

Full Planning Application 08/00624/FUL
at
60 Dublin Street
Edinburgh
EH3 6NP

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

1 Purpose of report

To consider application 08/00624/FUL, submitted by Mr + Mrs Boyd. The application is for: **Formation new opening in stone boundary wall to rear garden with new flight of steps**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The site is a rubble stone built wall to the rear of the property backing onto a privately owned narrow lane accessed from Dublin Meuse.

The building is category B listed as part of the terrace nos.48-60. It was designed by Robert Reid and William Sibbald and is dated early 19th century. It was listed on 18 August 1964 Ref: 28695.

The site is within the Edinburgh World Heritage Site.

This property is located within the New Town Conservation Area.

Site History

February 2008 - Enforcement inquiry against removal of stone wall. Case closed 25 February 2008 (08/00023/ELBB).

Description of the Proposal

The application is in retrospect for the formation of a pedestrian access in the rear stone built boundary wall of the property and the construction of a set of concrete slab steps thereto from the garden. A railing gate is proposed to enclose the access.

Applicant's Supporting Statement

This document refers to the legal issues regarding access to the lane and is available for Members to view on the Council's website: city-dev.portal@edinburgh.gov.uk

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 plan, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) the loss of the stone wall and the creation of concrete steps preserves or enhances the character and appearance of the conservation area. And setting of the listed building.
- b) any loss of residential amenity results.
- c) the applicant has a right of access to the lane
- d) there are any material security issues.

a) The application has resulted in a 700mm wide gap being slapped in the rubble wall to the rear of the property, the garden of which is several feet below the level of the lane. There are two or three other access gates served off the lane at the north end of the terrace and to the rear of Drummond Place. A gap in the wall is not critical in itself but the sense of enclosure provided by the wall should be maintained by substitution of a gate. The use of concrete to form steps to the garden is acceptable in this instance and form part of the general landscaping of the garden rather than an integral feature of the conservation area. The location is private to those residents sharing the lane and cannot be seen from the public thoroughfares of Dublin Meuse, Dublin Street or Drummond Place. It is concluded that the wall gap and steps have a neutral impact on the character and appearance of the conservation area.

b) The loss of part of the wall has a small visual implication for those immediate neighbours but is otherwise invisible to the general public. The gap can be adequately screened or enclosed by use of a solid timber gate, rather than a metal railing gate. A condition is therefore recommended. There is no evidence that the development results in further noise and disturbance to residents. The development does not result in a material loss of residential amenity.

c) The applicant has inferred that he has a right of way to the lane as conferred upon the original properties fronting Dublin Street and this has been borne out by the applicant's solicitors' confirmation. However, this is a legal issue and should not prejudice the planning merits of this case.

d) Security issues are not strictly planning issues, and as a privately/jointly owned lane is involved there is no public security issue here which needs to be addressed by this application.

The proposals comply with Local Plan Policies and non-statutory guidelines and do not significantly impact on the setting of the building, the character and appearance of the conservation area or on residential amenity.

There are no other material considerations which outweigh this decision.

It is recommended that the Committee approves this application, subject to a condition controlling the design and materials of the gate to the lane.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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|---------------------------------------------|-----------------------------------|
| Contact/tel | Duncan Robertson on 0131 529 3560 |
| Ward affected | A11 - City Centre (NEW) |
| Local Plan | |
| Statutory Development Plan Provision | |
| Date registered | 18 February 2008 |
| Drawing numbers/ Scheme | 01 - 02 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, Anna Grant on 529 3521. Email: anna.grant@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: 60 Dublin Street
Edinburgh
EH3 6NP

Proposal: Formation new opening in stone boundary wall to rear garden with new flight of steps

Reference No: 08/00624/FUL

Consultations, Representations and Planning Policy

Consultations

No consultations undertaken.

Representations

The application was advertised on 18 February 2008. Four letters of objection have been received on the following grounds:-

- Loss of wall

Retrospective

Neighbourly

Harmed character, appearance and setting of site and detract from pleasant landscape.

Unsympathetic to natural heritage of site, plus new town Conservation Area and World Heritage Site.

Character appraisal recognises value of high stone walls and garden design to be important

-Materials:

Pre-cast concrete slabs and iron railing gate poor choice in this locality.

The above two sub-points are addressed in paragraphs a) and b) of the Assessment.

-Maintenance:

Wall features should be retained and repaired in accordance with World Heritage Site Management Plan.

Applicant has failed to maintain the wall.

Destructive ivy, now removed, was originally planted by the applicant

-Loss of security

Increased use of lane and easier access to no.60

The above comment is addressed in paragraph d) of the Assessment

-Right of access

Applicant has not confirmed such a right

Extra noise and disturbance

The above comments are addressed in paragraph c) and b) respectively of the Assessment.

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 allocated as Housing and Compatible Uses in the Central Edinburgh Local Plan and as Urban Area in the Finalised Edinburgh Local Plan.

Relevant Policies:

Relevant policies of the Central Edinburgh Local Plan.

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

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 CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Relevant policies of the Finalised Edinburgh City Local Plan.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Env 2 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 5 (Conservation Areas – Development) sets out criteria for assessing development in conservation areas.

Relevant Non-Statutory Guidelines

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.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. A timber gate shall be erected in the access to the lane to match the height of the wall. This gate shall be of a traditional ledged and braced design and be erected within two months of the date of this consent, and thereafter maintained in situ.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the character of the conservation area.