

Full Planning Application
at
6A Featherhall Avenue
Edinburgh
EH12 7TQ

Development Quality Sub-Committee
of the Planning Committee

Proposal: Erect enclosed veranda
Applicant: Croileagan Nursery.
Reference No: 03/01551/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. Permission is granted for a limited period of 2 years from the date of this consent.
2. The enclosed verandah hereby approved shall be removed from the site within one month of the date of expiry of the limited period of consent.
3. Within three months of the date of this consent, the development shall be constructed in accordance with the drawings hereby approved and the materials specified thereon and shall be painted in a colour previously agreed in writing by the Head of Planning and Strategy.
4. The development hereby approved shall be used for the purposes of a sleeping area only and no part of the development hereby approved shall be used for play purposes.

5. The proposed fence on the southern boundary of the site shall be erected prior to occupation of the structure hereby approved and shall be retained at all times unless otherwise agreed in writing by the Head of Planning and Strategy.

Reasons

1. In order to give due recognition to the temporary nature of the proposed development.
 2. In order to give recognition to the temporary nature of the proposed development.
 3. To protect the character and amenity of the area.
 4. In order to safeguard the amenity of neighbouring residents and other occupiers.
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2 Main report

Site description

The site houses an existing part constructed verandah to the West of Featherhall Avenue, which is accessed by a drive between numbers 6 and 8.

The building is single storey with accommodation in the roof at first floor level. There is a car park to the east of the building.

Site history

May 2002 Planning permission was granted for the extension and change of use of the property to a children's nursery for 55 children. Conditions were added which sought to control any smell emissions from the building, limits on the hours of operation, the number of children in the outside play area being limited to no more than 10 at any one time, and subject to a site contamination survey report. (02/00765/FUL)

October 2002 Complaint received concerning the erection of a verandah.

March 2003 Planning permission was refused for the erection of a verandah. (02/04075/FUL)

This was dismissed at appeal in August 2003. The reporter's conclusions were that the verandah materially impacts on the amenity and privacy of neighbouring property, essentially resulting from the difference in ground level between the appeal site and the neighbouring gardens, and the close proximity of the verandah to the common boundary, which accentuates the overall height and dominance of the structure. He also concluded that the nature of the proposed use would result in a significant risk of nuisance (in the form of a large number of babies crying) being experienced by neighbours.

Development

It is proposed to take down the existing verandah and erect a new one.

It would measure: 4.4 metres long by 3.5 metres wide and would have a maximum height of 2.7 metres.

The revised scheme shows the re building of the verandah at ground level, so that the finished structure would be 2350mm above ground level. The structure has also become enclosed on all sides with doors leading out in the east elevation of the structure. Access from the existing main building would be via an internal staircase from the existing quiet baby room.

The maximum height of the structure would be 2.7 metres leading down to a height of 2.3 metres at the boundary with properties on Featherhall Crescent North.

A new 2 metre high fence is proposed along part of this boundary replacing an existing 1.8 metre high fence. This would result in 0.31 metres of the structure being visible at this point above the proposed fence.

Materials: timber decking with stained grooved boarding in green or oak coloured stain and roof finished with green mineral roofing felt.

The applicant has submitted a further letter the points of which are summarised as follows: he has been in discussion with the neighbour at number 6, whose concerns were expressed; that the revised design reduces the height of the structure by 700mm and encloses it on all sides; New fence would obscures all but a few centimetres; sound of babies crying will be dramatically reduced; improved outlook since demolition of factory unit and building of nursery; provides high standard of nursery care to area; proposal helps youngsters sleep in fresh air/ safe environment; crying would occur if prams were outside in garden without shelter.

Consultations

Environmental and Consumer Services

The application is for an enclosed verandah extension to an existing nursery.

The verandah is to be used for sleeping purposes only. It will be of timber construction with an openable window and doors. This would be sufficient for the purpose required but may not provide adequate sound insulation for use as a playroom.

This Department has no objections to this application subject to the area being designated as a sleeping area and not being part of the outdoor play area.

Representations

Letters have been received from Councillor Wheeler, Councillor Barrett and 2 neighbouring properties.

Councillor Dawe has requested that the application be dealt with at Committee.

Neighbour property was notified of the revised scheme. Comments have been received from 2 neighbouring properties.

Comments raised are as follows:

1. Irregularities with neighbour notification.
2. Existing hedge and screen on neighbouring property and can be removed. Therefore height of hedge is irrelevant. If removed more of the proposed structure would be seen.
3. Changes in plans would have little difference to views, effect on privacy and the amenity of neighbouring property.
4. Overbearing, unattractive and intrusive.
5. Grounds for refusal and enforcement action have not changed.
6. Babies are in the prams resulting in noise from staff and babies.
7. Loss of privacy.
8. Built in wood and is an eyesore.
9. Should be reduced in height and in non-flammable materials.
10. Out of proportion to the neighbourhood.
11. Possible fire risk.
12. Existing structure not removed.
13. Proposed reduction in height is minimal.
14. Lowering of floor level would not be sufficient to protect privacy.

Neighbours were not renotified of scheme 3 which showed the increase in height of the screen fence from 1.9 metres to 2.0 metres.

Policy

North West Edinburgh Local Plan (NWELP)

The site is in an area defined as mainly residential.

Draft West Edinburgh Local Plan (DWELP)

The site is in an area defined as Urban Area.

Relevant Policies:

Policy E5 states that new buildings, in terms of design, materials and landscaping, should make a positive contribution to the overall quality of the environment and regard should be had to their setting and neighbouring development

Policy H5 states that within areas of predominantly residential character, the establishment or extension of a non-residential use will not be permitted if likely to lead to an unacceptable loss of amenity through increased traffic, unsightliness or noise.

Policy DQ11 Alterations and Extensions where acceptable in principle, should be subservient and relate clearly to the original building.

Policy H12 states that development which would result in an unacceptable reduction in amenity for residents in the locality will not be permitted.

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

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

- a) whether the proposal complies with the development plan;
- b) if the proposals do comply with the development plan, whether there are any compelling reasons for not approving them;
- c) if the proposals do not comply with the development plan, whether there are any compelling reasons for approving them.

ASSESSMENT

To address these determining issues the committee needs to consider:

- a) whether the principle of the development is acceptable;
- b) whether there is any adverse effect on neighbours amenity;
- c) whether the scale and design of the development is acceptable;

a) The existing building has already been granted planning permission for the children's nursery use. An extension to this would be acceptable in principle subject to other material planning issues being met.

b) The Reporter in his decision on the previous application stated that 'in its current position the verandah materially impacts on the amenity and privacy of no. 6 Featherhall Crescent North in particular, and also on 8 Featherhall Crescent North to a lesser degree.....the impact on the garden of 251A St John's Road would be similar to no.8 Featherhall Crescent North.' He continues that 'the impact essentially results from the difference in ground level between the appeal site and the neighbouring gardens, and the close proximity of the verandah to the common boundary, all which accentuates the overall height and dominance of the structure.'

The proposals have been revised in terms of their design and scale. The previous application which was subsequently dismissed at appeal measured 4.9 metres long (max) by 4.8 metres (wide and including the steps). The height of the previous scheme was between 2.9 and 3.1 metres. The structure proposed has now been changed to having a height of 2.3 metres rising to a height of 2.75 metres. This results in a reduction of 0.6 metres from the previous submission at the point nearest the boundary with properties on Featherhall Crescent. There would be no external stair or openness of the pram area.

The land in the rear garden of 6 Featherhall Crescent North is approximately 0.6 metres lower than the application site and so the reduction in height counteracts the difference in level that concerned the Reporter. The existing wall measures approximately 1.9 metres high within the garden ground of no.6. The applicant has proposed the installation of a 2.0 metre high fence on part of the boundary with the rear of properties on Featherhall Crescent North. This would result in 0.31 metre of the structure being visible above the proposed new fence at the point nearest these properties. This is considered to be a marginal projection above the proposed fence. Without the proposed screen fence approximately 1.01 metres of the proposed verandah would be visible at this point above the existing wall if the existing 1.8 metre high fence in the applicants boundary was removed.

c) The Reporter also considered that the nature of the proposed use carries with it a significant risk of nuisance in the form of a large number of babies crying.

A nursery use has already been granted at the site with the condition that the number of children accommodated in the garden and the rubber matted outside play area not exceeding 10 at any one time. The application site comprises a part of this area. There has therefore already been established some activity in the outside area at the site.

The proposal has been amended so that it would be enclosed. There could however be some noise associated with the development especially if windows and doors are left open in summer for example. Environmental Services has therefore no objection to the proposal, subject to a condition that it is to be used for sleeping purposes only, and not part of the outdoor play area. This could be covered by condition.

There would be no loss of privacy or adverse overshadowing to the adjoining property as a result of the proposal. The structure would have solid walls, with openings facing the car park, and facing 251A St Johns Road, which would be well screened by an existing fence.

The amended design and materials are an improvement on the current structure and satisfactorily address the concerns about the effect of the development on the overall quality of the environment

The impact of the proposal on the building, neighbouring properties and the area in general has been reduced so that it would not be a dominating structure.

The building would be still constructed in materials of a temporary nature and if consent is granted it is recommended that consent be granted on a temporary basis. In addition a condition is recommended to ensure the installation of the proposed fence prior to occupation of the building.

In conclusion, the amended proposal would preserve visual and residential amenity.

It is recommended that Committee approve this application subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Karen Robertson on 0131 529 3990 (FAX 529 3716)

Ward affected 24 -South East Corstorphine

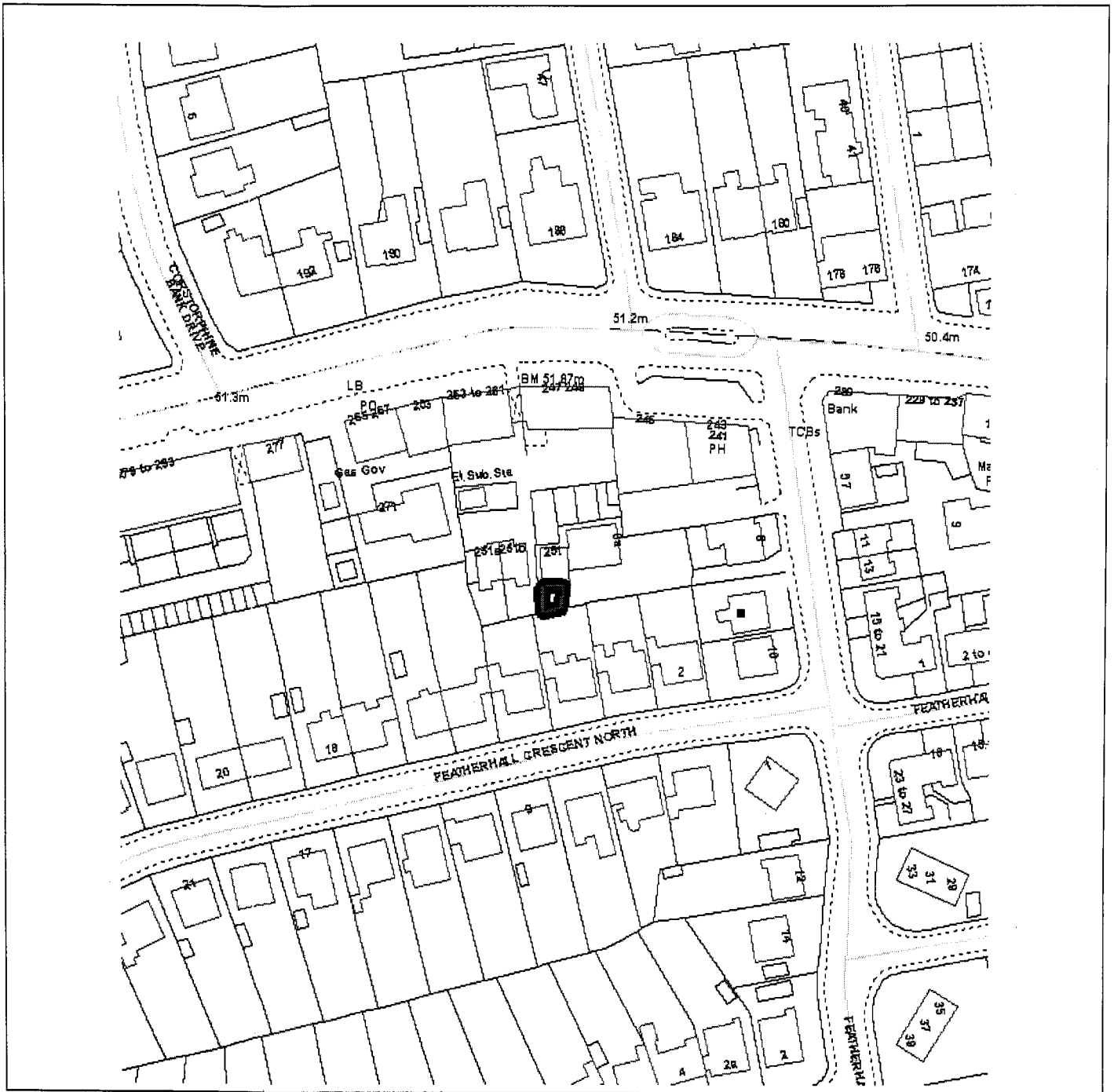
Local Plan North east Edinburgh

**Statutory Development
Plan Provision** Mainly Residential

File

Date registered 30 April 2003

Drawing numbers/ 2, 6
Scheme Scheme 3



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PLANNING APPLICATION

Address	6A Featherhall Avenue, Edinburgh, EH12 7TQ		
Proposal	Erect enclosed veranda		
Application number:	03/01551/FUL	WARD	24- South East Corstorphine
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			