

**Full Planning Application 05/03384/FUL
at
40A Buckingham Terrace
Edinburgh
EH4 3AP**

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

1 Purpose of report

To consider application 05/03384/FUL, submitted by Mr Dickson. The application is for: **Erection of conservatory (as amended)**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

This application relates to the basement property of a 3 storey, attic and basement terraced house. It is adjacent to the Bristo Baptist church, which forms a return down the west side of the garden of this site.

The building is category 'B' listed, designed by John Chesser, 1876.

The site is in the New Town Conservation Area and the Edinburgh World Heritage Site.

Site history

February 2002 - Planning permission and listed building consent granted for internal alterations and a structural glass conservatory (01/4503/FUL+LBC).

April 2004 - Planning permission and listed building consent refused for a full width conservatory (04/704/FUL+LBC).

December 2004 - Planning permission and listed building consent for a 3/4 width conservatory refused (04/4065/FUL+LBC).

July 2005 - Appeal against refusal of consent for conservatory dismissed. The reporter concluded that "the imposition of a conservatory of such a length (read width) at the base of the building will inevitably appear to affect the proportions of the elevation as a whole." He went on to say that "I am not reassured by the alternative of an elongated solution extending to the south, although such a concept would be more traditional in form and appearance."(05/00047/48/REF).

October 2005 - Concurrent listed building consent application for corner conservatory submitted. Pending decision (05/3384/LBC).

Description of the Proposal

The application is for the erection of a lean-to conservatory, in its revised form, with a footprint of 3.9 metres x 4.4 metres, set within the east corner of the patio. The conservatory now has a solid stone end panel.

Materials proposed are timber, glass and squared coursed rubble stone.

Original scheme 1

The initial scheme was longer down the garden, but less wide, measuring 3.6 metres x 5.2 metres, in timber and glass.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against the granting of permission;
- Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If they do not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to a building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character
- 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 plan, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) whether the proposals have an adverse impact on the character or appearance of the conservation area.
 - b) whether the proposals have an adverse impact on the building, or its setting.
 - c) whether the design and materials are satisfactory given the setting of the site.
 - d) whether the proposals are detrimental to amenity.
- a) The character of the New Town Conservation Area is described in the Central Edinburgh Local Plan as follows:

Conservation Area Character Statement

A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.

There have been several applications over the years for conservatories at the back of this flat. A structural glass example was originally granted in February 2002 as being minimal and appropriate to the character of the building and the area. A full width timber and glass conservatory was then refused and the subsequent 3/4 width submission was also refused as masking too much of the rear elevation. This went to appeal and was dismissed. The proposed conservatory is much more compact and only takes up one corner of the patio, screened by a high stone boundary wall. It is to be constructed in traditional timber, glass and stone. The size is similar to that granted at no.23 in 2002.

The conservatory will not be visible because of the high flanking church building to the west and a high wall to the east. It will sit below boundary wall height. The proposals will not adversely impact on the character or appearance of the conservation area.

b) The modest size will ensure that most of the rear building fabric will remain visible and it will be tucked into the corner of the patio. The proposal will have no detrimental impact on the building or its setting.

c) The design has been amended from a narrow 3.6m width x 5.2 metres long, to 3.9 metres x 4.4 metres, which prevents it from projecting too far into the garden and it masks less than 50 per cent of the rear elevation. The materials are traditional timber, glass and stone. A condition is recommended to ensure the stonework matches that existing.

The design and materials are satisfactory, given the setting of the site.

d) A neighbour has objected to the potential for increased noise and light. The amount of lighting of the conservatory is not specified and cannot be controlled. Any noise created by its use will have to comply with usual environmental health standards for domestic premises. The question of maintenance difficulties for other property owners caused by the conservatory being erected against the rear elevation, is not a planning matter.

The objector also indicated that neighbour notification had not been correctly carried out. This has now been rectified.

The proposals will not be detrimental to residential amenity.

The proposals comply with the development plan, and non-statutory guidelines; have no adverse impact on the character or appearance of the conservation area or the building and its setting, and have no detrimental impact on residential amenity.

There are no other material planning considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conservatory being painted white and a condition to ensure the stonework matches satisfactorily.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Duncan Robertson on 0131 529 3560 (FAX 529 3717)
Ward affected	16 - Dean
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	6 October 2005
Drawing numbers/ Scheme	01A - 04A Scheme 2

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, Martin Easson on 0131 529 3989. Email: martin.easson@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 blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 40A Buckingham Terrace
Edinburgh
EH4 3AP
Proposal: Erection of conservatory (as amended)
Reference No: 05/03384/FUL

Consultations, Representations and Planning Policy

Consultations

No consultations undertaken.

Representations

The application was advertised on 21 October 2005. Two letters of objection has been received from neighbours on the grounds that neighbour notification has not been properly served (since corrected); the conservatory will detract from the aesthetic quality of the building; being glass there will be a potential for increased noise and light, the structure will restrict access for maintenance at the rear of the building and the neighbour will be able to see it over the garden wall due to their two tiered garden level at any point more than 3 metres from the back of the building.

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 site is allocated as Housing and Compatible Uses in the Central Edinburgh Local Plan.

Relevant Policies:

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

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 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 CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Non-statutory guidelines on 'HOUSE EXTENSIONS AND ALTERATIONS' set out the design principles against which proposals will be assessed.

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

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

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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.
2. The conservatory timber work shall be painted white, to the satisfaction of the Head of Planning and Strategy.
3. The stone end panel of the conservatory shall be constructed in squared course rubble stone to match the existing main building, to the satisfaction of the Head of Planning and Strategy.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the character of the conservation area.
3. In order to safeguard the character of the conservation area.

INFORMATIVES

It should be noted that:

1. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

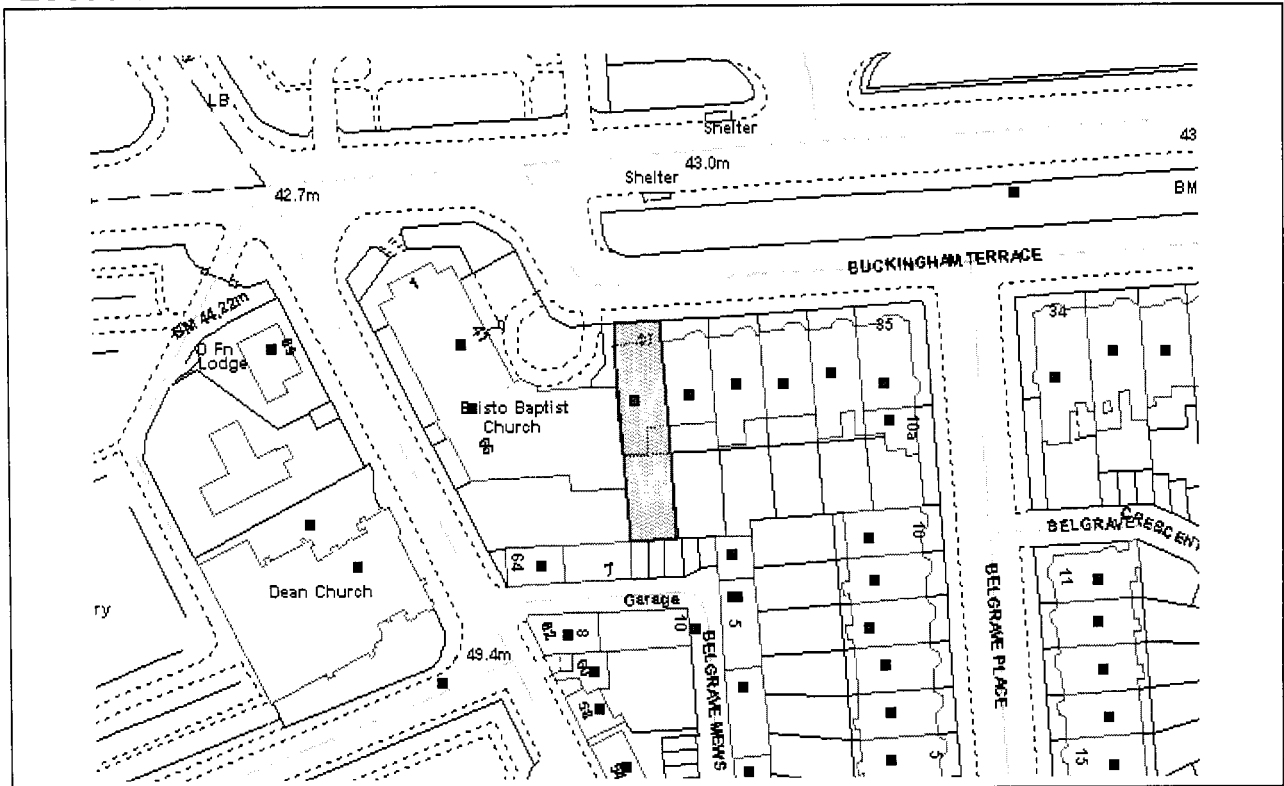
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Location Plan



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