

Planning Development Management Committee

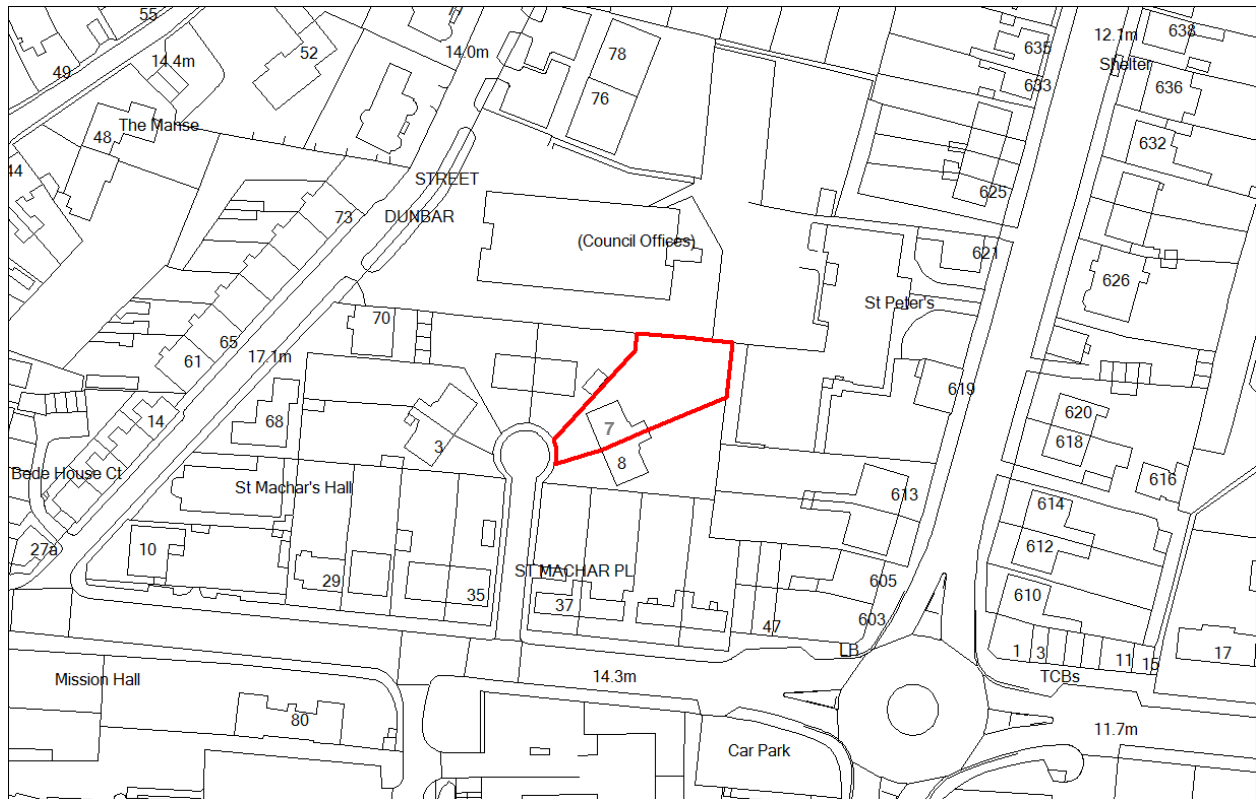
7 ST MACHAR PLACE, ABERDEEN

EXTERNAL ALTERATIONS AND FORMATION
OF DRIVEWAY TO FRONT OF EXISTING
PROPERTY.

For: Mr Warren Burgess

Application Type : Detailed Planning Permission
Application Ref. : P150785
Application Date: 19/05/2015
Officer: Ross McMahon
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 03/06/2015
Committee Date: 16/07/2015
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site located on the north-east side of St Machar Place extends to 725sq.m and is occupied by a one-and-half storey semi-detached dwellinghouse. The footprint of the existing dwelling results in a site coverage of approx. 12%. The site remains relatively level throughout and is demarcated by c. 1m high timber fencing to all front boundaries and a c. 1.5m high stone wall, mature trees and shrubs to the rear. The site is identified as a Residential Area in the adopted Aberdeen Local Development Plan 2012 and is located within the recently extended Old Aberdeen Conservation Area (April 2015). No.s 3-8 St Machar Place was included in the Old Aberdeen Conservation Area in April 2015. The six inter-war cottage style semi-detached houses are laid out in a semi-circle and were included in the Conservation Area as they are typical examples of development associated with the building of the new inner ring road of St Machar in the 1920s.

RELEVANT HISTORY

None.

PROPOSAL

Planning permission is sought to form a driveway area to the front of the property to provide a parking space for 1no. vehicle. The driveway area would measure 2.5m by 6.1m and would be formed in concrete slabs (for the first 2m of driveway) and stone chips.

A number of external alterations are proposed to the property including:

- Installation of a new rooflight in place of an existing conservation rooflight to the north-west elevation;
- Installation of 11no. slate vents to the existing roof (all elevations);
- Removal and replacement of existing v-shaped window to rear with PVCu framed windows;
- Replace all existing rear timber windows (dormers, kitchen, utility and family room) with PVCu framed windows;
- External alterations to existing rear kitchen (removing existing windows and doors; install new door and PVCu window; build up and re-harl external walls in wetdash render painted to match the existing dwelling);
- Removal of rear chimney stack and re-slate roof in natural slate to match existing.

It should be noted that the existing original front windows and door are to remain as existing and have subsequently been omitted from the original submission.

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=150785>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as a formal objection to the proposal from the Old Aberdeen Community Council has been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections, providing a number of informatives are added to the consent.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – No observations

Community Council – The Old Aberdeen Community Council has formally objected to the proposal on the following grounds:

1. Proposed alterations would not give due regard to the preservation or enhancement of a residential premise;
2. The development would not be in keeping with the character and amenity of the property or the remainder of the street and would have a negative visual impact on the area contrary to Policy H1 (Residential Areas);
3. Proposed replacement windows and loss of original V-shaped window to the rear is contrary to SHEP and the Council's Technical Advice Note: The Repair and Replacement of Windows and Doors;
4. Proposed construction notes do not clarify the proposed replacement window material;
5. All proposed replacement windows should be specified as timber;
6. Existing front door should be refurbished instead of replaced. If replacement is sought then the specified material should be timber;
7. The formation of parking to the front of the property is contrary to the Council's stated policies for Conservation Areas;
8. Mature trees would be impacted by the proposed front drive;
9. The site is incapable of providing sufficient off-street parking for a a 5 resident HMO;
10. The proposed alterations would mean that the property could only be used for intensive commercial occupation, contrary to Policy H1 (Residential Areas);
11. The proposed alterations would result in a more intensive occupancy and associated activity leading to increased noise and disturbance to long-term residents.
12. Proposed downstairs bathroom has no natural light or ventilation and would exacerbate existing existing damp issues.

REPRESENTATIONS

Two letters of objection – in addition to the Community Council objection – have been received. The objections raised relate to the following matters –

1. The proposal would detract from the character and appearance of the property and of the Old Aberdeen Conservation Area;
2. The formation of parking to the front of the property is contrary to the Council's stated policies for Conservation Areas;
3. Parking to the front of the property would obscure original features of the existing dwelling;
4. Loss of integral central path would distort the symmetry of the front garden, to the detriment of the dwelling and remainder of St Machar Place;
5. Off street parking provision relating to HMO requirements;
6. Front driveway would set an undesirable precedent for Conservation Areas throughout the City;
7. Proposed hardstanding and parking use would have a detrimental impact on existing trees;
8. Replacement windows and door is contrary to the Council's Technical Advice Note: The Repair and Replacement of Windows and Doors.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Paragraph 143 – Conservation Areas: Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

Scottish Historic Environment Policy (SHEP)

Development should not adversely affect the special interest and character of Listed Buildings and Conservation Areas.

Aberdeen Local Development Plan

Policy D1 – Architecture and Placemaking

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, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy D5 – Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. does not have an unacceptable impact on the character or amenity of the surrounding area.

Conservation Area Character Appraisals & Management Plan

- Strategic Overview and Management Plan (July 2013)
- Approved Draft Old Aberdeen Conservation Area Character Appraisal (Jan 2015)

Supplementary Guidance

- Transport and Accessibility
- Trees and Woodland

Technical Advice Note

The Repair and Replacement of Windows and Doors

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);

D4 – Historic Environment (*D5 – Built Heritage in adopted LDP*);

H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*).

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that 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 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Front Driveway

The Council's Supplementary Guidance: Transport and Accessibility sets out specific criteria for proposed driveways generally and those proposed to the front of properties within conservation areas specifically. The planning criteria considered – relevant to this particular application – when assessing whether consent may be granted for parking in front gardens of listed buildings or buildings in conservation areas is set out below:

1. Driveways must be at least 5m in length;
2. The gradient of driveway must not normally exceed 1:20;
3. The first two metres of driveway adjacent to the footpath must not be surfaced in loose material such as gravel;
4. The driveway must be drained internally, with no surface water discharging into the roadway;
5. No more than 35% of the front garden area may be given over for the combined parking area, driveway and turning area, or 50% if footpaths and other hard surfaced are included.
6. At least 50% of the garden area should be left in topsoil to permit soft landscaping;
7. The formation of the access driveway must not result in the loss of any street trees or significant garden trees;
8. Consent will not be granted where the property has a rear garden area, suitable for parking, which is accessible from a rear lane or side street.

The proposed front driveway is considered to meet all of the above planning criteria for the following reasons:

1. The driveway would exceed the minimum 5m requirement for overall length;
2. The gradient of the proposed drive would not exceed 1:20;
3. The first two metres of driveway adjacent to the footpath would be surfaced in concrete slabs;
4. The driveway would be internally drained, with no surface water discharging into the roadway;
5. The proposed combined parking and footpath area would not exceed 50% of the front garden area;
6. 71% of the front garden area would remain in soft landscaping
7. No front garden trees would be removed from the site;
8. The layout of the site boundary relative to the existing dwelling is such that rear garden parking is not an option.

Notwithstanding the above planning considerations, it should be noted that Roads Development Management has not objected on the basis that current standards in relation to loose material and internal drainage are met.

Conservation Area Impact

The Council's Conservation Area Character Appraisal: Strategic Overview and Management Plan discusses parking in front gardens and makes reference to the potential negative impact caused by parking to the front of properties in all but the

largest front gardens, potentially obscuring important features. However, it should be noted that the majority of properties within St Machar Place have driveways which form part of the character of the street at the time of inclusion within the Old Aberdeen Conservation Area. While it is noted that these properties have driveways leading to detached garages – located to the side of the existing dwelling – it is not considered that the introduction of an additional single driveway to the front garden of 7 St Machar Place would have a detrimental impact on the existing dwelling, streetscape or Old Aberdeen Conservation Area. Given the layout of St Machar Drive and the position of the property relative to the road i.e. partially screened by existing trees and foliage, the proposed front drive would not significantly block or obscure important building features or impact on the character of the street generally.

The proposed driveway is considered to be modest in nature and has been found to comply with the Council's Supplementary Guidance: Transport and Accessibility and the Conservation Area Character Appraisal: Strategic Overview and Management Plan. Additionally, Roads Development Management has not objected to the proposal.

External Alterations

All proposed external alterations – including the proposed slate vents, roof light and external kitchen alterations – are considered to be acceptable in relation to the existing property and surrounding area and would not have a significant detrimental impact on the character or appearance of the existing dwelling or conservation area given that they are relatively minor in nature. The loss of an existing V-shaped window and replacement PVCu windows to the rear can only be considered in relation to its impact on the character and appearance of the Old Aberdeen Conservation Area, and it is considered that their removal would have a negligible impact given their position to the rear of the property, not readily viewable from a public vantage point.

It should be noted that the existing rear chimney was removed after the application had been validated and is therefore retrospective. A site visit and photographs show that only a very small section of the rear chimney stack was viewable from St Machar Place and as such, its removal is not considered to detriment the existing dwelling or Conservation Area generally.

The proposed replacement windows to the rear are considered to comply with the Council's Supplementary Guidance: The Repair and Replacement of Windows and Doors in that they would not be viewable from any public vantage point and as such the use of PVCu frames is considered acceptable in this instance.

Other Material Considerations

Local Planning Authorities have a statutory duty to have regard for the preservation of existing trees. New developments must include measures to ensure the long term retention of existing trees.

It is therefore deemed necessary to apply a condition to the consent to ensure the protection of trees in and around the application site that may be affected during the construction of the development, specifically the formation of the driveway.

Matters Raised by the Community Council

Objection points 1 to 7 relating to the proposed replacement windows, front drive, impact on existing dwelling and the potential impact on the Conservation Area, have been addressed in the evaluation section of this report. Consent is no longer sought to replace the existing front bay windows and door. The amended proposal has been found to comply with the relevant policies set out in the Aberdeen Local Development Plan and associated Supplementary Guidance: Householder Development Guide.

Objection point 8 relates to the potential impact on existing trees as a result of the proposed driveway. It is not considered that the proposed area of hardstanding (a 2m deep section from the pavement into the site) in addition to the ground pressure associated with parking vehicles within the site would significantly detriment the existing trees on the site. However, it has been considered necessary to add condition to the consent to ensure the protection of trees in and around the application site that may be affected during the construction of the development.

Objections 9 to 11 relate to activity associated with the property's use as a HMO. It should be noted that there is no requirement – in planning terms – for the applicant to submit an application for change of use as the number of occupants would be less than 6. In this respect, the application can only be assessed as a householder application; therefore any objections/concerns relating to the property's use as a HMO are irrelevant and cannot form part of the evaluation of the proposal.

With regard to objection point 12; there is no provision in planning legislation regarding issues relating to internal works associated with natural light and ventilation. Separate legislation dictates the manner in which such provisions are addressed within the dwelling, such as via a building warrant etc. Amendments have not been sought by the Planning Authority on the grounds that there would be no planning benefit in doing so, as stated above.

Matters Raised in Representations

Objection points 1 to 6 relating to the proposed replacement windows, front drive, impact on existing dwelling and the potential impact on the Conservation Area, have been addressed in the evaluation section of this report. Consent is no longer sought to replace the existing front bay windows and door. The amended proposal has been found to comply with the relevant policies set out in the Aberdeen Local Development Plan and associated Supplementary Guidance: Householder Development Guide.

Objection point 7 relating to the potential impact on existing trees has been addressed within the previous section.

Objection point 8 specifically relates to off street parking concerns associated with the property's use as a HMO. It should be noted that there is no requirement – in planning terms – for the applicant to submit an application for change of use as the number of occupants would be less than 6. In this respect, the application can only be assessed as a householder application; therefore any objections/concerns relating to the property's use as a HMO are irrelevant and cannot form part of the evaluation of the proposal. It should be noted that Roads Development Management has not raised any objections with regard to the proposed drive, which additionally complies with the Council's Supplementary Guidance: Transport and Accessibility.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application.

Conclusion

To summarise, all elements of the proposal are considered to be acceptable in relation to the existing property. It is not considered that the proposed front drive would have a significant detrimental impact on the character of the existing property, the streetscape or the wider area. The proposal is considered to comply with the relevant policies and associated supplementary guidance contained within the adopted Aberdeen Local Development Plan 2012. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies in the Proposed ALDP substantively reiterate those in the adopted local development plan and the proposal is acceptable in terms of both plans for the reasons already previously given.

RECOMMENDATION

Approve subject to conditions

The proposal is modest in nature and would have a neutral impact on the residential amenity of the locality and the character of the Old Aberdeen Conservation Area. The proposal complies with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) and the Proposed Local Development Plan policies H1 (Residential Areas), D1 (Quality Placemaking by Design) and D4 (Historic Environment). The proposal complies with the Council's Supplementary Guidance: Transport and Accessibility and Technical Advice Note: The Repair and Replacement of Windows and Doors; and would preserve the character and amenity of the Conservation Area in line with the principles of Historic Scotland's SHEP and the Council's Conservation Character Appraisal: Strategic Overview & Management Plan. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

CONDITIONS

it is recommended that approval is given subject to the following conditions:-

(1) that no development pursuant to the proposed front driveway shall take place unless a plan showing those trees to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

INFORMATIVES

- The proposed driveway will require a 3 metre dropped kerb and footway crossing permit. The vehicular footway crossing required for the access should be constructed by Aberdeen City Council. The applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit at least 6 weeks prior to any works starting on site and arrange for an estimate for the cost of works. The Road Network Maintenance Unit can be contacted on the following details: tel. 01224 241500, RoElrick@aberdeencity.gov.uk, DanMackay@aberdeencity.gov.uk. The ACC contact will advise on the footway crossing permit.
- The driveway should not use loose chippings for the first 2 metres from the rear of the footway.
- The driveway must be internally drained to prevent water discharging onto the footway and roadway.