



Strategic Place Planning

Report of Handling

Site Address:	7 Fairview Walk, Aberdeen, AB22 8ZR,
Application Description:	Change of use from amenity open space to domestic garden ground, erection of wall and re-positioning of rear boundary fence
Application Ref:	190776/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 June 2019
Applicant:	Mr Christopher Williams
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Danestone
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a semi-detached bungalow, its front and rear curtilage and a c.23sqm area of open space to its southwest, in a residential area in Danestone. The site slopes slightly from north to south.

The dwelling has a northeast elevation that fronts Fairview Walk; it bounds 9 Fairview Walk to its northwest and 5 Fairview Walk to the southeast. The southwest curtilage boundary of 7 Fairview Walk is bounded by a c.1.8m high boundary fence, which aligns with the southwest (side) elevation of the garage of 9 Fairview Walk. To the south and southwest of the site is open space, Fairview Street and beyond that Danestone Primary School (c. 50m away).

The c.23sqm of open space within the application site is soft landscaped with grass. The area of open space in the application site bounds a public footpath immediately to its southwest, which connects Fairview Street with Fairview Walk and the wider residential area to the north. The open space forms part of a substantial network of open spaces on both sides of the 1.3km long Fairview Street (located to the south of the site), which separates private residential curtilage from Fairview Street. There are several public footpath corridors connecting the residential streets of Danestone with Fairview Street.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the change of use of an area of c.23sqm of open space to domestic garden ground; the raising of the ground level of the area by c.0.3m to the existing garden level; the erection of a c.0.3m high fyfestone finished retaining wall; and a 1.8m high treated timber boundary fence around this space so that it would form part of the garden ground of 7 Fairview Walk. The fence would be c. 9.8m long on its southwest facing section; c.2m long on its northwest facing section; and c.2.1m on its south facing section, which would align with the existing south facing boundary of the fence.

The ownership of the site is not relevant to the assessment of the planning application. The 23sqm area of open space is an area that would be changed if granted planning permission is a visibly defined publicly accessible open space outside of the existing residential curtilage, which can be used responsibly by the public in accordance with access legislation.

Supporting Documents

All drawings and the supporting statement can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PRA0TOBZFVG00>

Supporting Information (written by the applicant) – Justifies the reason for the proposal by stating that they are in ownership of the area of open space within the application site and that the fence and retaining wall would be to improve the privacy of the property from Fairview Street and Danestone Primary School.

CONSULTATIONS

Land and Property Assets – The area of open space does not seem to be under Council ownership.

Danestone Community Council – No response received.

REPRESENTATIONS

None

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

Scottish Planning Policy

National Planning Framework 3 (NPF3)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP) (2017)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Policy NE3 - Urban Green Space

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

EVALUATION

Aberdeen City and Shire Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Proposed Change of Use to Residential Curtilage

The application site is located within a residential area, under Policy H1 of the ALDP and relates to a change of use of the land to domestic garden ground. For this proposal to comply with Policy H1 in principle, the change of use should not have an unacceptable impact on the character and amenity of the surrounding area, it should not result in the loss of valuable and valued open space, and it should comply with the Supplementary Guidance.

The 23sqm area of open space which would be subject to a change of use is located in a prominent location almost immediately bounding a public pedestrian footpath to the north of Fairview Street, and separates the curtilage and fence of 7 Fairview Walk from the public footpath. The site is within a band of open space which is part of a wider and defined network of open spaces that runs the 1.3km length of Fairview Street in Danestone which serves as a soft buffer between the private residential curtilage of properties in Danestone from Fairview Street and the pedestrian paths through the spaces. The site was included on the Open Space Audit 2010 and its overall quality was quantified with an above average score of 15/25. The site itself and the wider green space is a valuable area of publicly accessible open space that significantly contributes to the character and amenity of the surrounding area and the wider area of Danestone. The change of use of this land to domestic curtilage and enclosure of 20sqm of this space would result in the loss of this space to the public, to the detriment of public amenity, in conflict with Policy H1 – Residential Areas.

Policy NE3 states that permission will not be granted to redevelop areas of urban green space for any use other than recreation and sport. Given the 23sqm area of the space, it would be very unlikely that the space could be changed to such a use. NE3 states that exceptions will be made where an equivalent and equally convenient area of for public space is laid out and made available in the locality by the applicant for urban green spaces purposes. The proposal has not laid out

such a space. The proposal would result in a net loss of quality and publicly accessible green space, in conflict with the aims of this policy.

Proposed Physical Development

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. 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.

The proposed boundary treatment, the fence and retaining wall and its siting immediately abutting the footpath would result in the loss of this attractive natural landscaped setting, to the detriment of the character and amenity of the surrounding area. The proposal would result in an irregular boundary layout, in conflict with the HDG, as the fence line would extend c.2m out beyond the consistent southwest boundary line shared with 9 Fairview Walk. Whilst not to a degree that would make the path connecting Fairview Street and Fairview Walk less safe to use, the narrowing of the corridor would result in the footpath being less inviting, particularly from Fairview Street as the view into Fairview Walk would become more unclear, in conflict with the HDG. The proposed fence has not been designed with due consideration to siting and the established pattern of development, in conflict with the HDG, and Policies H1 and D1 of the ALDP.

Notwithstanding the irregular layout and loss of the space, the design of the fence and retaining wall in themselves would comply with the HDG in that they would be of materials reflective of the nearby private residential boundary treatment. Likewise, the in-fill of the ground would not in itself have any adversely impact on character and amenity of the surrounding area. The fence would not adversely affect neighbouring residential amenity in terms of negatively affecting the level of sunlight, privacy and daylight afforded to neighbouring properties.

Precedent

The HDG states that proposals should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping. Notwithstanding the removal of this space, the change of use would initiate the fragmentation of the wider area of open space. An area bounding 9 Fairview Walk, to the north of the site, would be isolated from the rest of the open space, in conflict with the HDG. Furthermore, there are no examples in the area whereby planning permission has been granted for the change of use to domestic garden ground under current policies and guidance anywhere along either side of Fairview Street. If planning permission was granted for this proposal, it would be likely to set a precedent for similar proposals whereby this wider green space could be incrementally eroded, in conflict with the HDG. The cumulative impact of the loss of separate areas of ground could lead to the gradual erosion of the wider amenity open space, to the significant detriment of the character and amenity of the surrounding area, in conflict with Policies H1 and D1 of the ALDP.

Summary

Scottish Planning Policy states that NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns and that green infrastructure and improved access to open space can help to build stronger, healthier communities. The Supplementary Guidance: Green Space Network & Open Space recognises that access to good quality green infrastructure will contribute to a greener, healthier, smarter, safer, stronger, wealthier and fairer city. The proposal would result in the loss of an area of valuable open space which makes a worthwhile contribution to the character and amenity of the area. The proposal could set a precedent for the loss of the wider amenity open space. The proposal would therefore conflict with the principles of Scottish Planning Policy, Policies H1, NE3 and of the ALDP; and the HDG and 'Green Space Network and Open Space' SG.

Matters Raised in the Supporting Statement

Whilst the matters with respect to privacy are noted, there are likely to be alternative means in which the privacy of 7 Fairview Walk could be increased which would not result in the loss of green space, which for the determining factors above would be significantly detrimental to the character and amenity of the surrounding area and conflict with national and local planning policies and guidance. The ownership of the land is not relevant in the assessment of this planning application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed change of use to residential curtilage and the erection of a retaining wall and boundary fence would result in the loss of a valuable area a green space which contributes to the character and amenity of the area by providing a soft landscaped and open setting to the north of Fairview Street and the public footpath linking Fairview Street and Fairview Walk and in terms of providing usable publicly accessible open space. The proposal would conflict with the Supplementary Guidance: 'The Householder Development Guide' in itself in that it would fragment the wider area of the open space between Fairview Walk and Fairview Street, would result in an irregular domestic boundary extending beyond the consistent boundary to the public footpath and would result in the narrowing of the footpath corridor which would make it less inviting to use, particularly from Fairview Street. If planning permission was granted it could set a precedent for the incremental erosion of the wider amenity open space along the c.1.3km length of the band of open spaces at both sides of Fairview Street, thereby resulting in further detriment to the character and amenity of the surrounding area. The proposal would conflict with the principles of National Planning Framework 3, Scottish Planning Policy, Policies H1 – Residential Areas, NE3 – Urban Green Space and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the grant of planning permission in this instance.