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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>2<sup>nd</sup> February 2011</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>10/0380/IC &amp; 10/0026/LB Plan02/11 Local Application Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Formation of driveway and new stairway at Upper Flat, 39 Tower Drive, Gourock.</b>		

## **SITE DESCRIPTION**

The application relates to an upper flat and associated garden ground within a sub-divided two storey villa located on the eastern side of Tower Drive, Gourock, opposite the junction with Divert Road. The villa is finished primarily in white render together with a grey slate roof and is a C(S) listed building. Residential properties of varying design lie adjacent.

## **PROPOSAL**

It is proposed to form a new vehicular access and driveway to the left hand side (when viewed from Tower Drive) of the property, adjacent and parallel the boundary with 37 Tower Drive. The proposed driveway will be approximately 14 metres long. Due to the topography of the garden ground, levels require to be reduced by approximately 900mm to create a drive with a 19% gradient. The levels and gradient of the proposed drive will largely follow those of existing adjacent driveway at number 37. A new balustrade, of a height of approximately 1 metre, will be positioned to the side of the existing pedestrian stair to Tower Drive. Some ornamental shrubbery will require to be removed to accommodate the driveway.

It is further proposed to provide an additional access to the entrance stairway to the front door to the upper property. The new stair will extend approximately 2.3 metres from the rear of the existing stair and provide a rear facing access to the first landing. Materials to be used will match the existing house.

This report considers both Planning Application 10/0380/IC and Listed Building Consent Application 10/0026/LB

## **LOCAL PLAN POLICIES**

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy HR14 - Alterations and Extensions to Listed Buildings

Proposals to alter or extend a listed building must respect the reasons for listing, be of a high standard and will only be approved where the proposed works are satisfactory in terms of the following matters (as and where appropriate):

- (a) overall design;
- (b) scale and form;
- (c) materials and finishes;
- (d) landscaping proposals;
- (e) form of boundary enclosure; and
- (f) compliance with Policy HR1.

#### Local Plan Policy HR15 - The Setting of Listed Buildings

Development will be required to have due regard to the effects on the setting of, and principal views from, Listed Buildings and shall be without detriment to their principal elevations and the main approaches to them.

### **CONSULTATIONS**

**Head of Environmental And Commercial Services** – No objections

### **PUBLICITY**

The application was advertised in the Greenock Telegraph on 17th December 2010 as development affecting a Listed Building.

### **SITE NOTICES**

A site notice was posted for Development Affecting Listed Buildings.

### **PUBLIC PARTICIPATION**

The application was subject of neighbour notification, a press advertisement and a site notice. 22 letters of objection have been received.

The objectors' concerns can be summarised as follows:

1. The privacy of neighbouring residents would be unacceptably reduced by the proposed new drive and stairway.
2. The use of the drive would disturb neighbouring residents by way of noise, headlight glare and exhaust fumes
3. The title and ownership of the site is not highlighted in the drawings.
4. The works may affect services and utilities within the property.
5. A section of neighbouring land is included within the application site.
6. Vehicles entering and exiting the new drive will present a road safety hazard to vehicles and pedestrians.
7. The dimensions of the driveway are insufficient.
8. There will be an inappropriate visibility splay.
9. The drawings show a type of vehicle which the applicant does not own.
10. The existing building is not white, but pale grey.
11. The boundary wall would be unacceptably affected.
12. The development is not in keeping with the existing building.
13. The appearance and setting of the listed building would be unacceptably impacted upon as vehicles would obscure the view to the front elevation.
14. A section of ornamental garden would be removed.
15. The balustrade would be inappropriate within the front garden.

16. An area of shrubbery and trees has been removed in anticipation of constructing the new stair.
17. The application form states no trees or shrubs will be removed and this is incorrect.
18. No details of the construction materials are provided.
19. No drainage details are provided to stop runoff.
20. Formal garden layouts should not be built on.

Six letters of support together with a petition in support containing 20 signatures have also been received. It is stated that the driveway is consistent with the locality where many properties feature similar driveways and that the drive will have a positive benefit on road safety by removing on street parking from Tower Drive. The lower flat at 39 Tower Drive already features a driveway and the new proposal will give the frontage of the property symmetry. The driveway will also allow safe access to the property by a disabled child.

A further letter of support has been received from the applicant. It states that the drive is to allow safe access to the property by a disabled child and minimise the danger to the child of on street parking at the junction of Tower Drive and Divert Road. The applicant further comments that the lower flat at 39 Tower Drive already features a driveway, the new proposal will give the frontage of the property symmetry and that the works would be appropriate for the listed building.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Development Plan, the impact on the character and appearance of the listed building, the impact on the wider streetscape, Historic Scotland's Managing Change in the Historic Environment Guidance Notes, the consultation responses and the representations received.

In first considering the proposed driveway, I note many properties within the vicinity feature driveways including numbers 35, 37, 41 and 43 and the lower flat at 39 Tower Drive. I am therefore satisfied that the formation of the proposed new driveway is consistent with the established pattern of development within Tower Drive and has no unacceptable impact on the wider streetscape. The proposal presents no conflicts with Policy H1 of the Inverclyde local Plan.

Considering the impact on the setting of the listed building, Policy HR15 of the Inverclyde Local Plan advises that development will be required to have due regard to the effects on the setting of and principal views from listed buildings, and shall be without detriment to their principal elevations and the main approaches to them. In considering the acceptability of the proposal, Historic Scotland's Managing Change in the Historic Environment Guidance Notes provides further advice. It informs that where a large house is subdivided into flats, great care must also be taken to ensure that items such as parking areas are sited sensitively. The demolition of garden walls and the combining of two or more areas of garden ground to provide parking for large numbers of cars should always be avoided. Where the creation of a limited area of parking is deemed to be acceptable, openings for access should be restricted in number and size and should be provided with gates in order to maintain street or lane enclosure. The setting back or lowering of boundary walls to facilitate access should be discouraged as this would destroy that sense of enclosure. Loss of garden ground can seriously affect the setting of a listed building and where some parking is to be permitted efforts must always be made to minimise its impact. This can be achieved by strictly limiting the percentage of ground given over to parking and requiring the parking area to be sensitively located. Parking in front of principal elevations should be avoided or, if some parking must be accepted, kept to an absolute minimum. The parking area must be carefully designed and detailed to suit its location within the site, and surfaced in an appropriate material. Proposals to create car parking within garden ground should not be viewed favourably where the potential damage to walling, gates, the setting of the listed building or the character of the conservation area is considered to be too great.

The proposed new driveway will result in the removal of a section of wall to Tower Drive approximately 3 metres in width at the far left of the plot (when facing Tower Drive). The wall does

not offer any ornate features which would be desirable to retain and the section to be removed is kept to the minimum required to accommodate the drive. The main section of the boundary wall across the frontage of the property remains unaffected. Whilst Historic Scotland support the erection of gates across any new opening, many driveways in the locality do not feature gates and I am satisfied that they need not be a requirement of any permission granted. I consider that the siting and the proposed driveway is sensitive to the character and appearance of the listed building and the loss of garden ground is minimal, resulting only in the removal of an area of insignificant garden shrubbery to the side of the property. The proposed driveway would not result in vehicles being parked immediately to the front of the building, to the detriment of the views towards the principal elevations or views from the listed building. I am satisfied that the design and appearance of the proposed driveway is sympathetic to the listed building. It remains however, that materials to be used in construction will require to be in keeping with the character and appearance of the building. Whilst details of the finishing material to the drive have not been provided at this stage, a modern material such as asphalt or a modern block paving would be inappropriate. I am satisfied that compliance with a condition requiring the submission of the proposed finishing material prior to the commencement of works on site will address concerns.

The proposed new railing to the side of the existing stairway and separating the pedestrian and vehicular access would again not disrupt the views towards the listed building from Tower Drive. I consider that a condition requiring the railing to be finished in white would further minimise any unacceptable impact.

I am therefore satisfied that the proposed driveway is appropriately sited within the plot and does not disrupt the frontage of the listed building, to the detriment of its character and appearance. The proposed new drive will have no greater impact on the listed building than the existing driveway for the lower flat, located to the righthand side of the plot. Balancing the frontage with a drive to both the extreme left and extreme right may also focus attention towards the front elevation of the property when viewing the property from Tower Drive. The overall impact on the frontage of the listed building is acceptable and presents no conflict with the advice and guidance provided by Historic Scotland and the aims of policy HR15 of the Inverclyde Local Plan.

Assessing road safety, I note the concerns raised by the objectors with regard to sightlines, the proximity to the junction with Divert Road, the potential hazard to vehicular and pedestrian traffic that may result from vehicles emerging from the new drive and non compliance with the Roads Development Guide. The Head of Environmental and Commercial Services offer no objections on road safety grounds and it would be inappropriate to refuse the application on this basis. As noted, many other properties within the vicinity feature similar driveways. Currently, as the property has no off street parking, vehicles park on the roadside, on the uphill bend adjacent to the junction with Divert Road. The proposed new drive may reduce on street parking in this location, providing a benefit to road safety and the free flow of traffic at this location. On balance, it is therefore considered that the overall impact on road safety is positive.

Assessing the amenity of neighbouring residents, I note that the vehicle will be visible from the lower flat but will not be sited immediately to the front of any window. I do not consider that undue headlight glare or noise disturbance would result from the proposal, nor would exhaust fumes present a real problem to neighbouring residents, to the detriment of their privacy.

In considering the outstanding points raised by the objectors with regard to the driveway, the Head of Environmental and Commercial Services does not require any further details regarding drainage. I note the concern that the vehicle shown on the drawings is a Porsche, and that the applicants do not own this type of vehicle. The vehicle shown on the drawings is purely indicative and the driveway is capable of accommodating two cars. It is the responsibility of the applicant to establish the location of any services and utilities within the garden area prior to the commencement of works on site.

Assessing the proposed alterations to the external stairway to the side of the premises, Policy HR14 of the Inverclyde Local Plan supports alterations to listed buildings where they respect the

reasons for listing. Historic Scotland's Managing Change in the Historic Environment Guidance Notes also provides relevant guidance. I note that the works to provide a new direct access from the lower landing towards the rear garden are largely unseen from public view. The access stairway to the upper flat is not original to the building and I am satisfied that no original features are disturbed by this work. Materials to be used in construction will match the existing property but it is appropriate to require samples of all external material and colour to ensure they are appropriate. I note the objector's concern that the building is grey rather than white as stated, but the requirement to provide a sample of the finished colour will ensure an appropriate match. The alterations to create the new rear facing stairway do not affect the character and appearance of the listed building and present no conflict with policy HR14 of the Local Plan or the spirit of the advice contained within Historic Scotland's guidance.

Assessing neighbouring amenity, I note the position of the side windows for the ground floor premises relative to the new stairway. An assessment must be made as to whether the new stairway will allow unacceptable additional views towards these ground floor windows, to the detriment of the privacy of the occupants. Views to these windows are already available when walking to the rear garden, and it is possible to look straight into these windows. Such an arrangement is commonplace on similarly sub-divided villas. The new stair is set back from the windows and will not allow any greater an opportunity for views to the neighbouring window than currently exists. Views to the side windows of the neighbouring building are also currently possible from the existing stair and the new access would not lead to an unacceptable increase in the potential to overlook.

Considering the outstanding points raised by the objectors, the property does not feature a formal garden layout. The only vegetation to be cleared is ornamental shrubbery within a domestic garden and I am satisfied that the application form is not misleading. Title and legal issues are not material planning considerations and can have no bearing on the assessment of the planning application.

In conclusion, whilst I note the objections raised, I am satisfied that the proposed new driveway will not be to the detriment of the character and appearance and the listed building and is consistent with the pattern of development within Tower Drive which features numerous similar driveways. I am further satisfied that the impact of the new access stair towards the rear is acceptable in terms of the listed building. It is further considered that any impact on the amenity of neighbouring residents is acceptable. The consultation response offers no impediment to the proposal and the driveway provides the opportunity to reduce on street parking at this location which will benefit the free flow of traffic. Whilst I am mindful that a number of objections have been received, there are no material planning considerations which would warrant the refusal of the application for planning permission or listed building consent.

## **RECOMMENDATION**

That planning application 10/0380/IC is granted.

### Conditions

1. That prior to the commencement of works on site, samples of all external finishes to be used in construction of the driveway, including surfacing, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed utilising the materials as approved unless an alternative is agreed in writing.
2. That prior to the commencement of works on site, samples of the external finishes to be used in construction of the new stairway together with the finished colour of the walls shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed utilising the materials as approved unless an alternative is agreed in writing.

3. That prior to the commencement of works on site, a sample of the material and colour of the new balustrade to the side of the driveway shall be submitted to and approved by the Planning Authority. Works shall then proceed utilising the materials as approved unless an alternative is agreed in writing.
4. For the avoidance of doubt, the balustrade hereby permitted will be finished in white and maintained in this colour at all times thereafter unless otherwise agreed in writing by the Planning Authority.

#### Reasons

- 1 – 4. To ensure the finished appearance of the works are appropriate for the existing house and are acceptable in terms of the C(S) listing.

That listed building consent application 10/0026/LB is granted.

#### Conditions

1. That prior to the commencement of works on site, samples of all external finishes to be used in construction of the driveway, including surfacing, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed utilising the materials as approved unless an alternative is agreed in writing.
2. That prior to the commencement of works on site, samples of the external finishes to be used in construction of the new stairway together with the finished colour of the walls shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed utilising the materials as approved unless an alternative is agreed in writing.
3. That prior to the commencement of works on site, a sample of the material and colour of the new balustrade to the side of the driveway shall be submitted to and approved by the Planning Authority. Works shall then proceed utilising the materials as approved unless an alternative is agreed in writing.
4. For the avoidance of doubt, the balustrade hereby permitted will be finished in white and maintained in this colour at all times thereafter unless otherwise agreed in writing by the Planning Authority.

#### Reasons

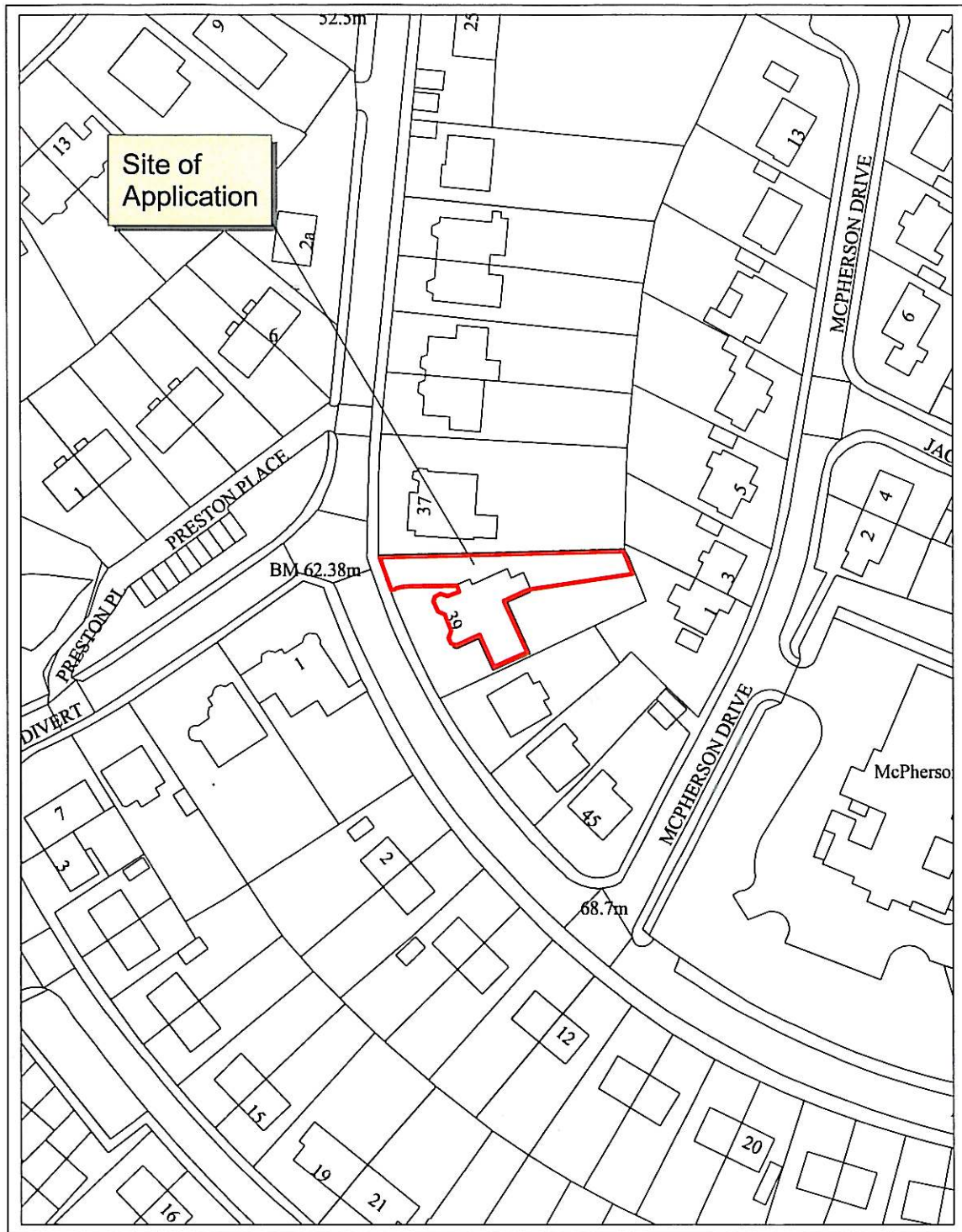
- 1 – 4. To ensure the finished appearance of the works are appropriate for the existing house and are acceptable in terms of the C(S) listing.

Stuart Jamieson  
Head of Regeneration and Planning

#### Background papers

1. Application Forms
2. Application Plans
3. Inverclyde Local Plan
4. Historic Scotland's Managing Change in the Historic Environment Guidance Notes.

5. Consultation response
6. Letters of representation.



Drawing No. 10/0380/IC Upper Flat, 39 Tower Drive, Gourrock.

Drawn by: JML

Date: 12:01:11



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