

Enforcement Report into Alleged Breach of Control
at
26 Greenhill Gardens
Edinburgh
EH10 4BP

Development Quality Sub-Committee
of the Planning Committee

Owner/s **No response to s272 Notice. Awaiting result from Terriers**
Occupier **As above**
Reference No: **06/00417/E46**

1. Purpose of Report

Breach of Control:

The laying out of a tarmac hardstanding to the front of the property without the benefit of planning permission.

Recommendation:

That enforcement action is taken to secure the removal of the hardstanding from the front (west) garden of the property.

The Site

Site Description

The property is a detached house on the east side of Greenhill Gardens. It is not a Listed Building but it is within Merchiston and Greenhill Conservation Area.

Site History:

On 14th June 2006 a complaint was received, raising the matter of the hardstanding. A second e-mail was received on 16th June. On 16th August the case officer wrote to the owner to point out that the development was unauthorised and required the removal of the tarmac within 28 days. Following the departure of the case officer, the case was re-assigned and a s272 Notice was sent to the owner on 19th September 2006. To date, no response has been forthcoming. Enforcement action is now necessary to secure the removal of the hardstanding.

Representations

Two e-mails have been received, as already described.

Description of Development

An area of tarmac hardstanding in the front (west) garden of the house

3. Officer's Assessment and Recommendations

The determining issues are whether the development is acceptable with regard to the provisions of the development plan, so far as they relate to any other material considerations, and in the light of these considerations whether it is expedient to initiate enforcement action. For this purpose, the Committee needs to consider whether the development has an adverse impact on the character and appearance of the conservation area.

Central Edinburgh Local Plan (CELP) Policy CD4 states that the Council will require the retention of all features that contribute to the character and appearance of the conservation area. This includes traditional paving materials. The laying out of a tarmac hardstanding incorporates a non-traditional paving material that is out of keeping with the character of other properties in the street, to the detriment of the character and appearance of the conservation area.

CELP Policy CD5 states that new development should preserve or enhance the character and appearance of the conservation area. The use of tarmac in the front garden does not preserve or enhance the character and appearance, but detracts from it.

CELP Policy GE11 states that development must show consideration for any trees on the site. The laying of tarmac around the mature tree in the front garden will cause damage to the tree by compaction causing root damage and prevention of gaseous exchange.

Council's non-statutory guidance on Car Parking in Front Gardens states that car parking in front gardens will not usually be permitted. An exception is made where the character of front gardens is determined by a predominance of existing and authorised front garden parking. However, any exceptions should follow the pattern of run ins already established. In addition, it is stated that vehicle run ins will not be permitted where there is parking space for more than one car. Whilst the character of the area may be said to be defined by vehicle run ins, the pattern of run ins already established is that of monobloc and concrete surfacing. The use of tarmac is not established in this area. The hardstanding in question also provides space for the parking of more than one car.

The unauthorised development fails to comply with the development plan and adversely affects the character and appearance of the Conservation Area. It is recommended that Committee authorises the initiation of enforcement action to secure the removal of the hardstanding.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected Ward 47 - Marchmont

Local Plan Central Edinburgh

**Statutory
Development Plan
Provision** Housing and Compatible Uses

File

**Date Complaint
Received** 20 June 2006

Planning Policy

Central Edinburgh Local Plan Policies CD4, CD5, and GE11
Non statutory guidance - Car Parking in Front Gardens

Appendix A

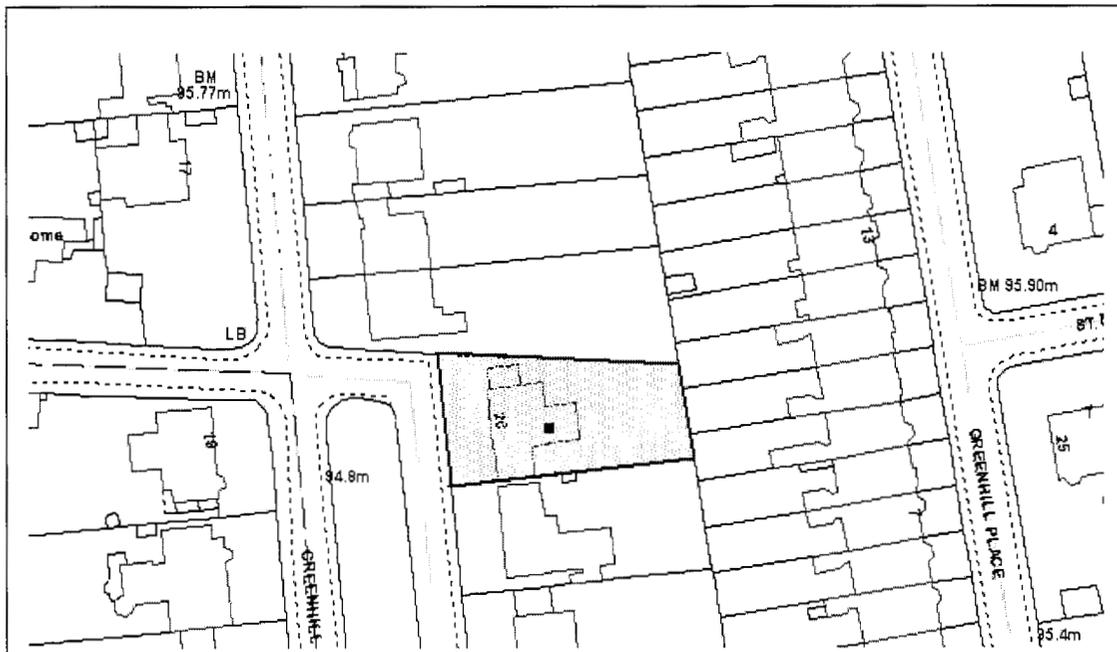


Address: 26 Greenhill Gardens
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EH10 4BP

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Location Plan



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