

**Enforcement Report**  
**47 Braid Farm Road**  
**Edinburgh**  
**EH1 2HH**

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Development Quality Sub-Committee  
Of the Planning Committee

**Owner/s** Mary R McQueen, 47 Braid Farm Road, Edinburgh

**Occupier** Mary R McQueen & Co.

**Reference No:** 04/00106/E29

### **1 Purpose of Report**

To consider the unauthorised change of use of 47 Braid Farm Road from residential use to incorporate the unauthorised operation of a business from the property.

It is recommended that enforcement action be initiated to secure the cessation of the unauthorised use.

### **2 The Site and the Development**

The property is a detached L-shaped villa on the north side of the road, close to the junction with Braid Hills Road. To the north is the Hermitage of Braid, and on all other sides are detached dwelling houses.

The business operates from three rooms in the basement of the property, with residential premises on all the floors above. There are residential properties adjacent and opposite the premises. There is a sign at the front door of the property stating 'Office to Rear', where there is a small vestibule with a sign in the window saying 'Mary R McQueen & Co Solicitors'. Inside the property is a reception area with a reception desk and office equipment. At least two further rooms in the basement are in office use.

This property is given as the sole address of the business in the Yellow Pages and on sites on the Internet.

## **Site History**

In October and December 2001, complaints regarding the creation of an office in the basement of the premises was received from neighbouring residents. Enforcement staff visited the property and confirmed that an office use existed. However, at that time, the case officer considered that the activities did not amount to a material change of use requiring consent.

A further complaint regarding the office use was received in August 2002. The complainant enclosed an advert from a newspaper advertising 'Mary R McQueen & Co Solicitors, 47 Braid Farm Road, Edinburgh'. Following re-investigation the case officer determined that the activities did not require planning permission.

In February 2004, a complaint was received from a local resident concerning the conversion of part of the property to an office. The complainant was concerned about the increase in traffic due to visits by clients and couriers. The complainant advised that three people, not including the owner, had been working from the premises.

A further complaint was received in September 2004 from a resident concerned about the intensification of the solicitor's office use. The complainant noted an increase in staff arriving and leaving each day, and advised that the business had provision for 8 workstations.

On 16 September 2004, planning permission was granted for a rear extension to the house. Planning permission was granted for a new garage on 2 December 2004. Six of the seven letters of representation received about these applications raised concerns about the business use of the premises. Both consents had a condition requiring that: "The extra accommodation shall be used only for purposes ancillary to the enjoyment of the dwellinghouse as such".

On 22 November 2004 Ms McQueen was advised that the office use should cease by 24 January 2005. No response has been received to that letter. Ms McQueen and Councillor McInnes have been advised by telephone that any supporting information submitted would be reported to Committee. No supporting information has been received.

## **Description of the Development**

The development constitutes a part change of use of the premises to an office for a firm of solicitors. The premises are located within a mainly residential area where existing residential character and amenities are to be protected.

From the complaints received, it is evident that the premises operate with a number of staff and clients visiting the premises in relation to the business use.

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

#### **Determining Issues**

The determining issue is the impact the use has on surrounding residential amenity.

#### **Assessment**

The use of part of the premises as an office has resulted in a number of complaints being received by the Council. The area is recognised as mainly residential within the South West Edinburgh Local Plan, in which the Council will seek to protect the residential character and amenity of the area.

The neighbour's complaints have highlighted several concerns associated with the operation of a business in a residential area, namely an increase in the number of visitors to the premises in relation to the business use, and an increase in the volume of traffic as a result of staff arriving for work each day, including one other solicitor registered at the premises.

It appears that the business use has expanded over the past four years. The operation now causes a reduction in the amenity enjoyed by neighbouring residents due to the arrival and departure of employees and casual visitors, and is contrary to Policy H5.

The scale of the use amounts to a material change of use from a house to a house and office use. The scale of the use is well beyond the scope envisaged in the Council's 'Working from Home' guideline.

#### **Recommendation**

It is recommended that Committee authorises the initiation of enforcement action to require the cessation of the unauthorised part change of use to office.

#### **Appendix**

##### **Planning Policy**

The premises are identified in the South West Edinburgh Local Plan as a mainly residential area where existing residential character and amenity are to be protected.

##### Relevant Policies:

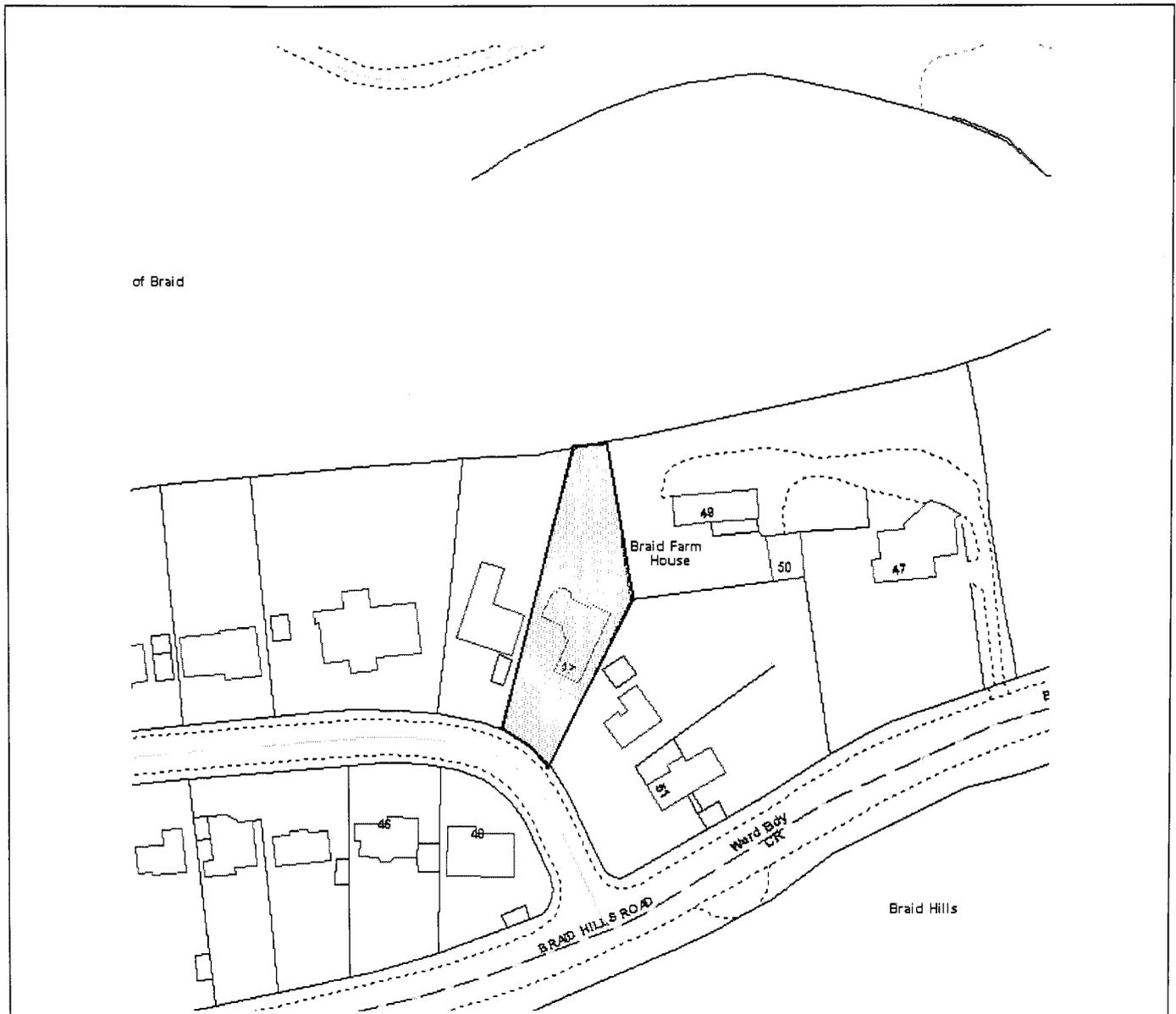
Policy H5 states that non-residential uses will only be accepted where they are compatible with the primary housing use of the area and that the introduction or extension of a non-residential activity will not be accepted if likely to lead to loss of amenity.

The Council's guideline on Working from Home provides additional guidance on development proposals of this type.



PP **Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	Jenny Bruce on 0131 529 3762
<b>Ward affected</b>	51 - South Morningside
<b>Local Plan</b>	South West Edinburgh
<b>Statutory Development Provision</b>	Mixed Uses <b>Plan</b>
<b>ConsuFile</b>	AF
<b>Date Complaint Received</b>	November 2004



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# ENFORCEMENT

<b>Address</b>	<b>47 Braid Farm Road, Edinburgh, EH10 6LE</b>		
<b>Breach</b>			
<b>Application number:</b>	<b>04/00106/E29</b>	<b>WARD</b>	<b>51- South Morningside</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			