

Full Planning Application 05/03349/FUL
at
29 - 29A Raeburn Place
Edinburgh
EH4 1HU

Development Quality Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 05/03349/FUL, submitted by Stanley Racing Limited. The application is for: **Installation of 1 satellite dish to the rear wall of 29a Raeburn Place and installation of 2 air conditioning louvres to the rear of 29 Raeburn Place (In retrospect)**

It is recommended that this application be **REFUSED AND ENFORCED** for the reasons in Appendix B.

2 The Site and the Proposal

Site description

The application site relates to a ground floor retail unit within a 2-storey and attic house, dating from 1814. The retail unit is single storey and has a modern shopfront. There is a substantial single storey extension to the rear of the property which occupies the whole of the garden area. The property is in betting office use.

The property is Category C(S) listed. It is located within the New Town Conservation Area.

Site history

97/00981/FUL - Change of use of premises from Class 1 retail to Class 11 office/services. Approved 11 June 1998.

04/01370/FUL/LBC - Consent refused to erect satellite dishes to the rear

05/00114/FUL/LBC - applications for satellite dish on rear elevation recommended for temporary approval. Approved 30 March 2005.

Enforcement history

Date of complaint: Neighbour's letters of 18 November and 1 December 2003, detailing unauthorised works - erection of large air conditioning unit on the front roof of the shop and the erection of large dish aerials on the rear roof.

Enforcement file 03/00862/E01 - opened 20 November 2003. Letter of 16 December 2003 requesting the removal of the air conditioning unit and satellite dishes by 31 January 2004.

Following discussions with enforcement and listed buildings sections, applications for planning and listed building consent for the repositioning of the air conditioning units and satellite dishes were submitted in May 2004 (04/01370/FUL/LBC). These applications were refused.

Enforcement action was authorised in September 2004, on the basis that four unauthorised dishes had been installed on the property. Enforcement Notices were drafted and about to be served in January 2005, when it was found that the number of unauthorised dishes had been reduced to two. On this basis, Legal Services advised that the Notice (as drafted) should not be served. Subsequent to this, temporary Planning permission for one dish was issued March 2005.

Description of the Proposal

This is a retrospective application to erect two air conditioning vents on the roof of the flat roof extension to the rear of the property and to erect a single satellite dish on the stone built rear elevation of the main property at first floor level.

Supporting Information

The Agent has supplied a Supporting Statement. This is available in the Party Group Rooms.

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 building;
- 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 owners of the ground floor property, Stanley Racing, require air conditioning into their ground floor premises. This retrospective application is for two air conditioning units on the flat roof extension to the rear. The vents are large and their visual impact within this rear area is not acceptable. The siting is contrary to non statutory guidelines on Services on Buildings. Stanley Racing also require a satellite dish. The location of the satellite dish is contrary to non statutory guidelines on Satellite Dish Aerials. The dish is poorly sited and the visual effect of a satellite dish on the original fabric of the building will detract from its architectural composition.

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

"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."

The proposed satellite dish and the air conditioning units will be visible from the residential properties to the rear. The principle of a satellite dish on this domestic scale elevation is not acceptable. The air conditioning units are large and dominate the roof of the single storey extension. Furthermore, the proposals would not be in line with Government guidelines; the Memorandum of Guidance on listed buildings and conservation areas states that 'these items can seriously disfigure a building and greatly diminish its architectural quality'.(para 1.7.1)

c) The neighbours have raised issues of noise pollution for the air conditioning units located on the flat roof of the single storey to the rear. The site is surrounded by residential properties. However, Environmental Services have not raised any concerns regarding noise levels from the units.

The air conditioning units fail to comply with the development plan and non-statutory guidelines and would have an adverse effect on the character and appearance of the conservation area. The satellite dish also fails to comply with the development plan and non-statutory guidelines and would have an adverse effect on the character and appearance of the conservation area.

There are no material planning considerations which outweigh this conclusion.

It is recommended that the Committee refuses this application, for these reasons, and initiates enforcement action to remove the unauthorised satellite dish and two air conditioning units.


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

Contact/tel	Diana Garrett - Wed, Thurs + Alternate Tuesdays on 0131 529 3620 (FAX 529 3717)
Ward affected	17 - Stockbridge
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	21 October 2005
Drawing numbers/ Scheme	1-3 Scheme 1

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: 29 - 29A Raeburn Place
Edinburgh
EH4 1HU

Proposal: Installation of 1 satellite dish to the rear wall of 29a Raeburn Place and installation of 2 air conditioning louvres to the rear of 29 Raeburn Place (In retrospect)

Reference No: 05/03349/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental Services

No objections, subject to the following condition:

The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured with any nearby living apartment, and no structure borne vibration is perceptible within any living apartment.

Representations

The application was advertised on the 4 November 2005.

One petition with five names was received. The letter refers to objections outlined in previous correspondence concerning the siting of satellite dishes and air conditioning equipment. Three further letters of representation were received. Grounds of objection relate to:

- Adverse impact on listed building and conservation area
- Installations visibly affect private gardens
- Noise affects residential amenity
- Previous temporary consent expired

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 application site is located within an area of Housing and Compatible Uses as identified in the Central Edinburgh Local Plan.

Relevant Policies:

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 on 'SERVICES ON BUILDINGS' supplement local plan conservation and design policies, providing additional guidance on the installation of services on the exterior of buildings.

Non-statutory guidelines on 'SATELLITE DISH AERIALS' set criteria for assessing such proposals.

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Conditions/Reasons associated with the Recommendation

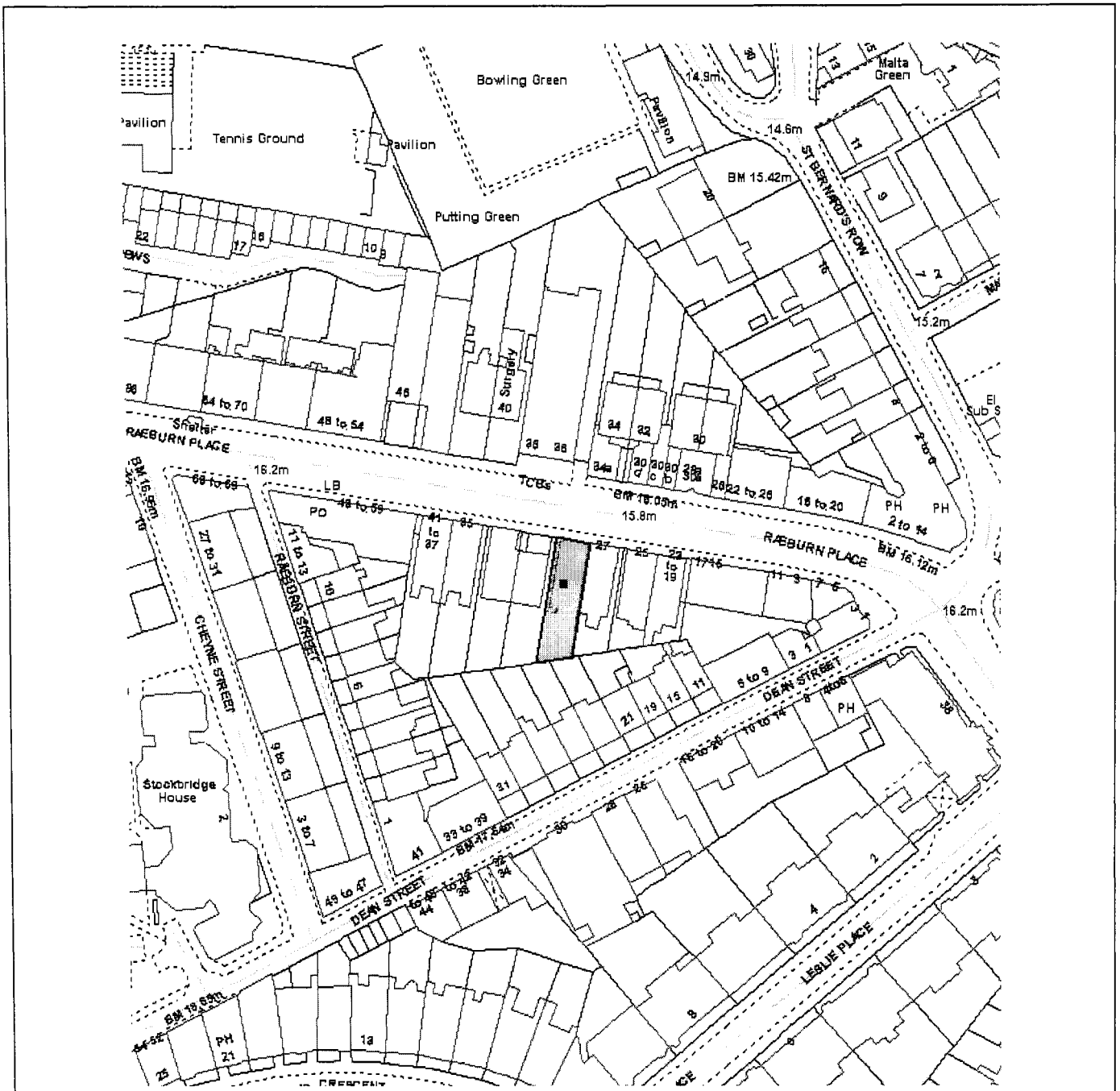
Recommendation

It is recommended that this application be **REFUSED AND ENFORCED**

Reasons

1. The proposal is contrary to Central Edinburgh Local Plan Policy CD5, in respect of Conservation Areas - Redevelopment, as the satellite dish and two air-conditioning units do not preserve or enhance the appearance of the conservation area due to their visual dominance.
2. The proposal is contrary to Non Statutory Guidelines in respect of Satellite Dish Aerials, as the satellite dish adversely affects the listed building and the character and appearance of the conservation area.
3. The proposal is contrary to Non Statutory Guidelines in respect of Services on Buildings, as the air conditioning units, due to their size and positioning, would adversely affect the listed building and the character and appearance of the conservation area.

End



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PLANNING APPLICATION

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