

Full Planning Application
at
23 South Laverockbank Avenue
Edinburgh
EH5 3DP

Development Quality Sub-Committee
of the Planning Committee

Proposal: Erect conservatory
Applicant: Mr Bell
Reference No: 04/00266/FUL

1 Purpose of report

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

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.

Reasons

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

2 Main report

Site description

The property is a ground floor flat in a 1930s four-in-a-block building. The building is stone faced, with roughcast secondary elevations, and has a hipped, slate roof. The 7-metre deep rear garden is enclosed by c.1.2-metre high hedges.

The block is located on a corner site and the upper flat has a side access and garden.

Site history

There is no relevant planning history for this site.

Development

It is proposed to add a 12 sq m (4 x 3 metres) extension to the rear of the ground floor flat. It will have a reconstituted stone (Anstone) party wall and white uPVC frame.

Consultations

No consultations undertaken.

Representations

Neighbours were notified on 26 January 2004.

The residents of the adjoining ground-floor flat have objected on the grounds that the proposal is contrary to adopted policies in respect of safeguarding daylight; it has an excessive size (contrary to policy guidelines) which is out of keeping with the character and appearance of the locality and would set an undesirable precedent; the scale of the party wall is excessive and will lead to a loss of outlook; the construction has the potential to cause property damage.

A further 13 neighbours have submitted stereotyped letters reiterating the above grounds of objection.

Policy

The property is in an area of Housing and Compatible Uses in the North East Edinburgh Local Plan. Residential character and amenities are to be safeguarded.

Relevant Policies:

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

Non-statutory guidelines on 'HOUSE EXTENSIONS' set out the design principles against which proposals will be assessed.

Non-statutory guidelines on 'CONSERVATORIES' supplement local plan policies on building alterations, conservation and design, providing guidance on the design and location of conservatories.

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:

- 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 proposal is in keeping with the character of the property and its surroundings and b) whether neighbouring amenities are safeguarded.

a) The proposed 4-metre deep conservatory will extend to more than half the depth of the garden and therefore contravenes the dimensional criteria in the House Extensions guidelines. However, it will only extend to 1/3 the width of the curtilage and, due to its limited size, will not dominate the scale of the overall building and its associated amenity space. Although visible from the street, it will not be prominent in the street scene. The detailing is standard and is acceptable.

b) The proposal complies with the adopted standard for safeguarding light to neighbouring windows (45 degrees at 2 metre datum). At the boundary, it complies with the 4-metre exemption rule. It will be located on the north side of the main objector's property and will not significantly obstruct sunlight or daylight.

Proposed side windows will overlook the side garden allocated to the upper flat. However, as this is open to view from the street and is partly screened by hedgerows, there will be no material loss of privacy.

It is not possible to protect individual views under planning legislation.

Similarly planning legislation can not be used to safeguard private property rights against possible encroachment or damage during construction. The grant of planning permission does not confer any rights on the developer to enter neighbouring property.

In conclusion, the proposals will preserve the character and visual amenity of the area and residential amenity.

It is recommended that the Committee approves this application.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected 11 -Trinity

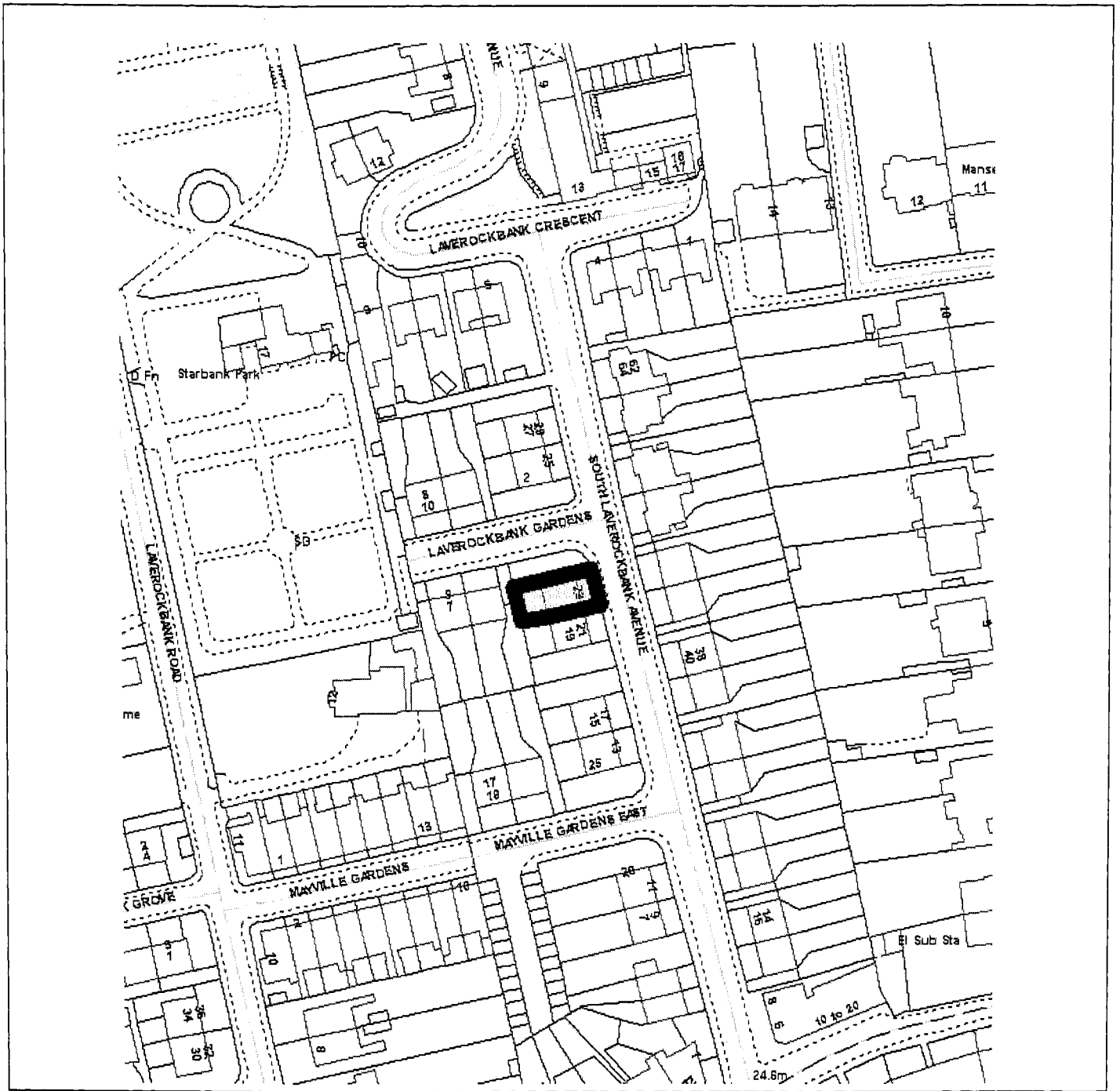
Local Plan North East Edinburgh Local Plan

**Statutory Development
Plan Provision** Housing and Compatible Uses

File

Date registered 29 January 2004

**Drawing numbers/
Scheme** 01/02
Scheme 1



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PLANNING APPLICATION

Address	23 South Laverockbank Avenue, Edinburgh, EH5 3DP
Proposal	Erect conservatory

Application number:	04/00266/FUL	WARD	11- Trinity
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**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**