



1 Introduction

- 1.1 Planning application reference 210677/DPP was submitted to Aberdeen City Council on 14 May 2021, seeking planning permission for “*Partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear*” at 9 Marine Terrace, Aberdeen. Full details of the proposed development, the background to this, and the context against which it requires to be assessed are provided in the Report and Design Statement and in the Planning Statement submitted with the application [Documents 7 and 8].
- 1.2 A full list of documents submitted with the application is provided in Appendix One, together with all other relevant documents referred to in this Statement.
- 1.3 Notably, as highlighted in the Report and Design Statement, 9 Marine Terrace is the only property on this street which does not have a garage, with that meaning that it is also the only property for which it is not possible to install an electric vehicle charging point. At the same time, the size of the existing coach house means that it currently serves little useful purpose for the residents of the house. The proposed development therefore seeks to address the existing lack of garage provision and ensure the long term beneficial use of the coach house by adapting it meet residents’ changing needs, with this also contributing to the delivery of local and national government aspirations with regards to addressing climate change.
- 1.4 Also notably, the Report of Handling for the application [Document 9] recognises that the proposed development has a number of benefits, stating that:
- the proposed replacement of previously installed aluminium sliding doors with timber framed double doors would see the re-introduction of a more sympathetic framing material which would result in an improvement on the existing situation, enhancing the character of the conservation area in accordance with guidance contained within Historic Environment Scotland’s Managing Change document: Doorways [Document 16];
 - the proposed refurbishment of the timber slats and hayloft door of the coach house would preserve and enhance the character and appearance of the conservation area and is therefore acceptable; and



- the proposal would meet the required minimum internal dimensions for a double garage (5.7m x 5.7m) in accordance with Supplementary Guidance: Transport and Accessibility [Document 13], and in the Council’s Roads Development Management team raised no objections.

1.5 The Report of Handling is also clear that the application complies with Policy H1 of the Aberdeen Local Development Plan (LDP) in that:

- the proposed development would not constitute overdevelopment;
- there would be no significant adverse impact on neighbouring daylight levels or privacy, or any adverse increase in overshadowing, such that neighbouring residential amenity would be retained; and
- there would be no loss of public open space.

1.6 The above notwithstanding, the application was refused on 13 July 2021, with the Decision Notice [Document 10] giving the reason for this as being that:

“The proposed works would detract from the character of the coach house which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace - by reason of the excessive removal of historic fabric, including granite, and alteration of the form of the building. Thus, the proposal fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area and would conflict with Policies D1 - Quality Placemaking by Design, D4 - Historic Environment, D5 - Our Granite Heritage and H1 - Residential Areas of the Aberdeen Local Development Plan 2017, and with Scottish Planning Policy and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact has not been demonstrated to be minimal.”

1.7 A review of the decision to refuse the application is now sought on the grounds that, as set out in the Planning Statement and in the following paragraphs, the proposed development:

- complies with the vision and aims of the Strategic Development Plan (SDP) [Document 11], the relevant Policies of the Local Development Plan (LDP) [Document 12], including Policies H1, D4, D5, and D1, and relevant provisions of the associated Supplementary Guidance [Documents 13 and 14];



- will have no adverse impact on the listed terrace, or on any individual elements within that;
- will have no impact on the character and appearance of the Marine Terrace Conservation Area by virtue of its location on a rear lane with no through access;
- is consistent with the principles of Scottish Planning Policy (SPP) [Document 20] and Historic Environment Policy for Scotland [Document 15] in terms of facilitating positive change in the historic environment; and
- complies with the requirements of the relevant Historic Environment Scotland Managing Change Guidance notes [Documents 16, 17, 18 and 19].

1.8 It should also be noted that there were no objections to the application from any neighbours or statutory consultees, including Ferryhill and Ruthrieston Community Council.

2 Policy context

2.1 Details of the policy context against which the application requires to be assessed are set out in the Planning Statement, in terms of which it is submitted that the application complies with the Development Plan as outlined above. In this regard, it must be remembered that Section 25 of the Town and Country Planning (Scotland) act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, with the relevant development plan in this case comprising the Aberdeen City and Shire Strategic Development Plan (SDP) (2020) and the Aberdeen Local Development Plan (ALDP) (2017). It is also important to remember that, as stated in paragraph 1.14 of the LDP, development proposals will be assessed against a number of policies within the Plan so it must be carefully considered as a whole, with reference also be made to appropriate Supplementary Guidance, as well as national policy and the Strategic Development Plan. As set out in the Planning Statement and in section 3 below, the balance between different policy provisions and relevant material considerations is particularly significant in terms of this application.

2.2 That Planning Statement now forms part of the review documents, and its terms are incorporated herewith, with the relevant Development Plan Policies as applied to the proposed development also set out in Appendix Three to this Statement. It should also be noted that, although Policy D5 – Our Granite Heritage is not specifically addressed in



the Planning Statement or Appendix Three, that is because, granite is not a significant feature of the coach house and very little granite will be required to be removed as part of the development, both as set out in paragraph 3.17 below, and no concerns in this regard were raised with our client prior the determination of the application.

- 2.3 For the reasons given in both the Planning Statement and this Statement, read in conjunction with the documents listed in Appendix One, it is submitted that the review should be allowed, and the application granted.

3 Reasons for refusal

- 3.1 Although the Decision Notice gives only one reason for refusal of the application, this can be broken down into three parts, each of which is addressed in turn below.

Part 1: The proposed works would detract from the character of the coach house which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace - by reason of the excessive removal of historic fabric, including granite, and alteration of the form of the building [...]

- 3.2 Whereas this refers to impact on both the listed building and the Lane, it should be noted that:

- as set out in paragraph 3.13 below, the CAAMP makes it clear that Marine Lane is not of any particular historic interest, such that there is no basis for refusing the application on the grounds of any perceived impact on this; and
- the potential impact on the historic and architectural interest of the listed building is considered in detail below, in terms of which it is demonstrated that the proposed development would also have no impact in this regard.

- 3.3 To understand the potential impact on the historic interest of the listed building, it is first necessary to have a good understanding of what its historic interest is, for which reference requires to be made to the statement of special interest provided by Historic Environment Scotland as part of the listing. As set out in paragraph 4.24 of the Planning Statement however, the listing for 3-11 (inclusive numbers) Marine Terrace and the statement of special interest for this make it clear that the focus of the listing is on the east (principal elevation) of the Terrace as a whole, with the rear of the buildings being described only in terms of the elevations themselves. Further, whilst there is specific



reference to the boundary walls and railings in the statement of special interest, no reference is made to the rear Lane or any outbuildings, including the coach house at number 9, suggesting that this is not of any particular significance in its own right, and that it does not contribute significantly to the special historic and architectural interest of the listed building either. In the absence of the coach house making any particular contribution to the special interest of the listed building, there is then no basis for concluding that the proposed works would detract from this special interest in any way.

3.4 It should also be noted that, as set out in more detail in the Report and Design Statement, the coach house postdates the construction of the main house at 9 Marine Terrace (i.e. it did not form part of the original scheme for the site, or part of the original setting of the listed building), with the current form of this not being seen on plans until the early 20th century, with it also having been altered extensively over the years. In this regard, while the Report of Handling seeks to place weight on the potential for previous alterations to be reversed in future, it must be remembered that the application requires to be assessed on the basis of how the proposed works compare to the building as it currently is, not to how it may or may not have been in the past. And, as highlighted in paragraph 1.4 above, the proposed development delivers a number of improvements on the current position in this regard. In any event, even if previous alterations were reversed, this would not change the fact that the coach house was not part of the original setting of the listed building. Taken together with the points raised in paragraph 1.4, this further contributes to the conclusion that the coach house does not make a significant contribution to the setting of the listed building in its current form, nor has it done so historically. Conversely, the proposed development represents an opportunity to make a positive contribution in this regard by carrying out refurbishment works as described in paragraph 1.4 above, with the development as a whole having been specifically designed to respect the setting of the listed building, as set out in the Report and Design Statement.

3.5 Importantly, while it is recognised that each application requires to be considered on its own merits, other recent decisions can provide guidance on the approach that should be taken when considering proposals that affect later additions to the setting of a listed building, with it to be expected that a consistent approach would be taken to similar proposals across Aberdeen. For example, the Committee Report for planning application reference 201069/DPP (approved in June this year) [Documents 23 and 24], makes it clear that later additions to a listed property will not necessarily have the same special architectural or historic interest as the main building(s) with which they are associated, with the complete demolition of features that were added in the late 19th and early 20th centuries allowed in that instance. The same principles should apply in this case, (in which

the works proposed are clearly less significant than those permitted pursuant to planning application reference 201069/DPP), with it recognised that the coach house does not have the same architectural or historic interest as 9 Marine Terrace itself, and that the proposed works would deliver benefits overall as set out in the Report and Design Statement, and the application should therefore be supported accordingly.

3.6 In addition to the general statement that the proposed works would detract from the character of the coach house, the Decision Notice raises specific concerns about the removal of historic fabric, including granite, and alteration of the form of the building.

3.7 With regards to the removal of historic fabric, it should be noted that:

- the proposed new door in the western elevation would be located largely where there had been a door previously, and where there is an existing door, such that very little historic fabric would be removed to create this;
- the proposed extension to the eastern elevation would again be located where there are existing openings, or there were previously openings, thus again minimising the extent of the historic fabric that would be removed; and
- as set out in the Report and Design Statement, existing granite in-bands and out-bands would be re-used where possible.

3.8 The impact on the historic fabric would therefore be minimal.

3.9 In terms of the form of the building, the only change to this would be as a result of the proposed extension to the eastern elevation, which would extend the building by just 1.3m. In this regard, the Report of Handling acknowledges that the proposed extension would not dominate the original building as a result of its scale, materials or location, and would be located on a secondary elevation, in accordance with relevant provisions of **Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Extensions** (Managing Change – Extensions) [Document 17] and the Council's **Supplementary Guidance: Householder Development Guide** [Document 14]. However, it then states that Managing Change – Extensions advises that small structures, such as garden buildings not intended for permanent occupation, will seldom be capable of extension. This does not though mean that such extensions are never possible, and indeed the starting point is that, as set out in paragraph 2.1 of the Guidance:



“...most historic buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.”

3.10 The Guidance then goes on to make it clear that, whereas small buildings can present challenges, this is due to the relative size of these, and the difficulty in extending them sensitively. This notwithstanding, section 5 of Managing Change – Extensions recognises that small buildings may need extending to give them purpose, with the key consideration being whether this can be done in a way that maintains the visual integrity of the original building, and it being in the case of very small structures, such as garden buildings, only that this is considered to be more rarely possible. The coach house to which this application relates is not however a garden building, but a relatively substantial building in its own right, comparable to a tollhouse or lodge, to cite examples of structures given in the Guidance which are generally suitable for extension. Taking this into account, along with the fact that the proposed extension would maintain the visual integrity of the original structure (as recognised in the Report of Handling’s statement that this would not dominate), and otherwise complies with other relevant provisions of the Guidance (as also acknowledged in the Report of Handling), there is no reason for refusing the application on the basis of the impact that this would have on the form of the building.

Part 2: The proposal fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area [...]

3.11 Whilst it is accepted that regard should be had to the desirability of preserving or enhancing the character or appearance of the Conservation Area, s.64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 [Document 22] is clear that it is the ***desirability*** of doing so to which regard is to be had, rather than there being a statutory duty to preserve and enhance the Conservation Area in all cases, as indicated in the Decision Notice. As such, the Decision Notice indicates that the wrong test was applied when determining the application.

3.12 In terms of the desirability of preserving or enhancing the character or appearance of the Conservation Area, it should be noted that the location of the application site at the end of a rear lane means that the proposed development will not be visible in the context of the wider Conservation Area, and thus will have no impact on the character or appearance of this. This is particularly so in respect of the works on the garden facing elevation of the coach house, which would not be seen at all from the Conservation Area, but is also true of the works on the Lane facing elevation given that, as highlighted in



paragraph 2.2 of the Planning Statement, the Lane provides no through access, and terminates in a dead end just beyond the application site.

- 3.13 It should also be noted that, as highlighted in paragraph 4.25 of the Planning Statement, the **Marine Terrace Conservation Area Appraisal and Management Plan (CAAMP)** [Document 21] describes Marine Lane as being more modern and not having as strong a front boundary as other roads in the area do, with no reference made to any important views, vistas or glimpses into this, indicating that it is not considered to be an important part of the Conservation Area. Indeed, as also highlighted in paragraph 4.25 of the Planning Statement, Marine Lane is not included in the list of Conservation Area's streets. There is then nothing in the CAAMP to indicate that the coach house makes any particular contribution to the character or appearance of the Conservation Area, such that any proposed changes to this cannot be said to have any impact in this regard. That is particularly so when viewed in the context of other garages along the Lane, including those which are clearly visible from Abbotsford Lane (see Appendix Two).
- 3.14 This notwithstanding, the nature of works proposed for the Lane facing elevation of the coach house (the refurbishment of existing features and the creation of a double door which would be reflective of previously closed up openings on this elevation, with a wooden door in keeping with the existing single door here, all as described in more detail in the Report and Design Statement) means that there would be no negative impact on the character or appearance of the Conservation Area even if the coach house is considered to make any contribution to this, whether visible from any public viewpoint or not.
- 3.15 In light of paragraphs 3.11 to 3.14 above, it is clear that there is no basis for refusing the application on the ground that the proposed development would not preserve the character and appearance of the Conservation Area.

Part 3: [the proposal] would conflict with Policies D1, D4, D5 and H1 of the Aberdeen Local Development Plan 2017 and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact has not been demonstrated to be minimal.

- 3.16 On the basis that paragraphs 3.2 to 3.10 above address all concerns raised in the Report of Handling with regards to the effects of the proposed development on the form and existing fabric of the coach house, and the impact that this would have on both the Conservation Area and the listed building at 9 Marine Terrace, there are no grounds for concluding that the application does not comply with **Policy D4 – Historic Environment** of the LDP. This is particularly so as, for the reasons given in paragraph 5.13 of the



Planning Statement and expanded on in paragraph 3.20 to 3.25 below, the proposed development is also supported by HEPS, with Policy D4 requiring to be applied in line with this. As such, it should instead be concluded that the application does comply with Policy D4 for the reasons given in paragraphs 4.23 to 4.27 of the Planning Statement.

3.17 Also importantly in this regard, whereas it is recognised that **Policy D5 – Our Granite Heritage** of the LDP seeks to secure the retention and re-use of granite where possible, the supporting text for this makes it clear that this is because of the contribution that granite makes to the city’s visual identity. It also makes it clear that the starting point for considering the appropriateness of any development proposed in a Conservation Area should be the relevant Conservation Area Appraisal document. Taking this into account, it should be noted that:

- both the eastern and western elevations of the coach house are in fact roughcast, with the only visible granite being in-bands and out-bands around openings as shown on the existing elevation plans [Document 3];
- the existing granite in-bands and out-bands are to be re-used where possible, as set out in the Report and Design Statement and highlighted in paragraph 3.7 above, with granite in-bands and out-bands retained as a feature around the proposed new opening on the western elevation;
- there would therefore be no visible loss of any granite, and thus no impact on the contribution that granite makes to the city’s visual identity; and
- the proposed development has been informed by the relevant Conservation Area Appraisal as set out in paragraph 4.25 of the Planning Statement and highlighted in paragraphs 3.11 to 3.14 above.

3.18 The proposed development therefore clearly complies with Policy D5 in these respects.

3.19 In addition, whereas Policy D5 goes on to state that proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted planning permission, conservation area consent or listed building consent unless the Local Authority is satisfied that the proposal to demolish meets Historic Scotland’s Scottish Historic Environment Policy (SHEP) test for demolition, the more recent Historic Environment Scotland Managing Change in the Historic Environment Guidance on Demolition of Listed Buildings makes it clear that demolition is

defined as “the total or substantial loss of a listed building”, and that “the removal of smaller parts of a building such as conservatories, porches, chimneys and small scale extensions, should be assessed as alterations rather than demolition”. As such, it is clear that the proposed development does not constitute demolition in terms of Policy D5, and so this element of the Policy is not relevant to the determination of this application.

- 3.20 The Report of Handling also raises concerns about a lack of evidence to demonstrate that the building could not be adapted for use as a garage while retaining more of the existing form, and the impact that this would have on the Conservation Area. As set out above however, this elevation is not visible in the context of the Conservation Area, such that any works here will have no impact on the character and appearance of that. And, whereas the Report of Handling refers to HEP4 of **Historic Environment Policy for Scotland (HEPS)** as requiring alternatives to have been considered, the relevant text in this states that:

“If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.”

- 3.21 In other words, it only needs to be demonstrated that alternatives have been explored if there is an unavoidable impact on the historic environment as a result of the proposed works. In this case there would be no negative impact on the historic environment on the basis that:

- as set out in paragraphs 3.11 to 3.14 above, the proposed development would have no negative impact on the character or appearance of the Conservation Area, not least because it would not be visible from any public viewpoint, and the CAAMP makes it clear that Marine Lane is not considered to be an important part of the Conservation Area, with the proposed works having no impact on any special features of this; and
- as set out in 3.2 to 3.10 above, the proposed development would have no impact on the setting of the listed building at 9 Marine Terrace, with the coach house not being an original part of this setting, and the Report of Handling for the application raising no concerns in respect of the design of the proposed extension or other works that would be carried out on the garden elevation beyond the fact that this would result in the loss of historic fabric (concerns in respect of which have been addressed in detail above).

- 3.22 As the proposed development would not have a detrimental impact on either the character and appearance of the Conservation Area or the setting of the listed building at



9 Marine Terrace, there cannot be said to be any detrimental impact on the historic environment as a whole, and so there is no requirement to either minimise the extent of the works or demonstrate that alternatives have been explored in terms of HEP4.

3.23 In any event, whereas the Report of Handling indicates that a 4m wide opening should have been considered as an alternative, it should be noted that the turning circle sketch submitted with the application [Document 7] makes it clear that this would be unacceptably tight (and, indeed impossible for anything larger than an average family sized car). This was made clear to the case officer during the course of the planning application, as was the fact that increasing the depth of the coach house by 1m was fundamental to making the proposals workable. In doing this, the applicant has clearly explored alternatives in terms of HEP4, with the proposed works being the reasonable practical minimum to accommodate a standard car.

3.24 At the same time, the proposed development is consistent with other relevant principles of HEPS, including:

- **HEP1** – as this has been informed by an inclusive understanding of the coach house’s significance as set out in the Report and Design Statement, the Planning Statement, and highlighted in relevant paragraphs of this Statement;
- **HEP2** – in that this will ensure the positive use, enjoyment and benefits of the coach house are secured for present and future generations by adapting it to meet their changing needs (with it being important to note that, although the Report of Handling states that alternative options for the use of the coach house have not been provided and suggests that it could be more sensitively upgraded to be used as ancillary accommodation to the main dwelling, that is not a relevant consideration in terms to whether or not the proposed development complies with Policy for the reasons given above, and the planning authority must determine the application it has before it); and
- **HEP5** – with this contributing to sustainable development by facilitating the provision of an electric vehicle charging point and this contributing to the delivery of both the Council’s and Scottish Government’s aspirations for addressing climate change as set out in paragraph 3.1 of the Planning Statement.

3.25 In light of the above, HEPS provides significant support for the development proposed in terms of this application.



3.26 Likewise, in the absence of there being any negative impact on the character of the surrounding area, there is no basis for refusing the application on the grounds that it does not comply with **Policies H1 – Residential Area** or **D1 – Quality Placemaking by Design** of the LDP or **Scottish Planning Policy (SPP)** and it should instead be concluded that the application does comply with each these for the reasons given in paragraphs 4.11 to 4.19, paragraph 4.28, and paragraphs 5.1 to 5.4 of the Planning Statement respectively.

3.27 Lastly, it should be noted that the Report of Handling ignores a number of other material considerations that support the proposed development as set out in the Planning Statement, including:

- **Managing Change in the Historic Environment: Accessibility** – which, as set out in paragraphs 5.18 and 5.19 of the Planning Statement, emphasises Scottish Ministers’ commitment to promoting equality of access to, and enjoyment of, the historic environment, with the guidance intended to encourage the provision of physical access for everyone in ways that also safeguard the character of historic buildings. Importantly, the guidance recognises that improved physical access to most elements of the historic environment can usually be achieved through reasonable adjustment without harming the character and appearance of the historic building or place, with the objective being to seek to provide unassisted and dignified physical access for all. In considering the options to achieve this, the guidance states that the aim is to achieve the best practical balance between the access requirements of all users and the reasonable conservation needs of the building or place, and requires such decisions to be informed by applying the hierarchy of “reasonable adjustments” set out in Section 21(2) of the Disability Discrimination Act (1995) (now replaced by the Equality Act 2010). Relevant adjustments to be considered in this regard include: removing the feature that creates the barrier to access; altering it so that it no longer has that effect; providing a reasonable means for avoiding the feature; and providing a reasonable alternative.

In the case of 9 Marine Terrace, there are six steps from the pavement to the front door, which clearly create a significant barrier to unassisted access for all. These steps, along with the railings, form part of the disciplined cohesion of the fronts of the buildings along Marine Terrace that unites them and creates the natural rhythm and order to the streetscape referred to in the statement of special interest for the listing. It would therefore be extremely difficult to remove this barrier, or to make any alterations to the steps, or to avoid them, which would not have a significant adverse impact on the listed terrace and the wider Conservation Area. As such, if unassisted



access to the property is to be provided for all, reasonable alternatives require to be considered. The alterations proposed by way of this application would provide such an alternative with minimum adverse impact on the listed building and no impact on the Conservation Area, as set out in paragraphs 4.24 to 4.26 of the Planning Statement. Allowing those alterations would enable level access at the rear of the house thereby future proofing it for both existing residents and future residents, particularly for those requiring the use of a wheelchair or for those using prams/pushchairs.

- **Managing Change in the Historic Environment: Use and adaptation of listed buildings** – the key messages of which, as set out in paragraphs 5.13 to 5.16 of the Planning Statement, include:
 - the need to make sure that listed buildings have a long term future;
 - new uses should be found for listed building that have the least possible effect on the things that make the building special;
 - decisions about listed buildings should focus on the qualities that make them important;
 - for a building to stay in use over the long term, change will be necessary;
 - alterations to a building will be better than losing the building entirely; and
 - keeping a listed building in use has wider benefits.

These messages are important in terms of this application in that it is clearly recognised that listed buildings do need to change to ensure their long term future and their continued contribution to our cultural heritage. However, that change must be managed to minimise any impacts on the buildings, which for the reasons set out above, in the Planning Statement, and in the Report and Design Statement it is submitted this application does. The history of the coach house demonstrates that it has evolved over a period of time, and the current application is then merely the next phase of its evolution.

- 3.28 Taking these material considerations in support of the application into account, along with the points raised in paragraphs 3.1 to 3.26 above, it is clear that the reasons for the refusal of the application given in the Decision Notice are not justified, and that the



application should instead be approved for the reasons given in the Planning Statement and expanded on above.

4 Conclusion

4.1 For the reasons given in this Statement, it is clear that the proposed development:

- complies with the vision and aims of the SDP, the relevant Policies of the LDP, including Policies H1, D4, D5, and D1, and relevant provisions of the associated Supplementary Guidance;
- will have no adverse impact on the listed terrace, or on any individual elements within that;
- will have no impact on the character and appearance of the Marine Terrace Conservation Area by virtue of its location on a rear lane with no through access;
- is consistent with the principles of SPP and HEPS in terms of facilitating positive change in the historic environment; and
- complies with the requirements of the relevant Historic Environment Scotland Managing Change Guidance notes.

4.2 On the basis that the application is supported by the Development Plan, and no material considerations indicate otherwise, it is submitted that the Review should be allowed and the application approved.



Appendix One – Documents submitted with Notice of Review

Application documents

1. Application Form
2. Location Plan
3. Existing plans sections and elevations
4. Site and roof plan
5. Proposed plans sections and elevations
6. Turning circle sketch
7. Report and design statement
8. Planning statement
9. Report of Handling
10. Decision Notice

Policy documents

11. Aberdeen City and Shire Strategic Development Plan
12. Aberdeen City Local Development Plan
13. Supplementary Guidance: Transport and Accessibility
14. Supplementary Guidance: Householder Development Guide
15. Historic Environment Policy for Scotland
16. Historic Environment Scotland's Managing Change Guidance: Doorways
17. Historic Environment Scotland's Managing Change Guidance: Extensions
18. Historic Environment Scotland's Managing Change Guidance: Use and adaptation of listed buildings
19. Historic Environment Scotland's Managing Change Guidance: Accessibility
20. Scottish Planning Policy

Other documents

21. Marine Terrace Conservation Area Appraisal and Management Plan
22. s.64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
23. Committee Report for planning application reference 201069/DPP
24. Decision Notice for planning application reference 201069/DPP

Appendix Two – Existing garages on Marine Lane



Appendix Three – Planning policy context

- 1 The relevant Development Plan policies, as applied to the proposed development and addressed in paragraphs 2 to 25 of the Planning Statement are set out below.

Aberdeen City and Shire Strategic Development Plan

- 2 The vision of the SDP is that:

“Aberdeen City and Shire will have grown and evolved to become an even more attractive, prosperous, resilient and sustainable European City Region. It will be an excellent place to live, visit and do business.”

- 3 In addition, the SDP contains a number of objectives including:

- to make sure that new development meets the needs of the whole community, both now and in the future, and makes the City Region a more attractive and sustainable place for residents and businesses to remain, grow and relocate to;
- to make sure new development safeguards and, where appropriate, enhances the City Region’s historic, natural and cultural assets and is within the capacity of the environment; and
- to be a City Region which takes the lead in reducing the amount of emissions and pollutants released into the environment and mitigates and adapts to the effects of climate change and changing weather patterns.

- 4 In adapting a traditional building to meet residents’ contemporary needs, the development proposed in terms of this application clearly contributes to both protecting and improving assets, making the house - and hence the area - more attractive for current and future residents. At the same time, by allowing for the charging of an electric vehicle, it also contributes to protecting the natural environment and reducing emissions. The application should therefore be supported in line with the vision and objectives of the SDP.

Aberdeen Local Development Plan (ALDP)

- 5 The aim of the ALDP is for *“...Aberdeen in 2035 to be a sustainable city at the heart of a vibrant and inclusive city region.”*

- 6 The ALDP specifically recognises the importance of Aberdeen’s historic built environment and its role in, amongst other things, helping to connect people and places, providing continuity in a changing world and contributing to regeneration and sustainability. That is, however, only possible to achieve if historic buildings are able to be adapted for modern demands.
- 7 Against this background, paragraph 3.14 of the ALDP is clear that: “[the] key to the sympathetic management of designated buildings and places is through a clear understanding of their significance and context”. The listing for Marine Terrace and the Conservation Area Character Appraisals and Management Plan are important in providing that understanding and, as such, they are looked at in some detail below.
- 8 ALDP policies and supplementary guidance relevant to the determination of his application are:
- Policy H1 – Residential Areas
 - Supplementary Guidance: Householder Development Guide
 - Policy D4 – Historic Environment
 - The Aberdeen City Conservation Area Character Appraisal and Management Plan for the Albyn Place and Rubislaw Conservation Area
 - Policy D1 – Quality Placemaking by Design
 - Policy T2 – Managing the Transport Impact of Development
 - Policy T3 – Sustainable and Active Travel
- 9 Marine Terrace is located within an area zoned for residential use under **Policy H1 – Residential Areas**, which states that householder development will be approved in principle provided that it:
- does not constitute over development;
 - does not have an unacceptable impact on the character or the amenity of the surrounding area;
 - does not result in the loss of valuable and valued open space; and
 - complies with the relevant Supplementary Guidance relating to Householder Development.
- 10 Each of these points is looked at in turn below.

Does not constitute over development

- 11 The application site is in an area characterised as having large houses in large garden plots, with all other plots on Marine Terrace having a garage. Within this context, the size of the proposed extension to the coach house would have no discernible impact on the total developed area of the plot, or on the amount of the plot which comprises usable garden ground (57%).
- 12 Importantly, the size of the coach house as extended compared to the total plot size is significantly within the threshold set out in **Supplementary Guidance: Householder Development Guide** of no more than 50% of the front or rear curtilage of a property to be covered by development. The proposed development cannot therefore be said to constitute overdevelopment and, accordingly, complies with this aspect of the Policy.

Does not have an unacceptable impact on character or amenity

- 13 The coach house's location at the end of Marine Lane, past which there is no public access, means it is not visible from any public viewpoint. The only place from which any element of the proposed development would therefore be visible would be the upper floors of the immediate neighbouring properties. However, given that the extension has been designed to retain the primary features of historic interest with materials selected to be in keeping with that, it is submitted that there will be no negative impact on the character or amenity of the surrounding area as a result of this. Likewise, as the Lane is characterised by a wide range of garage styles, the proposed installation of garage door on the west elevation of the coach house would not have any impact on the character of the area in this regard, with the use of this as a garage equally having no amenity related impacts.

Does not result in the loss of valuable and valued open space

- 14 This aspect of the Policy is not applicable to this application; there will be no loss of any open space as a result of the development proposed.

Complies with the relevant Supplementary Guidance

- 15 The relevant Supplementary Guidance (**Supplementary Guidance: Householder Development Guide**) supports Policy H1 by providing more detailed guidelines on development within residential curtilages. It includes a number of general principles with

which all householder developments are expected to comply. Of relevance to this application, these require that:

- **any proposed alterations should be architecturally compatible in design and scale with the original house and its surrounding area, materials should be complementary to the original building, and any proposed alterations should not overwhelm or dominate the original form or appearance of the dwelling, but should be visually subservient** – the alterations proposed by way of this application would meet all of these criteria, with the extension being very minor such that it does not dominate the coach house, ensuring that the coach house as a whole will also remain subservient to the house, and materials having been selected to complement those of the existing buildings;
- **no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected** – with regards to which the proposed alterations in this case would have no impact on privacy, daylight or the general amenity of neighbouring properties; and
- **less than 10% of the combined front and rear curtilage shall be covered by development** – as stated above the total developed area of the application site would be less than 10% with the proposed extension to the existing building being only 7.9m², equivalent to an increase of 10.5% of the existing coach-house footprint.

16 For the reasons set out above, it is clear that the development proposed by way of this application complies fully with the Supplementary Guidance: Householder Development Guide.

17 In addition, it should be noted that the proposal would not result in the removal of any trees, or any boundary features.

18 In terms of **Supplementary Guidance: Transport and Accessibility**, this states that the formation of garages off rear lanes as proposed in terms of this application can usually be achieved satisfactorily, and thus supports the proposed development in principle. In particular, whilst the Guidance then goes on to state that the design and positioning of any proposed garages should be given careful consideration, particularly with regard to the effect the garage will have on the appearance of the Lane, the coach house's location at the end of the lane beyond which there is no public access, and the existence of garages of a wide range of styles along the Lane, means that the proposed development will have

no impact on the appearance of the Lane as a whole. In addition, the proposed garage would not alter the existing building line and its door would not encroach onto the Lane, in accordance with the requirements of the Guidance in these regards. The principle of the proposed garage should therefore be supported in accordance with the Guidance.

- 19 The Guidance also sets parking standards with which all development is expected to comply, including requirements with regards to the installation of electric vehicle charging infrastructure. In this regard, paragraph 3.2 of the Guidance highlights that the Scottish Government has committed to the almost complete decarbonisation of road transport by 2050, and one way of achieving this is through encouraging and facilitating the uptake of electric vehicles. All new developments are therefore required to install appropriate electric vehicle charging infrastructure. While the Guidance does not include any specific requirements in terms of the retrofitting of such infrastructure to serve existing development, the provisions of paragraph 3.2 make it clear that the uptake of electric vehicles should generally be encouraged and facilitated. As the proposed development specifically seeks to enable the applicants to install electric vehicle charging infrastructure at their property and facilitate their use of an electric vehicle accordingly, it should be supported in line with the provisions of the Guidance in this regard.
- 20 Lastly in terms of transport and accessibility, the parking standards set out in the Guidance generally expect dwellinghouses in the inner-city area (in which the application site is located) to be accompanied by 1.5 spaces each. Currently, there is no dedicated parking for 9 Marine Terrace but the development proposed by way of this application would create off road parking for one family sized car, together with the ability to provide an electric vehicle charging point for that as set out above. As such the application should be considered appropriate in terms of the guidance.
- 21 As the proposal is for the alteration of a structure included within the curtilage of a listed building, consideration also needs to be given to **Policy D4 – Historic Environment**, which aims to protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP (now superseded by Historic Environment Policy for Scotland), and the Council’s own Supplementary Guidance and Conservation Area Character Appraisals and Management Plans. The Policy supports high quality design that respects the character, appearance and setting of the historic environment, and which protects the special architectural or historic interest of its listed buildings and conservation areas.
- 22 The listing for 3-11 (inclusive numbers) Marine Terrace and the statement of special interest for this make it clear that the focus of the listing is on the east (principal elevation)

of the Terrace as a whole, with the rear of the buildings being described only in terms of the elevations themselves. Further, whilst there is specific reference to the boundary walls and railings in the Statement of Special Interest, no reference is made to any outbuildings, including the coach house at number 9, suggesting that this is not of any particular significance in itself.

- 23 Consideration also needs to be given to the **Marine Terrace Conservation Area Character Appraisal and Management Plan (CAAMP)**, which describes the Conservation Area as a fine example of 19th century middle and upper class suburban residential expansion. In terms of the built environment, the CAAMP recognises that the Conservation Area has a variety of architectural styles and detailing which has developed over time, with large plot sizes reflective of the properties being of appeal to the growing middle classes of the 19th century. It is clear from the CAAMP that it is the sense of disciplined cohesion of the fronts of the buildings that unites them and creates the pleasing natural rhythm and order to the streetscape. Marine Lane is though recognised in the CAAMP as being more modern and not having a strong front boundary as other roads in the area do. The CAAMP also does not identify any views, vistas or glimpses into Marine Lane, indicating that this is not considered to be an important part of the Conservation Area in terms of its appreciation by the public. Indeed, Marine Lane is not included in the list of streets in the Marine Terrace Conservation Area.
- 24 As the proposed development would have no impact on any of the key features of either the listed building or the Conservation Area as described in the Statement of Special Interest and the CAMP respectively, the historic interest of these would be duly protected as required by Policy D4, and the application complies with this Policy accordingly.
- 25 Finally, in terms of the detailed design of the proposed development, **Policy D1 - Quality Placemaking by Design** requires all developments to have high standards of design, and a strong and distinctive sense of place. The Policy sets out the six essential qualities of successful place making, with the criteria to be used in assessing an application dependent on the scale, character and nature of the proposal. Not all criteria are applicable to all developments, but how the proposed development demonstrates those which apply to the current application are set out below:
- **Distinctive** – in that the proposed extension to the coach house has been designed to preserve the key historic features and be both subservient to and architecturally compatible with both the original coach house building and the main house;

- **Welcoming** – by enabling a family home to accommodate an electric vehicle and using well considered materials in keeping with the original building;
- **Safe and pleasant** – in terms of which the dimensions of the proposed garage door would allow a family sized electric car to manoeuvre safely and conveniently into the garage within the confines of a narrow Lane, and with the proposed alternations having no impact on adjoining residential amenity;
- **Easy to get to/move around** – with the underlying principle behind the proposed development being to facilitate sustainable and active travel for our clients, including through the provision of an electric vehicle changing point, whilst also providing additional space for bicycle storage;
- **Adaptable** – this being the very nature of the application by adapting an existing building to meet the requirement of modern family living, allowing residents to adapt to a more low carbon lifestyle, and enabling level access to the house; and
- **Resource efficient** – with this again being the underlying principle behind the proposed development in terms of enabling the installation of electric vehicle charging apparatus.