

Full Planning Application 08/01677/FUL
at
11, 12 Echline Place
South Queensferry
EH30 9UZ

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

DEPARTURE FROM THE DEVELOPMENT PLAN

This development proposed by this application is a departure from the development plan:

However the loss of this amount of public open space is not significant in relation to the amount of remaining open space at this location. The informal recreational value and visual amenity value of the area is not adversely affected. The pedestrian linkage through the site is not compromised by the development.

1 Purpose of report

To consider application 08/01677/FUL, submitted by Mr Stenhouse + Mr Smith. The application is for: **Change of use from communal amenity open space to domestic garden, fence moved (in retrospect)**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The site consists of two houses at the western end of Echline Place (numbers 11 and 12), plus an area of open space to their rear which has been included within their respective rear garden areas. Prior to the inclusion within the rear garden space, the land formed part of a larger area of public open space of mostly grass (approximately 1,050 square metres). This area of grass has a public footpath running through it which links into a series of footpaths which serve the wider area and leads to the local primary school. The area of public open space is bounded by the rear gardens of Echline Gardens and Echline Place. The rear boundaries of these houses mostly have 1.8 metre high timber fences.

Site History

Four enforcement enquiries were received resulting in the submission of this application, dated March 2008.

Enforcement action has been initiated in respect of open space at 16 Echline Place.

Description of the Proposal

The proposal is retrospective and involves a change of use of approximately 41 square metres of public open space behind 11 and 12 Echline Place to private garden and the relocation of a rear boundary fence to enclose the new garden. The rear boundary is a 1.8 metre high timber fence. The area of land tapers in shape from being approximately 1.3 metres deep at the western end to approximately 4 metres deep at the eastern end.

3 Officer's Assessment and Recommendations

Determining Issues

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 principle of the change of use from public to private open space is acceptable.
- b) the proposal adversely affects residential amenity

a) This area of open space functions as an area of visual amenity and as a major pedestrian link through the wider housing area. There is no formal play provision or sports provision on the open space. Any recreational uses on the land are likely to be informal ones. The mown grass does not provide a variety of habitats which are of high nature conservation value.

The proposal equates to approximately 4% of the larger area of open space. The informal recreational value of the remaining 96% of the open space is not compromised by the loss of this small area of grass. The visual benefits provided by the remaining large area of grass, bounded by the timber fenced rear gardens of houses, are not significantly affected. The function of the existing footpath through the site which provides an essential off road pedestrian route is not affected. The new fence location moves 1.3 metres closer to footpath at its closest point. Whilst reducing the gap between the fences to the north and the new fence to the south, neither of these boundaries are located hard on the edge of the footway. The strips of grass on the path's northern and southern sides are roughly the same width. A clear line of sight exists along the footpath and the narrowing of the gap by 1.3 metres does not significantly alter the present spatial relationship of the open space to the path. The path does have street lighting which will not be affected by the loss of open space. The eastern end of increased garden area does create a small corner. Because of the triangular shape of the area of public open space, this corner is set well back from the footway, there are no dark hiding areas within that corner and it is clearly open to public view from the easterly direction.

A change from public open space to private garden open space in this instance will not significantly reduce the area's biodiversity.

In the case of 16 Echline Place, the open space affected was of significant amenity value and directly overlooked by neighbouring houses.

b) The fence matches other fences which bound this area of open space. It does not adversely affect the character of the area; it does not affect residential amenity.

In conclusion, the loss of open space to private garden space is small in relation to the remaining open space and will not affect the amenity value of the remaining area alongside the pedestrian way. There are compelling reasons to justify a departure from the development plan.

It is recommended that the committee approves this application.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	David McFarlane on 0131 529 3512
Ward affected	A01 - Almond (NEW)
Local Plan	Rural West Edinburgh
Statutory Development Plan Provision	Residential
Date registered	16 May 2008
Drawing numbers/ Scheme	1,2,3 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, Helen Martin on 0131 529 3517. Email: helen.martin@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 gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 11, 12 Echline Place
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Proposal: Change of use from communal amenity open space to domestic garden, fence moved (in retrospect)

Reference No: 08/01677/FUL

Consultations, Representations and Planning Policy

Consultations

Queensferry & District Community Council

The community council objects to this land being lost as communal amenity open space. We would expect that Bovis were given permission to build these homes subject to the provision of open space for said amenity use and that the permission was granted subject to these conditions being met. The change of use to private garden would infringe a principle rule of the granting of the original application.

This application is contrary to policy E51 in the Rural West Edinburgh Local Plan which states that "Public and private open space of recreational, amenity or nature conservation value should be retained. There is a clear need to retain open space in and around the area for amenity value as it serves the principle function by enhancing the surrounding area as defined in the planning guidelines.

I would urge you to reject this application and instruct the applicants to relocate their fences on the original boundary and make good the landscaping. The Community Council observes that it might be the case that the boundary fences on other adjoining properties might have been moved and therefore a check on the original boundaries might be in order of the immediate properties in this area.

Representations

The proposal was advertised on 16.05.2008 and 10 letters of objection have been received.

The material points of objection are:-

Issues of principle taken account of in assessment a)

- loss of public amenity
- if approved an precedent would be set
- loss of play space for children
- area has previously lost open space for development for flats
- resultant space shape is unsightly
- public safety
- loss of green space

Amenity concerns taken account of in assessment b)

- overshadowing
- loss of privacy
- increase in noise

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 proposal lies within an area mainly allocated for residential purposes on the Rural West Edinburgh Local Plan.

Relevant Policies:

Relevant policies of the Rural West Edinburgh Local Plan.

Policy E43 says that alterations and extensions to existing buildings, where acceptable in principle, should be subservient and relate carefully to the original building.

Policy E51 seeks to retain public and private open space of recreational, amenity or nature conservation value.

Relevant Non-Statutory Guidelines

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

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

Conditions

Reasons

End

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Location Plan

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