

Full Planning Application 04/04478/FUL
at
24 Gillespie Crescent
Edinburgh
EH10 4HU

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

1 Purpose of report

To consider application 04/04478/FUL, submitted by Mr Kidd. The application is for: **Low level decking area**

It is recommend that this application be **GRANTED** subject to the conditions in Appendix B.

2 The Site and the Proposal

Site description

The application site is situated on the north side of Gillespie Crescent . The property is the ground floor of a four storey tenement building. The surrounding area is predominantly residential.

The property is not located within a conservation area.

Site history

There are no recent planning applications on file relating to the application site.

A retrospective planning application for a rear garden deck at no. 20 Gillespie Crescent was refused, with a recommendation to initiate enforcement

proceedings, on 1/11/04. A further application for a similar structure at this neighbouring property has recently been submitted.

Description of the Proposal

This retrospective application relates to the installation of a low level decking area (approximately 0.2 metres above ground level), in the rear garden of this property. The area covered by the timber decking measures 4.8 metres by 2.3 metres and is accessed via the existing french windows at the rear of this ground floor flat.

3 Officer's Assessment and Recommendations

The determining issues are:

- 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 these determining issues, the Committee needs to consider whether

A) The structure detracts from the character or appearance of the existing property.

B) The structure is detrimental to the amenity of neighbouring residents.

(A) This low level structure is constructed of natural materials and occupies a relatively modest proportion of the overall garden area. It does not contain or require any means of enclosure and is not visually prominent in the manner of the existing structure at No. 20, which was recently refused consent. The proposal does not therefore detract from the character or appearance of the existing building or the communal garden area.

B) Although the structure occupies a portion of communal garden area, it is only slightly elevated and has not been enclosed. It is located within the south east corner of this garden area and is not directly overlooked by any other ground floor properties. The structure does not therefore restrict access to this garden area, or obstruct views from properties which share the ownership of this land. This low level structure does not result in a loss of privacy or

daylight to neighbouring properties. The proposal complies with policy CD19 and with non-statutory guidelines in respect of Privacy.

Neighbouring representatives have drawn attention to the fact that permission has not been received from all co-owners of this communal area for the siting of this structure. The applicant has, however, served the relevant notice on all respective land owners, as required under the planning regulations. Obtaining permission from relevant owners is a private legal matter, and is not a material issue in the determination of this application.

In conclusion, it is considered that the proposal does not detract from the character or appearance of the existing property or from the amenity of neighbouring residents.

It is recommended that the committee approves this application.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Carla Parkes- Monday, Tuesday And Alternate Wednesdays Only on 0131 529 3925 (FAX 529 3717)
Ward affected	31 - Fountainbridge
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	13 December 2004
Drawing numbers/ Scheme	01,02 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, Barbara Cummins on 0131 529 3996. Email: barbara.cummins@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: 24 Gillespie Crescent
Edinburgh
EH10 4HU
Proposal: Low level decking area
Reference No: 04/04478/FUL

Consultations, Representations and Planning Policy

Consultations

No consultations undertaken.

Representations

Neighbour notification was carried out on 23rd November 2004 and three letters of objection were received from neighbouring occupiers.

The grounds of objection are as follows:-

The proposal is out of keeping with the character and appearance of this communal garden area.

The proposal would set an undesirable precedent for the formation of a number of similar structures within this garden area to the further detriment of the area's character and appearance

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 situated within an Area of Window Control and an Area of Housing and Compatible Uses.

Relevant Policies:

Policy CD11 (NEW DEVELOPMENT - GENERAL) sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre.

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

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

Appendix B



Application Type Full Planning Application
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Conditions/Reasons associated with the Recommendation

Recommendation

To recommend that this application be **Granted**

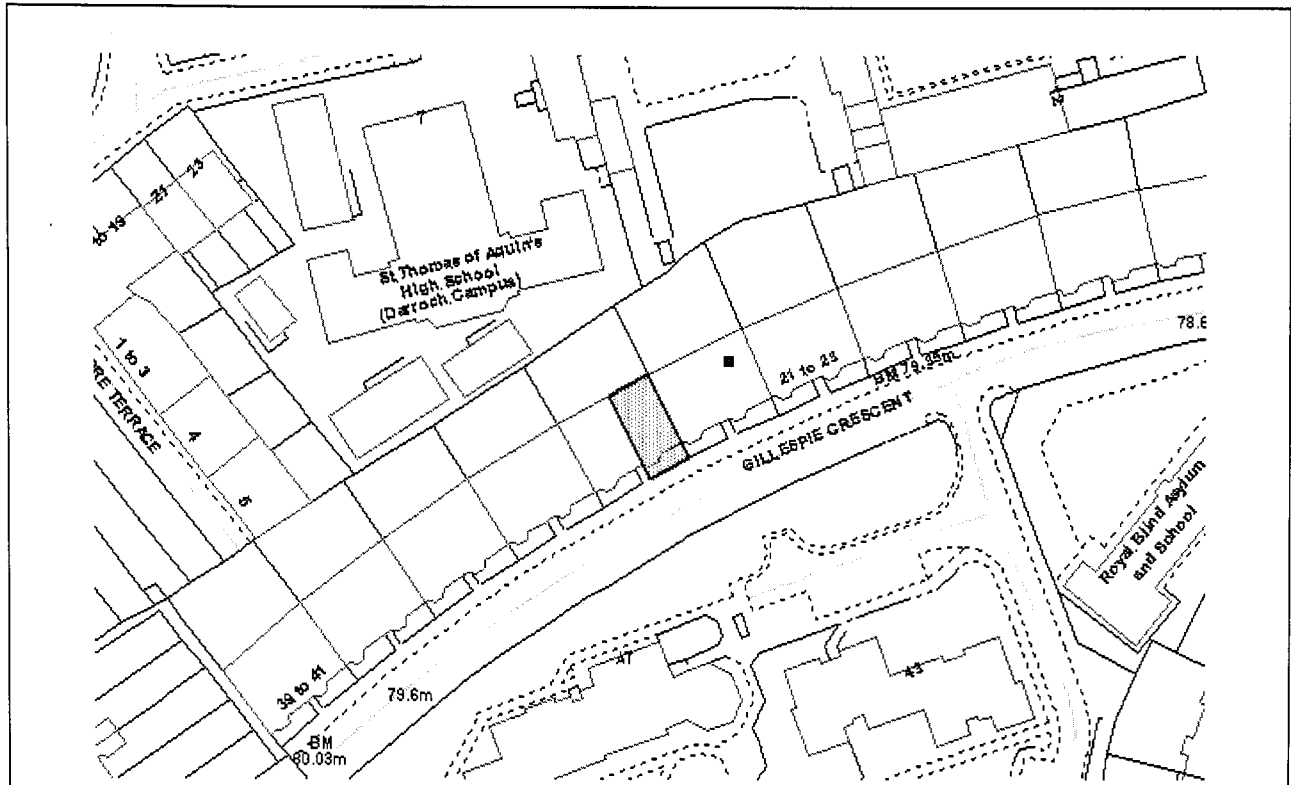
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Location Plan



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