

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 5th June 2024**

DC23/039/FUL: Installation of driveway (Retrospective) at 49 Briar Drive, Clydebank by Mr Steven Messenger**1. REASON FOR REPORT**

- 1.1 The application is subject to an objection from another Council Service. Under the terms of the approved Scheme of Delegation, the application therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 **Refuse planning permission** for the reasons set out in Section 9.

3. DEVELOPMENT DETAILS

- 3.1 The application site comprises a residential flat and associated garden ground within a two storey, four in a block arrangement situated on the western side of Briar Drive in Clydebank. Externally the flats are finished in a grey render for the external walls and a grey tiled roof. There are front and rear garden areas for the flatted properties. The property is situated within a well-established residential area with a variety of dwellings of a similar design theme lying adjacent.
- 3.2 A driveway has been created to the front of the flat. The driveway extends across the whole of the front garden area of the flat measuring approximately 9.6m in width. The depth of the driveway measures 4.1m within the monoblocked area with a gravelled sloped area beyond which creates a level platform for the driveway due to the slightly sloping nature of the site. Both the monoblock and gravel are grey in colour. Two paths remain on site with the most northern path retaining step-free access to the properties. The area to the front of the properties was previously grassed with a low-level hedge as a boundary treatment. As the works have already been carried out, the application is considered in retrospect.
- 3.3 An electric vehicle charging point has been attached to the front of the building however, this in itself does not require the benefit of planning permission.

4. CONSULTATIONS

- 4.1 West Dunbartonshire Council Roads Service object to the proposal on the basis that the driveway is only 4.1m in depth.

5. REPRESENTATIONS

- 5.1 Two objections have been received from nearby residents. The full details are contained within the planning file and are available for public viewing. However, the concerns raised can be summarised as follows:

- Object on health and safety grounds.
- The permission is retrospective.
- The car will be near the window of neighbouring properties.
- The driveway may restrict parking for other residents.
- The access is communal.
- The disabled parking bay post has been moved.
- The company who installed the driveway is not certified.
- The driveway does not have sufficient foundation and is sinking in places.
- A dropped kerb has not been formed to access the driveway.
- Electric cars are known to go on fire and this constitutes a hazard.
- There is a charging point which has not been checked if it is a fire risk.

The concerns raised shall be assessed in the Section 7 below.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

National Planning Policy 4

6.1 Policy 1 relates to tackling the climate and nature crises and states that when considering all development proposals significant weight will be given to the global climate and nature crises. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale as per Policy 14. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported in accordance with Policy 14. Policy 16 supports householder development proposals where they do not have a detrimental impact upon the character of the property and surrounding area, and do not have a detrimental effect upon neighbouring properties.

6.2 The matters relevant to the assessment against the above policies are addressed in detail in Section 7 below. Based on that assessment, it is concluded that the proposal is not in accordance with NPF4.

West Dunbartonshire Local Plan 2010

6.3 Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area. The requirement for proposals to be appropriate to the local area inclusive of design and the effect on privacy is highlighted. Considering residential amenity, Policy H5 seeks to protect, preserve, and enhance the residential character and amenity of existing residential areas at all times.

6.4 The proposal does not comply with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

7.1 On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications, subject to compatibility with NPF4.

The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration, although it does not directly affect the development proposal under consideration.

- 7.2** Policy CP1 of LDP2 seeks to ensure that all development takes a design lead approach and seeks to protect and enhance the amenity of existing communities. Policy H4 sets out that that the Council will protect, preserve, and enhance the residential character and amenity of existing residential areas at all times. It is considered that the proposal is not in accordance with the relevant policies of LDP2.

Principle of Development

- 7.3** The creation of a driveway within the front curtilage of a flatted property situated within an established residential area is acceptable in principle, subject to all material considerations being addressed. This type of development is commonly found within residential areas and with the facility to charge electric vehicles, the proposal would be considered to, in a small way, support tackling the climate emergency. It therefore rests to consider if there are any material planning considerations that would result in the proposal being unacceptable.

Visual Appearance

- 7.4** The driveway, whilst wide in nature and covering the whole of the front garden area of the flat, does not cover the whole of the frontage of the plot. An area of green remains to the south of the site which is outwith the development area. The colour and material choices of grey monoblock and gravel are in keeping with the varied colour palette of the surrounding area, with other monoblocked driveways being present within close proximity. On balance, it is considered that the visual appearance of the driveway that has been formed is acceptable within the context of the area.

Traffic and Road Safety Matters

- 7.5** In assessing whether any road safety concerns arise in respect of the driveway that has been formed, the Council's Roads Service have been consulted on the application proposal. The Roads Service have concerns regarding the depth of the driveway which is 4.1m from the heel of the footway to the rear of the monoblocked area of the driveway. They consider this to be unacceptable and have objected to the application on this basis. This is due to 4.1m not being a sufficient depth to park a car which could result in the footway being obstructed, forcing pedestrians and, in particular, wheelchair users and those with prams onto the public road.
- 7.6** The Road's Service advise that a minimum driveway length of 5 metres is generally required to ensure a vehicle does not overhang the footway. This is not achieved by the driveway already constructed on site. Whilst it is accepted that cars which are less than 4.1 metres in length are available, family cars generally exceed this dimension. This includes a Ford Focus at 4.4 metres in length and a Kia Sportage at 4.5 metres in length. It is not considered that a condition restricting the type and dimension of vehicle that could be parked on the driveway would be reasonable. Such a condition would also likely be impossible to enforce. Given this and being guided by the objection from the Council's Road Service, the proposal is considered to be unacceptable with reference to the potential implications for pedestrians using the footway and implications for road safety.
- 7.7** Concerns are raised in the objections in respect of the implications of the driveway on the availability of street parking. The Council's Roads Service, however, does not object to the proposal on this basis.

The requirement for a footway crossover and dropped kerb or any works to be undertaken to the public road would be a matter to be addressed by the Roads Service via separate legislation. The disabled parking bay sign being moved to accommodate the driveway is not a planning matter. The disabled bay which the sign relates to remains in place on the street and it is noted the driveway and disabled bay overlap. This would, however, be a matter to also be addressed by the Roads Service via separate legislation.

Impact on Residential Amenity

7.8 The driveway is located adjacent to the windows of the downstairs property. Whilst movement and noise will be brought slightly closer to the property than has been previously experienced with cars parking on the adjacent road, it is not considered that this will unacceptably disturb the amenity of the neighbouring property to an extent that would justify the refusal of the application. The retention of the path between the driveway and the building provides some separation between the driveway and the downstairs property.

7.9 In addition to the road safety matters discussed above, the depth of the driveway also raises concerns regarding the impact on the wider amenity of the surrounding residential area and impacts upon the ability for people to easily move around the area and this is not consistent with the six qualities of successful places. As there is no space in which to lengthen the driveway within the confines of the site, users of the pavement may be forced to leave the public footway in order to pass vehicles overhanging the public footway.

Representations Received

7.10 Turning to the outstanding points raised in the submitted objections which have not been assessed above. Many of the points raised in the objection are not material planning considerations. These include the land being communal, the company who installed the driveway not being certified and the quality of the work undertaken. Reference has also been made to a perceived fire risk posed by electric charging points and/or cars but there is no evidence to suggest that the proposal would represent a fire risk. The retrospective nature of the application has also been noted; however, the planning system does allow for retrospective applications, and this cannot be a determining factor.

8. CONCLUSION

8.1 This retrospective application for the creation of a driveway raises concerns relating to the amenity of the surrounding residential area in which users of the footway could be forced off the public footway due to insufficient parking space within the off-street area causing vehicles to overhang the footway. This impacts upon the ability for people to easily move around the area and this is not consistent with the six qualities of successful places. The Council's Roads Service have also objected to the proposal due to 4.1 metre depth of the driveway not being sufficient to park a car on. This would result in vehicles potentially overhanging and obstructing the footway and forcing pedestrians, and in particular wheelchair users and those with prams onto the public road.

8.2 The proposal is therefore not supported by Policies GD1 and H5 of the adopted West Dunbartonshire Local Plan, Policies CP1 and H4 of the proposed West Dunbartonshire Local Development Plan 2 or Policies 14 and 16 of National Planning Framework 4.

9. REASONS FOR REFUSAL

1. The development does not provide sufficient depth in which to park a vehicle off-street which will result in pedestrians and, in particular, wheelchair users and those with prams to be unable to use the public footway. As such the development is contrary to Policy 14 of NPF4, Policy GD1 of the adopted West Dunbartonshire Local Plan and Policy CP1 of the West Dunbartonshire Local Development Plan 2 which requires proposals to improve the quality of an area and to be supported by the six qualities of successful places.
2. The proposal is contrary to Policy 16 of NPF4, Policy H5 of the adopted West Dunbartonshire Local Plan and Policy H4 of the West Dunbartonshire Local Development Plan 2 due to the disruption to the residential amenity of the area resulting from the potential obstruction of the footway.
3. The proposal would potentially bring pedestrians and vehicles into conflict, to the detriment of road and pedestrian safety.

Alan Douglas
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Date: 5th June 2024

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Appendix: Location Plan

Background Papers:

1. Application forms and plans
2. Representations
3. Consultation response
4. National Planning Framework 4
5. West Dunbartonshire Local Plan 2010
6. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended

Wards affected: Ward 5 (Clydebank Central)