

## Full Planning Application 04/03852/FUL

at

**20 Merchiston Place**

**Edinburgh**

**EH10 4NS**

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

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### **1 Purpose of report**

To consider application 04/03852/FUL, submitted by Mr Little. The application is for: **Erection of wooden fence inside perimeter wall running along Merchiston Avenue aspect of garden (in retrospect)**

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 property is a detached villa on the corner of Merchiston Avenue and Merchiston Place. Surrounding properties are all residential.

It is within the Merchiston and Greenhill conservation area.

#### **Site history**

September 2002 Planning permission granted for french doors to the rear and new rooflights.

July 2003 Planning permission granted for rooflights and a roof cupola.

July 2004 Complaint received by Enforcement from a residential neighbour regarding the erected fence.

### **Description of the Proposal**

This application is retrospective. It is for a timber fence along the side boundary of the property, onto Merchiston Avenue. The fence itself is 890mm in height but is attached to posts to give an overall height of 2.89 metres from ground level. It is positioned behind the existing 2 metre high stone boundary wall and stretches for approximately 28 metres.

The applicant has stated that he was unaware of the need for planning permission and that there is a precedent for such features.

## **3 Officer's Assessment and Recommendations**

### **DETERMINING ISSUES**

The determining issues are:

- Do the proposals enhance or preserve the character and appearance of the Conservation Area? there being a strong presumption against the granting of planning permission if this is not the case.
- 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 whether the fence is detrimental to the character or appearance of the conservation area.

The conservation area's character is summarised in the local plan as follows; *'Dominated by Victorian villas set in extensive gardens, this conservation area consists of the three former estates of Greenhill, East Morningside and Merchiston, which were developed from 1840. The area contains many listed building as well as the notable grouping of churches at Holy Corner. The main threat to the area is the overdevelopment of villa grounds and erosion of garden space and boundary walls through the sub-division of property'*.

In relation to conservation areas the Local Plan states 'new development and change must take proper account of (the conservation area's) character and how it may be enhanced'.

Although timber is an appropriate material to use in a conservation area, the scale, position and nature of the fence is inappropriate.

Extending the boundary treatment to provide a fence above a stone wall is uncharacteristic of the conservation area and does not enhance its appearance. It is an alien feature which does not relate well to the stone wall or the uniformity of boundary treatment in the local area. The fence is also in a prominent position which is highly visible to the public.

The fence is contrary to Local Plan Policy CD5 as it does not preserve or enhance the character of the conservation area.

The supporting statement has been considered. The reasons for the erection of the fence are appreciated. However, there are no material considerations which outweigh the harm caused to the character and appearance of the conservation area.

It is recommended that the Committee refuses the application, for that reason, and takes enforcement action to remove the fence.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	David Shepherd on 0131 529 3956 (FAX 529 3717)
<b>Ward affected</b>	45 - Merchiston
<b>Local Plan</b>	Central Edinburgh
<b>Statutory Development Plan Provision</b>	Housing and Compatible Uses
<b>Date registered</b>	7 December 2004
<b>Drawing numbers/ Scheme</b>	1-2.

**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](http://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](mailto: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](mailto:blair.ritchie@edinburgh.gov.uk) or [sarah.bogunovic@edinburgh.gov.uk](mailto:sarah.bogunovic@edinburgh.gov.uk)

**Application Type** Full Planning Application  
**Application Address:** 20 Merchiston Place  
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**Proposal:** Erection of wooden fence inside perimeter wall running along  
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## Consultations, Representations and Planning Policy

### Consultations

No consultations were undertaken.

### Representations

The application was advertised on 24 December 2004. The Merchiston Community Council commented on a procedural matter. A letter of comment has also been received from a residential neighbour.

***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 within the Central Edinburgh Local Plan area under a Housing and Compatible Uses land use designation.

#### Relevant Policies:

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.

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

## Appendix B



**Application Type** Full Planning Application

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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 fence is contrary to Local Plan Policy CD5 (Conservation Areas - redevelopment) as it does not preserve or enhance the character of the conservation area, being an alien feature, uncharacteristic of the local area and in a prominent position.

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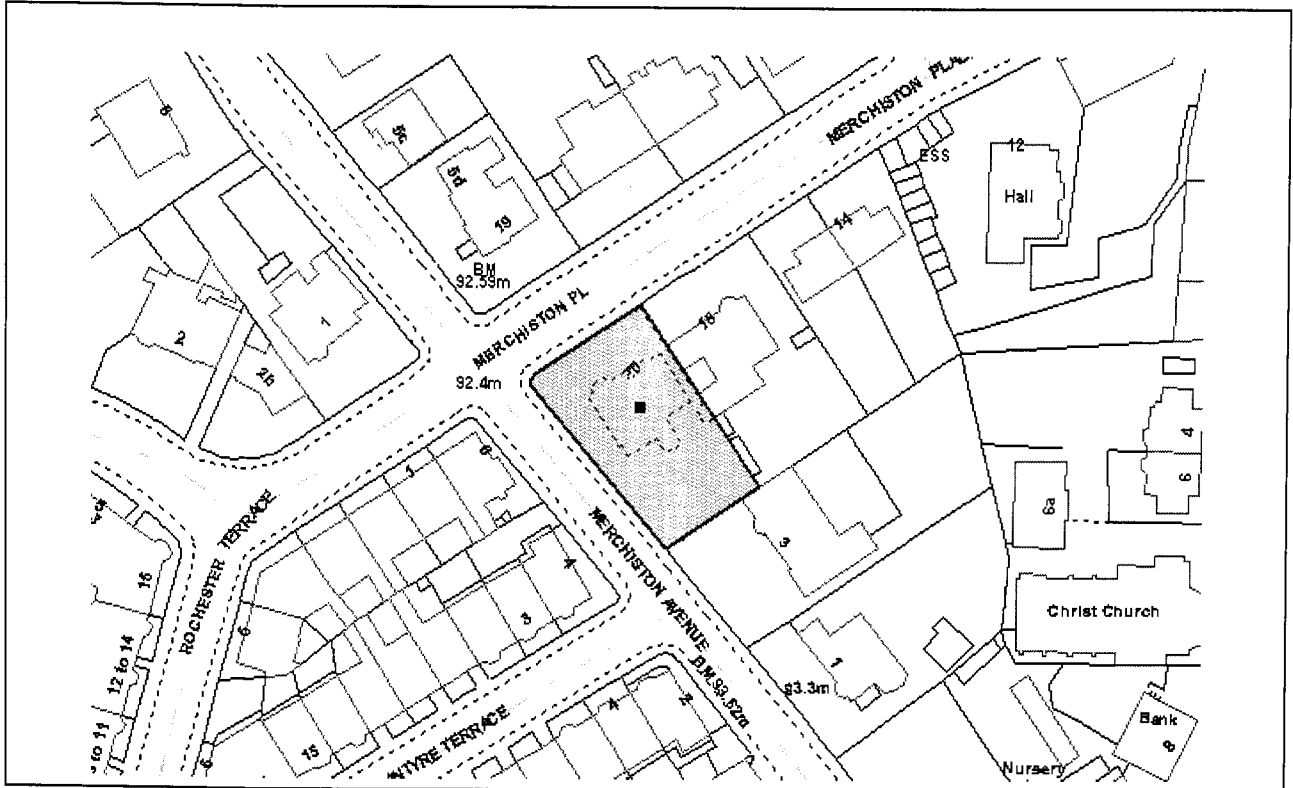
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**Location Plan**



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