

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources
DATE	21 June 2012
DIRECTOR	Pete Leonard
TITLE OF REPORT	Hazlehead Residential Area – Consultation on Sale or Lease of Amenity Areas
REPORT NUMBER:	H&E/12/025

1. PURPOSE OF REPORT

This section discusses the implications of a motion by Councillor Jennifer Stewart following consultation with the affected residents on the possible sale or lease of appropriate portions of adjacent amenity Council owned land as individual defensible garden areas to the occupiers of the terraced dwellings in the Hazlehead area.

2. RECOMMENDATION(S)

- 1) that the Committee note the results of the consultation and
- 2) that no further action is taken other than to apply the existing policy on the sale of 'the sale of Amenity Ground' for any individual applications from residents.

3. FINANCIAL IMPLICATIONS

There could be capital receipts from the sale of garden areas providing any redesign works are met by the purchaser. However, maintenance costs could actually increase should it be necessary to provide less economical means of maintaining the remaining grounds.

4. OTHER IMPLICATIONS

It is envisaged there would be considerable legal work in adjusting title deeds of former Council houses which may incorporate rights in common to drying areas etc within the land identified for possible garden areas.

5. BACKGROUND/MAIN ISSUES

The purpose of this report is to advise members on the outcome of the consultation with the owners and tenants of terraced properties where

possible defensible garden ground could be created by sale or lease of amenity areas.

The terraced dwellings are accessed either by adopted or unadopted footpaths which run parallel and close to the buildings in such a way that none of the houses have exclusive garden ground immediately adjacent to the properties. The terraced houses had been designed to wrap around pocket amenity areas at the front or rear with further desire line footpaths also created.

Following the Tenants Rights Act 1980 many of the houses have been sold leaving a mix of private owners and Council tenants as occupiers of the properties. Some of the properties have been sold with a right in common to drying areas and bin stores in the middle of amenity areas.

In terms of creating private gardens, consideration must be given to the extent of the impact on amenity ground. Where areas are enclosed by rows of dwellings and any gardens would not abut the larger areas of open space, then the creation of gardens may well not impact adversely on the general level of residential amenity. Equally, where gardens are created on the more 'public' side of dwellings, there would more likely be an adverse impact on amenity.

A total of 69 properties were identified as suitable for consideration of creating defensible garden ground with no real adverse impact on the residential amenity. The consultation included indicative costs which included all legal expenses, change of use application, property enquiry fees and the purchase cost. It was estimated that the likely cost to each purchaser would be in the region of £1900.

A total of 32 residents responded to the consultation which represents 46% of those consulted. Of those responding 2/3rds were not willing to purchase or lease the ground.

Only 9 residents were willing to considering purchasing and further consideration can be given to these residents on an individual basis subject to the impact this would have on the maintenance of the remaining ground, which would become increasingly more difficult and expensive to maintain by a patchwork of transferred ground.

6. IMPACT

Corporate – The proposals contained within this report are in line with the Council's policy on effective use and management of its property assets.

Public – The creation of defensible garden spaces in enclosed areas is likely to have little impact or interest of the general public. Creation of gardens in the more public areas may be of interest particularly in regards to the standard of maintenance.

7. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

Graham Souter
Housing Manager
gsouter@aberdeencity.gov.uk
522135