

**Enforcement Report into Breach of Control
at
37 Castle Avenue
Edinburgh
EH12 7LB**

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

Owner/s

Occupier

Reference No: 09/00140/ENCOMP

1. Purpose of Report

Breach of Control:

Without planning permission, the creation of two dormers on the west-facing roof elevation

Recommendation:

That Committee authorises the use of formal action to rectify the breach of planning control.

The Site

Site Description

The property is a single storey detached house on the south side of Castle Avenue, close to the junction with Ladywell Avenue. The property is not Listed, nor is it within a Conservation Area.

Site History:

29 April 2005 - planning permission (05/00086/FUL) was granted for alterations to form attic bedrooms with dormers and extension to rear and west elevations. Included as part of this consent was a single velux rooflight over the stairwell.

22 April 2009 – Two further dormers have been erected. Upon visiting the site, an assurance was given that these dormers would be removed within two weeks. Following another site visit two weeks later, the dormers were still in situ. It is evident that formal action is required to secure their removal.

Representations

One enquiry received, objecting to the creation of the dormers and other associated matters.

3. Assessment

In determining whether it is expedient to take enforcement action it is necessary to consider:

1. whether there has been a breach of planning control; and
2. whether it is expedient to issue a Notice, having regard to the provisions of the development plan and to any other material considerations.

1. The creation of two dormers on the west-facing roof elevation requires planning permission. Each dormer extends more than 10cm beyond the plane of the roof slope and therefore does not constitute permitted development. A breach of planning control has occurred as the dormers do not benefit from an express grant of planning permission.

2. Development plan policies comprise Policy H4 of the adopted North West Edinburgh Local Plan and Policy DES11 of the finalised Edinburgh City Local Plan. The creation of a dormer to front and rear elevations has been approved, but the addition of a further two dormers on the west elevation is detrimental to the appearance of the property by reason of the size of the larger dormer and the massing effect of two dominating the same roof plane. The additional dormers do not make a positive contribution to the appearance of the building or to the character of the area. Other material considerations include Non Statutory Guidance on House Extensions which expresses a general presumption against side dormers as well as a general presumption against two dormers on an elevation having a combined width of more than 50% of the average roof width. The dormers are especially prominent given the location of the house close to the junction with Ladywell Avenue, and the fact that they face towards that junction and are therefore considered to be unacceptable. There are no material considerations to outweigh this conclusion.



John Bury
Head of Planning

Contact/tel	Mark Dunlop on 0131 469 3642
Ward affected	Ward A06 - Corstorphine/Murrayfield
Local Plan	North West Edinburgh Local Plan/finalised Edinburgh City Local Plan
Statutory Development Plan Provision	Mainly Residential/Urban Area
File	IDOX
Date Complaint Received	27 February 2009

Planning Policy

Finalised Edinburgh City Local Plan

Policy DES11 - Planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
- c) will not be detrimental to neighbourhood amenity and character.

North West Edinburgh Local Plan

Policy H4 - New development should be particularly sensitive to the quality and character of its surroundings, restrained in terms of its site coverage and sympathetic in terms of scale, design, and materials used.

Non-Statutory Guideline House Extensions and Alterations - There is a general presumption against side dormers.

Appendix A

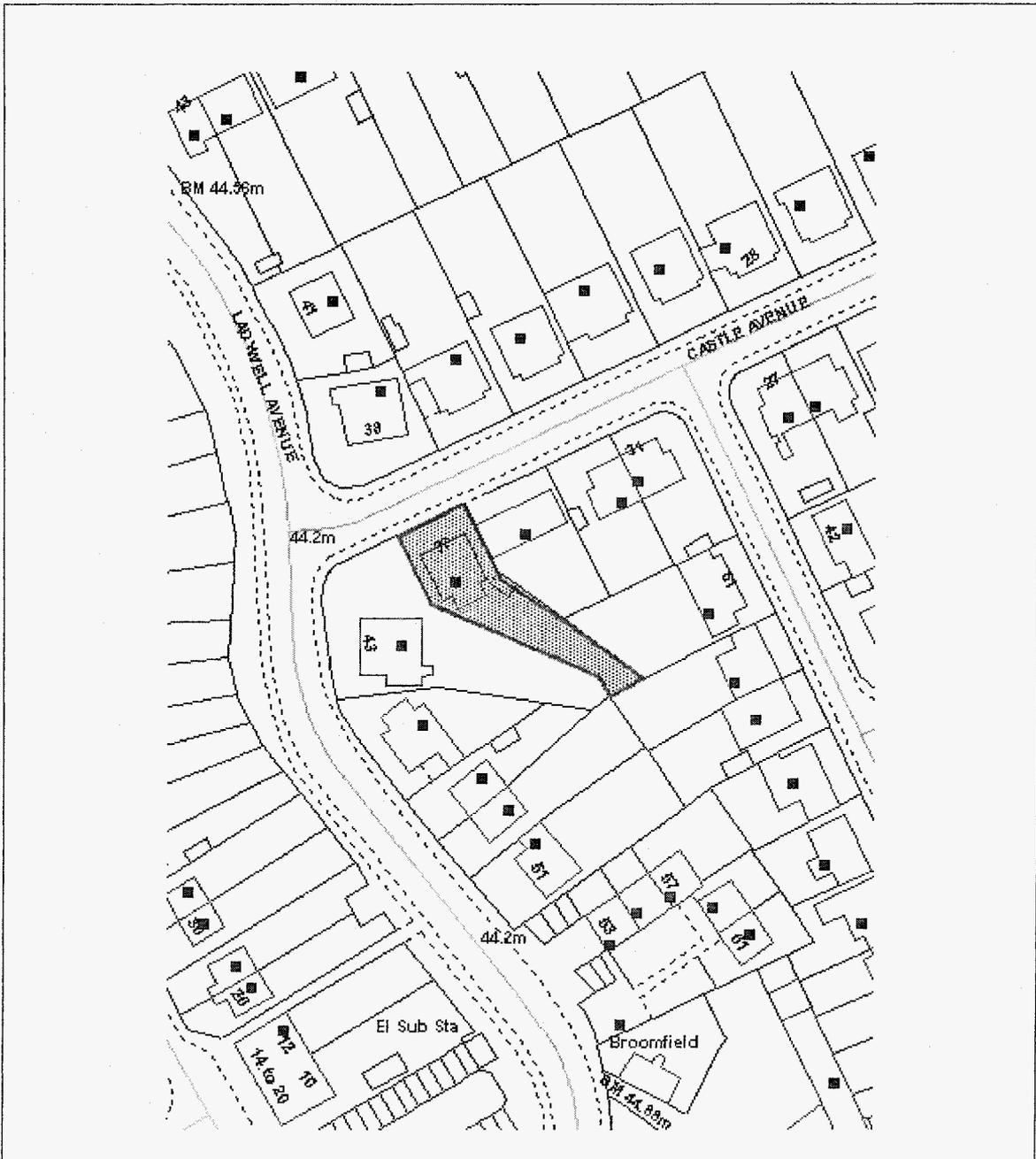


Address: 37 Castle Avenue
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Location Plan



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