

# LOCAL REVIEW BODY



211307/DPP– Review against refusal of planning permission for:

Change of use from amenity land to garden ground

25 Seaview Place, Aberdeen

# Location Plan





hill Cres

Seaview Pl

Seaview Place

Seaview Ave

Seaview Dr

Dubford Rd





Black arrows show the direction photographs have been taken from and point in the either direction back towards the application site or away from the application site



Photo 8 showing Drystone dyke and path a Shielhill looking back towards 25 Seaview Place also shows drystone dyke as shown in Photo 7



Photo 9 – taken from ground at rear of Shielhill Houses looking back towards Seaview Houses – top right picture shows roof of 19 Seaview Place and also visible is roof of 25 Seaview Place shown again with green lines

Photo 7 shows Drystone Dyke wall looking back in an east direction towards 25 Seaview Place –unpassable no longer a path



Red Line - shows Drystone dyke wall

Photo 3 taken from rear of 18/19 Seaview Place (south west of 25 Seaview Place) looking back in an east direction towards rear of 25 Seaview Place

Photo 4 also taken from rear of 18 Seaview Place from different angle looking back in an east direction towards rear of 25 Seaview Place

Photo 10 – taken looking in a south west position from area close to 23 Seaview Place from ground on other side of drystone dyke wall on Shielhill side



Photo 5 - Accessible footpath which is at new development at Shielhill which ties into Seaview Place footpath at the rear of 29/30 Seaview Place – also show on map in yellow arrow at the point it joins



25 Seaview Place

Photo 2 –taken from rear of 29 Seaview Place looking south west towards rear of 25 Seaview Place

Photo 1 – taken from rear fence 25 Seaview Place showing rear of 26 Seaview Place bushes / drystone dyke and towards footpath and new housing estate at Shielhill

Photo 6 – taken again from rear of 29 Seaview Place looking south west towards rear of 25 Seaview Place after clearance of some bushes to gain access to maintain

# Reasons for Decision

Stated in full in decision notice. Key points:

- Adverse impact on biodiversity – Open Space Audie showed site to be of value
- Loss of public open space causing loss of amenity and character
- Adverse affect on wider space, creating irregular boundary and constraining maintenance to stone dyke.
- Precedent which could cause cumulative erosion of open space
- Proposal would be therefore contrary to policy on open space, design, landscape, natural heritage, residential reas, granite heritage, and the Householder Design Guide, as well as national advice on open space and policies in the Proposed Plan.
  
- Adverse impact cannot be mitigated with design or conditions, it being contrary to public interest in the long term to allow conversion of the garden to private space.

# Applicant's Case

- Proposal would not result in loss of an area that is of amenity, recreational, landscape or wildlife value, and it would improve quality of life of the occupiers of the house.
- Complies with aim of Strategic Development Plan to make the city a more attractive place for residents
- Proposal satisfies the criteria in the Householder Design Guide for change of use of amenity ground, and therefore accords with Policy H1: Residential Areas
- Proposal complies with various other policies on design, landscape, granite heritage, green space network, natural heritage and access.
- Proposal is supported by national policy as contributes to sustainable development, supports health and wellbeing, and open space.
- The informal footpath which previously crossed the site is now disused and overgrown and an alternative exists.





# H1: Residential Areas

- Would it have an *‘unacceptable impact on the character and amenity’* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?  
(e.g. Householder Development Guide – come back to this)



# Householder Design Guidance SG

## 3.1.11 Change of Use from Amenity Space to Garden Ground

Planning permission will always be required for the change of use of amenity space to private garden ground.

**Each planning application for change of use is dealt with on its own individual merits. However, in considering whether an application is acceptable the Council will assess the proposal against the following criteria:**

- The proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area. In most circumstances the amenity ground will make a contribution, however sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines;
- The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping;
- The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission;

- The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in circumstances where it is acceptable replacement planting to compensate will normally be required;



In rare circumstances where the loss of amenity land containing mature trees is considered acceptable, replacement planting will be required.

# Householder SG – Change of Use, continued

- The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area;
- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use;
- The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions;
- The proposal should not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future. Over time the cumulative impact of the loss of separate areas of ground can lead to the gradual erosion of amenity space, which is not in the public interest and can affect the overall amenity and appearance of the area;
- Amenity space and landscaping are valued assets within residential areas. They are common features in most housing developments and are provided for a number of reasons including –
  - to improve the appearance of the area;
  - to provide wildlife habitats, enhance ecology and often form part of sustainable urban drainage systems;
  - to act as pedestrian routes through developments;
  - to provide informal recreation areas;
  - to provide good safety standards for drivers, cyclists and pedestrians in terms of road verges or visibility splays.

## **Other Policies:**

Policy NE1 – Green Space Network

Policy NE3 – Urban Green Space

Policy NE5 – Trees and Woodland

Policy NE8 – Natural Heritage

Policy NE9 – Access and Informal Recreation

Policy D1 – Design

Policy D2 – Landscape

Policy D5 – Granite Heritage

Proposed Plan 2020

Scottish Planning Policy - Presumption in favour of sustainable development.

Planning Advice Note on Open Space

# Points for Consideration:

Zoning: Do members consider that the proposed change of use would adversely affect the character or amenity of the area, as set out in policy H1?

*Would the change of use to private garden comply with the Householder Design Guide ?*

*Other considerations: biodiversity, access, recreation.*

**1. Does the proposal comply with the Development Plan when considered as a whole?**

**2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)