

**Enforcement Report into Breach of Control
at
5 Mansionhouse Road
Edinburgh
EH9 1TZ**

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

Owner/s

Occupier

Reference No: 09/00181/EOPDEV

1. Purpose of Report

Breach of Control:

The erection of trellis, without the express grant of planning permission.

Recommendation:

That Committee initiates statutory enforcement action to require the removal of the unauthorised trellis.

The Site

Site Description

The property is the 2-storey, stone built property, located on the west side of Mansionhouse Road, close to its junction with Hatton Place. The building is not listed but lies within Grange Conservation Area. The trellis has been erected on the outside of the wall which backs onto Lover's Loan.

Site History:

There is no relevant planning history in respect of the site.

Representations

One representation has been received from a local resident.

3. Assessment

The planning authority may issue an enforcement notice where it appears to them-

1. That there has been a breach of planning control, and
2. It is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.

1. The erection of the trellis requires consent as it is within 20 metres of a road and exceeds 1 metre in height. It does not benefit from permitted development rights granted by virtue of Class 7 of the 1992 Order. In any case this class of permitted development has been removed by an Article 4 Direction in force in this conservation area. A breach of planning control has occurred as the works do not benefit from an express grant of planning permission.

2. Development Plan policies comprise policies CD4, CD5, CD11 and CD19 of the Central Edinburgh Local Plan and policy Env5 of the finalised Edinburgh City Local Plan. The streetscape is influenced to a considerable degree by high boundary walls and soft landscaping. The trellis has been erected on the rear of the boundary wall, in a prominent location, backing onto a local pedestrian thoroughfare. The development has resulted in the introduction of an incongruous and unsympathetic feature that is lacking coherence, to the detriment of visual amenity. Other material considerations include the effect of the works on the character and appearance of the conservation area and the need for any alterations to constitute an enhancement. The erection of the trellis has a detrimental effect on the character of the conservation area and cannot be considered to represent an enhancement. The works are therefore contrary to development plan policies. There are no other material considerations that outweigh the conclusion that the erection of the trellis is unacceptable in planning terms.



John Bury
Head of Planning

Contact/tel	Ross Middleton on 0131 529 6127
Ward affected	Ward A15 - Southside/Newington
Local Plan	Central Edinburgh Local plan/finalised Edinburgh City Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses/Urban Area
File	IDOX
Date Complaint Received	20 March 2009

Planning Policy

Central Edinburgh Local Plan

Policy CD4 – (Conservation Areas) which requires that development proposed in a conservation area will require the retention of all features which contribute to its character and appearance, including unlisted buildings, boundary wall and railings and historic gardens and tree's.

Policy CD5 – (Conservation Areas – redevelopment), states that all new development in a conservation area should take into account the area's special interest and should ensure that it preserves or enhances its character and appearance.

Policy CD11 (New Development – General), advises that proposals for new development should respect the constraints of a site, the character of its surroundings and the opportunities to add visual interest or improve the environment.

Policy CD19 (Building Alterations) - states that the Council will permit alterations to buildings which in their design and form, choice of materials and positioning are compatible with the character of the original building. Particular attention is paid to ensuring that such works to listed buildings and non listed buildings in conservation areas do not damage their special character.

Finalised Edinburgh City Local Plan

Policy Env5 (Conservation Areas – Development) aims to ensure that development enhances the special character of conservation areas.

Appendix A

◆ EDINBURGH ◆
THE CITY OF EDINBURGH COUNCIL

Address: 5 Mansionhouse Road
Edinburgh
EH9 1TZ

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Location Plan

