

5. **LRB 415** – Notice of Review Against Refusal Full Planning Permission for Change of Use of Public Open Space to Garden Ground, Alterations to Dwellinghouse and Erection of Double Garage Store at 17 Hilltop Gardens, Westhill, AB32 6PN – Reference: APP/2017/2765

Local Review Body: Councillors F C P Hood (Chair), R Cassie P Gibb, J Hutchison, P K Johnston and I Sutherland

- (i) Additional Information Requested from the Planning Service

Members/Officers are reminded that they should bring the agenda papers which were issued to them for the Local Review Body meeting of 25 May, 2018 where this Notice of Review was initially considered.



Our Ref: APP/2017/2765
Your Ref: LRB 415 FB/fb

Ask for: Aoife Murphy
Direct Dial: 01467539522
Email: aoife.murphy@aberdeenshire.gov.uk

Frances Brown
localreviewbody@aberdeenshire.gov.uk

6 June 2018

Dear Frances,

Notice of Review under the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Full Planning permission for Change of Use of Public Open Space to Garden Ground, Alterations to Dwellinghouse and Erection of Double Garage/Store at 17 Hilltop Gardens, Westhill, Aberdeenshire, AB32 6PN

I write in relation to your request for further information, dated 28 May 2018, for the above application that is currently being considered by the Local Review Body. I will aim to address your requests in the order you have raised them.

1. Paragraph 5 of Section 11 confirms that the area of land which was considered under this application is an area of open space for the residential development in which this site sits, the justification for this is that the piece of land lies beyond the domestic curtilage and therefore not considered to be private garden ground. The physical appearance of this piece of land also suggests that it would be free to use by members of the public at any time, in that there are no physical barriers to the site, such as a fence. The open space is also considered to add to the developments "sense of place" in that it creates an area that is welcoming and safe. In addition, it is also considered that this area of land also contributes to the open space provision for this development.
2. In relation to point 2, your letters states that a historic planning application was used in the determination this application. However, having reviewed the report of handling on file, Section 2 refers to three planning applications from 1995, 2003 and 2016 respectively and no reference is made to a 1982 application. In this instance, I have reviewed the planning history for the site and I can confirm that it does not fall within the site boundary for 95/1483/01, therefore this application should not have been referenced in the report. However, it is not considered that the 1995



application was not used in the determination of this application and was just listed to show the planning history of the site.

I trust the above answers your queries regarding the application currently under review, however, if there any anymore questions please do not hesitate to contact me.

Yours faithfully

Aoifé Murphy
Senior Planner