

Enforcement Report
43 North Greens
Edinburgh
EH15 3RT

Development Quality Sub-Committee
Of the Planning Committee

Owner/s Unknown
Occupier Unknown
Reference No: 04/00305/E28

1. Purpose of Report

Breach of Control: The unauthorised change of use of a dwellinghouse to two dwellinghouses at 43 North Greens, Edinburgh.

Recommendation: That the Committee agree to take no further action in respect of this change of use.

2. Main Report

Site Description

The property is a modern two-storey detached house on a corner plot, towards the east of the North Greens estate. It is approximately 40 metres east of, and 60 metres north of, the junction between North Greens and the Jewel.

It has been subdivided to create two dwellinghouses. The larger of the properties has three bedrooms and the smaller two bedrooms. The front garden and driveway appear to be part of the curtilage of the larger property. At the rear, the garden has been sub-divided. The garden area allocated to the larger house is approximately 88 square metres and the area allocated to the smaller house is approximately 36 square metres.

The property is not listed or within a Conservation Area.

History

May 1992 – Planning permission was granted for a two-storey side extension to the east of the building and for a single storey rear extension (92/00331/FUL).

February 2001 – Planning permission was granted for a two-storey side extension to the west of the building (00/02877/FUL).

Representations

One letter has been received from a neighbour stating that the property had been subdivided.

Consultations

No consultations were undertaken.

Policy

The site lies within the South East Edinburgh Local Plan area. The adopted plan notes (2.11) that the Council has a general concern to protect residential amenity and ensure that new development adheres to good standards of design, layout and landscaping. Also relevant is the replacement South East Edinburgh Local Plan which is soon to be adopted. The replacement plan notes in terms of housing diversity (5.16) that it will seek to encourage greater diversity of provision, and aim to ensure that the needs of different population groups are catered for within individual communities. A number of policies are relevant.

South East Edinburgh Local Plan (Adopted)

Policy H3 states that all new housing development must make provision for landscaping and open space in conformity with the Council's standards or as otherwise indicated in this Local Plan for particular sites.

Policy H4 states that new development should be sympathetic in scale, character and density with its surroundings. In the Conservation Areas in particular, special care will be required of developers to ensure that local character and amenity is protected.

Policy T5 states that adequate provision for car parking must be made by developers in conformity with the District Council's adopted standards.

Note: The Appendix to the Local Plan states that in terms of car parking one space plus 50% visitors' parking should be provided per dwelling created. In terms of open space the Appendix states that open space provision will not normally be required where the development of small gap sites is proposed.

South East Edinburgh Local Plan (Replacement)

Policy H2 (General Housing Policy) states that development for housing by way of new development, redevelopment, conversion of existing buildings and change of use will be acceptable, unless other policies in this Plan indicate otherwise and provided a satisfactory level of residential amenity can be achieved.

Policy H4 (Housing Development Quality) states that new housing development should:

- a) make the best use of urban land without damaging the character and amenity of residential areas;
- b) be well laid out in terms of access, parking, amenities and landscaping and giving priority to the needs of pedestrians and cyclists;
- c) provide amounts and types of open space appropriate to the development and the area in which it is situated;
- d) provide a residential environment which affords ease of access, safety and security for all and engenders a sense of community.

Policy H6 (Protection of Amenity) Development for whatever purpose, including change of use proposals, which would result in an unacceptable reduction in amenity for residents in the locality will not be permitted.

Policy H8 (Housing Diversity) states that a variety and a balanced mix of housing types will be sought in new housing schemes to cater for the needs of different population groups. Layouts should be designed so as not to present any barriers to use by people with restricted or impaired mobility.

Policy T9 (Private Parking) states that car parking provision will be required in conformity with the Council's adopted parking standards.

Non-Statutory Guidelines

The Council's Parking Standards state that one parking space per dwelling will be a minimum standard outside the controlled parking zone, to ensure that new residential development does not unreasonably exploit the availability of free on-street parking.

3. Conclusions and Recommendations

Determining Issues

The determining issues are whether, the change of use from 1 dwellinghouse to 2 dwellinghouses has an adverse effect on residential amenity, a suitable level of amenity is provided for the occupiers of the development, the development creates any parking problems or road safety issues and, in light of these, whether it is expedient to initiate statutory enforcement action.

Assessment

As the development is a change of use, from one dwellinghouse to two dwellinghouses, within an existing housing estate, the policy requirement for open space and landscaping is not applicable in this instance. In the same way, as there are no significant external alterations, the development has no adverse effect on the character of the area in terms of visual amenity.

The change of use has increased housing diversity in the area in accordance with local plan policy. Though the resultant two dwellinghouses arguably increase the population density in the area, the change is marginal and is acceptable in planning terms. The development does not have an adverse effect on residential amenity and is acceptable in policy terms in this respect.

The two dwellinghouses provide a suitable standard of internal living space for the occupiers. The larger property has an ample amount of garden ground. The smaller property has a small yard, through which the property is accessed. Which is a reasonable amount of garden ground for this unit.

There is sufficient car parking, with a garage and driveway, attached to the larger dwelling. No provision is made for the smaller dwelling. This does not comply with the Council's Parking Standards. However, there does not appear to be any parking congestion in the estate and there is ample visitor provision. The development does not create any parking difficulties or road safety issues.

The plot is one of the largest in the estate, approximately twice the size of most of the plots in the area. The majority of the houses in the estate are semi-detached and would not be suitable for sub-division. For these reasons it is unlikely that this development will set an undesirable precedent.

The development complies with the development plan except in relation to car parking. However, this is not considered a sufficient reason for enforcement action given that prior to the sub-division of the property it could have been occupied by the same number of residents with the same levels of car ownership without any consent being required. In light of these circumstances it is not expedient to pursue enforcement action.

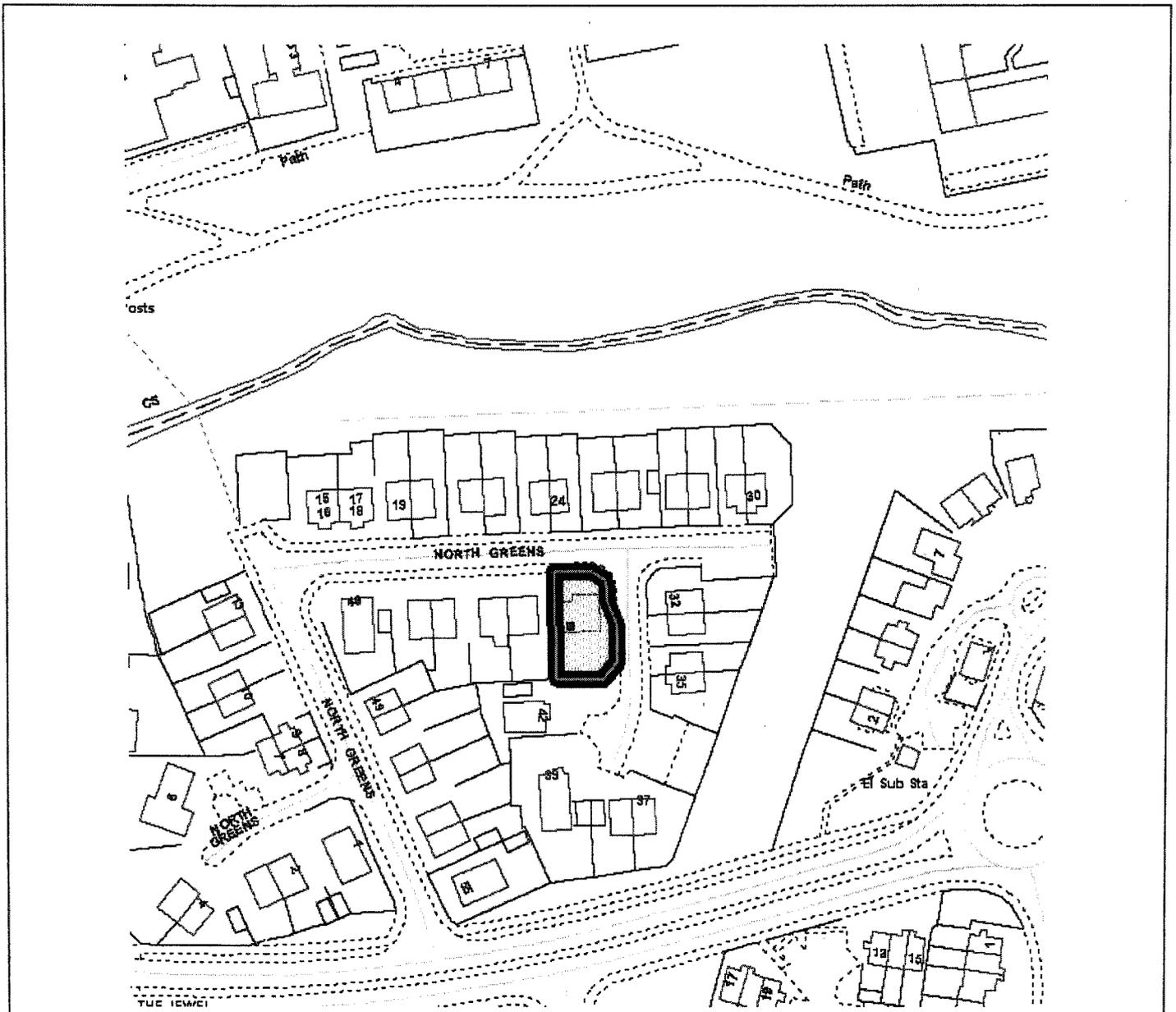
The development is acceptable.

It is recommended that the Committee agrees to take no further action in respect of the change of use.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	David Cooper on 0131 529 3653
Ward affected	58 - Duddingston
Local Plan	South East Edinburgh Local Plan
Statutory Development Plan Provision	Mainly Residential Area
File	af
Date Complaint Received	12 th May 2004



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ENFORCEMENT

Address

43 North Greens, Edinburgh, EH15 3RT

Breach

Application number:

04/00305/E28

WARD

58- Duddingston

**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**