

**Enforcement Report  
2b Merchiston Crescent  
Edinburgh  
EH10 5AN**

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Development Quality Sub-Committee  
Of the Planning Committee

**Owner/s** Mr and Mrs Nigel Hogg

**Occupier** Mr and Mrs Hogg

**Reference No:** 03/00661/E33

**1 Purpose of report**

To consider the erection of a satellite dish at 2B Merchiston Crescent.

It is recommended that no further action be taken.

**2 The site and the development**

The property is on the north side of Merchiston Crescent, opposite the junction with Rochester Terrace.

It is a two storey detached house on a triangular site. The house is in the northern corner of the site, with a gravel courtyard garden and car parking area to the front. This courtyard forms most of the available garden area. The site is currently bounded by stone walls and timber fences varying in height between 1.9 and 2.3 metres. The satellite dish is located on the front elevation at ground floor level and is 70cm in diameter.

The property is in the Merchiston and Greenhill Conservation Area.

**Site History**

June 1996 - Planning permission was granted for a satellite dish to be erected to the side wall at first floor level of 2 Merchiston Crescent, the original house (reference A 00223/96).

August 2002 – Planning permission was granted for the erection of a house (02/02268/FUL)

July 2003 - A complaint about the satellite dish was received from neighbouring residents.

August 2003 – A letter was received from Councillor Tritton, forwarding a copy of the letter. The erection of this satellite dish was one of the issues raised.

January 2005 – The Development Quality Sub-Committee requested a report on the erection of the satellite dish.

### **Description of the Development**

The satellite dish is located on the front elevation of the house below the ground floor eaves rhone, close to the side boundary wall and screening trees on that boundary. It is 5.5 metres from the front wall and is 35cm above the height of it.

### **Representations**

A letter was received from neighbours, and enclosed with a letter from Councillor Tritton.

### **PLANNING POLICY**

The property is in the Central Edinburgh Local Plan and is within an area designated for housing and compatible uses where existing residential character and amenities are to be safeguarded.

#### Relevant Policies:

Policy CD5 (Conservation Areas – Redevelopment) states:

“All new development in a conservation area should take into full account the area’s special interest and should ensure that it preserves or enhances its character and appearance”.

Policy CD19 (Building alterations) states:

“Particular attention will be paid to ensuring that works to listed buildings and non listed buildings in conservation areas do not damage their special character”.

The Council’s non statutory policy Satellite dish aerials provides additional guidance on the siting of satellite dish aerials.

In the section ‘guidelines for residential areas’ the policy states:

“On individual houses dishes must be located in such a way that they are not visible from public view”.

In the section 'conservation areas' it states:

"Dishes will normally be acceptable where they are effectively screened from public view provided that the character and visual amenity of the conservation area are not adversely affected".

In the section 'other areas' it states:

"Satellite dishes will not normally be acceptable on the front or street elevation of any building".

### **3 Officer's Assessment and Recommendations**

#### **DETERMINING ISSUES**

The determining issues are:

- Does the development comply with the development plan?
- If the development does not comply with the development plan, are there any compelling reasons why enforcement action should not be taken?

#### **ASSESSMENT**

The dish is largely screened from public view by the high adjacent boundary walls and can only be seen from across the road between the trees close to the front boundary wall and through foliage from a neighbour's gateway. It is overshadowed and obscured for large parts of the year by the trees on the boundaries. In these circumstances the dish is not considered to damage or detract from the character or appearance of the conservation area and is therefore not contrary to policies CD5 and CD19 of the Central Edinburgh Local Plan.

The Council's objectives as set out in the conservation and design section of the Central Edinburgh Local Plan are that development should not detract from the amenity and character of the wider area. The dish, which has been carefully positioned, is not considered to detract from the amenity and character of the wider area.

The dish is also considered to substantially comply with the Council's policy on Satellite Dish Aerials. From immediately outside the site, the dish is effectively well screened and its installation is not considered to adversely affect the visual amenity of the conservation area. The policy does not entirely preclude the siting of dishes on the front elevation of a building.

Should Committee consider that the dish is contrary to the above policies, it should bear in mind it cannot be effectively sited on any other elevation of the house. The rear elevation of the house would not receive a signal and the side walls form the boundaries of the site. To erect a dish on either of these elevations would effectively place it over someone else's property and require their consent. The placing of the dish on to these walls would be more visible to the general public.

The Committee granted consent for a much more visible dish erected at first floor level on the original adjoining villa, contrary to policy. That dish is still in place.

## **RECOMMENDATION**

It is recommended that Committee determines to take no further action.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	Ian Williams on 0131 529 3752
<b>Ward affected</b>	45 - Merchiston
<b>Local Plan</b>	Central Edinburgh
<b>Statutory Development Provision</b>	Housing and Compatible Uses
<b>File</b>	AF
<b>Date Complaint Received</b>	7 July 2003



# LAND REGISTER OF SCOTLAND



ORDNANCE SURVEY NATIONAL GRID REFERENCE

NT2467SW NT2467NW NT2368SW NT2368SE

Scale  
1/1250

Survey Scale  
1/1250

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