



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	11 Invercauld Road, Aberdeen, AB16 5UH
Application Description:	Formation of driveway to front
Application Ref:	241289/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 November 2024
Applicant:	Mr Derek Sinclair
Ward:	Northfield/Mastrick North
Community Council:	Mastrick, Sheddocksley and Summerhill

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to the curtilage of a two-storey mid-terraced dwelling, located on the southern side of Invercauld Road, opposite the junction with Birkhall Parade. The application dwelling has a north-facing principle elevation which overlooks a small front curtilage, enclosed by a low level fence, with a pedestrian footpath and a grass verge beyond. A street lighting column is positioned within the grass verge to the front of the property, adjacent to a dropped kerb and tarmac driveway which serves the neighbouring property to the west (13 Invercauld Road). The neighbouring property to the east (9 Invercauld Road) also has a driveway across the grass verge. There are also a number of other properties on the southern side of the street with driveways.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the formation of a driveway to the front of the property. The driveway would comprise two separate elements:

- The formation of a dropped kerb onto Invercauld Road and the laying of a hard surface (tarmac) over a 9 sqm (3 m wide by 3 m long) section of the existing grass verge to the front of the property; and

- The removal of the existing front boundary fence and the laying of a hard surface (tarmac) within the majority of the dwelling's c. 37 sqm front curtilage (c. 5.3 m wide and between 4.7 m and 5.6 m long).

A new channel drain would be positioned to the rear of the driveway, adjacent to the principal elevation of the dwelling.

Amendments

The following amendments were made to the application, in agreement with the applicant:

- Application site boundary enlarged to include the grass verge for access.

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=SMJGLJBZL8500>

CONSULTATIONS

ACC - Roads Development Management Team – Object to the application, noting the site is located outwith a controlled parking zone, and that the length of the proposed driveway, being only c. 4.5 metres long in front of the footway crossing, is below the minimum size of 5 metres, and there does not appear to be any scope to make this longer. Furthermore, all vehicles are required to both enter and exit the site at a 90 degree angle (straight in / straight out), therefore the proposed angled arrangement is not acceptable. Finally, the site lies opposite a junction which generally is not permissible..

Mastrick, Sheddocksley and Summerhill Community Council – No comments received

REPRESENTATIONS

One representation has been received, from the Aberdeen Civic Society, who object to the proposal. The matters raised can be summarised as follows –

- Whilst there are precedents for front driveways in the street, the formation of a driveway at the application property would effectively privatise an on-street parking space.

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 (NPF4)

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 Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy H1 (Residential Areas) Policy NE2 (Green & Blue Infrastructure)

Aberdeen Planning Guidance

- Householder Development Guide
- Transport & Accessibility

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; and
- impact on road safety.

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

3. *does not result in the loss of open space.*

Impact on the character and appearance of the area.

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.

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 portion of the proposed driveway that would be situated within the application property's front curtilage would be relatively small-scale and its design would be typical for this type of development. Owing to the presence of a number of other, similar driveways on Invercauld Road, the hard surfacing of the front curtilage would not be out of character within the context of the wider area. Furthermore, whilst the grass verge makes an important contribution to the character of the street, given the number of existing driveways on Invercauld Road which cross the grass verge to access residential curtilages, including the three other properties in the same terrace, the tarmacking of a further small section of the grass verge would not result in any significant visual harm to the character or appearance of the area.

Whilst a small number of driveways on the street have obtained planning consent, for the most part the planning authority do not have any record of planning permission having been granted for the majority of the other driveways. Historic images from Google Street View indicate that all have been in place since at least 2008, and are therefore exempt from enforcement action.

Overdevelopment

Guidance on what constitutes "overdevelopment" is set out within 'General Principles 4 and 5' at section 2.2 of the Householder Design Guide. Owing to the nature of the proposal, there would be no alterations to the footprint of the dwelling and in addition, the rear curtilage would remain unaltered. As such, the proposal would not therefore constitute overdevelopment.

Open space

The section of the proposed driveway that would be contained within the front curtilage of the application dwelling would not result in loss of open space. However, in relation to the proposed alterations to the grass verge to provide access to the driveway, Policy NE2 (Green & Blue Infrastructure) of the ALDP details that development proposals will protect, support and enhance the city's Urban Green Space, which includes smaller spaces not identified on the Proposals Map, such as amenity space or garden ground. In this instance, an area of grass verge, measuring c. 9sqm would be removed and tarred over, thus affecting the grassed amenity strip which performs an important function in softening the streetscape. Therefore, the proposal results in some tension with Policy NE2. However, given the streetscape is characterised by similar existing incursions into the grass verge, the removal of a further section of the grass verge would not be out of character. Whilst this is not justification for the proposal, the removal of a further part of the grass verge would not materially change the character of the street. Furthermore, the retention of a strip

of grass verge on either side would help to delineate the driveway from those neighbouring driveways, avoiding a long, continuous stretch of tarmac as seen elsewhere on the street, and the works would thus not adversely affect the character of the wider area to any significant degree.

Summary

To summarise, the proposed development would not constitute over development, whilst the removal of part of the grass verge would be in tension with Policy NE2, the character of the street is set through the presence of similar developments along the street and so, would not be out of character with the surrounding area. Whilst the works would see part of the grass verge removed, owing to the context of the street, this impact would not cause significant harm and therefore, the proposal does not present any significant conflict with Policies 14 and 16 of NPF4 and Policies D1, H1 and NE2 H1 of the ALDP, as well as the relevant guidance contained within the HDG.

Impact on the amenity of the area

In relation to assessing impacts on residential amenity 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 development, the works would not harm, and would thus preserve, the amenity of the surrounding area, including the residential amenity of the neighbouring properties, in accordance with Policy 16 of NPF4 and Policy H1 of the ALDP, as well as the relevant guidance contained within the Householder Development Guide.

Parking and road safety

Policy and guidance context

Policy T3 (Parking) of the ALDP requires any car parking provided as part of development proposals to accord with the Council's standards and is supported by Aberdeen Planning Guidance on Transport and Accessibility (T&A). The T&A APG states:

- *Permission will not be granted for a driveway across an amenity area or road side verge unless it would produce a demonstrable improvement in road safety and have no adverse effect on the amenity of the area.*
- *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.*
- *Driveways should be a minimum of 15m from a junction, although there may be circumstances where this may be relaxed when not deemed a road safety issue. In no circumstances, however, will a driveway be permitted within 10m of a junction;*
- *Driveways in existing houses must be at least 5 m in length... vehicles that overhang the footway cause a safety hazard to pedestrians, especially young children and those with a disability;*
- *Single driveways must be at least 3m in width; and*
- *A driveway should be internally drained with no surface water discharging on to the public road.*

Parking

The representation submitted objecting to the application raises concern that the proposal would remove an area of the road carriageway currently publicly available for un-restricted on-street parking. Whilst the proposal would see the loss of one on-street parking space for one off street parking space, and thus is in tension with the T&A, in this instance, no issues in terms of a loss of on-street parking have been raised by the Council's Roads Development Management (RDM) team. The site is located out with a controlled parking zone and is not understood to face any significant on-street parking pressures. Therefore, the loss of one on-street parking space would not be to the detriment of the surrounding area and therefore, this element of the proposal meets the requirements of T&A.

Road safety

However, whilst RDM have not raised concerns relating to a loss of on-street parking, and the driveway complies with the T&A guidance in terms of its width and drainage, RDM have noted that the part of the proposed driveway that would be in line with the tarmacked section of the grass verge would measure just c. 4.5 metres in length. This is approximately 500 mm below the guideline minimum length permitted for a driveway to the front of an existing property, as set out in the T&A guidance. Owing to the constrained nature of the site, there is no opportunity to increase the length of the driveway. Whilst the driveway would be longer at its western side, in front of the dwelling's door, any car in excess of 5 m long parking within the front curtilage would need to do so at an angle, to avoid overhanging the pedestrian footway. The RDM team advise that parking at an angle is not permitted as, for road safety reasons, cars should be able enter and exit driveways at 90 degrees (perpendicular) to the road carriageway (straight in and straight out).

In addition to the road safety implications of cars potentially needing to park within the site at an angle, the driveway would also be positioned immediately opposite Invercauld Road's junction with Birkhall Parade. The T&A guidance seeks to avoid driveways within 15 m of a road junction for road safety purposes, due to the potential conflicts between multiple simultaneous vehicle movements in such locations. Although the guidance notes that there may be situations where driveways can be supported within 15 m of a junction, provided there would be not road safety issues, it goes on to state that: *'In no circumstances, however, will a driveway be permitted within 10m of a junction'*.

As such, the proposed driveway is contrary to several requirements of the Council's Transport & Accessibility Aberdeen Planning Guidance in relation to driveways, and particularly in relation to road safety implications arising from sub-standard driveways. The proposed driveway could thus have an adverse impact on road safety, contrary to the APG and therefore also contrary to Policy T3 (Parking) of the ALDP.

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.

Summary

The principle of the proposal to create off street parking would not have a significant impact on the character or amenity of the property, its neighbours or the surrounding area. Whilst the proposal would see part of the grass verge tarred over to allow access to the front curtilage driveway, the visual impact would not be significant, given the presence of similar developments which have already taken place elsewhere along Invercauld Road.

However, owing to the nature of the site, the proposed driveway would not meet the minimum guideline length for driveways and would thus force vehicles to park at an angle to the road, to the detriment of road and pedestrian safety. Additionally, the driveway would be positioned immediately opposite a vehicular junction, which would pose further road safety issues and as a result, the proposal conflict with several requirements of the Council's Transport & Accessibility Aberdeen Planning Guidance. The proposals therefore also do not accord with Policy T3 (Parking) of the ALDP.

Matters Raised in Representations

The comments raised within the submitted representation are addressed in the foregoing evaluation.

DECISION

Refuse

REASON FOR DECISION

The proposed driveway would not meet the minimum required length, as set out in the Council's Transport & Accessibility Aberdeen Planning Guidance, and would also be situated immediately opposite a road junction. As such, the proposed driveway would cause a safety hazard to road users and pedestrians, therefore the proposal conflicts with several requirements of the Transport and Accessibility guidance and is therefore also contrary to the requirements of Policy T3 (Parking) of the Aberdeen Local Development Plan.