

Full Planning Application 04/03062/FUL

at

23 Bath Street

Edinburgh

EH15 1HB

Development Quality Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 04/03062/FUL, submitted by Mr May. The application is for: **Extend existing builders workshop**

It is recommend that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The application is for development in the rear garden of a detached house with basement and attic levels dating from the early 19th century. The property is category C (S) listed and situated within the Portobello Conservation Area.

Site history

23/1/87 - consent granted to alter shop/flat

9/9/87 - consent granted for alterations, demolition and change of use of shop to house

12/11/96 - use of rear garden area as a commercial storage yard established under appeal

16/4/99 - consent granted for new pedestrian access to rear

02/05/03 - consent refused to create ancillary accommodation in garden ground

12/11/04 - consent granted for alterations to basement flat

Description of the Proposal

This application proposes to replace an existing flat roofed out-building which is in a state of disrepair with one that is predominantly covered by a pitched roof. The building will be enlarged slightly.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against the granting of permission;
- do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character;
- do the proposals comply with the development plan?
- if the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- if the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address the determining issues, the Committee needs to consider:

- a) whether the proposed use is acceptable in this location;

b) whether the proposals have an adverse impact on the character or appearance of the conservation area;

c) whether the proposals adversely affect the listed building or its setting;

d) whether the proposals are detrimental to residential amenity or road safety;

a) The workshop will be replacing a building that already houses this particular use. The building will not be significantly larger than what presently exists and will not represent an intensification of the current use.

b) The character of the Portobello Conservation Area is described in the North East Edinburgh Local Plan as follows:

"Portobello Conservation Area includes several distinct character zones. The High Street provides a focus for the Conservation Area, retaining many original two storey Regency buildings as well as a number of significant public buildings. The seaside character of the Promenade is still evident despite the loss of the pier and the construction of several modern buildings of poor quality. The remainder of the area includes an abundance of fine Georgian (and later) villas as well as a stock of Victorian tenements, public buildings and churches".

The existing building is unsightly and deteriorating. A replacement building with a pitched roof will be easier to maintain and will be a visual improvement. Although it will be higher than the existing building, it will be an improvement in terms of building form. It will not have an adverse effect on the character or appearance of the conservation area.

c) The new out-buildings will be an improvement over the existing buildings and so will have a positive effect on the setting of the listed building.

d) The pitched roof will slope away from the rear wall of the garden and so will not cause any overshadowing to the neighbour at the rear. The south section of the new building will have a flat roof and will not overshadow the neighbour to the south.

Since there is no change of use and the premises are not to be significantly enlarged there should be no additional traffic to the site.

The proposals will not be detrimental to residential amenity or road safety. Neighbours concerns about the damage to the pear tree are outwith the planning authority's control and the potential use as a dwelling house is not a material consideration in this application.

The proposals comply with the development plan and non-statutory policies, have no adverse effect on the character or appearance of the conservation area or the setting of the listed building, and have no detrimental impact on residential amenity or road safety.

There are no material planning considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conditions on materials, detailing and noise.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Barbara Stuart - Wednesday, Thursday Only on 0131 529 3927 - (FAX 529 3717)
Ward affected	39 - Portobello
Local Plan	North East Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	12 August 2004
Drawing numbers/ Scheme	1, 3-5 Scheme 3

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Nancy Jamieson on 0131 529 3916. Email: nancy.jamieson@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

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Reference No: 04/03062/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

This department has concerns regarding the proposed builders workshop surrounded by residential properties. However this can be addressed by attaching conditions controlling noise and the hours of operation.

Representations

The application was advertised on 27.08.2004. Four letters of representation were received from neighbours. They object to the proposals on the following grounds:

- the size of the proposed workshop including the height of the roof.
- inappropriate use in a residential setting.
- use of shared garden wall as part of proposed building.
- damage to a tree in a neighbouring garden.
- inappropriate to the character of the conservation area.
- loss of privacy
- overshadowing
- detrimental to the amenity and built environment of the area
- inappropriate development in a conservation area
- contrary to Local Plan Policies NEE18 (Listed Buildings) NEE22 (Redevelopment of Conservation Areas) and NEE27 (Villa Policy).
- an increase in traffic both during construction and after.
- no appropriate access to the site other than through a neighbour's drive and then the garden.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The site is within an area of Housing and Compatible Uses of the North East Edinburgh Local Plan

Relevant Policies:

Policy E18 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting a listed building and its setting, including alterations, extensions and changes of use.

Policy E21 (CONSERVATION AREAS - GENERAL): requires proposed development within a conservation area to retain all features which contribute to the character and appearance of the area.

Policy E22 (CONSERVATION AREAS - REDEVELOPMENT): sets out criteria against which new development in conservation areas will be assessed.

Policy E25 (DESIGN OF NEW DEVELOPMENT - OBJECTIVE): encourages new development of the highest possible standard.

Policy E27 (NEW DEVELOPMENT IN VILLA AREAS): sets out the essential requirements of approved guidelines which seek to regulate the form and layout of new development in the garden grounds of villa properties.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

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Conditions/Reasons associated with the Recommendation

Recommendation

To recommend that this application be **Granted**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples of the materials may be required.
3. The pitch of the roof is not to be greater than 40 degrees.
4. The extent of the replacement building is not to extend any further north or west than the existing building.
5. The rooflight/s shall be of an appropriately detailed 'conservation' type, which shall be approved in writing by the Head of Planning & Strategy before work commences on site.
6. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the character of the conservation area.
4. In order to safeguard the character of the conservation area.
5. In order to safeguard the character of the statutorily listed building.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. NB This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

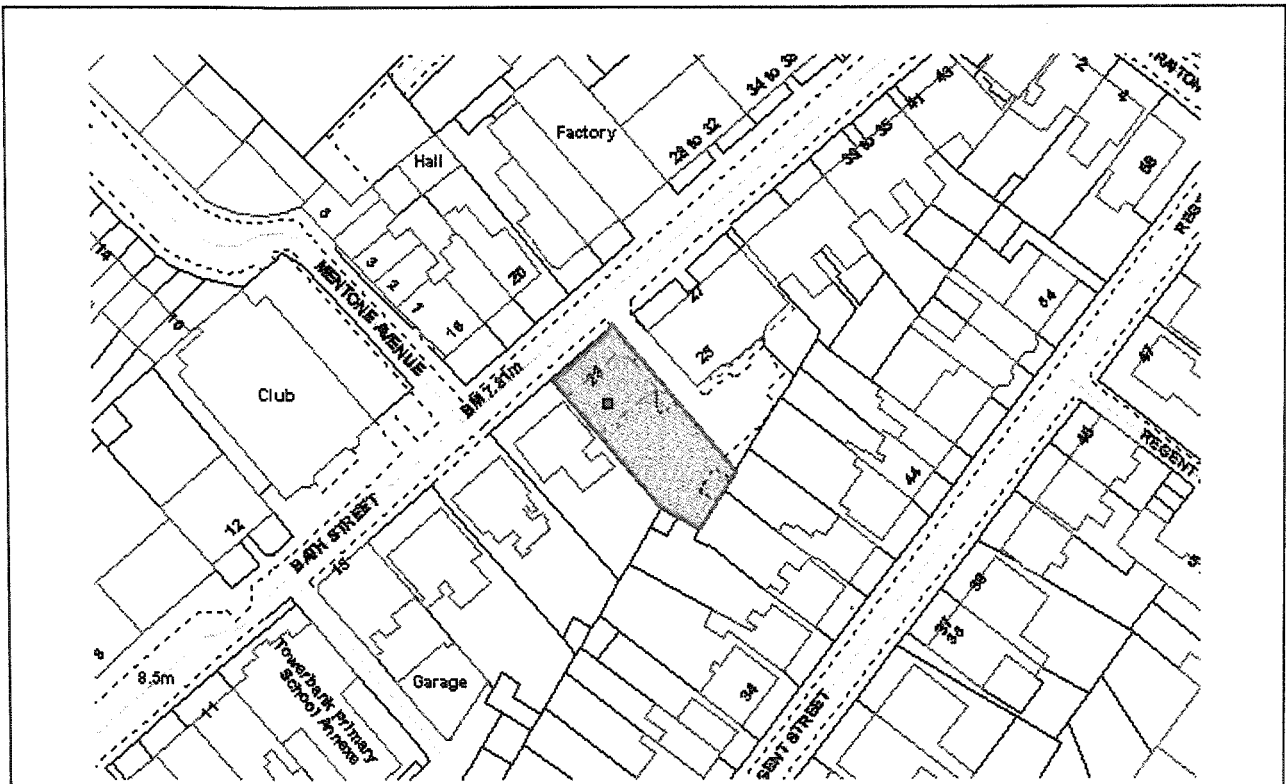
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Location Plan



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