

Full Planning Application 04/04356/FUL

at

4 Bellevue Crescent

Edinburgh

EH3 6ND

Development Quality Sub-Committee of the Planning Committee

16 February 2005

1 Purpose of report

To consider application 04/04356/FUL, submitted by Mr + Mrs Miller. The application is for: **Wooden children's playhouse on wooden deck adjoining existing garage at end of back garden**

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

2 The Site and the Proposal

Site description

The application property refers to the garden of a three storey with basement townhouse by Thomas Bonnar, dating from 1819-32. To the west is a neighbour's garden and to the east and south are a shared lane. The building is category A listed and situated within the New Town Conservation Area and World Heritage Site.

Site history

27.07.2001 - consent granted for the use of ground floor only of townhouse as an art gallery.

23.06.2000 - consent granted to separate sunken storey to form a flat.

21.10 .1998 - consent granted for a change of use from residential to art gallery.

Description of the Proposal

This a retrospective application for the construction of a raised timber deck to the rear of the garden of this site incorporating children's play house and play area. The deck and play area occupy a large part of the rear garden and are built on a series of concrete piers. The height of the deck above ground level varies but is approximately a metre above the garden. The deck is built up against an existing garage and against the boundary walls.

The applicant has submitted a supporting statement. A petition is included in support of the scheme that contains 50 signatures. A copy of this is available in the Party Group Rooms.

3 Officer's Assessment and Recommendations

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 are 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 adversely affect the listed building or its setting;

c) Whether the proposals are detrimental to residential amenity.

a) 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 deck and play area are large raised elements in the garden. In terms of materials and scale they are visually obtrusive elements in the garden and are not characteristic features in the conservation area. The decking is contrary to the non-statutory policies on House Extensions and Alterations which states that "within the Edinburgh World Heritage Site, decking is not considered to be in keeping with the special character of the area and is unlikely to be acceptable". The structure has an adverse impact on the character and appearance of the conservation area.

b) The materials and scale of the raised timber decking and play structure dominate the rear garden and are a significant intrusion into the space to the detriment of the setting of the listed building.

c) The deck is raised to a height to allow overlooking to occur over the rear lane and also the neighbour to the west. This does not raise any issues of amenity regarding the lane. The area of deck adjacent to the neighbour's garden is small because of the close proximity of the steps and it is unlikely that there would be a problem with overlooking. The structure is not detrimental to residential amenity.

The proposals do not comply with the development plan and non-statutory policies and have an adverse effect on the character or appearance of the conservation area and the setting of the listed building. They have no detrimental impact on residential amenity.

There are no material planning considerations which outweigh this conclusion.

It is recommended that the Committee refuses this application for reasons relating to the character and appearance of the conservation area and the

setting of the listed building and initiates enforcement action to secure the removal of the unauthorised developments.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Barbara Stuart - Tuesday, Thursday Only on 0131 529 3927 - (FAX 529 3717)
Ward affected	18 - New Town
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	15 December 2004
Drawing numbers/ Scheme	1-2 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, Nancy Jamieson on 0131 529 3916. Email: nancy.jamieson@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: 4 Bellevue Crescent
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Consultations, Representations and Planning Policy

Consultations

HISTORIC SCOTLAND

Historic Scotland objects to this scheme stating that the works worsen, rather than improve, the existing situation.

Representations

The application was advertised on December 17th. Two letters of representation were received.

A neighbour objects on the grounds that it:

- Contrary to planning policies
- Will detrimentally affect the character of the area
- Will detrimentally affect the character of the green space
- Additional noise and traffic

Another neighbour wrote to support the scheme.

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 located within the Central Edinburgh Local Plan, in an area of Housing and Compatible Uses.

Relevant Policies:

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

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

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.

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

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Conditions/Reasons associated with the Recommendation

Recommendation

To recommend that this application be **Refused and Enforced** for the following reasons

Reasons

1. The proposal is contrary to Central Edinburgh Local Plan Policy CD2, in respect of Listed Buildings, as the development detrimentally affects the character of the structures that form part of the listed building.
2. The proposal is contrary to Central Edinburgh Local Plan Policy CD4, in respect of Conservation Areas, as the development makes a detrimental contribution to the character and appearance of the conservation area.
3. The proposal is contrary to Central Edinburgh Local Plan Policy CD5, in respect of Conservation Areas - Redevelopment, as the development does not preserve or enhance the character or appearance of the conservation area.
4. The proposal is contrary to Non Statutory Guidelines in respect of Alterations to Listed Buildings, as the alterations seriously detracts from and alters the character of the listed buildings.
5. The proposal is contrary to Non Statutory Guidelines in respect of the Setting of Listed Buildings, as the design, scale and materials of the development are not sympathetic to the listed building or its structures.
6. The proposal is contrary to Non Statutory Guidelines in respect of House Extensions, as decking is not considered to be in keeping with the special character of the Edinburgh World Heritage Site.

End

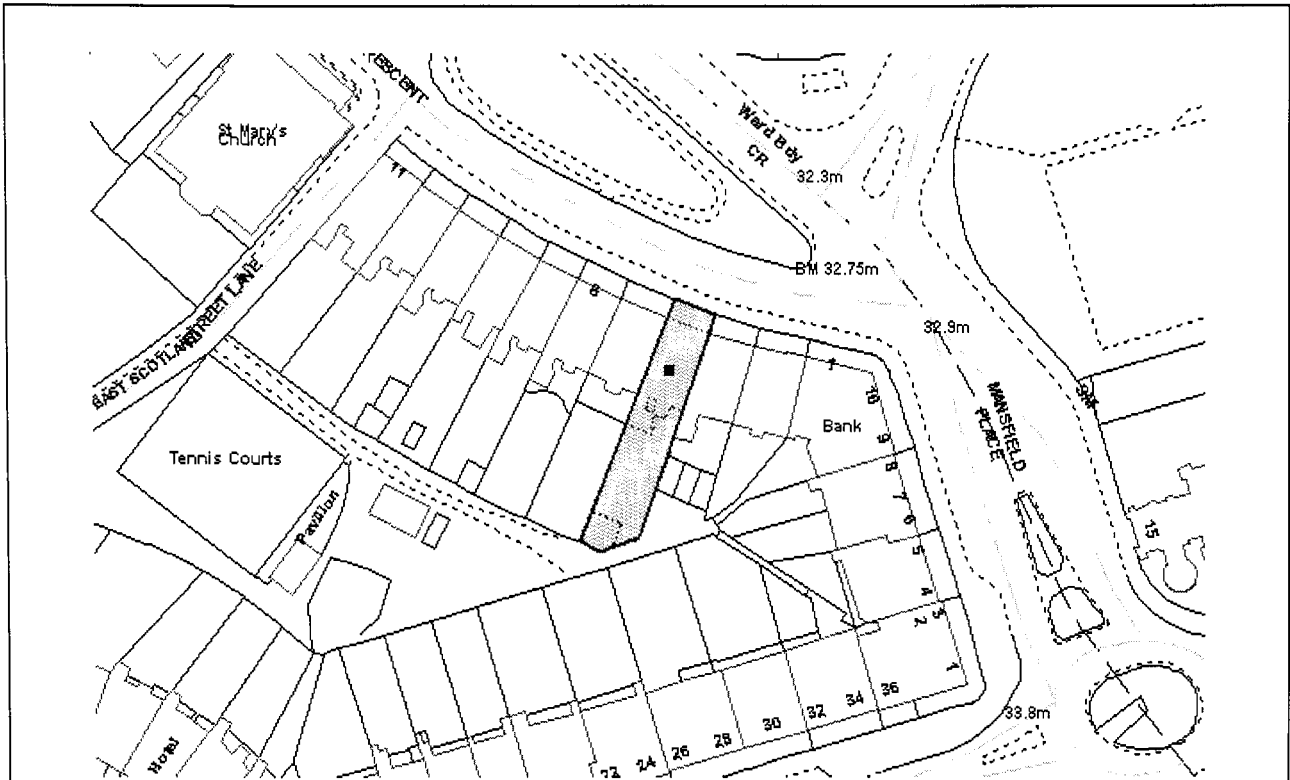
Appendix C

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Location Plan



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