

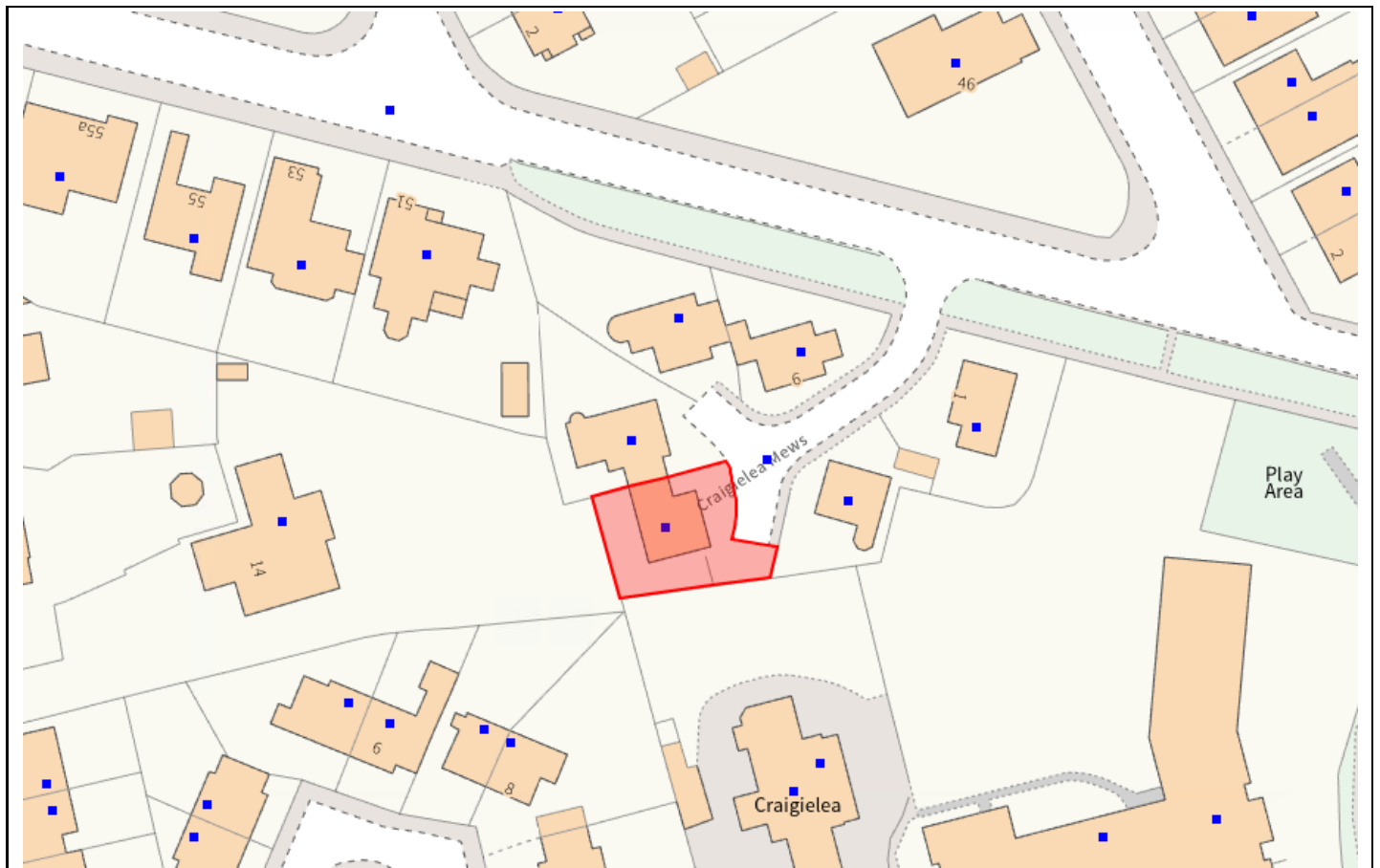


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 7 November 2024**

<b>Site Address:</b>	3 Craigielea Mews, Aberdeen, AB15 7XZ
<b>Application Description:</b>	Formation of driveway and access gate to front
<b>Application Ref:</b>	240982/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	22 August 2024
<b>Applicant:</b>	Mr Sam Omid
<b>Ward:</b>	Airyhall/Broomhill/Garthdee
<b>Community Council:</b>	Braeside and Mannofield



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site is located within the established residential area of Mannofield, and is just inside the western boundary of the Great Western Road Conservation Area. Craigielea Mews is a small street accessed from Countesswells Road, around 265m north-west of its junction with Great Western Road. The application site is located at the south-western end of the cul-de-sac which forms the Craigielea Mews development, a collection of six detached and link-detached dwellings, constructed in the 1990s. The dwellings were constructed on a 0.3 hectare site to the north of the curtilage of the former Craigielea House (Application Ref: 891806).

The application property is at the end of the cul-de-sac, immediately adjacent to one of two turning heads which terminate the street. The existing dwelling has an integrated garage to the north, which is linked to its semi-detached neighbour at 4 Craigielea Mews, and has a single lock-block driveway to the front of the garage. The front garden is currently laid out as a soft landscaped shrub border immediately to the front, and the remaining area to the side is surfaced in red granite gravel chips and large decorative granite boulders. Fencing in the area is 1.8m high timber slats, painted dark brown.

### **Relevant Planning History**

**231022/DPP** – Installation of rooflights and windows to side; formation of bi-folding door and window seat from an existing window openings to rear; installation of flue; formation of driveway and installation of wall and gate to front; Application withdrawn 19/10/2023.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the formation of a single driveway and access gates to the front and side of the dwelling. The proposed development would be positioned in the southern portion at the front of the plot. The proposed driveway would be finished in a lock-block surface with a drainage channel at the kerb edge (proposed to be dropped, subject to obtaining separate consent from the Council as Roads Authority). The proposed driveway would have an effective entry of 3.4m which would be formed off the end of the existing turning head within the cul-de-sac. The proposed driveway would be slightly angled as it extends into the plot, with an overall length of c.7.0m (measured at the mid-point).

The proposed fence and access gates would be positioned to the side of the dwelling, set around 1.4m behind the principal (south) elevation, at a height of 1.8m. A single pedestrian gate is positioned adjacent to the path which leads around the perimeter of the house, and new double gates would provide access from the rear garden to the proposed driveway.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application –

- Footprint of shed in rear garden added and reference to lock-block 'wall' between application site and neighbouring dwelling removed from Drawing Ref: CLM-102 REV B.

## 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=SIIECBBZIQF00>

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and:

- has been the subject of six or more timeous letters of objection about the proposal; and
- has been subject of formal objection from the Roads Authority.

## CONSULTATIONS

**ACC - Roads Development Management Team** – Object to the proposal. Advised that only one footway crossing / driveway per property is permitted by the Transport and Accessibility APG and the frontage is below the 30m threshold where an 'in and out' may be permitted. The proposed driveway would also take access from a turning head, and whilst there are historic examples of this on the street it is not something the Roads Team permit. Parking directly off turning heads is generally not supported so as to facilitate large vehicle movements, and often lead to residents using the space as an extension to their driveway, which would not be prevented by the recent footway parking ban as there is no footway in the front of the proposed opening.

**Braeside and Mannofield Community Council** – No comments received.

## REPRESENTATIONS

Six representations have been received, all objecting to the application. The matters raised can be summarised as follows –

1. There is no requirement for a second driveway as the applicant already has a driveway and garage giving space for two cars, so an additional driveway would promote car use. The current owners park on the street and do not use their existing driveway.
2. The land to be developed is adjacent to a turning area and there are concerns about traffic and road safety, with support expressed for the Roads objection.
3. There is insufficient parking provision in the street. The proposal will reduce parking and limit the turning area for all residents, visitors and users of the street (including refuse vehicles), thus increasing congestion.
4. The proposal will reduce the amenity of the cul-de-sac for all other properties by affecting the character of the conservation area, in particular through the replacement of soft landscaping with hard surfacing.
5. There are inaccuracies on the plans in relation to the boundary between No's 3 and 4 Craigielea Mews, the gated access to the Craigton Day Centre site, and rear outbuildings recently erected to the rear are not shown on the plans.

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crisis)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

#### **Aberdeen Local Development Plan 2023 (ALDP)**

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy T3 (Parking)

### **Aberdeen Planning Guidance (APG)**

- Householder Development Guide
- Transport and Accessibility

### **Other National Policy and Guidance**

- Historic Environment Policy for Scotland (HEPS)

### **Other Material Considerations**

- Great Western Road Conservation Area Character Appraisal

## **EVALUATION**

### **Key determining factors**

The key determining factors in the assessment of this application are whether the proposed

development would:

- impact upon the character and appearance of the existing dwelling or the surrounding area;
- impact upon the amenity of the area, including the residential amenity of immediately neighbouring properties;
- preserve or enhance the character and appearance of the conservation area; and
- impact upon road safety, vehicle manoeuvrability and accessibility, and parking availability.

### **Principle of development**

Policy 16 (Quality Homes), paragraph (g) of National Planning Framework 4 (NPF4) states that householder development proposals will 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; and*
- do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.*

The application site also lies within a Residential Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H1 (Residential Areas) of the ALDP states that within existing residential areas, proposals for new householder development will be approved in principle if it:

- does not constitute over-development; and*
- does not have an adverse impact to residential amenity and the character and appearance of an area; and*
- does not result in the loss of open space.*

### **Impact on the character and appearance of the area, and the historic environment**

In determining whether the proposed development would adversely affect the character and appearance of the existing dwelling, and the surrounding area, Policy 14 (Design, Quality and Place) of NPF4 is relevant. Policy 14 encourages and promotes well-designed development that makes successful places by taking a design-led approach. Policy D1 (Quality Placemaking) of the ALDP substantively reiterates the aims and requirements of Policy 14.

The application site also lies within the Great Western Road Conservation Area. Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP all seek to ensure that new development in conservation areas either preserves or enhances the character and appearance of the conservation area.

### Design, scale, siting and materials

The Council's Householder Development Guide Aberdeen Planning Guidance (HDG) states: '*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area*'.

The proposed driveway is suitably scaled for a single driveway and the proposed lock-block surfacing material is consistent with both the original house and the character of the street, which has multiple other driveways and areas of hardstanding of a similar design. The proposal would replace an area which is currently surfaced with loose red granite gravel chippings, with a lock-block driveway and new shrub landscaping proposed to its edges. Due to the scale, design and

siting of the proposed driveway at the end of a cul-de-sac that forms part of a modern (late 20<sup>th</sup> century) housing development which does not contribute towards the character and appearance of the conservation area, the proposal would have no adverse impacts on the character, appearance or setting of the conservation area. The associated gate would be positioned at the back of the driveway, behind the front building line of the dwelling, designed to match the existing fencing, and it would also not have any impact on the character and appearance of the conservation area.

### Overdevelopment

Guidance on what constitutes “overdevelopment” is set out within ‘General Principles 4 and 5’ at section 2.2 of the Householder Development Guide. This states that the built footprint of a dwellinghouse, as extended, should not exceed twice that of the original dwelling and no more than 50% of the front or rear curtilage of a dwelling should be covered by development. Calculations confirm that the front curtilage extends to 105m<sup>2</sup>, and whilst the proposed driveway would add 21m<sup>2</sup>, the built area, including the existing driveway (25m<sup>2</sup>) and area occupied by front paths (6m<sup>2</sup>) would result in 51% of the front curtilage remaining unbuilt. The collective size of both driveways (hard surfacing) would not result more than 50% of the front curtilage being developed. It is recognised that a small portion of the proposed driveway would be located in the rear curtilage, behind the dwelling’s front elevation. Calculations confirm that the rear curtilage extends to 135m<sup>2</sup>, and whilst the proposed driveway would add 4m<sup>2</sup> of hard surfacing to the rear curtilage, the built area, including the existing rear paths/patio (16m<sup>2</sup>) and the existing rear shed (8m<sup>2</sup>) would result in 80% of the rear curtilage remaining undeveloped. The proposal would therefore not constitute overdevelopment, and is in accordance with the HDG.

### Open space

The proposed householder development would be wholly contained within the existing residential curtilage of the application property and no open space would be lost.

### Summary

To summarise, the proposed development would be of an appropriate design for its context, would not constitute over development nor result in the loss of any open space, and would preserve the character and appearance of both the existing dwelling and the surrounding area, all in accordance with Policies 14 and 16 of NPF4 and Policies D1 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide. The proposed development would also preserve the character and appearance of the conservation area, in accordance with HEPS, Policy 7 of NPF4 and Policy D6 of the ALDP.

### **Impact on the residential amenity of the area**

In relation to assessing impacts on residential amenity, Policy D2 (Amenity) of the ALDP seeks to ensure that existing levels of amenity would not be adversely affected to any significant degree by new development, noting in particular the importance of protecting the daylight and sunlight receipt, privacy and immediate outlook of occupiers. The HDG states: *‘No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.’*

Due to the nature of the proposed works, which would be limited to the formation of a driveway and an associated gate, there would be no adverse impacts on any neighbouring properties in terms of daylight or sunlight receipt, nor on privacy or outlook. The proposed development would preserve the amenity of the surrounding area, including the residential amenity of the neighbouring

properties, in accordance with Policy 16 of NPF4 and Policies D2 and H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

### **Road safety and accessibility**

In accordance with relevant planning legislation and the Council's Transport and Accessibility Aberdeen Planning Guidance (APG), the formation of a driveway requires planning permission where it would be located in a conservation area. The Council's Roads Development Management Team were consulted on the proposals and, following their review of the submitted plans, have objected to the application for the following reasons:

- As per the Transport and Accessibility APG, in general, only one footway crossing per property is permitted. In some situations this may be relaxed, for example at large houses with a frontage in excess of 30m where an "in" and an "out" may be permitted. The proposed frontage is below this threshold (20m) and would result in two un-linked accesses, and the Roads Development Management Team have advised that they would not support a second driveway with multiple access points.
- Parking directly off a turning head is generally not supported as turning heads are required to facilitate large vehicle (including emergency and refuse) manoeuvres and there is a risk that, following development, the residents would treat the turning head as an extension to their driveway, thus taking up space required for large vehicle manoeuvres.

The above concerns raised by the Roads Development Management Team are acknowledged, which are based on guidance contained in the Transport and Accessibility APG. However, it is considered that, despite the conflict with guidance, in this site-specific context there are no overriding concerns specific to this location and proposed development which would result in undue harm to either road safety, large vehicle manoeuvrability/accessibility, or residential amenity. As such, it is considered that the aforementioned conflict with the guidance set out in the APG to not be of sufficient weight to warrant refusal of the application, in this instance. In coming to this view, the following material considerations have been evaluated.

The Transport and Accessibility APG outlines that in situations where there would be an adverse impact on road safety and residential amenity, a driveway will not normally be permitted if access would be taken from a parking lay-by or a controlled parking area which is regularly in use. The application site is located in the Outer City and is not within a controlled parking zone. The proposal would not result in the loss of any designated on-street parking, nor impact on any controlled parking area, or parking lay-bys. The existing hammerhead does not have any double yellow line restrictions in place, thus the turning head can already be, and indeed appears to be, used for on-street parking. Additionally, it is unlikely that parking restrictions would be applied within such a residential area in the future.

The cul-de-sac serves very few properties (six in total) and it is recognised that most of the time there are some cars parked on the street. Due to the set-up of existing driveways elsewhere on the street, with the three neighbouring properties to the north all having driveways that take access off the northern spur of the large hammerhead, there is likely to be ample space for vehicle manoeuvres within the cul-de-sac at most times. As the hammerhead does not incorporate any parking restrictions, and it appears that the southern spur is already used for parking by the applicant, the proposed driveway would likely remove a vehicle from the street and could thus result in a net betterment in relation to relieving some of the parking pressure on the street and the accessibility of the turning head for large vehicle manoeuvres. Furthermore, through consultation with the Council's Waste and Recycling Service, it is understood that Council refuse collection vehicles access the street by reversing from the main road (Countesswells Road), back into the cul-de-sac, rather than entering the street in a forward gear and turning in the hammerhead. As

such, it is considered that the proposed driveway formed off the turning head would not worsen this situation and would, if anything, be likely to free up space in the turning head compared to the existing situation.

In terms of the remaining guidance contained in the Transport and Accessibility APG which is applied for driveways at existing properties, single driveways must be at least 3m in width and 5m in length. If a proposed driveway would be longer than 7m it must be 10m to avoid cars overhanging the footway. The proposed driveway would not exceed 7m in length and the effective entry would be 3.4m, which would meet these requirements. The proposed driveway would be internally drained with a suitable channel drain connecting to existing surface water drainage within the site, so that no surface water would discharge onto the public road. The driveway would be constructed of lock-block surfacing so no loose materials would be carried onto any footpath or road. Due to the nature and location of the proposed driveway to be formed at the end of an existing cul-de-sac turning head, no existing footway would be crossed. The existing footpath to the east terminates at the turning head and would not be impacted by the proposed development.

Although the Transport and Accessibility APG states that properties should not have more than one driveway, or footway crossing, unless they have a particularly wide street frontage, in excess of 30m, it is considered that the aim of such guidance is to avoid road safety issues, and an excess of dropped kerbs in any particular area. However, in this context, at the terminating spur of a large turning head on a small cul-de-sac of six residential properties, it is considered that the provision of a second driveway for the property would not have any material impact on road safety, and as any new dropped kerb would not affect any adopted footpaths, there would also be no impact on pedestrian safety. As such, it is considered that despite conflicting with the guidance that states a presumption against multiple driveways for a single property, there would be no actual adverse impacts arising from the formation of a second driveway in this instance. Furthermore, it is noted that the neighbouring property to the north has a driveway and associated dropped kerb which runs along the full length of its frontage to the northern spur of the turning head, with the two other neighbouring properties' driveways also in close proximity. There is no other adjacent property that takes access off the southern spur of the turning head.

### Summary

It is acknowledged that there is some conflict with the Transport and Accessibility APG regarding the proposal to form two driveway accesses, one of which would be off an existing hammerhead. However, it is considered that a slight deviation from this guidance is acceptable in this instance as there are no overriding road safety concerns which are specific to this location which would cause undue harm to vehicular movements (including emergency and refuse vehicles), on-street parking availability or residential amenity. The conflict with guidance is thus not considered to be of sufficient weight to warrant the refusal of the application.

### **Matters raised in Representations**

The matters raised in representations are responded to in turn below:

- 1. There is no requirement for a second driveway as the applicant already has a driveway and garage giving space for two cars, so an additional driveway would promote car use. The current owners park on the street and do not use their existing driveway.*

Whether there is the need for a second driveway is not a material consideration, but rather it is the potential implications of the proposed driveway that require to be assessed. Each application is assessed on its own merits and in this case the proposed second driveway is considered to be acceptable for the reasons set out above. Any potential for indiscriminate parking would be a civil



matter and not a material planning consideration, particularly given there are no parking restrictions on the street.

2. *The land to be developed is adjacent to a turning area and there are concerns about traffic and road safety, with support expressed for the Roads objection.*
3. *There is insufficient parking provision in the street. The proposal will reduce parking and limit the turning area for all residents, visitors and users of the street (including refuse vehicles), thus increasing congestion.*

Points 2 and 3 have been addressed in the above 'Roads safety and accessibility' section of the evaluation. The proposal would not adversely impact on any existing parking provision on the street and could result in a net betterment by increasing off-street parking provision.

4. *The proposal will reduce the amenity of the cul-de-sac for all other properties by affecting the character of the conservation area, in particular through the replacement of soft landscaping with hard surfacing.*

This matter has been addressed in the above 'Impact on the character and appearance of the area, and the historic environment' section of the evaluation.

5. *There are inaccuracies on the plans in relation to the boundary between no's 3 and 4 Craigielea Mews, the gated access to the Craigton Day Centre site, and rear outbuildings recently erected to the rear are not shown on the plans.*

The boundary wall reference has been suitably amended on a revised site plan drawing, for the avoidance of doubt. The shed which has been constructed in the rear garden, constituted permitted development and did not require planning permission. For the avoidance of doubt, the shed has been added to the drawings and included in the overdevelopment calculations referred to above. Any potential gated access to the Craigton Day Centre does not form part of this application.

## **Tackling the climate and nature crises, climate mitigation and adaptation**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise life-cycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

The proposed householder development would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises, nor to climate mitigation and adaptation. The proposals are thus acceptable and do not conflict with the aims and requirements of Policies 1 and 2 of NPF4.

## **DECISION**

Approve Conditionally

## **REASON FOR DECISION**

The proposed development would preserve the character, appearance and amenity of the existing dwelling and the surrounding area, would not constitute over development and would not result in the loss of any open space, all in accordance with Policy 16 (Quality Homes) of National Planning

Framework 4 (NPF4) and Policies D2 (Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The proposed works are also compliant with the relevant guidance set out in the Householder Development Guide Aberdeen Planning Guidance.

Despite some conflict with the Transport and Accessibility APG and based on the site-specific context, in this instance there would not be any adverse implications for road safety, vehicle manoeuvrability, or on-street parking availability which would warrant refusal of the application, and therefore on balance, the proposals are acceptable. The proposed works would be of an appropriate design, scale, siting and materials for the context of the application site, in accordance with Policies 14 (Design Quality and Place) of NPF4 and D1 (Quality Placemaking) of the ALDP. The works would also preserve the character and appearance of the conservation area, in accordance with Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP.

The proposed householder development would be small-scale and would not have any material impact on the climate and nature crises, nor on climate mitigation and adaptation, therefore the proposals do not conflict with the aims and requirements of Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4.

## **CONDITIONS**

### (1) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.