



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	216 Westburn Road, Aberdeen, AB25 2LT
Application Description:	Formation of driveway, removal of hedge and boundary stones to front
Application Ref:	231479/DPP
Application Type:	Detailed Planning Permission
Application Date:	23 November 2023
Applicant:	Mr Peter Mcboyle
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount and Mile End

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located in the northwest of the city within the established residential neighbourhood of Midstocket. The application site is located on the north side of Westburn Road, around 180 metres west of the junction with Argyll Place and Westburn Drive. The application dwelling is a ground floor flat of a two storey with attic dormer, traditional granite semi-detached property. The architectural style of the property is typical of the street albeit it is recognised that there are more modern flatted properties on the opposite side of the street. The application dwelling has around 70sqm of garden ground to the front, laid primarily with lawn, with central access path. There is also a path to the west giving access to the upper flat (218 Westburn Road) and to the rear curtilage. The application dwelling is bound to the east and west by neighbouring properties, to the south by Westburn Road and the north abuts the laundry and sterilisation unit for the hospital.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the formation of a driveway within the front curtilage, which forms garden ground belonging to the ground floor flat (the application property). The proposal would also require the alteration of a section of existing low granite plinth stones, which would have historically formed the base for front railings. The submitted drawings indicate that the proposed parking could accommodate two vehicles, parked straight on the north/south sides of the front curtilage, with access to be taken over the public footway directly from Westburn Road. The submitted plans indicate that the proposed new opening would be c. 3.5m in width overall, with a

3.3m width lowered kerb access onto Westburn Road. The new parking arrangement would occupy the entire front garden curtilage of around 70sqm, with 'grass crete' surface proposed. It is not clear what specification of drainage channel is to be installed.

Amendments

The applicant submitted additional vehicle manoeuvrability information in support of the proposal, alongside supporting justification commentary and clarifications on the proposed surface treatments.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S4J5OTBZHUX00>

CONSULTATIONS

ACC - Roads Development Management Team – object to the proposal and recommend the application is refused on the grounds that it would not comply with all the necessary requirements outlined in the Council's 'Transport and Accessibility' Aberdeen Planning Guidance. As this proposal is onto an A-class road there is a requirement to be able to turn internally, however it has not been satisfactorily been demonstrated that vehicles can enter, turn, and exit in forward gear.

Rosemount and Mile End Community Council – no comments received.

REPRESENTATIONS

None received.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D7 (Our Granite Heritage)
- Policy T3 (Parking)

Aberdeen Planning Guidance APG

- Transport and Accessibility
- Householder Development Guide

EVALUATION**Principle of Development and National Planning Framework 4**

The application property lies in an area zoned on the Aberdeen Local Development Plan 2023 (ALDP) proposals map as a 'residential area' and is covered by Policy H1 (Residential Areas). Policy H1 states that a proposal for householder development will be approved in principle if it (1) does not constitute over-development; (2) does not have an adverse impact to residential amenity and the character and appearance of an area; and, (3) does not result in the loss of open space. The proposed development relates to an existing residential dwelling, with all works contained solely within the front residential curtilage and there would be no impact on the wider curtilage, as such there would be no loss of open space in respect to point (3) above. The remaining issues are assessed in the evaluation below.

Consideration must also be given to Policy 1 (Tackling the Climate and Nature Crisis); Policy 2 (Climate Mitigation and Adaptation); Policy 3 (Biodiversity); Policy 14 (Design, Quality and Place); and Section (g) of Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Policy 1 gives significant weight to the global climate and nature crises in order to ensure that it is recognised as a priority in all plans and decisions and Policy 2 encourages, promotes and facilitates development that adapts to the current and future impact of climate change and that emissions from new development are minimised as far as possible. Policy 3 seeks to protect and enhance biodiversity and natural assets.

In this case, the development would be both of small-scale and householder development type, as such it is considered that there would be no significant risk or impact to climate change. Whilst it is acknowledged that the submitted information includes justification that the proposed parking would potentially allow for an electric charger point which contributes towards the adaptability of the property for electric car vehicles, this does not form part of this application and does not negate other concerns, which are fully discussed in the below evaluation. The proposal would see the removal of the majority of the existing hedge, lawn and shrub planting within the front garden to form the proposed driveway, as such, there would be some loss of natural features and species, however, owing to the scale of the works proposed this impact is likely to be nominal and would not cause undue conflict with Policy 3 of NPF4. While householder development, under section (c) of Policy 3 are generally excluded from this requirement, taking into account the scale of the development, it is considered that the proposal suitably complies with the aims of Policies 1, 2 and 3 of NPF4. Matters relating to compliance with Policy 14 or Policy 16 are discussed further in the evaluation below.

Parking and Road Safety

The application site is located in the outer city on an A-class road (Westburn Road). Westburn Road is a busy and important thoroughfare for those travelling east towards the city (and vice versa) and in particular for enabling access to Aberdeen Royal Infirmary which includes the city's A&E. The road carries a large volume of traffic, as well as serving multiple Stagecoach bus routes. As this is an A-class road the Council's 'Transport and Accessibility' APG states there is a presumption against permission for driveways onto A-class roads (primary distributor roads), unless the proposal meets specific road safety criteria - which includes the requirement for vehicles to be able to turn within the site and thus be able to enter and exit the site in forward gear, which must be evidenced in submitted swept paths. In this instance, the Roads

Development Management Team advised that the submitted swept paths are not of a standard that would allow for the adequate assessment of planning applications and there is serious concern that the manoeuvres shown in the supporting information are convoluted and thus are deemed unsafe. The Roads Development Management Team has concluded that it has not yet been satisfactorily demonstrated that vehicles can enter and exit in forward gear, and that the proposal ultimately would result in a road safety hazard due to these convoluted manoeuvres resulting in repeat and excessive overhanging of the footway during internal turning movements. Furthermore, a slight overhang in relation to cars touching the remaining section of front hedges is also identified in submitted plans. While the applicant could seek to submit further information to resolve the concerns highlighted above, these have not been requested as both iterations submitted have been sub-standard. Additionally, there are other outstanding issues,, which will be addressed below, that determine this proposal unacceptable. Overall, the principle of a driveway in this location onto an A-class road would not comply with all of the requirements of the 'Transport and Accessibility' APG.

The northern side of Westburn Road, situated directly in front of the application property, serves as on-street parking which is utilised through the day and night, and the area forms part of controlled parking zone Z. As such, the proposed driveway would require the removal of on-street parking. With regard to controlled parking zones, the 'Transport and Accessibility' APG states that:

- Where the creation of a driveway with one parking space will lead to the loss of an on-street parking space driveway permission will not generally be granted due to the loss of amenity space for all residents on the street.
- Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property.
- Consent will not normally be granted for parking in garden areas in front of tenement flats.

The above standards may only be relaxed if all other factors can be met and more off-street parking can be provided than is lost on-street. This matter has been highlighted by the Roads Development Management Team, and whilst submitted plans have indicated that two off-street car parking spaces are proposed, the Roads Development Management Team advised that when accounting for the internal turning head there does not appear to be sufficient space for 2 cars to park off-street in the proposed new driveway. The proposed formation of a driveway will lead to the loss of around two on-street parking spaces, which in turn will result in the loss of general communal parking which is used by all local residents in the immediate surrounding area and therefore does not comply with the requirements of the APG. With respect to Policy T3 (Parking) of the ALDP, the intent of this policy is that proposals for new car parking that are not directly related to new developments will not be supported, unless they are in accordance with specific circumstances set out in the 'Transport and Accessibility' APG, e.g. driveways within residential curtilage. However, this does not alter the principal reasons why the particular development is unacceptable, as outlined in this evaluation.

Whilst it is acknowledged that there is no ability to create off-street car parking to the rear of the application property, due to the nature of the plot and relationship to neighbouring uses, this does not justify the creation of front garden parking. Furthermore, this is a similar situation for all other properties on the street to the east of the application site, and in this specific instance the matter of precedence is a legitimate and material planning consideration. Given the aforementioned reasons with regard to road safety concerns and the adverse impact which would arise from such a development, it is unlikely that any of the properties to the east would be able to accommodate front garden parking. However, each application would be considered on its own merits against relevant planning policies at that time.

Another concern which was noted by the Roads Development Management Team is that the existing metal drainage channel across the public pavement should not be driven over, which is likely to occur with the proposed driveway location. The applicant did subsequently amend their plans to ensure the metal drainage channel is no longer overran. Whilst recognising this is beneficial, it does not override or alleviate the other road safety concerns. Finally, whilst it is recognised that the applicant has highlighted the proposed driveway would allow for the potential e-charging point, the 'Transport and Accessibility' APG clearly highlights that the need to provide off-street parking to support the charging of an electric vehicle is not, on its own, considered a viable justification for a driveway. As such, this would not provide any overriding justification for the above concerns with the proposed development. Given the assessment above, the proposal to create parking within the front curtilage of this property is not acceptable and will not be supported.

Impact on Character and Amenity of Surrounding Area

To determine the effect the proposal will have on the character of the area it is necessary to assess the proposal in the context of Policy D1 (Quality Placemaking) of the ALDP, which seeks to ensure high standards of design, a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture and materials. The policy notes that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. NPF4 Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) apply here with section (c) of Policy 14 detailing that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Section (g) i. of Policy 16 outlines that householder development will only be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

To determine the impact of the proposal, it is important to look at the application site in relation to its context and the character of the surrounding area. The application property is a ground floor flat within a traditional granite semi-detached building, with historic mapping showing that the properties along this stretch of the street date back to circa 1900s. The proposed development involves repositioning of a low granite plinth, which was likely original to the property, used as a base for traditional railings and signifying the front curtilage, thus forming part of the property's character. This is a feature that is replicated at properties 200-216 (terraced & semi-detached row of properties) to the east along Westburn Road, and further along to Argyll Crescent – contributing to the consistency of design, detailing and layout of front curtilages. As such, its presence is a consistent and unifying boundary feature and important in terms of the general character, cohesion and visual appearance of the street scene, which would be affected by the proposal.

With respect to the properties to the west of the site, it is appreciated that these have different and unique characteristics, both in terms of their design and their layouts. It is also recognised that two of these properties do accommodate some front off-street parking. Whilst it is unclear whether these properties were constructed originally to include parking, those situations are materially different than what is proposed here. With respect to 220 Westburn Road, this is a detached property with what appears to be an original and pre-existing semi-circular access driveway through the front curtilage, which allows a vehicle to enter and exit the site in forward gear, and also still retains its traditional railings and frontage to the street. 224 Westburn Road is a semi-detached property on the end of this row of properties, where additional space to the side of the plot allows for vehicle manoeuvrability. Planning records show consent for these works approved in 2008 (Ref: 081348) with the driveway constructed in May 2009 (as evidenced on Google Street View). However, due to the geometry of the road at this point no on-street parking would be affected and there is sufficient space for a vehicle to enter and exit in forward gear. In addition, whilst it is acknowledged that the boundary treatments to the front of 224 Westburn Road do not appear to be original, more than half the frontage is formed of granite plinth stones and railings,

with landscaping behind. Having carried out a full assessment of the surrounding properties, it is clear that for the purpose of this evaluation, it is the properties located to the east of the application site, which are considered to replicate the characteristics the application site and it will be these that are used to consider the existing context. None of the properties to the east have been altered through the introduction of front off-street parking and this represents the overall characteristics of the street scene. Whilst it is acknowledged that few examples of traditional railings on top of the plinth stones now exist, having been replaced with hedging or modern railings, the front curtilages have remained relatively unaltered over time and are laid with landscaped garden ground.

Turning to the proposal, which in essence is comprised of two separate parts, the formation of the parking area and the alteration of the front boundary hedging and granite plinth stones, there needs to be an understanding that the parking cannot be accessed without the alterations to the boundary, as such the two go hand in hand. Firstly, with respect to the removal of the granite plinth stones, Policy D7 (Our Granite Heritage) of the ALDP details the importance for the retention and appropriate re-use of all historic granite, includes granite boundary walls. In this case, revised plans have indicated that the proposal would include the lowering of the existing plinth stones in situ, dropping the level down to be flush with the pavement. As such, the granite feature of the plinth stones would be preserved on site. Whilst the retention of the granite plinth stones in situ is considered to be in accordance with Policy D7, the lowered plinth stones would still alter the visual appearance of the street in terms of the composition and consistency.

Secondly, the proposal would still be considered to alter the prevalent arrangement of front curtilage, through the formation of the parking area, which is considered would negatively alter the overall character and visual appearance of not only this dwelling, but also the outlook of the neighbouring flatted dwelling above (218 Westburn Road) to some degree, and would fragment the overall streetscape. As outlined above, the front curtilages of the application property and all those east up to Argyll Crescent have remained largely unaltered over time, featuring low boundary walls, railings, hedging and soft landscaped front gardens. Whilst it is recognised that revised plans have sought to address this through the retention of some hedging and use of 'grass crete' surfacing, ultimately, the creation of car parking to the front of these properties is considered to result in the unacceptable loss of the original pattern of development. The consequences of such a proposal in this context would result in a significant detrimental impact on the overall character, visual appearance and general amenity of the area. Whilst the potential for an e-charging point has been used as justification, this does not outweigh the adverse impacts highlighted above nor does it warrant a departure from relevant planning policies as per the 'Transport and Accessibility' APG. Furthermore, it is considered that if approved, the development would set a unwelcome precedent that could further erode the visual amenity and character of this area that is clearly visible while travelling along this section of Westburn Road.

In respect of residential amenity, Policy H1 and Policy D2 (Amenity) of the ALDP and the 'Householder Development Guide' APG all advise that no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected with regard to impact on privacy, daylight, sunlight, noise, general amenity, immediate outlook, and that all residents have access to usable private/ semi-private open spaces and sitting-out areas. Given the nature and location of the proposal, it is unlikely that the proposal will impact on any neighbouring property's residential amenity in terms of overlooking, overshadowing or loss of light. Whilst it is appreciated that the front garden ground is proposed for use as parking and would be used more frequently with regard to comings and goings of vehicles, this is not considered to be significantly adverse in context to what would be experienced currently from on-street parking and is therefore of negligible impact in terms of any loss of privacy or noise. Furthermore, the rear curtilage of the property remains unaltered with adequate private and semi-private open space areas available for the enjoyment of residents. As such the proposal is considered to be largely acceptable when assessed against this part of Policy H1 and the 'Householder Development

Guide' APG. However, there is some tension with Policy D2 in that the immediate outlook for the neighbouring dwelling of the upper flat would be affected by the proposed alteration of the front curtilage from garden ground to a parking area. Whilst it is recognised that it is somewhat difficult to quantify the severity of impact on immediate outlook, the proposed development would affect their general amenity to some degree.

In light of the above, the proposed development and removal of front curtilage to allow vehicle parking is considered to have a significant adverse impact on the surrounding area, altering the original development pattern, leading to fragmentation of the streetscene, a loss of character and a significant impact on visual amenity both along the street and for the neighbouring property in terms of outlook. Overall, the proposal does not comply with part of criteria 2 of Policy H1 (Residential Areas), with Policy D1 (Quality Placemaking) and results in some tension with Policy D2 (Amenity) of ALDP 2023. In addition, the proposal conflicts with the six qualities as detailed under Policy 14 of NPF4 and would impact the character of the surrounding area, and as such, fails to comply with Policy 16, section (g), of NPF4.

Conclusion

Overall, and for the aforementioned reasons, the proposal would not comply with all the necessary requirements outlined in the 'Transport and Accessibility' APG and would result in an adverse road safety concern and Roads Development Management Team has objected to the proposal on these matters. Additionally, this is an existing property with specific characteristics, as discussed in the preceding sections of the evaluation, therefore the loss of this character has not and cannot be justified. Furthermore, given the information submitted, the introduction of off-street parking to the front of the property is not warranted or indeed safe, would adversely affect the specific characteristics of the existing property, the visual amenity of streetscene and character of area, and, ultimately the proposed development does not comply with relevant Roads standards and guidance.

DECISION

Refuse

REASON FOR DECISION

The proposed development does not comply with relevant roads requirements/standards, as specified in the 'Transport and Accessibility' Aberdeen Planning Guidance, as it has not been adequately demonstrated that vehicles can enter the site in forward gear, turn around and then exit the site in forward gear without making convoluted manoeuvres resulting in repeat and excessive overhanging of the footway during internal turning movements, which would likely result in vehicles reserving out of the site on to a heavily trafficked A-class road, resulting in a road safety hazard. The proposal therefore fails to comply with the 'Transport and Accessibility' Aberdeen Planning Guidance. In addition, the proposal would adversely and unacceptably affect the specific characteristics of the existing property, the visual amenity of streetscene and character of surrounding area, thus the proposal fails to comply with criteria of Policies H1 (Residential Areas); and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023 (ALDP); and with Policies 14 (Design Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 (NPF4).