



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	50 School Drive, Aberdeen, AB24 1TE
Application Description:	Formation of driveway to front
Application Ref:	250547/DPP
Application Type:	Detailed Planning Permission
Application Date:	5 June 2025
Applicant:	Mr Dylan Cundall
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Seaton and Linksfield

DECISION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site comprises the curtilage of a ground-floor flat within a traditional four-in-a-block, two-storey granite tenement building with access to the ground-floor unit provided from the side (western) elevation. The building's principal (northern) elevation overlooks a grass covered garden with shrubbery and a paved pathway leading to the centre entrance for the first-floor units and wrapping around the side of the building. The front curtilage is bound by a low-level wire fence. A pavement and narrow grass verge separate the front curtilage with School Drive to the north. Two disabled parking bays are marked on the southern side of the road immediately adjacent to the application property. The site is located on a residential street with neighbouring buildings of a matching design. The front curtilages of the neighbouring dwellings have a variety of layouts with some including front driveways, as well as grass and paving covered front gardens.

Relevant Planning History

There is no site specific history, however, an overall relevant history of the surrounding area and assessment regarding the site and area context is provided in the evaluation below.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the formation of a driveway in the front curtilage, extending from the front boundary with the pavement inward along the western boundary of the site.

In addition to the proposed driveway formation, the existing wire fence along the northern boundary is to be removed and replaced with a c. 90 cm high timber fence. The installation of the new timber fence is not included in the following evaluation as it constitutes permitted development under Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SWUWUKBZJ8D00>

- Description of Works

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **Roads Development Management Team** – No objection. The proposed driveway is appropriately sized, and the footway crossing and proposed fence height are acceptable. It is noted that whilst Aberdeen Planning Guidance for Transport & Accessibility does not normally support granting parking in front gardens of tenement flats, the presence of nearby cases is such that the proposal would not result in a net detriment. It is also noted that if the driveway is to slope towards the footway, a channel drain should be installed, if the driveway instead slopes towards the house the current proposal is acceptable. Separate consent will be required for the installation of a dropped kerb and for the removal of the existing on-street disabled parking bay. Details on how an application can be submitted to the Roads Authority for those works are included as an advisory note for the applicant to be aware of.

External Consultees

- **Seaton and Linksfield Community Council** – no comments received.

REPRESENTATIONS

One representation was received, expressing general support for the proposed driveway and the removal of the adjacent disabled bay. The representation did, however, note one concern:

Material Considerations

1. The proposed driveway and associated street alterations should not extend into the existing on-street parking area to the immediate west of the property.

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

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

- Policy D1 (Quality Placemaking)
- Policy H1 (Residential Areas)
- Policy T3 (Parking)

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 and on-street parking supply.

Policy Context

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*

- ii. *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:

- 1. *does not constitute overdevelopment; and*
- 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.*

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. The Householder Development Guide (HDG), part of the Council's Aberdeen Planning Guidance (APG), supports the above policies and outlines general principles and type-specific considerations to apply when considering householder development.

Siting, Scale, Design, and Materials

General Principle 1 of the HDG outlines that householder development proposals should be *“architecturally compatible in design and scale with the original house and its surrounding area.”*

The surrounding area consists of matching two-storey residential tenement buildings with a variety of front garden layouts. Several properties include paved front driveways, including the neighbouring two properties to the east, and the proposed driveway formation would not be out of place in terms of a visual context. Generally, it is preferable to avoid hard-surfacing the entire front curtilage of a domestic property, in order to retain soft landscaping which contributes towards the visual amenity of residential streets. In this regard, whilst the driveway would be hard-landscaped, approximately half of the front curtilage would be retained as soft-landscaped garden ground, which would limit the impact of the driveway on visual amenity and the character of the street. The addition of new boundary fencing to the front boundary would also serve to provide some screening to the driveway. The proposed driveway formation would thus not have an adverse impact on the character and appearance of the original dwelling or the surrounding area.

Overdevelopment

General Principle 5 of the HDG states that no more than 50% of the front curtilage of a dwelling should be covered by development. The existing front curtilage measures c. 51 sqm and has an existing shared path along the eastern boundary and side of the building. The remaining area consists of a grass garden. The proposal would introduce paving and gravel to the western side of the front garden reducing the grassed area to c. 22 sqm. The proposed development would thus result in more than 50% of the front curtilage consisting of development, however, noting that the additional area of development would not greatly exceed the 50% mark as well as the nature of the development not introducing any structure, the proposal would be acceptable as the additional paved and gravel area would provide a useable area within the front curtilage. Additionally, the applicant also benefits from an existing area of rear curtilage providing ample space for outdoor use.

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, whilst the proposal would exceed the overdevelopment calculations defined in the HDG, the nature of the proposal to provide additional useable space to the front curtilage and the presence of additional useable garden ground to the rear would not result in a significant detriment to the available curtilage area. The proposed development would be of an appropriate siting, scale, and 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 HDG.

Parking

Policy T3 (Parking) of the ALDP states that *“proposals for car parking that are not directly related to new developments will not be supported.”* Aberdeen Planning Guidance: Transport & Accessibility (TA) clarifies this policy by providing specific guidance where development for parking may be permitted, specifically to existing householder sites.

Tenements & Buildings of Multiple Ownership

The application property is sited within a tenement building as defined under section 26 of the Tenements (Scotland) Act 2004; that is, being a building of two or more related flats under separate ownership and divided from each other horizontally. For driveway proposals to existing tenement buildings, the following specifications of TA guidance are relevant:

- *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.*

It is noted that the submitted 'Description of Works' supporting statement mentions that the disabled parking bay, directly in front of the proposed driveway and associated dropped kerb, was previously used by a former tenant of the application building. However, on-street disabled parking spaces are not allocated to named individuals, rather they are communal facilities for the use of both residents and visitors with disabilities. The lack of use of a specific disabled parking bay by a former tenant can therefore not justify that its use is no longer required. The formation of a dropped kerb in association with the proposed driveway would thus result in a loss of on-street disabled parking and resulting impact to neighbouring residents.

It is noted that the TA guidance with respect to driveways to tenement flats words its guidance stating that such proposals *“will not normally be granted”* thus allowing for instances where application specific considerations may affect a determination. This is further assessed under 'General Residential Amenity and Site Context.'

Driveway Specifications

The proposed driveway would not have an adverse impact on road safety, meeting the stated TA measurement requirements for a single driveway, and it would be sloped inward toward porous surfacing, thus not requiring additional drainage channels as noted within received consultation feedback from the Council's Roads Development Management team. The proposed design of the driveway and dropped kerb would not have a direct impact on available parking space to the west of the property, as raised by public representation (*Issue 1*), however its wider impacts on the availability of on-street parking are addressed above.

Summary

Although the proposed design of the driveway itself conforms to TA standards, the proposal would be contrary to Policy T3 given it would not be in accordance with TA guidance seeking to protect sufficient on-street parking for residents of tenement buildings.

Impact on the Amenity of the Area

In relation to assessing impacts on residential amenity, General Principle 2 of the HDG states that *“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.”*

Daylight, Sunlight, Privacy, and Outlook

Due to the nature of the proposal, the driveway would not harm, and thus preserve, the amenity of the surrounding area in terms of impact to daylight / sunlight receipt, privacy or outlook.

General Residential Amenity and Site Context

As assessed with regard to parking, the proposal would be contrary to Policy T3 and TA guidance. However, it is noted that the TA guidance does not categorically rule out parking within front gardens of tenements flats and thus allows for an assessment on a case-by-case basis.

School Drive itself has a variety of road layouts with some areas where tenements are only located on one side of the street or sited on corners and bends with wider or narrower front gardens. The application site is situated on a narrow section of School Drive where there are tenement properties located on either side of the street. Parking, however, is only permitted on the south side of the street. This limited on-street parking availability adjacent to residential buildings would be further reduced with the introduction of a dropped kerb and driveway. The disabled bay in question and the adjacent disabled bay are part of the wider make-up of on-street parking, providing a designated and preserved use for holders of a blue badge and as such the removal of one would impact on the overall availability of parking by further reducing available space through a knock-on effect where a blue badge holder may need to use other non-designated bays adjacent.

For reference, the area of on-street parking adjacent to the application site extends c. 85 m along the south side of School Drive from 18-24 School Drive ending at School Ave and has two pairs of disabled bays spaced across this length available for adjacent residents. There are 8 tenement buildings, 6 to the south and 2 to the north of School Drive adjacent to this section of on-street parking, totalling 32 flats. Taking the typical minimum length of on-street parallel parking bays is 6 metres, which is to allow for the averaged-sized car to manoeuvre into and out of such spaces, this would leave c. 14 spaces in total for 32 flats, including the two designated disabled bays adjacent to the application site and two further west along the street. This identifies the existing restricted

overall availability of parking, and any further reduction would have a noticeable impact. The consideration therefore is based on an overall level of parking provision, noting that disabled bays contribute to that amenity provision.

It is noted that driveways to the front gardens of tenement buildings along different sections of School Drive have previously been both approved and refused, whilst several sites also appear not to have obtained planning permission for driveways. It is therefore important to emphasise that the site-specific context of an application is taken into account.

Summary

Whilst the proposal would be acceptable in terms of amenity considerations outlined within Policy 16 of NPF4, the proposal would prove a detriment to the residential amenity of neighbouring properties as the limited on-street parking availability would be further reduced as a result. The proposal would thus be contrary to Policy H1 and guidance within the HDG for its negative impact on neighbouring amenity given the resulting loss of available on-street parking.

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 sited and designed 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

Refuse.

REASON FOR DECISION

The proposed formation of a driveway to the front garden of a tenement flat would further reduce the overall availability and makeup of on-street parking adjacent to the building for other residents and is thus contrary to Aberdeen Planning Guidance: Transport & Accessibility and associated Policy T3 (Parking) of the Aberdeen Local Development Plan 2023 (ALDP). Additionally, given the site-specific context, the proposal would prove a significant detriment to local amenity as the removal of an on-street parking space would further reduce an existing limited availability of parking space for adjacent residents and would thus also be contrary to Policy H1 (Residential Areas) of the ALDP and Aberdeen Planning Guidance: Householder Development Guide.