

**Full Planning Application 05/01004/FUL
at
39B Watson Crescent
Edinburgh
EH11 1ER**

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

18 May 2005

1 Purpose of report

To consider application 05/01004/FUL, submitted by N. Rowan.. The application is for: **Redevelopment of site to form 1 dwelling**

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

2 The Site and the Proposal

Site description

The site is located to the rear of Watson Crescent behind a four-storey tenement block and accessed via a narrow pend. To the south is the Union Canal, which is a scheduled monument. On the site, there is a single storey building with a flat roof, finished in brick. This is being used for a garage store and office. The area surrounding the site is used for car parking.

Site history

23.12.2004- Planning permission refused for the erection of a dwelling, reference number 04/03845/FUL.

25/8/2003 Planning permission granted for the redevelopment of office/warehouse site to form 21 apartments at 41-43 Watson Crescent, reference number 03/01547/FUL.

Description of the Proposal

The applicant seeks planning permission for the erection of a single dwelling house. This would involve the demolition of an existing single storey building, which is used for garage storage and office use. The house would be two storeys in height with the external walls a mixture of concrete, smooth render and metal cladding. The roof would be finished in metal cladding and the windows would be PPC aluminium frameless glazing.

The applicant has as part of the submission produced 3-D visualisations (on a CD) of the proposal with a computer program showing the effect of the proposal upon nearby residents with regard to overshadowing. These are available in all party rooms.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals preserve the listed building or its setting or any features of special or historic interest? there being a strong presumption against granting permission if they do not;
- 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 proposal would adversely affect the spatial character of the surrounding area the adjoining ancient monument and
- b) Whether the proposal would affect residential amenity.

a) Policy CD10 (New Development Objective) of the Central Edinburgh Local Plan provides that the Council encourages new development of the highest possible architectural and urban quality. Policy CD11 (New Development-general) provides that development should respect the constraints of a site, the character of its surroundings. Additionally, policy CD15 (Infill-Development) states that development should relate to the established

character of the area, respecting built form, spacing, alignment, orientation and roof-lines.

The design of the proposed house is modernist in style, which brings together elements of the abstract form in regard to the competing shapes, which makes an interesting and challenging composition. The pallet of materials includes metal cladding, glazing, concrete, and smooth render. The design of the house is adventurous yet individual and, placed in a different location, may prove to be acceptable as a contemporary piece of urban design.

The proposed house must be considered within the context of the surrounding area. To the south of the site (No.'s 41-43 Watson Crescent), planning permission has been granted for 21 apartments. This involved three principal buildings (which would be retained) on the site of stone with slate roofs, which produced a grouping of architectural merit. The warehouse building to the rear (adjacent to the Union Canal) has a Dutch gable, an unusual feature in this locality, which makes a positive contribution to the character of the canal.

The spatial pattern of the surrounding built environment is characterised by tenements of four and five storeys with communal gardens to the north east and north west and also to the south across the canal. The proposed house would not relate well to the context of the surrounding area and would set an unacceptable precedent within this area. Little in the way of amenity space would be provided with the house, which means the relationship between the proposed house and the surrounding area would be compromised. Moreover the house would not be aligned to face any street frontage and therefore does not respect the established building lines of the area. Whilst there is a single storey building present on site this is not reason enough in this instance to grant planning permission.

The Union Canal to the east is a scheduled monument and runs adjacent to the site. This would be adversely affected as a result of this proposal.

b) The adjacent tenement flats have windows facing towards the car park and the proposed house. All windows on the north west elevation would face towards the existing flats. The widows would be fitted with opal glass which would not afford any view. Additionally two small windows would be introduced into the north-west elevation which is adjacent to tenement flats to the north east. Again, these would be fitted with opal glass. The main viewing areas would be in the form of glazed assembly points located on the south west and south east elevations, which overlook the courtyard and Union Canal respectively. The distance from the north west elevation to the tenement flats to the north would be approximately 7.6 metres. This would not comply with the Council's guidelines concerning DAYLIGHTING, PRIVACY AND SUNLIGHT. This guidance provides that as a minimum 18.0 metre privacy zone should be provided between window to window. Although the window could be fitted with opal (translucent glass), this is not considered to be appropriate in this instance given that the distance between the windows would be considerably less than the stated 18 metres.

It is acknowledged that the overall height of the house has been reduced from the original proposal. Specifically, the highest point of the roof of the proposed house is now 5.2 metres as opposed to 7.8 metres originally proposed. Having regard to this and the applicants overshadowing computer models, the amount of overshadowing to the communal garden to the north east would be minimal and not reason enough to refuse planning permission.

To conclude, it is considered that while the design of the house is an interesting composition, the development would adversely affect the spatial character of the surrounding area and would set an unacceptable precedent. Additionally, residential amenity would be harmed for both existing and prospective residents as a result of the proposal in terms of loss of perceived privacy.

It is recommended that the Committee refuses this application for reasons relating to the spatial character of the area and the ancient monument.

ADDENDUM:

On 18th May committee continued this application for a site visit, which took place on 9th June, and for the following information;

1. Information on the approved development on the adjacent site, including alterations to the boundary wall
2. Access to the canal
3. The reasons for refusal and the determining issues.

Subsequent to 18th May the agents have submitted further material which will be available in the group rooms and at the sub-committee meeting.

1) 25/8/2003 Planning permission granted, subject to legal agreement for the redevelopment of office/warehouse site to form 21 apartments at 41-43 Watson Crescent. The approved development includes significant down takings to rear buildings and alteration of the three larger buildings on the site to form 21 apartments, and a third storey added to the existing two storey club building that fronts Watson Crescent. A balcony area will be formed to the rear and attic space accommodation will be included.

The alterations to the warehouse building, to the rear, include a minor enlargement of two windows on the gable elevation onto the canal, the formation of an external access stair and the addition of two study 'pods' and a terrace area on the roof.

Surface parking for 21 cars is provided within the curtilage of the site. In addition, a landscaped area is to be provided in the south east corner of the site. This area of open space amounts to 10% of the total site area and complied with the minimum standards contained within the non-statutory guidelines on 'Open Space Requirements in New Housing Developments.' at

that time. The majority of the existing boundary wall to the canal, extending to 12.5m, is shown to be replaced with a fence with gated access to the canal towpath.

2) The application proposes a gate for private access to the canal. This location is not suitable for a public access point, due to a lack of passive surveillance. A private access is acceptable in principle, in planning terms, but will require the agreement of British Waterways.

3) While the land is allocated for housing and compatible uses, a house in this location would conflict with the established planned character of the area. The house would not respect any established building lines of the area and represents backland development.

The setting of this section of the Union Canal, which is a scheduled ancient monument, is overwhelmingly characterised by rear tenement facades and rear gardens. The adjacent site, with its Dutch gable addressing the canal, should remain the exception and not be used to justify other development fronting this section of the canal. The character of the area and the setting of the ancient monument would be adversely affected as a result of this proposal.

The proposed development will fill almost the entire site and will not comply with the guideline on Daylight, Privacy and Sunlight. While the impact on residential amenity would be limited, it would be an adverse impact and these factors are symptomatic of overdevelopment of the site.

The principle of developing a house here is therefore unacceptable.

The agent's further statement has been considered but it does not alter the above assessment.

In conclusion, the proposed development would be out of keeping with the prevailing spatial character and would adversely affect residential amenity and the setting of the Union Canal. The adjoining development re-uses a substantial existing building and is significantly different from the current proposal and should not be used as a precedent.

It is recommended that the Committee refuses this application for reasons relating to the spatial character of the area, residential amenity and the scheduled ancient monument.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Bruce Nicolson on 0131 529 3516 (FAX 529 3717)
Ward affected	31 - Fountainbridge
Local Plan	Central Edinburgh
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	24 March 2005
Drawing numbers/ Scheme	1 to 5

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, Ian Dryden on 0131 529 3464. Email: ian.dryden@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

Application Type

Application Address:

Proposal:

Reference No: 05/01004/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental and Consumer Services

No objection subject to the inclusion of a condition which requires site investigation assessment prior to the commencement of works on site.

Policy

Residential development in this location is unacceptable.

Historic Scotland

No comments at the time of writing.

Representations

The application was advertised on the 15 April 2005. One letter of objection and two letters of support (including a representation from Councillor Lorna Sheils) have been received. A summary of these letters are as follows:

In favour of the proposal providing that the roof cladding material is changed.

- Loss of privacy.
- The reduction in the car park area would impact on the turning area available for exiting the site.
- Adverse impact upon existing property values

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

Central Edinburgh Local Plan:

Housing and Compatible Uses.

Adjacent to the Union Canal a scheduled monument.

Relevant Policies:

Policy CD10 (NEW DEVELOPMENT - OBJECTIVE) encourages new development of the highest possible architectural and urban quality.

Policy CD11 (NEW DEVELOPMENT - GENERAL) sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre.

Policy CD15 (INFILL DEVELOPMENT) sets out design requirements for new infill development.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD18 (SAFETY, SUSTAINABILITY AND ACCESSIBILITY) requires the design and layout of development proposals to meet safety, sustainability and accessibility objectives.

Policy CD1 (ANCIENT MONUMENTS) requires development in the vicinity of a scheduled monument and likely to impinge on its setting to protect and, if possible, enhance that setting.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy H1 (HOUSING DEVELOPMENT) encourages the provision of new residential accommodation, in conjunction with other land uses if necessary to maintain the mixed use character, its locality, and sets out criteria for assessing development proposals in predominantly residential areas.

Policy H2 (HOUSING DEVELOPMENT) encourages, and sets out criteria for assessing, proposals for housing development within the Mixed Activities Zone.

Application Type

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Conditions/Reasons associated with the Recommendation

Recommendation

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

Reasons

1. The proposal is contrary to Policies CD11 (New Development- General) and CD15 (In-fill Development) of the Edinburgh Local Plan in that the proposed development would not respect the spatial character of the surrounding built environment.
2. The proposal is contrary to Policies H1 (Housing Development) and H2 (Housing Development) of the Edinburgh Local Plan in that the constrained nature of the site is not appropriate for the development of a house and would if approved adversely affect the spatial character of the surrounding area and set an unacceptable precedent.
3. The proposal is contrary to Policy H11 (Housing Amenity) and the Council's non-statutory guidelines DAYLIGHTING, PRIVACY AND SUNLIGHT in that the position of the house in relation to the residential accommodation to the north would lead to the loss of residential amenity for its occupants in terms of intrusion and loss of privacy.
4. The proposal is contrary to Policy CD1 (Ancient Monuments) of the Edinburgh Local Plan insofar as the location of the house in close proximity to the adjacent Union Canal would adversely affect its setting and character.

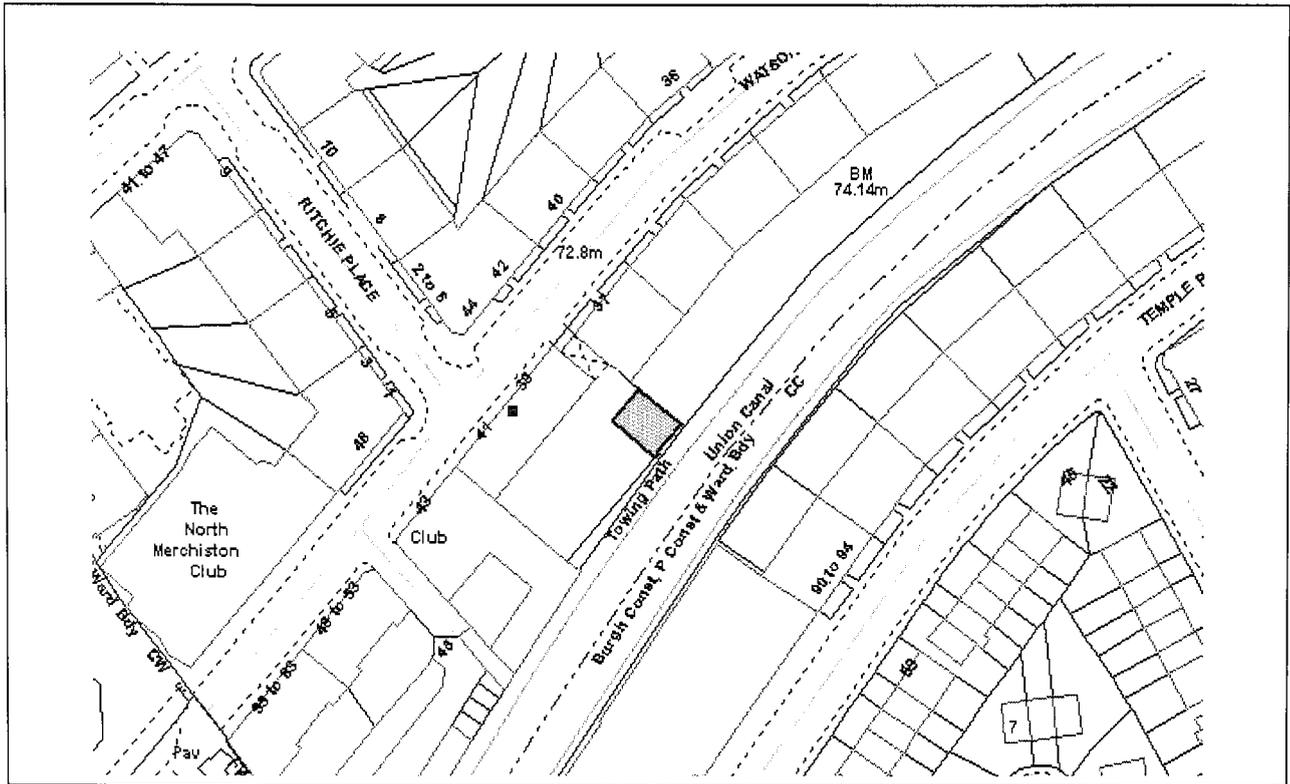
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Application Type

Proposal:

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Location Plan



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