

**Variation of Consent**  
**at**  
**65 Gardiner Road**  
**Edinburgh**  
**EH4 3RL**

---

**Development Quality Sub-Committee**  
**of the Planning Committee**

**Proposal:** Erect a conservatory and garage (VARIATION)  
**Applicant:** Mr + Mrs Mitchell  
**Reference No:** 03/00006/VARY

**1 Purpose of report**

To recommend that the application be **PERMISSION VARIED** subject to the following;

**Conditions**

1. The planning permission hereby approved shall be commenced no later than five years from the date of the original planning permission reference 03/00006/FUL dated 26 February 2003.
2. The screen fence illustrated on the drawings and described in the supporting letter dated 10 January 2003 shall be erected prior to the occupation of the conservatory, and shall be constructed and maintained to the satisfaction of the Head of Planning and Strategy.

**Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

## **2 Main report**

### **Site description**

The application site comprises a semi-detached bungalow in a residential area. The rear garden slopes steeply down to the rear boundary. There is a 1.8 metre high close boarded timber fence on the north west boundary to 67 Gardiner Road. The neighbours to the south east (63 Gardiner Road) have erected a small screen fence between their house and garage.

### **Site history**

10 July 2002 - Planning permission refused for a rear conservatory, which was to be constructed at ground floor level of the existing house (Reference: 02/01027), for the following reasons:

1. The proposal was contrary to Non Statutory Guidelines in respect of Daylighting, Privacy and Sunlight, as the proposed conservatory would result in unacceptable overlooking of neighbouring properties.
2. The proposal was contrary to Non Statutory Guidelines in respect of Conservatories, as the proposed conservatory would have an adverse effect on the privacy of neighbouring properties.

26 February 2003 - Planning permission granted for conservatory and garage, subject to a condition requiring a screen fence on the south east boundary (Reference: 03/00006/FUL).

### **Development**

The application is for a rear conservatory and garage within the rear garden.

The conservatory is to be at garden ground level accessed by an internal stair, and measures 4.9 metres in depth and 4.4 metres in width. The maximum height from ground level to the top of the access stairway is 4.2 metres; the general height of the conservatory is 3.4 metres.

The garage measures 5.8 metres by 2.9 metres by 2.9 metres in height, and is to be constructed to the rear of the neighbouring garage.

Materials are timber and roughcast to match the existing house.

### **Variation**

The internal stair link has been reduced in height by 0.3 metres, and two additional windows have been put in the north west elevation of the conservatory.

### **Consultations**

No consultations undertaken.

## **Representations**

Neighbours on either side of the site were notified of the variation on 7 April 2003.

Both neighbours have objected on the grounds of additional overlooking. Other issues relating to drainage, previous alterations to the house and the original consent for the conservatory are mentioned, but these are not of relevance to the matter under consideration.

## **Policy**

### **Draft West Edinburgh Local Plan - Urban Area**

#### Relevant Policies

DQ11 - seeks to ensure that extensions relate to the existing building.

**North West Edinburgh Local Plan** - Mainly Residential Area, where existing residential character and amenities are to be protected.

#### Relevant Policies:

Policy H4 requires new development to be sympathetic in scale and density with its surroundings. In conservation areas and defined "areas of interest" in particular, special care is required to protect local character and amenity.

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

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 these determining issues, the Committee needs to consider whether:

(a) The additional windows and the reduction in roof height are material, and introduce any additional issues in terms of effect on the character of the house and the visual amenity of the surrounding area

(b) There is any additional impact on surrounding residential amenity

(a) The changes are minor in the context of the proposed development. The reduction in roof height will improve the appearance of the conservatory. There is no adverse effect on the character of the house or the visual amenity of the surrounding area.

(b) The additional windows on the north elevation do not result in significant additional overlooking issues compared with the original consent. The screen fence on the northern boundary is sufficient to prevent significant loss of privacy. There are no additional daylight issues.

The proposals comply with the relevant Local Plan Policies and Non-statutory guidelines.

There are no material considerations, which outweigh this conclusion.

It is recommended that the Committee varies the consent, subject to the condition stated.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

**Contact/tel** Michael Paton on 0131 529 3902 (FAX 529 3706)

**Ward affected** 08 -Craighleith

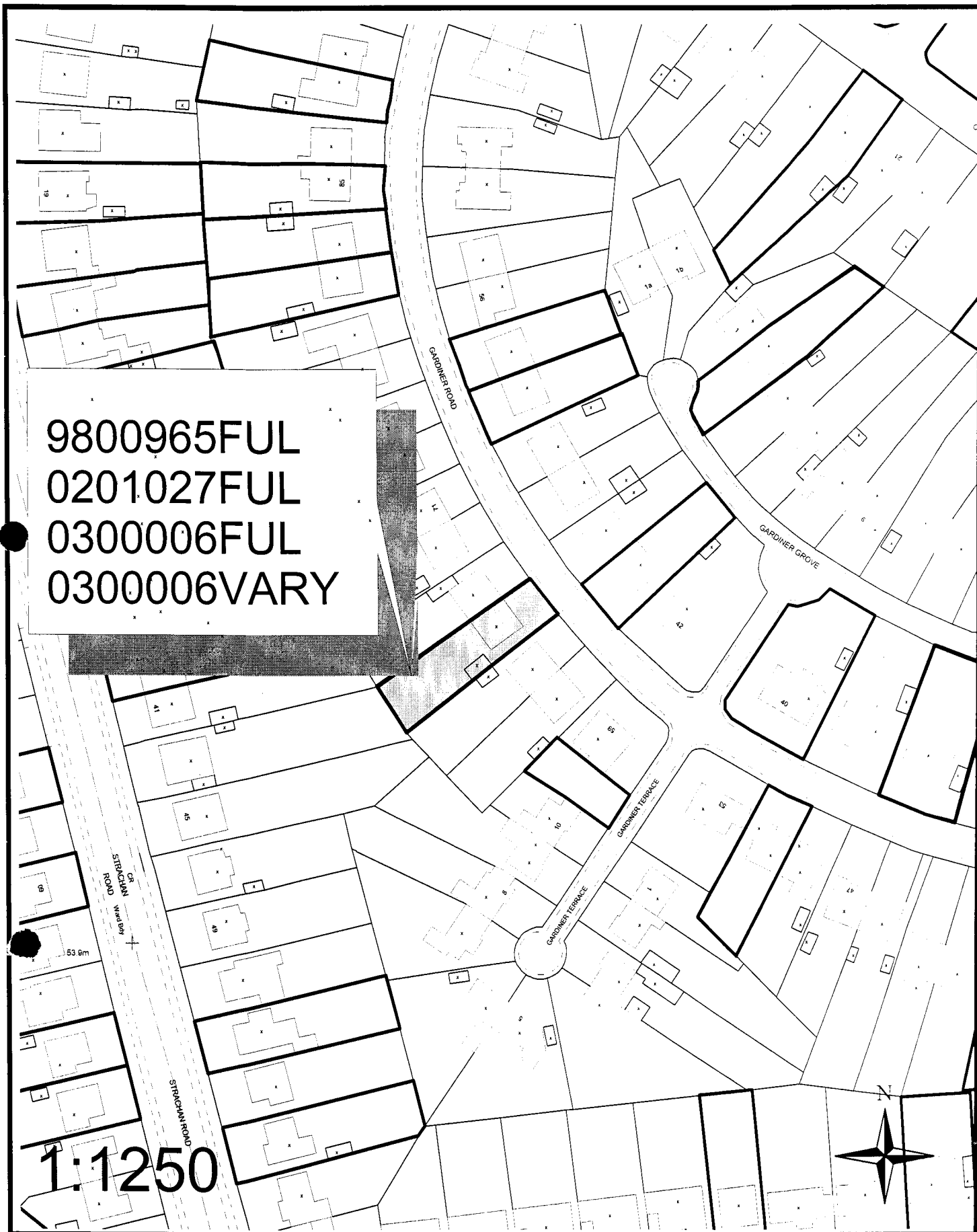
**Local Plan** North West Edinburgh

**Statutory Development  
Plan Provision** Mainly Residential

**File**

**Date registered** 7 April 2003

**Drawing numbers/  
Scheme**



Reproduced from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number LA 09027L City of Edinburgh Council 1998

# PLANNING APPLICATION

The City Development Department - Planning