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## **APPLICATION FOR PLANNING PERMISSION (12/00119/DPP) FOR CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND AND ERECTION OF FENCE AT 279 CAMERON CRESCENT, BONNYRIGG**

Report by Head of Planning and Development

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### **1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The application is for the change of use of public open space to private garden and the erection of a fence at land adjacent 279 Cameron Crescent, Bonnyrigg. There has been six letters of objection and no consultations were required. The relevant development plan policies are RP20 and RP30 of the Midlothian Local Plan and the recommendation is to refuse planning permission because the loss of the area of open space would have a detrimental impact on the character and visual amenity of the surrounding area.**

### **2 LOCATION AND SITE DESCRIPTION**

- 2.1** The application site is located in Cameron Crescent to the south west of Bonnyrigg. Cameron Crescent consists of predominantly two storey terraced houses with a few semi-detached two storey and single storey houses. In the main the fronts of the houses are served by pedestrian footpaths with separate parking areas.
- 2.2** The application property comprises a single storey semi-detached dwellinghouse and its associated garden. The application specifically relates to an area of grassed public open space containing two trees located to the west of the house adjacent to a parking area. The area of open space measures 5.6m wide and 21.2m long.

### **3 PROPOSAL**

- 3.1** It is proposed to extend the garden of no 279 by 4.45m into the area of public open space and enclose the land with a 1.95m high fence around the back garden and a 1m high fence at the front. A 1.15m wide grass verge would remain adjacent to the parking area. The design of the proposed fence would match the one already erected around the existing garden ground.

## **4 BACKGROUND**

- 4.1 The application property and area of open space is Council owned and the applicant is a Council tenant. Regulation 3 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 requires applications that relate to land in the ownership of the planning authority to be considered by the Planning Committee.
- 4.2 The applicant has applied to the Council's Housing section, which is agreeable to the applicant using the area of land concerned subject to conditions, including a requirement that the new fence matches the existing, and that the two established trees are retained. The applicant's agent has confirmed that the ground is to be used by the applicant to grow vegetables.

## **4 CONSULTATIONS**

- 4.1 No consultations were required.

## **5 REPRESENTATIONS**

- 5.1 Six letters of objection have been received. The objections raise the following points:
- The ground is to be used by the tenant's father who does not reside at the application property. The occupier only stays in the property 2 days a week;
  - Queries are raised why the applicant should gain additional space free of charge;
  - The grassed areas in Cameron Crescent make the area look nice/the proposal will be an eyesore;
  - Concern regarding future maintenance when the existing tenant moves out;
  - The fence will obstruct access to cars/the boots of cars parked adjacent to this area;
  - Not enough space for the grass cutter between the fence and parked cars;
  - Children play in this area;
  - The fence will restrict surveillance of the cars of occupants of Cameron Crescent;
  - The fence will obstruct the outlook from no 263 Cameron Crescent; and
  - Concern regarding damage to parked cars as a result of the fence coming down in adverse weather and whose responsibility this would be.

## **6 PLANNING POLICY**

- 6.1 The development plan comprises the Edinburgh and Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan,

adopted in December 2008. The following policies are relevant to the assessment of the application:

- 6.2 Midlothian Local Plan Policy **RP20: Development within the Built-Up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 6.3 Midlothian Local Plan Policy **RP30: Open Space in Towns and Villages** states that development will not be permitted on open spaces where: they form a visually important part of the settlement or are an integral part of the layout of adjacent buildings; it would result in the loss of an attractive landscaped area; it would result in the loss of land important to informal recreation; or it would result in a material change in the character of the locality
- 6.4 Planning Advice Note (PAN) 65 Planning and Open Space (2008) recognises that open spaces contribute to the amenity and character of an area and can help soften the impact of development.

## **7 PLANNING ISSUES**

- 7.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations made are material considerations.
- 7.2 The central issue in the consideration of the application is the impact of the proposal on the visual amenity of the surrounding area.
- 7.3 The area of open space concerned is located adjacent to a communal parking area within the Cameron Crescent residential area. The character of the area is defined by the dense form of development. In this form of development areas of informal open space are particularly important in adding interest and visual amenity to the surrounding area. The open space subject to this application enhances the appearance of the street scene providing a visual relief from the parked cars and the fences which bound the residential properties.
- 7.4 The proposed enclosure of this area with a predominantly 1.95m high fence would appear as a stark feature as compared to the existing area of open space. Notwithstanding the 1.15m verge remaining, the fence would present a harsh edge adjacent to the parking area detrimental to the visual amenity of the surrounding area and as such is contrary to development plan policies RP20 and RP30. The proposed 1m high fence around the front garden would have less of an impact on the visual amenity of the surrounding area. Although, the fence will have a detriment impact on the street scene it will not have a significant impact on the outlook from 263 Cameron Crescent, because of the distance that separates these two properties and it will not significantly restrict surveillance of parked cars.

- 7.5 One objector has stated that children play in the area of open space. There is no formal provision for play on this land and taking in to account its location adjacent to a parking area it is questionable whether it is suitable for such a use. However, the objections reinforce the point that the open space has amenity value to local residents.
- 7.6 The proposed fence will obstruct pedestrian access over the open space, but will not cause an obstruction to parked cars from the footpath network and may only limit access to car boots if parked in reverse close to the kerb. These issues in themselves do not warrant refusal of planning permission.
- 7.7 The issues of future maintenance of the enlarged garden, the fence and the verge, and possible damage to cars are not material planning considerations in the assessment of the application.
- 7.8 In summary the proposal would have an unacceptable impact on the visual amenity of the surrounding area and accordingly is contrary to development plan policies, and there are no material considerations to outweigh this conclusion.

## **8 RECOMMENDATION**

- 8.1 It is recommended that planning permission be refused for the following reason:

*The affected area of open space is of particular value in that it adds interest and enhances the appearance of the surrounding area providing an amenity for both residents and passers by. The proposed development would result in the loss of the visual benefits of the area of open space with a detrimental impact on the character and visual amenity of the surrounding area contrary to policies RP20 and RP30 of the Midlothian Local Plan.*

**Ian Johnson**  
**Head of Planning and Development**

**6 June 2012**

<b>Application No:</b>	<b>12/00119/DPP</b>
<b>Registered Valid:</b>	<b>28 February 2012</b>
<b>Agent:</b>	<b>Alan Hardie, 5 Mitchell Street, Dalkeith</b>
<b>Applicant:</b>	<b>Miss Heather MacMurchie, 279 Cameron Crescent, Bonnyrigg</b>
<b>Contact Person:</b>	<b>Ingrid Forteath</b>
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<b>Background Papers:</b>	<b>N/A</b>