

Full Planning Application 04/04299/FUL

at

9 Polwarth Terrace

Edinburgh

EH11 1NG

Development Quality Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 04/04299/FUL, submitted by Mr Robson. The application is for: **Formation of vehicular access and replacement of 3 no. windows (as amended)**

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

2 The Site and the Proposal

Site description

This application relates to a two storey cottage style Gothic villa with single storey side wing, located at the junction of Polwarth Terrace and East Castle Road. The property has been sub-divided into three residential units. The property is listed Category C(S) listed and is within the Merchiston and Greenhill Conservation Area.

Site history

There is no relevant planning history for this site.

Description of the Proposal

This is an amended application to form a vehicle run-in in front of the East Castle Road elevation of the property. Two three metre wide openings are to be formed within the low boundary wall and mild steel sliding gates are to be erected at each opening. The car parking area would be laid with pre-cast concrete slabs with planted strips.

The proposal to replace three casement windows on the front elevation with timber sash and case windows to match existing does not require formal consent.

SUPPORTING STATEMENT

The applicant has submitted information on the amount of properties in the vicinity which already have vehicle run-ins.

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 or its setting;

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 or road safety.

a) The council's non-statutory guideline on Car Parking in Front Gardens states that the parking of cars within front gardens will not usually be permitted at listed buildings, in close proximity to road junctions or where more than one access/egress point is proposed. It also states that front gardens should be at least six metres in depth.

In addition to the above Council policies and guidelines, Historic Scotland's Memorandum of Guidance provides detailed advice on Car Parking in Garden Ground. In Appendix 1, para 1.8.1, it is stated that openings for accesses should be restricted in number and size and should be provided with gates. It also states that parking in front of principal elevations should be avoided, particularly where the potential damage to the setting of the listed building (or the character of the conservation area) would be too great.

In this case, although the parking space will not be formed at the front of the building, the side elevation of the building is of significant interest. As a result, the removal of six metres of the original stone boundary wall and the paving over of a substantial amount of the small area of garden ground will have a seriously detrimental impact on the setting of the building. The proposals are also contrary to Council guidance in that two access/egress points are proposed and the depth of the garden is less than six metres (from the kerb to the larger of the bay windows).

The applicant has pointed out the plethora of vehicle run-ins that have been formed in this area. Whilst it is accepted that vehicle run-ins are part of the character of the area, these do not justify the approval of the current proposals for two specific reasons. Firstly, only one other property in the near vicinity of the application site is listed (1 Polwarth Terrace). Secondly, nearly all vehicle run-ins that have been formed are located to one side of the feu; that is not directly in front of any building elevation. The notable exceptions are number 12, which has two separate access/egress points, and number 14 which has an access in the middle of the feu. However, neither of these buildings are listed and the works carried out only serves to prove the harm that can be caused to the setting of buildings when run-ins are formed in this manner.

The applicants submitted revised plans showing proposed mild steel sliding gates at the new openings. Whilst this may represent a slight improvement, no details have been provided on the design of the gates and it is not proposed to re-instate railings which would have helped further in retaining a sense of enclosure. Having said that, even with re-instated railings and well designed gates, the proposals would still be contrary to Council guidance.

The proposal to replace existing non-conforming windows with sash and case on the front elevation does not require formal consent.

In summary, the proposed run-in would have a seriously detrimental impact on the setting of the listed building.

b) The character of the Merchiston and Greenhill Conservation Area is described in the Central Edinburgh 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 buildings as well as the notable grouping of churches at Holy Corner. The main threat to the area is the over-development of villa grounds and erosion of garden space and boundary walls through the sub-division of property."

Policy CD4 of the local plan states that, in relation to development proposed in a conservation area, all features which contribute to its character and appearance, including boundary walls, should be retained. Policy CD5 states that all new development in a conservation area should take into account the area's special interest and should ensure that it preserves or enhances its character and appearance.

The proposals are clearly contrary to both policies as six metres of boundary wall is being removed and the proposed design for the vehicle run-in fails to take into account the general approach that has been taken to vehicle run-ins in the area. As a result, the proposed scheme would fail to preserve the character or appearance of the conservation area.

It was suggested to the applicant's agent that they may wish to consider forming a single access slightly to the south and away from the elevation of the building. The agents have not come forward with a scheme based on this advice.

c) The proposals would not be detrimental to road safety. As the property is flatted, the parking area would be formed directly below the upper flat, which is in different ownership from the ground floor. However, it is not considered that any increase in traffic noise and vehicle emissions would be significant due to the proximity of a road junction and the levels of existing traffic movements in the area. Residential amenity would therefore be unaffected.

In conclusion, the proposals fail to comply with the development plan and non-statutory policies and would have an adverse effect on the character and appearance of the conservation area and the setting of the listed building. The proposals are acceptable in terms of road safety and residential amenity.

There are no material planning considerations which outweigh this conclusion.

It is recommended that the Committee refuses this application for the reasons it would adversely affect the listed building and conservation area and fail to comply with local plan policies and the relevant non-statutory guideline.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Martin Easson on 0131 529 3989 (FAX 529 3717)
Ward affected	45 - Merchiston
Local Plan	CELP
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	14 December 2004
Drawing numbers/ Scheme	02,04,05 Scheme 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.

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

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windows (as amended)
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Consultations, Representations and Planning Policy

Consultations

Transportation Planning

No objections subject to a length of 2m nearest the road should be paved to prevent deleterious material being carried onto the road

Representations

The application was advertised on 7 January 2005.

Three letters of objection (including two from the same objector) and three letters of support have been received.

Objections are raised on the following grounds:

- proposals would worsen parking problems in the area
- proposals represent a danger as the site is close to a junction
- there would be an increase in noise levels and vehicle emissions
- loss of stone wall and paving over of garden ground unacceptable
- proposals contrary to the non-statutory guideline on Car Parking in Front Gardens

Reasons for supporting the proposals are given as:

- the run-in would improve security for the applicant
- the run-in would not impinge on the area

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 an area of Housing and Compatible Uses as identified in the Central Edinburgh Local Plan

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.

Non-statutory guidelines on 'PARKING IN FRONT GARDENS' supplement local plan policies on conservation, design and residential amenity, and provide guidance on the location and design of front garden parking.

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Conditions/Reasons associated with the Recommendation

Recommendation

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

Reasons

1. The proposal is contrary to Central Edinburgh Local Plan Policy CD4, in respect of Conservation Areas, as the removal of six metres of boundary wall and the formation of a large area of concrete hard standing, all to the front of the side elevation of the property, would detract from the character and appearance of the conservation area and would set an undesirable precedent.
2. The proposal is contrary to Central Edinburgh Local Plan Policy CD5, in respect of Conservation Areas - Redevelopment, as the proposals fail to take into account the special interest of the area and fail to preserve the character or appearance of the conservation area.
3. The proposal is contrary to Non Statutory Guidelines in respect of Parking in Front Gardens, as the boundary wall removals and formation of a concrete hard standing will have a seriously adverse impact on the setting of the listed building.

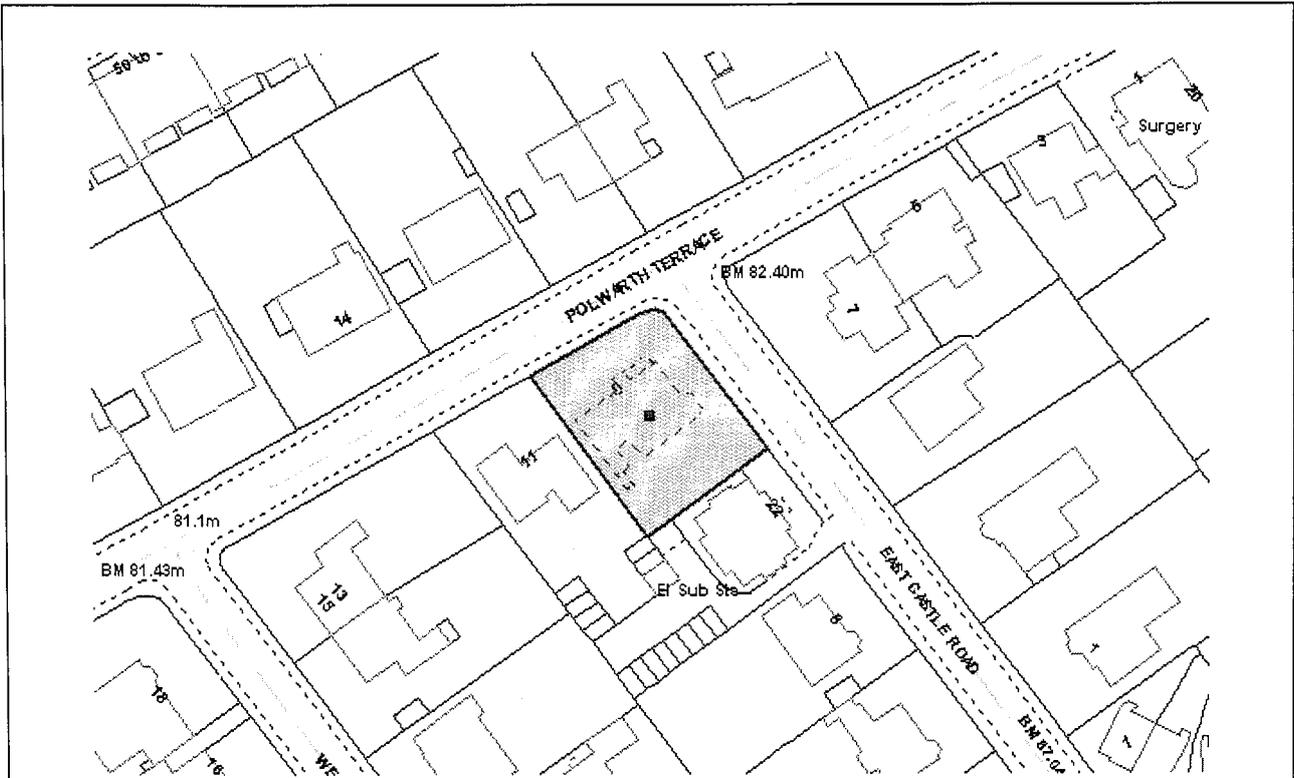
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Location Plan



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