

Appeal of Planning Decision (Refusal) for Change of use from amenity open space to domestic garden ground, erection of wall and re-positioning of rear boundary fence at 7 Fairview Walk, Aberdeen.

The Decision Notice for refusing the above titled planning application Ref No 190776/DPP, dated 2nd August 2019, suggests a number of reasons for refusal which I will try to address here and appeal that the decision is reversed.

Aberdeen City Council argued that the proposed change of use would *'result in the loss of a valuable area (of) 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'*.

I believe that this area of uneven, sloped grass verge serves little purpose to the surrounding area. It is currently a small area which is 'cut' by the authority but not maintained to any quality standard. The edges on the back side of the fence are uncut and left overgrown. The amenity space in front of the area in question is extensive, as is the green space in the Fairview area. I believe the proposal would improve the appearance of the North side of the path linking Fairview Walk and Fairview Street. The change would bear minimal disturbance to any usability of the green space, as the space to be enclosed is small enough to have little recreational use (approx. 2m x 10 m).

Aberdeen City Council argued that *'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'*.

I believe that the proposed continuation of the perimeter of the garden ground would not cause fragmentation of the area. To enclose the ground immediately adjacent to the garden which is already bounded by a path would pose little detriment to the features of the surrounding area. The boundary would be in keeping with the line of the fence travelling East to West and therefore continue a smooth boundary line to the footpath. The proposed return from the path to the garage of 9 Fairview Walk is no different from any other fence line in the majority of cases in the Fairview area where a fence meets a footpath. There are a number of paths that extend from the residential areas to Fairview Street. Garden boundaries in the majority of cases in the houses nearby extend to the edges of these

footpaths. The footpath directly behind 7 Fairview Walk is the only footpath leading to Fairview Street that is curved. If other properties in the development have fences that follow the footpath boundary I do not see why this property should be any different, especially if stated that it should be this way as per the title deeds. Furthermore, the footpath corridor would remain extremely open compared to other footpaths in the vicinity as there is extensive green area between this path and Fairview Street.

Aberdeen City Council argued that *'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'*.

As stated above, this is the only footpath along the length of Fairview Street that curves away from a property directly in front of it. All other properties already have boundaries directly alongside footpaths and so there should be very limited scope for further erosion of any of the green space up the length of Fairview Street.

Furthermore, in recent years (2014), the property of 6a Fairview Walk was granted planning permission for a 2 storey extension. This is within a green space adjacent to a road (rather than a footpath) and the proposed development would have been completely outside the current confines of any boundary fencing (but within their boundary line as described in their title deeds). I would consider my application for a boundary repositioning less imposing to the existing amenity space than the build of a two storey extension.

I have provided photographic evidence in the supporting documents of various footpaths in the Fairview area to further show existing property boundaries with relation to footpaths and the extent of existing footpath corridors in the area compared to that at the back of 7 Fairview Walk.