

Full Planning Application
at
16-18 Minto Street
Edinburgh
EH9 1RQ

Development Quality Sub-Committee
of the Planning Committee

11 February 2004

Proposal: Alter rear garden, partially in retrospect (as amended).
Applicant: Jack Dourley.
Reference No: 03/04153/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples of the materials may be required.
2. The currently unauthorised retaining wall, cope, steps and fountain base shall be removed and replaced with natural stone as specified in drawing No. 5 within 3 months from the date of consent to the satisfaction of the Head of Planning.

Reasons

1. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
2. In order to safeguard the character of the conservation area.

2 Main report

Site description

The application property comprises three early 19th century classical two-storey former townhouses, now in hotel use. The buildings have been largely altered from their original condition with a modern linking block housing the hotel reception between the buildings. The buildings are category B listed (Item No.81) and are located within the Blackett Conservation Area.

Site history

11.02.04 - Development Quality Sub Committee agreed to continue the applications (3/04153/FUL/LBC) to clarify the legal position regarding the recent enforcement investigation into alterations in the rear garden of the property.

26.11.03 - Development Quality Sub Committee agree to take no formal action in respect of the removal of the boundary wall, the removal of trees, the laying of paving slabs and the raised garden area, but agree to enforce the removal of the retaining wall around the raised garden area.

28.08.03 - site inspection undertaken following a telephone complaint regarding the demolition of a boundary wall.

06.09.95 - consent refused to erect a conservatory (as amended)
(95/00372/FUL)

27.03.91 - consent refused to alter entrance, forecourt & boundary wall
(90/02941/FUL)

1991 enforcement action taken to reinstate a wall and railings at the front of the property.

1989 enforcement action was taken to remove canopies from the front elevation.

1989 an application for alterations and parking in the front garden was refused.

Development

The amended proposals involve:

- The formation of a raised lawn area to the back (north-east) of the rear garden and paving.
- The construction of a natural stone retaining wall and steps.
- The construction of a fountain formed in a pre-cast material with a sandstone base.
- Blocking up an existing double doorway on the side (north-west) elevation of the function hall.

The existing retaining wall, steps and fountain base have been built using grey re-constituted stone blocks. The proposal drawings have now been amended to show these elements and the base of the fountain as sandstone.

Consultations

No consultations undertaken.

Representations

The application was advertised on 5 December 2003.

Eight letters of representation were received. The objections raised in these letters include:

- Loss of privacy and amenity.
- Proposed alterations intrusive in terms of scale and character.
- Potential noise from functions within the garden.
- The raised area and fountain will detract from the character of the conservation area.
- Inappropriate materials.
- Proposed fountain is inappropriate in this context.

The application was continued at the Development Quality Sub-Committee on the 11 February 2004.

A letter of complaint was received from Councillor Mackintosh enclosing a letter from the Blasket Association. The letters raised concern that the advice given to the Sub Committee on the 26 November 2003, in respect of the enforcement position, was inaccurate or wrong. (Copies of these letters and the response are included in the Committee papers)

Policy

The application property lies within an area of Housing and Compatible Uses, on a main tourist approach routes (limited hotel/guest house use to be allowed) of the Central Edinburgh Local Plan

Relevant Policies:

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

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.

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.

3 Conclusions 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 building or its setting;
- b) whether the proposals have an adverse impact on the character or appearance of the conservation area;
- c) whether the proposals are detrimental to residential amenity.

a) The proposed garden alterations and blocking up of the doorway on the function hall will all be contained within the rear garden area. The main views of the listed building i.e. the front elevation, will be unaffected by the proposals and the creation of landscape features in the rear garden area is appropriate to the area. The proposals will have no adverse impact on the building or its setting.

b) The character of the Blacket Conservation Area is described in the Central Edinburgh Local Plan as follows:

"An early suburb of detached and semi-detached classically styled Georgian and Victorian villas now enhanced by the maturity of garden and street planting. The character of the villas fronting Minto Street and Dalkeith Road has been seriously eroded by the use of front gardens for parking - a problem particularly associated with guest houses."

Whilst the spatial pattern of the original garden areas has been eroded through the removal of the boundary wall between Nos. 16 and 17 Minto Street, the garden area will remain pre-dominantly soft landscaping and will be sympathetic to the landscaped character of the conservation area.

The proposals were amended to show the use of sandstone in the construction of the retaining wall and fountain base and to show the proposed fountain no higher than the existing boundary wall. The proposed materials such as sandstone and stone paving are suitable within this context and will respect the character and appearance of the conservation area. The proposed fountain although finished in a composite material will be an independent feature within the garden area and will be easily removed should it no longer be required. A condition is recommended requesting details, including samples, of proposed materials.

The proposal to block up the double doorway on the side elevation of the function hall will be an acceptable alteration as this wall is the original stone boundary wall between 17 and 18 Minto Street and will result in this section of wall being restored to its original random rubble finish. The proposals also include opening up a boarded up doorway on the function hall, which will result in a minimal alteration to the appearance of this elevation.

The proposals will have no adverse impact on the character or appearance of the conservation area.

c) The raised garden area has increased the height of a portion of the garden ground to some extent. However, the high boundary wall ensures the privacy of neighbouring properties is respected, with no infringement on residential amenity.

The alterations will not be detrimental to residential amenity.

The proposals comply with the development plan and non-statutory policies, have no adverse effect 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 material planning considerations, which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conditions stated.

FURTHER ASSESSMENT

The planning and listed building applications were continued on the 11 February 2004 to allow for the legal position to be clarified in light of concerns raised by Councillor Mackintosh on behalf of the Blacket Association. The concerns raised related to the enforcement investigation regarding the removal of a boundary wall and associated works, and the subsequent advice given to the DQ Sub-Committee. The enforcement position regarding these alterations was reported to and agreed by the DQ Sub-Committee on 26 November 2003.

These matters have now been further investigated and Councillor Mackintosh was provided with a response on the 24 February 2004, addressing his concerns and those raised by the Blacket Association. The planning/enforcement position has not changed as an outcome of this investigation and this application can now be determined. No further correspondence has been received from either Councillor Mackintosh or the Blacket Association in respect of this matter.

It is recommended that the Committee approves this application subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel Damian McAfee on 0131 529 3529 (FAX 529 3717)

Ward affected 49 -Newington

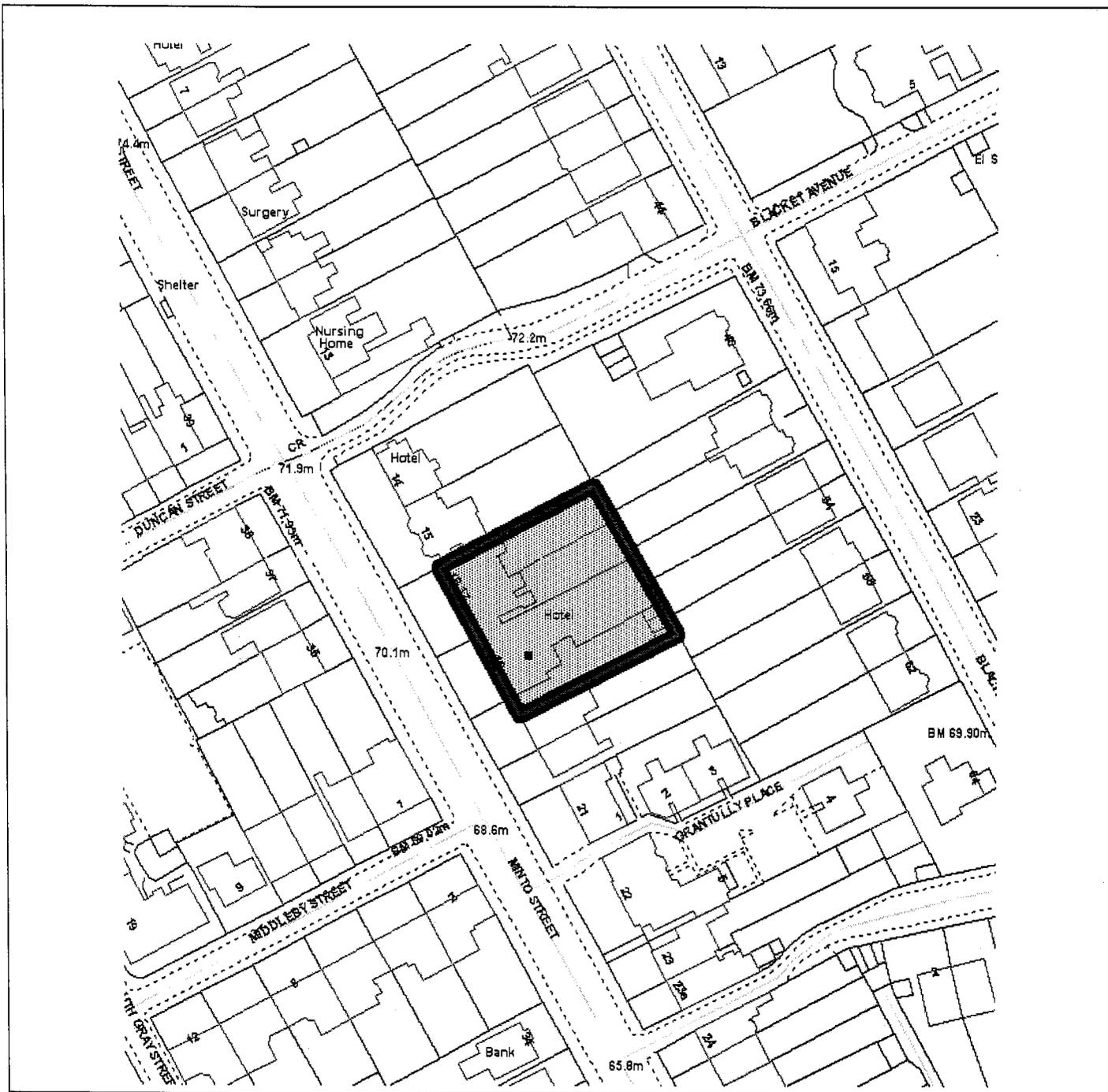
Local Plan

**Statutory Development
Plan Provision**

File

Date registered 25 November 2003

**Drawing numbers/
Scheme** 1, 4, 5
Scheme 2



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PLANNING APPLICATION

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Application number:	03/04153/FUL	WARD	49- Newington

**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**