

Full Planning Application 06/01449/FUL
at
20 Regent Street
Edinburgh
EH15 2AX

Development Quality Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 06/01449/FUL, submitted by Craig Douglas. The application is for:
Proposed new two-bedroom two-storey detached dwelling house

It is recommended that the application be **REFUSED** for the reasons below.

2 The Site and the Proposal

Site description

The site comprises a level open plot measuring 11.8 x 7.2 metres (85 sq metres). It is enclosed by stone boundary walls, rising from 1.8 metres in height adjacent to the back garden at 16-18 Regent Street, to c.3.5 metres on the side boundaries where former building gables survive. The plot is vacant and overgrown and is connected to the street by a narrow, 1.2-metre wide path and a lower ground floor passageway through the building at 16-18 Regent Street. A few items of building equipment have been left in the passageway.

The backland plot is adjoined by the gardens of the houses at 12-22 Regent Street but to the rear (north-west) it abuts a mews court of lock up and commercial garages in Bath Street Lane. These present a blank, 4-metre high stone wall to the Regent Street curtilages.

On the street frontage there is a terrace of Georgian cottages at 22-32 Regent Street and a terrace of two-storey early-Victorian houses at 8-18 Regent

Street. These are stone built with simple detailing but include Classical references in architrave detailing. The terrace and individual houses at 8-38 Regent Street are all Category C(S)-listed. The separate application plot is not included in the listing description.

This property is located within the Portobello Conservation Area.

Site History

5 December 1980 - Planning permission was refused for the erection of a bungalow on the site due to lack of vehicular access and amenity space. A subsequent appeal was dismissed on 27 November 1981. The reporter held that there was inadequate access and parking provision, insufficient garden space and a substandard level of amenity (privacy and daylighting). (80/1119/FUL)

There is evidence on site of the existence of former structures and the landowner claims these were demolished in about 1978 and the land used for storage of building materials. Two structures (probably part of a line of backland servants' quarters for the street front houses) are recorded on 19th century maps but the site appears to be vacant in a 1940s aerial photograph. The neighbouring line of 19th century outbuildings has since been demolished and the land incorporated into the adjoining gardens. At the time of the 1981 appeal, the site was noted as being used for the casual storage of a few building materials. The valuation roll records the site as comprising vacant ground in 1990 (zero valuation). The site is currently vacant and overgrown.

Description of the Proposal

It is proposed to erect a two-storey house with a footprint of some 55 sq metres and with a south-facing patio garden of 25 sq metres. It also includes a small ground floor conservatory in the north corner and has two bedrooms with a small external deck at first floor level.

The design is contemporary, with a low monopitch roof (clad in lead) and having overhanging eaves. The walls have clean rectilinear forms finished in white roughcast with cedar panelling. A fully glazed ground floor elevation (south-west) faces on to the proposed patio. Upper floor windows are on the north-west elevation, with additional clerestory windows in the angle formed by the roof slope.

Existing stone boundary walls are to be reduced to 1.8 metres in height and made good.

Pedestrian access to the plot is provided by means of a 1.2-metre wide passageway through the listed Georgian building at 16-20 Bath Street.

The applicant has provided supporting computer images to illustrate the proposals in three-dimensional form.

3 Officer's Assessment and Recommendations

Determining Issues

- Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against 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 not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to the 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, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether the proposal;

- a) is acceptable in principle,
 - b) has a satisfactory layout and design appropriate to its context, including the setting of listed buildings and conservation area and
 - c) infringes neighbouring amenities.
- a) Local Plan policy H1 supports the principle of infill housing development on suitable sites.

Although the site was historically occupied by buildings these were demolished many decades ago and the site has essentially been vacant and unoccupied for at least 20 years. The alleged use of the land as a builder's yard could therefore be held to have been abandoned.

A line of neighbouring outbuildings which comprised the 19th century built pattern have largely been demolished and the plots have been incorporated into the adjacent gardens. These now form an appropriate setting for the street of listed buildings and accord with modern amenity standards. Although it is accepted that the application plot forms a distinct planning unit, there is only restricted pedestrian access to the backland site and a more appropriate use of the small plot would be as garden land or for other purposes ancillary to a residential use.

b) Portobello Conservation area includes several distinct character zones. The High Street provides the 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 robust stock of Victorian tenements, public buildings and churches. In total there are some 179 listed buildings within the conservation area, including building groups of particular interest in Brighton Crescent and Brighton Place.

The proposed building seeks to recreate a modern version of a compact mews building at the end of the main residential curtilage. However, this is now completely anomalous in the context of adjoining listed terraced properties and their open gardens and is not in keeping with the current pattern of development in the street. It would also set an unsatisfactory precedent for the creation of similar built forms on neighbouring plots.

The proposed building would be set against the high back wall of an adjoining garage court and this would partly mitigate its obtrusiveness within the open garden setting. The contemporary design would also provide a quality contrast with the traditional built forms and listed buildings around; this is not unattractive. The house has also been carefully designed to provide well-lit rooms and a small south-facing patio; it would provide a satisfactory standard of residential accommodation with a good level of amenity for such a cramped site. Notwithstanding these positive elements, the only access to the site is by way of a narrow passageway through the adjoining terrace on the street frontage. This is inadequate for day-to-day servicing purposes and there is limited space within the curtilage of the proposed building for ancillary waste, garden or bicycle stores.

There is no vehicular access to the proposed dwelling and no parking or garage space is available. Few of the Georgian/Victorian dwellings in Regent Street have off-street parking facilities and the proximity to Portobello town centre also encourages shopper parking. There is therefore severe parking congestion in the street and the creation of an additional dwelling, without parking space, will exacerbate this and is unacceptable.

Proposals to reinstate a Georgian door in the front listed building and to lower (to 1.8 metres) the relict stone gables which form common boundaries with the listed building curtilages, is unlikely to detract from the character of the listed buildings on the frontage. However, a separate application for listed building consent would be required for these details in the event of planning permission being granted.

c) The proposed building does not infringe daylighting criteria (25 and 45 degree rules) in respect of neighbouring windows. It is also located to the north of neighbouring gardens and would not lead to a significant loss of sunlight.

Proposed ground floor patio windows would be screened from neighbouring gardens; proposed first floor windows would face away from residential properties; a proposed first floor deck would be well recessed in relation to the side walls of the building and would only permit minor overlooking of the foot of neighbouring gardens.

The proposal complies with amenity standards in respect of existing properties. However, the building infringes daylighting and privacy standards at the boundary and would prejudice the development potential of adjoining land, particularly the garage court to the rear.

In conclusion, the proposed building has an attractive contemporary design and is an ingenious design solution which would provide attractive accommodation of its kind, while not compromising existing neighbouring amenities. However, it is out of keeping with the pattern of development in the street, will impose on the private garden setting of the neighbouring listed buildings and will detract from the character of the conservation area. The scheme is dependent for its light and outlook over neighbouring land and is therefore prejudicial to any potential neighbouring development. Restricted access arrangements and the lack of parking provision are unacceptable. The proposal would set an unsatisfactory precedent.

It is recommended that the Committee refuses this application for the reasons outlined above.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Ian Smith on 0131 529 3555
Ward affected	39 - Portobello
Local Plan	North East Edinburgh Local Plan
Statutory Development Plan Provision	Area of housing + Compatible Uses
Date registered	3 April 2006
Drawing numbers/ Scheme	01-03 Scheme 1

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, Graham Dixon on 0131 529 3519. Email: graham.dixon@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 gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 20 Regent Street
Edinburgh
EH15 2AX
Proposal: Proposed new two-bedroom two-storey detached dwelling house
Reference No: 06/01449/FUL

Consultations, Representations and Planning Policy

Consultations

Transport

It is advised that the application be refused for the following reason:

The proposed dwellinghouse has no provision for an off-street parking space and therefore does not meet the Council's parking standards.

Representations

Neighbours were notified on 31 March 2006 and the proposal was advertised (conservation area) on 21 April 2006.

12 objections have been received, from eight neighbouring households, one business the Cockburn Association, Portobello Amenity Society and Portobello Community Council.

The grounds of objection are inadequate access, parking congestion, overdevelopment of a cramped site, visual intrusion, overlooking, overshadowing, construction nuisance and setting a precedent.

Councillor Marshall has requested that the case be reported to Committee.

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 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.

Policy E26 (QUALITY OF NEW DEVELOPMENT): sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre and seafront and waterfront locations.

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

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 H1 (HOUSING DEVELOPMENT) encourages the provision of new housing development on identified sites.

Policy H4 (DESIGN OF NEW HOUSING DEVELOPMENT) sets out general design considerations for new housing development.

Policy T10 (PRIVATE CAR PARKING) requires all new development to comply with approved car parking standards as set out in the Development Control Handbook Relevant Non-Statutory Guidelines

Non-statutory guidelines on 'HOUSING DEVELOPMENT IN GARDEN GROUNDS' supplement local plan housing, conservation and design policies, and provide additional guidance on this subject.

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

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 on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Other Relevant policy guidance Relevant policies of the North East Edinburgh Local Plan.

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

Application Type Full Planning Application
Application Address: 20 Regent Street
Edinburgh
EH15 2AX
Proposal: Proposed new two-bedroom two-storey detached dwelling house
Reference No: 06/01449/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **REFUSED**

Reasons

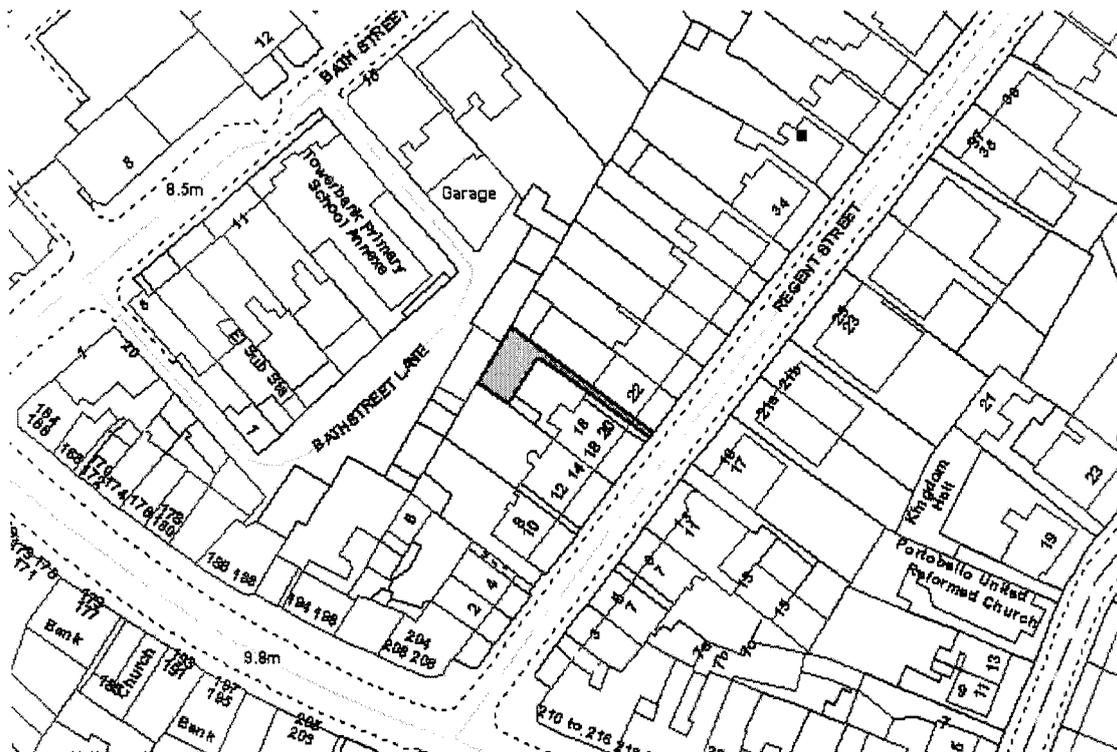
1. The proposal is contrary to North East Edinburgh Local Plan Policies H1 (Housing Development) and E25 (Design) and Council guidelines on Housing in Garden Grounds as it is not in keeping with the spatial character of the locality, is not integrated into its surroundings, is an unsuitable site for residential development and would set an unsatisfactory precedent.
2. The proposal is contrary to North East Edinburgh Local Plan Policies E18 (Listed Buildings) and E22 (Conservation Areas) and Council guidelines on Development Affecting the Setting of Listed Buildings as the siting, scale and form of the anomalous backland development will intrude into the open garden setting of the adjacent listed buildings, will be out of keeping with the established spatial character of the locality, and will detract from the character of the Portobello Conservation Area.
3. The proposal is contrary to North East Edinburgh Local Plan Policies H4 (Housing - Design) and T10 (Private Car Parking) and Council guidelines on Parking Standards as the backland site has inadequate service arrangements and a lack of parking provision which will exacerbate existing on-street parking congestion.
4. The proposal is contrary to North East Edinburgh Local Plan Policies H4 (Housing - Design) and Council guidelines on Daylighting, Sunlight and Privacy as it is dependent for light and privacy over adjoining land and may prejudice its development potential.

End

Application Type Full Planning Application

Proposal: Proposed new two-bedroom two-storey detached dwelling house

Reference No: 06/01449/FUL



Location Plan

Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023420 The City of Edinburgh Council 2005.