

**Full Planning Application 06/04890/FUL
at
13 Merchiston Bank Gardens
Edinburgh
EH10 5EB**

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

1 Purpose of report

To consider application 06/04890/FUL, submitted by Mr S. Matheson + Mr. T. Blackman. The application is for: **Erection of double garage**

It is recommended that this application be **GRANTED**

2 **The Site and the Proposal**

Site description

The application site is a two-storey modern detached dwelling to the west of Merchiston Bank Gardens. Surrounding properties are traditional stone villas, which are predominately residential in use.

The property is not listed.

This property is located within the Merchiston Greenhill Conservation Area.

Site History

14.04.1999 - Detailed Planning Application to erect 2 semi- detached dwellings on the garden area of the current application. This area of land was

burdened by feu disposition, which prevented building on site. Lifting of this burden was refused. This application was granted. 98/03444/FUL

25.05.1999 - Application for the erection of a single house to the rear of the site application was then withdrawn prior to the determination. 98/02199/FUL

13.12.2001 - Adjacent to 12 Merchiston Bank Gardens: Application to erect a single private dwelling house with a front and rear garden Granted. 01/03749/FUL

11.08.2003 - Application to construct the applicants dwelling Granted. 03/02978/FUL

29.07.2005 – Enforcement enquiry: Failure to build wall shown on approved plans. 05/00451/E39

27.04.2006 –The removal of an existing traditional boundary wall, to fit entrance gate was refused. 06/01797/FUL

Description of the Proposal

The application concerns the construction of a single storey double garage, located to the north-east of the property. The proposed garage protrudes beyond the front elevation of the dwelling. The proposed floor space of the double garage is 33m². The monopitch zinc roof design of the proposed garage and use of the render reflects that of the existing dwelling.

The applicant has lodged a supporting statement. This indicates that the proposal is in compliance with, relevant local plan policy and guidelines as it would preserve and enhance the conservation area. It also suggests that the proposal considers all material considerations including impact upon neighbouring residential amenity.

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 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, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) The scale, massing and design are appropriate for this conservation area location; and
- b) There will be any adverse effect on the amenity of the neighbouring properties.

a) The character of the conservation area is summarised in the local plan as *"Dominated by Victorian villas set in extensive gardens, this conservation area consists of the three former estates of Greenhill, East Morningside and Merchiston, which were developed from 1840. The area contains many listed building as well as the notable grouping of churches at Holy Corner. The main threat to the area is the over-development of villa grounds and erosion of garden space and boundary walls through the sub-division of property.*

In visual terms, the proposed location for the garage is set well back from the main building line, on the south side of Merchiston Bank Gardens. This is despite the fact it is forward of the dwelling to which it relates. Furthermore, the front garden has mature trees and shrubbery. This will ensure that the impact from the street is minimal.

The scale and massing of the proposed garage is appropriate in this location and it will be of a comparable scale with the neighbouring garage to the West (no.7 Merchiston Bank Gardens). The design of the garage relates sympathetically to the dwelling and the materials are acceptable.

There is an existing small holly tree that is located in the neighbouring garden (no.14 Merchiston Bank Gardens). However, the construction of the garage should not cause undue damage to threaten its existence.

In conclusion, the proposal complies with policy in terms of design and scale. It will preserve the character and appearance of the conservation area.

- b) The windows on the proposed garage facing south are almost 17 meters from the boundary wall of no.12 Merchiston Bank Gardens, and therefore there will be no loss of privacy.

There will be a minimal amount of overshadowing to the rear garden area of no.7 Merchiston Bank Gardens. The majority of land that is affected is occupied by a garage. A small area of garden at no.14 Merchiston Bank Gardens will also be affected, but the amount of overshadowing is minimal and not considered sufficient to adversely affect residential amenity.

In conclusion, the proposals comply with the Local Plan policy; it will have no adverse impact, in visual terms on the conservation area nor will it have any significant detrimental effect upon the amenity of neighbouring properties.

It should be noted that the site has been the subject of a legal challenge relating to a land title deed restriction. However, considering that the site already has a dwelling constructed, this particular proposal relates to an ancillary garage. This has been considered on its planning merits. The issue of the title deed restriction is not a material planning consideration.

It is recommended that the Committee approves this application.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Kirsty Hope on (0131) 529 6235
Ward affected	46 - North Morningside/Grange
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	22 November 2006
Drawing numbers/ Scheme	01-02

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, Ian Dryden on 0131 529 3464. Email: ian.dryden@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: 13 Merchiston Bank Gardens
Edinburgh
EH10 5EB

Proposal: Erection of double garage

Reference No: 06/04890/FUL

Consultations, Representations and Planning Policy

Consultations

None undertaken.

Representations

Eleven letters of representation have been received expressing concerns on the following issues:-

- | | |
|--------------------------------------|--|
| 1. Height and Scale | (addressed in section a of assessment) |
| 2. Appearance | (addressed in section a of assessment) |
| 3. Loss of Daylight and Sunlight | (addressed in section b of assessment) |
| 4. Loss of local character | (addressed in section a of assessment) |
| 5. Visual appearance | (addressed in section a of assessment) |
| 6. Materials | (addressed in section a of assessment) |
| 7. Out keeping with surrounding area | (addressed in section a of assessment) |
| 8. Tree damage | (addressed in section a of 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 Central Edinburgh Local Plan: Housing and Compatible Uses.

The Draft Edinburgh City Local Plan

Relevant Policies:

Relevant policies of the Central Edinburgh Local Plan

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 CD11 (NEW DEVELOPMENT - GENERAL) sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre.

Policy CD16 (NEW DEVELOPMENT IN VILLA AREAS) sets out the essential requirements of approved guidelines which seek to regulate the form and layout of new development in the garden grounds of villa properties.

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 Des 9 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings

Policy Des 3 (Development Design) sets criteria for assessing development design.

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines on 'TREE PROTECTION' supplement local plan green environment policies, and support the retention of healthy trees of landscape or amenity significance, encourage new tree planting wherever appropriate within new development and promote a substantial renewal of the city's woodland resource.

Non-statutory guidelines on 'VILLA AREAS AND THE GROUNDS OF VILLAS' provide guidance on development, to ensure the conservation and enhancement of villa areas.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED**

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

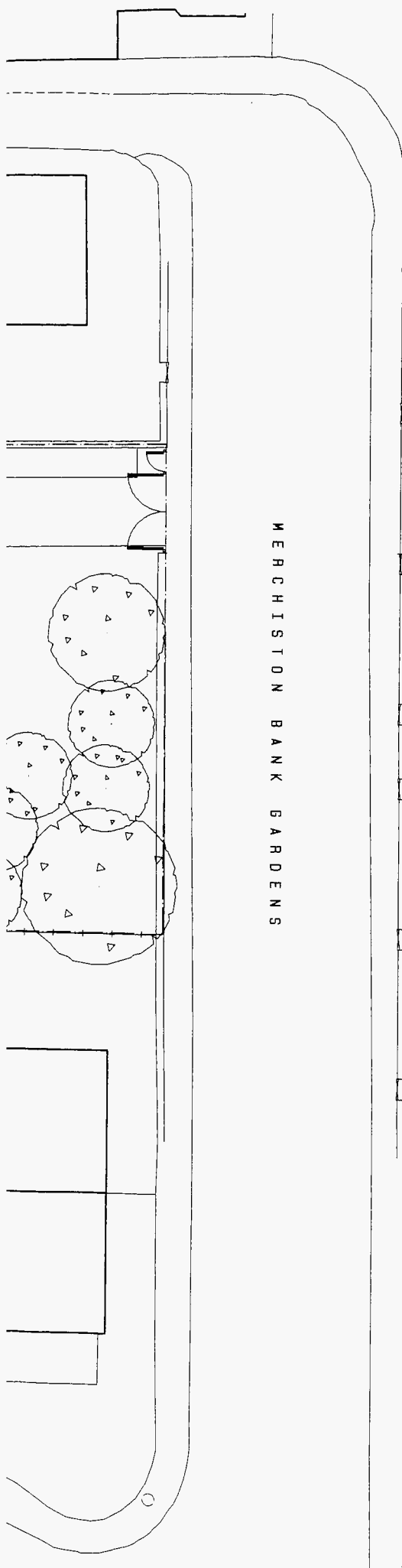
INFORMATIVES

It should be noted that:

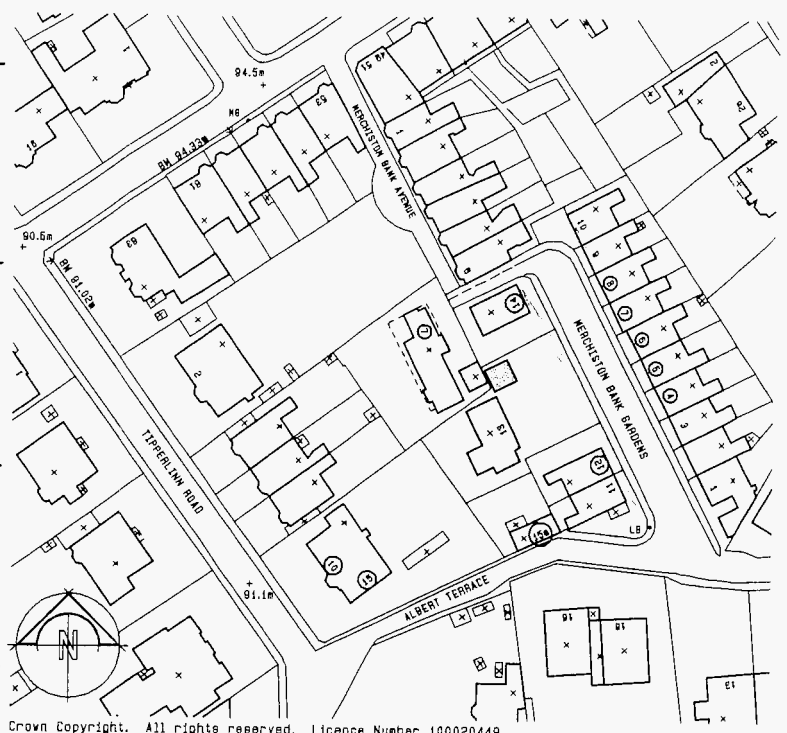
1. This consent is for planning permission for the garage only and does not relate to the entrance gates as indicated on the approved drawings.

End

Do not scale drawing. All dimensions to be checked on site.



MERCHISTON BANK GARDENS



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LOCATION PLAN 1:1250
Notified neighbours shown circled.



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e.mail: rmalloch@btconnect.com

PROPOSED GARAGE
Mr. S. MATHESON & Mr. T. BLACKMAN
13 MERCHISTON BANK GARDENS
EDINBURGH

SITE PLAN
DRWG. NO. 624/02
SCALE 1:200 @ A2
AUG. '06