

Planning Development Management Committee

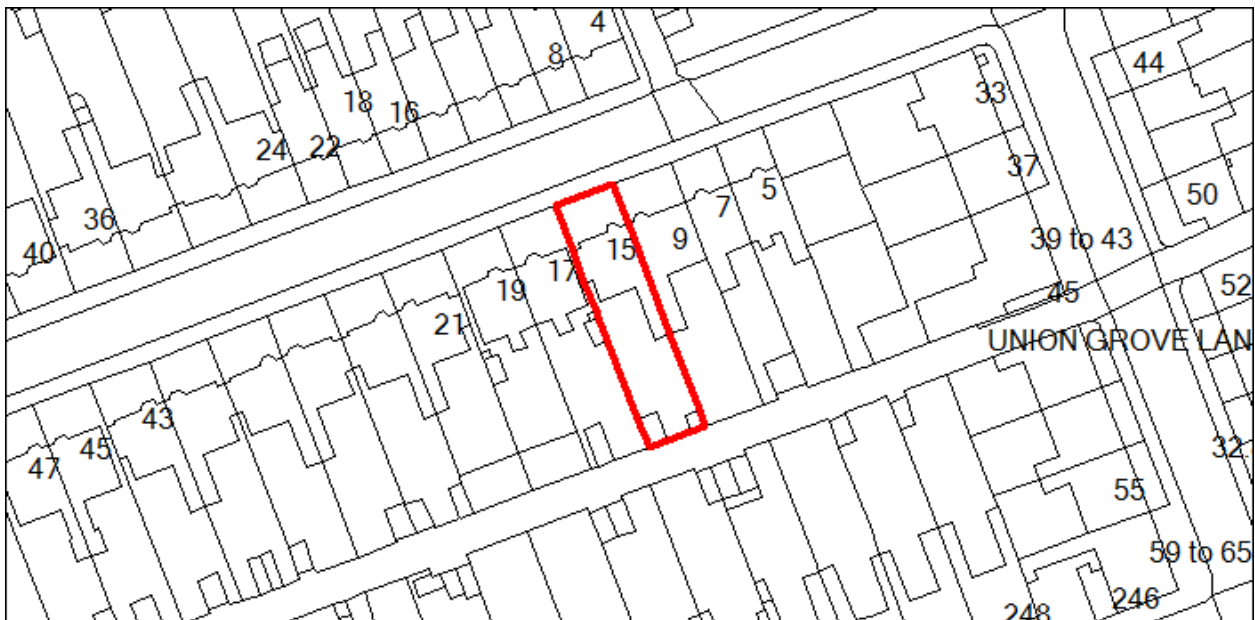
13 DEVONSHIRE ROAD, ABERDEEN

NEW REAR VEHICULAR ENTRANCE AND 2
PARKING SPACES

For: Mrs Rhona Christie

Application Type : Detailed Planning Permission
Application Ref. : P140515
Application Date: 07/04/2014
Officer: Jacqui Thain
Ward : Hazlehead/Ashley/Queen's Cross
(M Greig/J Stewart/R Thomson/J Corall)

Advert :
Advertised on:
Committee Date: 24 July 2014
Community Council : Comments



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application property is the lower flat of a 2 flatted dwelling situated on the south side of Devonshire Road. The plot has area of approximately 468 square metres and to the rear there is an area of garden ground that covers approximately 251 square metres (excluding the rear offshoot). There is a small garage at the far south-west corner of the rear garden that has a footprint of approximately 17 square metres. On the site boundaries to the east and west are granite rubble walls. To the east, the wall is approximately 1500mm high and on the west-most boundary the wall is approximately 1400m in height. On the south-most boundary, the wall is approximately 1800mm high and within the wall there is a timber gate that leads to the lane. Part of the boundary wall is the remnant of an old granite-built outhouse/store. The property is situated within Conservation Area 004 (Albyn Place/Rubislaw).

RELEVANT HISTORY

There is no planning history attached to the site.

PROPOSAL

The application seeks full planning permission to create a car parking area within the rear garden ground of No. 13/15 Devonshire Road. It is also proposed to remove part of the site boundary wall and create gates adjacent to Union Grove Lane. The vehicle parking area would measure approximately 4800mm wide and have an overall length of approximately 8200mm and would be finished with granite chips, with the exception of the first 2m nearest the lane that would be finished with lock block or similar. The gates would be constructed of timber, open inwards and measure approximately 3600mm wide and reach a height of approximately 1800mm.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because a letter of objection has been received from The Queen's Cross & Harlaw Community Council and the application is recommended for approval. Therefore, in terms of the Council's Scheme of Delegation, the planning application must be determined by the Development Management Sub Committee.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140515>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

CONSULTATIONS

Roads Projects Team – No objection. Comments relate to drainage, vehicular access, the gates not projecting into the lane and materials.

Environmental Health – Response received. No observations.

Community Council – Response. A letter of objection has been received from Queen's Cross & Harlaw Community Council, the main points of which can be summarised as follows:

- (1) Loss of amenity for both properties (Nos. 13 & 15 Devonshire Road).
- (2) There has been no agreement of all owners to the proposal.
- (3) Potential hazards relating to traffic manoeuvring in a confined space to an area currently safe for recreation and play. The proposal would also introduce traffic fumes and noise (from car engines and car doors) resulting in a further loss of amenity for both properties.
- (4) The granting of consent would set a precedent for other properties in Devonshire Road and would further undermine and erode the character of this part of the Conservation Area.

REPRESENTATIONS

One letter of objection has been received, the main points of which can be summarised as follows:

- (a) Building the parking spaces in the shared garden will cause a conflict and nuisance to their enjoyment of their existing residential amenity contrary to Policy H1 (of the Aberdeen Local Development Plan). The garden is an important amenity feature for the objectors and is a large part of their leisure time enjoyment.
- (b) Two flower beds would be destroyed and cars driving into the garden would cause noise and exhaust fumes.
- (c) There is no precedent in the area for building such a parking space in the shared garden of a two-flatted property.
- (d) The proposed parking encroaches nearer the house than the line of the existing garages in neighbouring back gardens and is over-development which will dominate the garden area.
- (e) The environment of the garden would be damaged.
- (f) There would be no room for cars to turn in the space allowed, so that cars would have to reverse into the space which would be unsafe and would be very dangerous for small children. Occupants would lose the use of a safe, enclosed garden.
- (g) The present tenants of the ground floor flat have small children and the access they and others have to a safe, quiet, unpolluted open space for leisure and recreation will be compromised – this is contrary to Policy D2 (of the Aberdeen Local Development Plan).
- (h) There would be greater congestion in the lane and the permitted parking at the weekends would be further restricted

- (i) The formation of additional parking spaces is not in line with Policy D3 – to minimise travel by private car - (of the Aberdeen Local Development Plan). The additional parking for 2 cars would add to existing problems of car use, carbon emissions and congestion in the city

Other matters were discussed that are not material planning considerations.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy H1 – Residential Areas:

A proposal for householder development will be approved in principle if it:

- does not constitute over-development
- does not have an unacceptable impact on the character and amenity of the surrounding area
- complies with Supplementary Guidance on Household Development & Transport & Accessibility Supplementary Guidance

Policy D1 – Architecture and Placemaking Design: To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy D4 – Aberdeen’s Granite Heritage

The Policy seeks to encourage the retention of granite-built boundary walls in Conservation Areas.

Historic Scotland’s Scottish Historic & Environment Policy (SHEP) seeks to preserve and enhance the historic character and amenity of the Conservation Area.

EVALUATION

The application shall be determined in accordance with Development Plan Policy unless material considerations indicate otherwise. In this instance there are no strategic issues. The adopted Aberdeen Local Development Plan is of specific relevance in determining the application in terms of Policy H1 (Residential Areas), Policy D1 (Architecture and Placemaking) & Policy D4 (Aberdeen’s Granite Heritage). The Council also has a statutory duty to consider whether the proposal preserves or enhances the character of the Conservation Area.

The issues for consideration are: impact on the residential amenity of the occupiers of nearby properties, potential impact on the Conservation Area, design, impact on visual amenity, impact on public safety and any other relevant matters raised by objectors.

Policy H1 of the Aberdeen Local Development Plan

The proposal is for the removal of a section of the boundary wall, the formation of a driveway and the installation of gates within a residential area which already has several garages of varying design, scale and materials.

The removal of a section of the boundary wall is acceptable and would result in no detrimental impact on the amenity and character of the residential area. The close-boarded timber gates, being of appropriate scale and design, would sit well within the lane. The gates proposed are typical of vehicular access gates in the West End of Aberdeen.

The driveway would sit well within the rear garden ground and would not be over-dominant. The proposal would result in minimal additional and no detrimental impact on the character and amenity of the residential area. The parking area would be located behind the 1.8m high gates and would be extensively screened by boundary walls, by the garage at the far end of the application plot and by the substantial garage immediately to the west.

The parking area would not result in over-development of the garden. After completion an area of approximately 196 square metres of usable garden ground would remain.

Householder Supplementary Guidance

The parking area and gates comply with the Householder Development Guide with regard to:

- design, scale and materials
- the parking area does not constitute over-development of the site; the driveway would occupy approximately 17% of the rear garden ground and after implementation of the driveway approximately 83% of the rear garden would remain undeveloped (the 83% does not include the rear offshoot and existing garage)
- the alterations would not have an unacceptable impact on the character and amenity of the surrounding residential area

Transport & Accessibility Guidance

The driveway complies with the Transport & Accessibility Guidance in relation to:

- length
- materials; the first 2 metres nearest lane would not be finished with loose material (the finish would be lock-block or similar) that would provide an identifiable boundary between the lane and the parking area and would prevent granite chips being dragged onto the lane
- meeting the road at right angles
- gradient (the driveway would not exceed 1:20)
- a large proportion of the rear garden would remain unaffected, approximately 83%

- gates; close-boarded timber gates constructed to the same height as the boundary wall that open into the garden

Although, at approximately 3.8m in width, the opening for the gates is marginally larger than the 3.5m recommended in the Transport & Accessibility Guidance, in this instance the proposal is acceptable as there would be no detrimental impact on the character and amenity of the Conservation Area. The timber gates proposed would provide a sense of closure and would sit well within the lane and within the Conservation Area as a whole.

Policy D1 of the Aberdeen Local Development Plan

The parking area and gates would sit comfortably within the rear garden, with the existing garage and within the plot overall and would have a neutral contribution to their setting. In assessing the application against Policy D1 (Architecture & Placemaking Design) full consideration has been given with regard to suitability within the plot and the context of the surrounding area. The proposals are appropriate for the setting and factors such as siting, design, scale, massing, colour, materials, details and proportions of building elements have been considered.

Policy D4 – Aberdeen’s Granite Heritage

The portion of boundary wall to be removed (in order to accommodate the gates) is not typical of what Policy D4 is designed to protect. The Policy seeks to conserve and retain granite buildings and granite-built walls throughout the City and states that Consent will not be given for the demolition of granite-built or other boundary walls in Conservation Areas.

It is unlikely the section of wall in question is the original boundary wall, and by virtue of materials and finish it is not considered to have any significant architectural merit or historic feature.

Historic Scotland’s Scottish Historic & Environment Policy (SHEP)

The proposed alterations would not adversely impact on and would preserve the character and amenity of the Conservation Area. The solid, close boarded timber gates would give a sense of enclosure and the driveway would be located behind the gates hidden from public view.

Issues Raised by Community Council and Representation

(1/a) It is acknowledged that the objectors’ enjoyment of the garden and their general amenity is important to them and that the proposed parking area may have some impact. However, for the aforementioned reasons, it is considered the potential impact would not be of an unacceptable level and is insufficient to warrant refusal of the planning application.

(c) Notwithstanding there may not be parking to the rear of flatted dwellings in the vicinity, this is not a determining factor in deciding the outcome of the planning

application. Each individual case is considered on its own merits and assessed against the relevant Policies and Guidance.

(d) It is noted that the parking area would be situated nearer the house than the existing garages, however issues relating to overdevelopment have been fully addressed above and found to be acceptable.

(e) It is acknowledged that there would be some impact on the environment of the garden by the driveway. However, the majority of the rear garden would remain unaffected by the alteration.

(g/i) Policies D2 & D3 of the Aberdeen Local Development Plan relate to new residential development, so are therefore not applicable in this instance.

(2) The matters of agreement between parties and/or land ownership are not material planning considerations.

(3/b/f/h) The Council's Roads Engineer does not object to the proposals and has expressed no concerns in relation to traffic manoeuvring in and out of the site, permitted parking and road safety with regard to pedestrians. The driveway would not result in traffic congestion in the lane as the vehicles would be parked within the property and not in the lane. The issue of permitted parking has not been identified as a problem by the Roads Engineer. The Environmental Health Department do not object to the formation of the parking area and do not raise issues regarding traffic fumes and noise. Such an arrangement is not untypical of a residential area and it would be unreasonable to refuse the application on this point. The impact would be minimal and would not adversely affect residential amenity.

(4) Approval of the application would not necessarily mean a precedent would be set in Devonshire Road. Future planning applications would be assessed on their own merits in conjunction with the relative Planning Policies & Supplementary Guidance and against Historic Scotland's Scottish Historic & Environment Policy (Conservation Areas).

For the purposes of clarification, the proposed car parking area would be for the sole use of the tenants of No. 13 Devonshire Road. The existing garage on the site belongs to the occupiers of No. 15 Devonshire Road.

Shared parking is a legal issue.

Conclusion

The planning application has been fully evaluated under Policies H1, D1 & D4 of the Aberdeen Local Development Plan and found to be acceptable. Full consideration has been given to matters raised by The Community Council and in the letter of representation, however they neither outweigh the above Policy position nor would they justify refusal of the application.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The parking area and gates would sit well within the plot and comply with Policy H1 (Residential Areas), D1 (Architecture and Placemaking) & D4 (Aberdeen's Granite Heritage) of the Aberdeen Local Development Plan and with the related Supplementary Guidance. The proposals would result in no detrimental impact on the amenity and character of the residential area or on the character and amenity of the Conservation Area. There would be no adverse impact on public safety.

Dr Margaret Bochel

Head of Planning and Sustainable Development.