

1 JESMOND GARDENS, BRIDGE OF DON

CHANGE OF USE FROM AMENITY
GROUND TO GARDEN GROUND AND
ERECT BOUNDARY WALL

For: Mr Colin Beveridge

Application Ref. : P120342
Application Date : 06/03/2012
Officer : Jane Forbes
Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Full Notify not poss.
(neighbours)
Advertised on : 21/03/2012
Committee Date : 19 July 2012
Community Council : Comments



RECOMMENDATION: Approve Unconditionally

DESCRIPTION

The application site comprises an area of former public amenity space which extends to approximately 15 square metres and lies directly to the rear (south) of 1 Jesmond Gardens, Bridge of Don. The site forms part of a wider area of open space which separates the residential properties of Jesmond Gardens and Jesmond Circle to the north and Lee Crescent North to the south. A footpath extends the length of this open space, with mature trees and shrubs along the path providing screening to the rear boundaries of the residential properties. The site has been incorporated into the back garden of No 1 Jesmond Gardens, with a blockwork wall erected to a height of between 1300mm and 1800mm along the rear boundary. No 1 Jesmond Gardens is a single storey detached modern dwellinghouse with a single linked garage which lies to the front of the property.

HISTORY

Planning permission (Ref: 11/0166) was granted by delegated powers in March 2011 for a house extension.

PROPOSAL

Retrospective planning permission is sought for the change of use of an area of amenity ground into private garden ground and for the erection of a 1800mm high wooden gate and blockwork wall varying in height between 1300mm and 1800mm along the rear boundary of No 1 Jesmond Gardens. The area of amenity ground which is the subject of this application has already been incorporated into the garden, and the wall and gate erected. The proposal includes a rendered finish to the wall which has not been completed.

REASON FOR REFERRAL TO SUB-COMMITTEE

This application is before the Development Management Sub-Committee because the proposal relates to land in the ownership of the City Council.

CONSULTATIONS

ROADS SECTION – Response received - no observations.

ENVIRONMENTAL HEALTH – No response received.

COMMUNITY COUNCIL – Issues raised in a letter of representation received from Bridge of Don Community Council can be summarised as follows:

- The proposal does not appear to create problems in the area, however there is the possibility that this would set a precedent for similar applications;
- It is hoped that any similar application would be looked at individually on its own merits;
- The Community Council would not wish any amenity land to be lost to the detriment of local people.

REPRESENTATIONS

No further representation was received beyond the above-mentioned letter submitted by the Bridge of Don Community Council.

PLANNING POLICY

Aberdeen Local Development Plan 2012: Policy H1 (Residential Areas) – The site is located within an H1 Residential Area, where the Council seeks to retain the residential character and amenity of the area. Proposals for householder

development will be approved in principle if they do not result in the loss of valuable and valued areas of open space.

Aberdeen Local Development Plan 2012: Policy NE1 (Green Space Network) - The site forms part of the Green Space Network which seeks to retain and enhance existing public access; and where the coherence of the network should be taken into account when considering development proposals.

EVALUATION

Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that, in making a determination under the planning acts, regard is to be had to the provisions of the Local 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. In this instance, the issues for consideration are the impact which the change of use of amenity ground to garden ground has on the residential character and amenity of the area, and whether this change of use affects existing public access and the coherency of the green space network.

In terms of Policy H1 of the Aberdeen Local Development Plan the proposed change of use from amenity to garden ground is not considered to have an adverse effect on the residential character and amenity of the area. Although the proposal undoubtedly leads to the loss of a small area of open space to the rear of the dwellinghouse at No 1 Jesmond Gardens, the loss of this ground does not impact on the existing use of the wider amenity area, with full access remaining to the path which lies to the rear of the dwellinghouse and the surrounding green space network, nor does the loss of this area of open space impact on the existing soft landscaping immediately to the south of the application site which remains intact. In terms of the erection of a wall along the rear boundary of the property at No 1 Jesmond Gardens, whilst the wall would be visible from Jesmond Drive and to the south of the site along the public footpath, the height and finish of this boundary wall are considered appropriate in the context of the surrounding residential area.

The application site forms part of the Green Space Network and comprises a small section of a green corridor which extends either side of Jesmond Drive. The incorporation of the application site into private garden ground has no adverse impact on pedestrian access, with a width of approximately 10 metres remaining either side of an existing path lying to the west of Jesmond Drive. Furthermore, the loss of this area of amenity space has minimal impact on the character of the surrounding area, with mature shrubs and trees remaining to the south of the boundary wall, and the general coherency of the green space network being unaffected.

In terms of the letter of representation, whilst it is clear that concerns are not being raised by the Community Council in relation to the loss of amenity ground in this instance, they have raised the issue that were this proposal to be approved, this should not establish a precedent for future proposals of a similar nature, and that each application should be assessed on its own merits.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

that the change of use of the amenity ground into garden ground and the erection of the boundary wall are acceptable in terms of Policies NE1 and H1 of the Aberdeen Local Development Plan. The proposal is not considered to have an adverse impact on the residential character and amenity of the surrounding area, and whilst the application site is part of the Green Space Network, it is not considered that the loss of this small area of amenity ground would significantly erode or result in the loss of function of the wider Green Space Network, with a high level of access remaining available.

Dr Margaret Bochel

Head of Planning and Sustainable Development.