

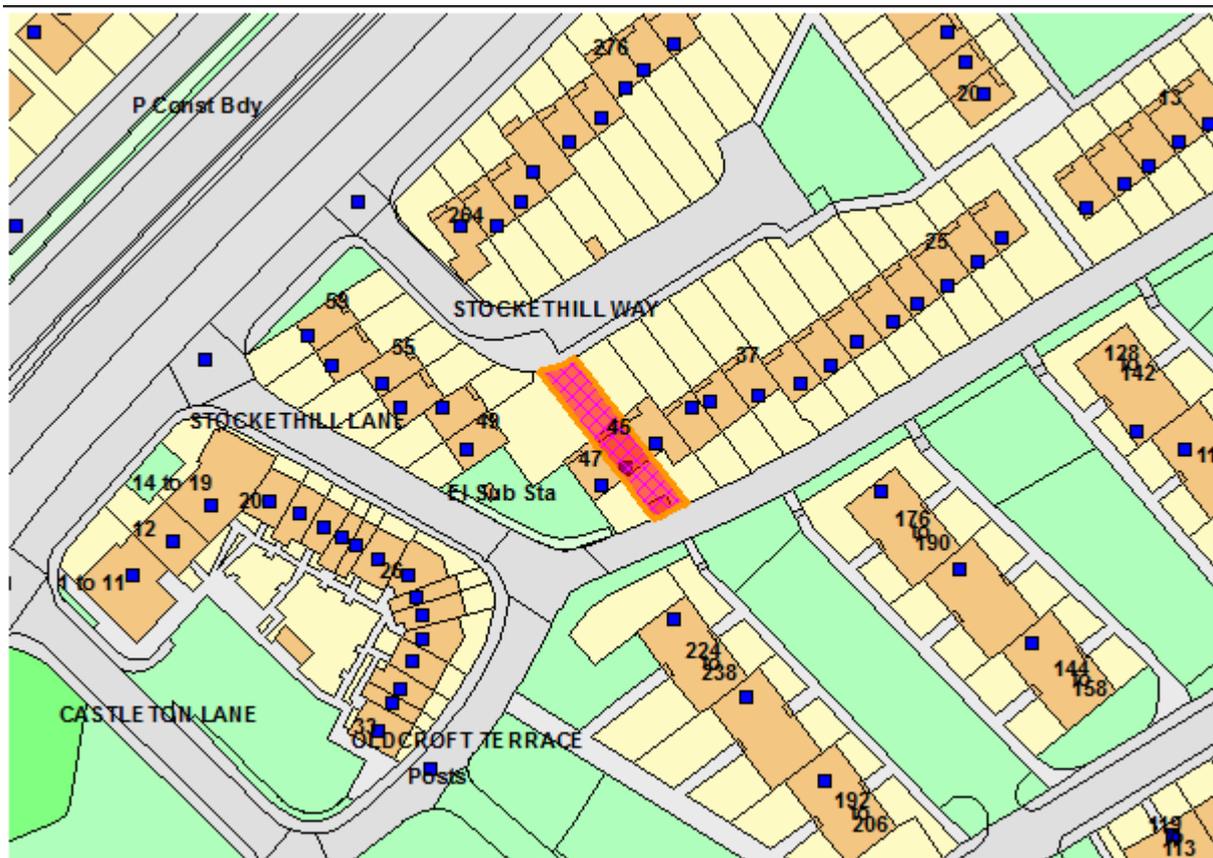


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 12 January 2023

Site Address:	45 Stockethill Way, Aberdeen, AB16 5JG
Application Description:	Formation of driveway to front and alterations to a boundary wall
Application Ref:	221055/DPP
Application Type	Detailed Planning Permission
Application Date:	24 August 2022
Applicant:	Mr Prakash Timilsina
Ward:	Hilton/Woodside/Stockethill
Community Council:	Rosehill And Stockethill
Case Officer:	Sam Smith



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a two-storey terraced dwelling in a residential area that adjoins further terraced dwellings to the south-west and north-east. The dwelling has a northwest-facing principal elevation that fronts onto Stockethill Way and a rear garden that borders Oldcroft Terrace. The front garden on the site slopes up, with an existing path and steps to meet the pavement at Stockethill Way. Parking to the terraced dwellings along Stockethill Way is currently provided by on-street parking, with the south-east end space sitting in front of the application site. Public bins currently sit on the pavement adjacent to this end parking space.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the formation of a driveway to the front of the dwelling in order to provide access to the dwelling for a resident at the property. The driveway would measure 2.87m in width and 5.96m in length, sitting along the north-east boundary, raised 1.32m in height from the garden ground level to meet the existing pavement level. The existing steps to the pavement level would be retained and sit adjacent to the proposed driveway. The driveway would be finished in roughcast render walls and fitted with a railing with glazed panels measuring 900mm in height, resulting in a driveway and glazed panels that sit a total of 2.22m in height from the garden level.

Amendments

None.

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=RH46H5BZJ1N00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because an objection has been made by Roads Development Management and therefore falls outwith the Scheme of Delegation as per point 1. d) vi.

CONSULTATIONS

ACC - Roads Development Management Team – Roads Development Management have raised an objection to the proposal for the following reasons:

- The driveway is too narrow as single driveways are required to be 3m in width.
- On-street parking is already available in the vicinity.
- The driveway would take away one on-street parking space.

- The arrangement of the access to the driveway is not practical due to the proximity of the bin store.
- The applicant could use the existing space as an extension of their driveway.

Rosehill and Stockethill Community Council – No comments received.

REPRESENTATIONS

Two representations have been received in objection to the proposal. The matters raised can be summarised as follows –

- The driveway would take away an on-street parking space.
- A precedent would be set to allow others to do the same which would greatly reduce on-street parking.
- Safety concerns in relation to the proximity of the bin store which is a heavily used area. A car would have to drive over the pavement near these bins to access the driveway.
- The location of the bins could restrict the view of the pathway and pose a danger to pedestrians.
- The driveway does not appear large enough for vehicle doors to be opened.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)
The Equality Act (2010)
Designing Streets: A Policy Statement for Scotland

National Planning Policy and Guidance

National Planning Framework 4

National Planning Framework 4 (NPF4) was laid before Parliament as a revised draft for approval on 8th November 2022 and is scheduled for final Parliament approval on 11th January 2023. Although NPF4 has not yet been formally adopted it is now a material consideration in the assessment of planning applications. The weight to be given to it prior to its adoption is a matter for the decision maker. It is considered that NPF4 will carry more weight once it has been approved by Parliament. In the case of this application, low car development would be supported in residential areas to reduce car use. However, the needs of disabled people has been introduced as a material consideration for this proposal which needs to be taken into account when considering the merits of this application. Such an assessment has been undertaken and is outlined in the evaluation below.

Development Plan

Aberdeen City and Shire Strategic Development Plan 2020

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this five-year period. Therefore, where relevant, weight should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration".

The following policies are relevant –

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy T2: Managing the Transport Impact of Development

Supplementary Guidance

Householder Supplementary Guidance
Transport and Accessibility

Proposed Aberdeen Local Development Plan 2020

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking
- Policy D2: Amenity
- Policy T3: Parking

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1: Residential Areas of the ALDP, and the proposal relates to householder development. Householder development would accord with Policy H1 in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, result in the loss of valued and valuable open space and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG). The Transport and Accessibility Supplementary Guidance under Policy T2 further sets out the standards for the design of driveways that are required to be met.

The main planning considerations for this proposal relate to the scale and design of the proposed driveway structure in the context of the impact it may have on the appearance and character of the surrounding residential area. There is also a consideration for the impact on amenity for the surrounding residents in relation to the loss of an on-street parking space and useability of the pavement used to access the driveway. There is also a consideration for the amenity of the neighbouring dwelling, given the proximity of the proposed driveway structure to the boundary of the adjacent property, in relation to any potential visual impact.

The site comprises an existing residential curtilage and the proposal would thus not result in the loss of any valuable or valued open space. All other matters are discussed below.

Scale and Design

The footprint of the front curtilage of the site is 70.52m². As the footprint of the proposed driveway is 18.38m², therefore the erection of this extension would not result in more than 50% of the front garden being covered in development. As such, the proposal is not considered to result in over development of the dwelling.

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. While this policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment. Supplementary Guidance expects development to be architecturally compatible in design and scale with the surrounding area and for the materials used to be complementary to the existing building.

In terms of scale, the proposed driveway would sit at the same height as the road level and would therefore be subordinate in scale to the dwelling and a suitable height in the context of the site. The railings surrounding the driveway sit 900mm in height and are considered appropriate in scale as they would sit at a similar height to the railing of the existing steps on the site and below the height of the existing neighbouring outbuilding on the boundary of the site. The driveway would therefore be compatible in scale with the existing site and immediate surrounding area. The dimensions of the raised structure are also considered acceptable as it does not overdevelop the site and sits in the section of the site between the existing steps and the north-east boundary that has already been built up on.

As the driveway is located in the front curtilage of the site, it would have a visual impact on the surrounding area from the public road as well as the neighbouring properties. From the public road, the driveway would have the appearance of an extension to the road as it has been raised to the pavement level. The visual impact from a public viewpoint would therefore be minimal as it would sit at the same ground level. The driveway is situated on the shared boundary with 43 Stockethill Way and would therefore be in the line of sight from this property. This site has an existing outbuilding located on the mutual boundary, that sits 925mm closer to the dwelling than

the proposed driveway and at a height of 160mm above the proposed glazed railing. The driveway would therefore sit behind this existing outbuilding and would not have an adverse visual impact on this site. At 47 Stockethill Way, there is a window in close proximity to the mutual boundary with the application site. There would therefore be a visual impact when looking out the front of the property, with the current view being of the front garden, with the outbuilding being visible at 43 Stockethill Way as well as the cars along the road. As the proposed driveway sits at a height of 1.32m from the garden level, it would sit just above the existing boundary fence and at the same height at the existing steps to the pavement level. When a car is parked on the driveway, it would appear prominent from this neighbouring property as it would be located closer to the property than the existing cars on the public road. As the garage sits 3.13m away from the south-west boundary and 6.41m from the front building line of the neighbouring property, this impact is not considered to be detrimental, but the proposal would alter the current situation. The proposal is thus acceptable, provided it would not have an adverse impact on the amenity afforded to any neighbouring property in relation to any overbearing impact or loss of daylight. This consideration has been assessed below.

The design of the proposed driveway is of a typical style for this type of development and is considered to sit comfortably within the site and be compatible with the existing dwelling, with the use of roughcast render being in keeping and complementary to the dwelling. The use of glazed panels is considered appropriate for this type of protective barrier around the raised driveway and the railing would not pose a significant visual impact on the surrounding area as glazing at a height of 900mm would make it unobtrusive from a public viewpoint.

The principal of having a driveway to the front of this property is not typical given that there is public parking to the front of the site and the development would result in the loss of an on-street parking space. However, it has been advised by a General Practitioner, with sufficient documented evidence provided, that a driveway would address specific needs arising from the disability of the resident. The current unallocated parking situation does not guarantee a parking space to the front of the dwelling, further increasing the safety risk for the resident. When the parking space is available, the existing bin store also makes it difficult to manoeuvre in and out of the car due to its location at the edge of the pavement, making it challenging to step onto the pavement when exiting the car. The possibility of making the parking space to the front of the house into a disabled parking space was discussed with the applicant as an alternative to forming a private driveway. However, due to the nature of the disability, this would not address the safety concern of accessing the car in a safe space. In addition, a disabled parking space would not guarantee safe parking for the site as it would not be allocated to this dwelling, allowing any blue badge holder to use it. The proposed driveway would therefore be acceptable if it is considered reasonable justification has been provided to demonstrate that the proposed driveway would advance the equality of opportunity for this resident. This consideration has been assessed below.

In summary, the proposed driveway is of a scale and design that is considered compatible with the existing dwelling and would be appropriate in the context of the site. The proposal would not have a negative impact on the appearance of the surrounding area but is not considered in keeping with the character of the area due to the exceptional need for the development. The proposal would therefore comply with Policy H1 and Policy D1 of the ALDP.

Amenity

No development should result in an adverse impact on the amenity of any neighbouring dwelling. As the driveway sits on the shared boundary with 43 Stockethill Way, it has the potential of having an impact on the visual amenity and overbearing impact on the site. The proposed driveway is considered to have a minimal overbearing and visual impact on the neighbouring site as it will be predominantly hidden behind the existing outbuilding to the front of 43 Stockethill Way. The east-most window on the ground floor of the neighbouring dwelling would have a view of the driveway,

however, this window forms part of the entrance to the dwelling, adjacent to the front door, and the presence of the driveway would likely not impact the enjoyment of the space. The existing outbuilding is also significantly visible from this window and the driveway is therefore not considered to worsen this visual amenity of this property. In addition, the solid section of driveway is 1.32m in height which would be predominantly hidden by the existing fence on the boundary. The proposed railing would also not have a significant visual impact for the neighbouring property or an impact on the daylight they receive as it is formed of glazed panels. As the proposed garage would sit 3.13m away from the south-west boundary and 6.41m from the front building line of the terraced properties, it is also not considered to have an adverse impact on the amenity of 47 Stockethill Way in terms of any overbearing impact or loss of daylight.

Parking

The proposed driveway would be in conflict with the Transport and Accessibility Supplementary Guidance as a driveway in a front garden would not usually be permitted where there is on-street parking available. However, as a specific need for on-site parking has been identified to provide safe access that on-street parking cannot, it is considered that a reasonable justification has been provided to allow one on-street space to be removed to provide one off-street parking space to the front of this property. Roads Development Management has raised their concern with this aspect of the application due to the loss of an on-street parking space for the surrounding residents.

The area of the existing footpath and proposed driveway is 31.75m² and the front garden has a footprint of 70.52m². The proposal would therefore not result in more than 50% of the site being used for parking. The proposed ACO drainage channel and vertical drainage would provide appropriate drainage to remove any surface water. The proposed dropped kerb would also provide sufficient access to the Stockethill Way and would therefore be acceptable.

Single driveways to existing dwellings are required to be 5m in length and 3m in width. As the proposed driveway would measure 5.97m in length and 2.87m in width, it would fall below the required width for a driveway. However, this would be 130mm smaller than the required width and could not be made wider due to the location of the existing path and steps on the site. As the average width of a car is approximately 1.8m, the driveway is considered to still be adequately useable by the residents of the site. As parking bays are typically 2.5m in width, this is considered to be an improvement upon the existing parking conditions for the resident, that currently sit immediately adjacent to a bin store located up to the pavement edge, which currently impede exiting a car.

As the driveway would cross the existing footpath, in close proximity to the existing bin store, there is a concern for safety to pedestrians using the area, particularly if reversing into the driveway. The existing bin store would reduce the visibility splay while entering the driveway as these bins are approximately 145cm in height and the visibility of pedestrians to the east would be partially blocked. The Designing Streets Policy Statement requires that the frequency of vehicle movement, pedestrian activity and footway width is considered when assessing the visibility splays for a private driveway. As this would be a single driveway, the pavement would likely only be crossed by the car a couple of times a day. The pavement is adjacent to one of two bin stores along Stockethill Way and would therefore likely be used by 37, 39, 41 and 43 Stockethill Way as this would be their closer bin store and they would need to use this section of the pavement to access it. This section of the pavement may also be used by pedestrians not using a car. As there are public paths at both ends of Stockethill Way and the application site sits fairly central along the road, this may be an infrequent use of this section of the pavement. The pavement is a standard 1.74m width and extends to be significantly wider at the bin store. As there is an adverse impact on the safety afforded to the neighbouring residents using this space, the bin store will be required to be moved prior to the construction of this driveway, further from the edge of the pavement to provide a wider visibility splay. Due to the layout of the pavement, it is considered that when a car

is reversed into the existing on-street parking space, they would then have sufficient visibility to continue reversing into the driveway as they would be able to see any pedestrians on this section of the pavement.

As the existing northwest boundary is treated with an 800mm high fence, there would be sufficient visibility of the public pavement when exiting the driveway onto the road. In terms of the location of the bins on the pavement, the car would be able to pull forward from the proposed driveway into the existing on-street parking space and leave as normal. The driveway would also be at right angles to the road to allow them to see pedestrians from both directions. Due to the curve of the pavement and the location of the proposed driveway, pedestrians using the pavement to the east would be visible over 15m away until the bin store blocks them from view. There is therefore, not considered to be any safety concern when exiting the driveway.

In summary, the proposed driveway is in tension with the Transport and Accessibility Supplementary Guidance as it does not meet the requirement for a 3m wide driveway, it would take away an on-street parking space and crossing the pavement would result in a greater safety concern than the existing parking. However, as a need has been identified for off-street parking for this property, the loss of one on-street parking space would be considered acceptable. The driveway is also considered functional as it would be 2.87m in width and can't be made wider due to the existing stairs on the site. The relocation of the bin store is considered to sufficiently address safety concerns when entering the driveway by providing a greater degree of visibility of pedestrians.

Equality Considerations

Section 149 of the Equality Act 2010 requires the Planning Authority, in the exercise of its functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

In this case, it has been brought to the attention of the Planning Service that the proposal could impact on persons with a relevant protected characteristic, disability. The submitted supporting documentation supplied by a general practitioner has advised of the need for the proposed parking space to provide safe and unhindered access to the dwelling. It has been identified within the supporting documentation that the provision of the driveway will address the specific needs arising from the disability, as well as multiple reasons why the use of on-street parking would be more

difficult. The design of the proposed driveway would provide access to a car without the need to step onto the public road or walk an unmanageable distance to a parking space further along Stockethill Way. It is considered that sufficient evidence has been provided to demonstrate that exceptional circumstances should be made to offer this site more favourable parking in the interest of personal safety.

In summary, the application is considered to remove disadvantages suffered by a person with a protected characteristic and advance equality of opportunity by providing safe access to the site, a comfortable distance from the property.

Representations

The proposed driveway would take away one on-street parking space and provide one off-street space on the application site. The need for a driveway for the applicant has been identified to justify losing an on-street parking in the interest of safety for a resident at the property. As a specific need for a driveway at this property has been identified, it would not set a precedent for any property in the area to also form a driveway to the front of their property. The visibility of pedestrians and safety in relation to accessing this driveway has been assessed as part of this application and the bin stores will be located prior to the use of the driveway to improve the current situation. The size of the proposed driveway has also been assessed above in this report.

Proposed Aberdeen Local Development Plan

The Report of Examination does not affect policies in a manner that is relevant to this application. The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is acceptable in terms of both plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The scale and design of the proposed development is considered compatible with the existing dwelling, appropriate in the context of the site and would be acceptable in line with the standards set out in the Householder Development Guide. The materials used are complementary to the existing dwelling and would not have an adverse visual impact on the appearance of the surrounding residential area. The proposed driveway is in tension with the standards set out in the Transport and Accessibility Supplementary Guidance as it would be 2.87m in width as opposed to the 3m standard and would result in the removal of an on-street parking space. However, sufficient justification has been provided to demonstrate the need for more favourable parking on this site in the interest of advancing the equality of opportunity for a resident at the property with a protected characteristic. The proposed driveway is also of a functional size that would have sufficient visibility in order to access the parking space. As such, the proposal complies with Policy H1: Residential Areas and Policy D1: Quality Placemaking by Design of Development of the Aberdeen Local Development Plan 2017, and the associated Supplementary Guidance: Householder Development Guide and the relevant policies of the Proposed Aberdeen Local Development Plan 2020 and Designing Streets: A Policy Statement for Scotland.

CONDITIONS

(01) 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.

(02) BIN STORE RELOCATION

That the driveway hereby approved shall not be constructed unless the bin store has been moved in agreement with the Council's Waste and Recycling Service away from the edge of the pavement adjacent to the existing parking bay.

Reason - in the interest of improving visibility entering the proposed driveway.

ADVISORY NOTES FOR APPLICANT

This driveway shall require the provision of a drooped kerb in order to allow suitable access/egress, however, given that there is an existing dropped kerb for the adjacent property, this shall require to become a double driveway/dropped kerb length. This works shall require to be carried out by ACC Roads Maintenance Unit and the applicant should contact via email (footwaycrossings@aberdeencity.gov.uk) in order to get an estimation and programme in the necessary works.