

**Full Planning Application 05/01306/FUL
at
12 Lygon Road
Edinburgh
EH16 5QB**

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

1 Purpose of report

To consider application 05/01306/FUL, submitted by Mohammed Aslam. The application is for: **Change of use from hotel to flatted development with new extension. (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

The application property is a two storey with attic semi-detached house dating from the late 19th century. The building is category C(S) listed, but not within a conservation area. There is a harled non-original extension on the rear of the building. The building's current use is described as hotel, although neighbours claim that it is being used as an unlicensed HMO.

Site history

April 1971 - Planning permission granted to change the use of the dwelling to a hotel/guest house, employing 8 out of the 9 bedrooms available (109/71).

August 1985 - No.10. Planning permission granted to subdivide the hotel into 3 flats, with 1 x 3 apartments flat on each floor (1156/85).

March 1997 - The property became statutorily listed.

March 2003 - consent was refused for the alterations to the interior to provide three flats,(02/3595/FUL/LBC) However this was allowed at appeal (03/00059/REF) _ (03/00060/REF) in 09.2003. These works have not been implemented and no work has commenced.

There is currently an as yet undetermined application for an HMO license (04/05236/LHMO)

Description of the Proposal

The application is for the change of use from the existing hotel use to residential, sub-dividing the building to create three flats. An extension will be built on the west side elevation to increase the floor area of the ground floor flat. This extension will mirror a similar extension that has been built on the side of the other half of this semi-detached property at number 10 Lygon Road and will be in natural stone. New timber sash and case windows will be installed on an existing extension to the rear of the property. Parking for at least one car is provided at the side of the garden in front of the extension using existing access from the road.

The original scheme proposed a larger extension that had rendered walls on the side and rear elevation. It proposed casement windows in the existing extension. It was proposed to provide three parking spaces in front of the building.

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 proposed use is acceptable in this location;
- b) Whether the proposals adversely affect the listed building or its setting;
- c) Whether the proposals are detrimental to residential amenity or road safety.

a) Residential use complies with the local plan allocation and is acceptable in principle. There is also a presumption in favour of the return of listed buildings to their original use and the principle of subdividing this building to form three flats has already been established at appeal. The proposed residential use will be better suited to the residential character of this neighbourhood than the existing use.

b) The scheme has been amended to specify that the extension will be constructed of natural stone to match that of the existing building and that new windows will be timber sash and case. The design of the front elevation of the extension is sympathetic to the existing house and the extension at number 10. The proposal does not adversely affect the listed building or its setting.

c) Although the proposed extension brings the total site coverage to more than 20% of the site as specified in Local Plan Policy CD16 the revised plan for the extension will make it the same area as the existing extension at number 10 Lygon Road which is the mirror image of this property and the breach is acceptable in these circumstances.

Although the proposal will provide new windows in the side of the existing rear extension only seven metres from the boundary there is currently adequate screening between this and the neighbour's property in the form of a trellis and planting.

The previous 2002 application recommended a refusal on the basis of insufficient provision of adequate off-street parking. However the reporter who upheld the appeal commented that there appears to be adequate on-street parking available and that the current use already potentially generates more car parking than if it were to be used as three flats. The proposals will not add to any shortage of on street parking or be detrimental to road safety.

The proposals comply with the development plan and non-statutory guidelines, have no adverse effect on the setting of the listed building, and have no detrimental impact on residential amenity or road safety.

There are no material planning considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conditions attached with regard to window design and masonry detailing.



pp **Alan Henderson**
Head of Planning and Strategy

Contact/tel	Barbara Stuart - Tuesday, Thursday Only on 0131 529 3927 - (FAX 529 3717)
Ward affected	49 - Newington
Local Plan	Central Edinburgh
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	10 May 2005
Drawing numbers/ Scheme	1-2, 6-7 Scheme 3

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.boqunovic@edinburgh.gov.uk

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Consultations, Representations and Planning Policy

Consultations

No consultations undertaken.

Representations

The application was advertised on 20.05.2005 and again on 29.07.2005. Eight letters of representation were received from neighbours. They object to the proposals on the following grounds:

- proposals out of keeping with character of the listed building
- over-development
- in appropriate, materials, finishes and detailing
- provision of 3 parking spaces in front garden would be detrimental to character of listed building
- privacy

There is great concern that the owner of the hotel will build the extension but not subdivide the house to form individual flats and that the application is merely a means to extend space and the use of the existing unlicensed HMO.

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

Policy CD3 (LISTED BUILDINGS - USES) establishes a presumption (with stated qualifications) in favour of retaining a listed building in (or restoring it to) its original use.

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

Non-statutory guidelines 'ALTERATIONS TO LISTED BUILDINGS' provide general guidance for assessing proposals for both internal and external alterations.

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

Non-statutory guidelines on 'SUB-DIVISION OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance on sub-division with the aim of protecting the character and appearance of listed buildings.

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

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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. A small sample of masonry work, indicating courses, surfacing finish and pointing, shall be prepared for inspection on site and shall be approved in writing by the Head of Planning & Strategy before work commences on site.
3. All new windows should be timber sash and case. New window on front elevation should be single glazed with glazing bars to match to those on the original house, to the satisfaction of the head of the planning.

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 statutorily listed building.
3. In order to safeguard the character of the statutorily listed building.

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.

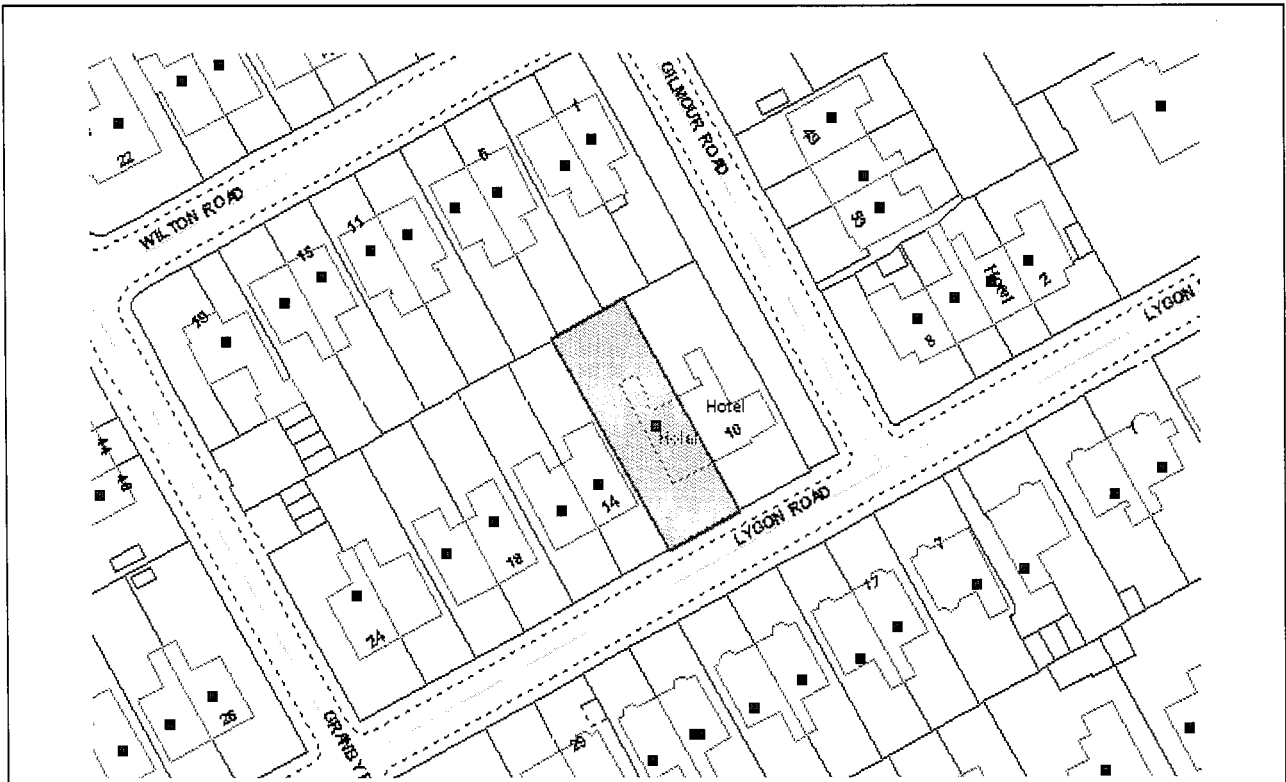
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Location Plan



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