

**Full Planning Application**  
**at**  
**2C Church Hill**  
**Edinburgh**  
**EH10 4BQ**

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

**Proposal:** Enlarged gates and new stone boundary wall  
**Applicant:** Mr + Mrs J Greenan  
**Reference No:** 03/02137/FUL

**1 Purpose of report**

To recommend that the application be **GRANTED** subject to;

**Conditions**

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. Samples of the proposed stone to be used in the boundary wall; shall be submitted to and approved in writing by the Head of Planning & Strategy before work commences on site.
3. The kerb upstands as indicated on the approved drawings shall be installed prior to the driveway being brought into use, and the paved area beyond these upstands shall not be used for vehicular parking at any time, all to the satisfaction of the Head of Planning.

**Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

## 2 Main report

### Site description

The application site consists of a modern house on the south side of Church Hill located to the rear of number 2b, which is a former lodge/coach house. Pedestrian access is available at present via a strip of land leading from Church Hill to the house. The boundary with Church Hill consists of a 2.1 metre high stone wall with a pedestrian access gate on the public footpath.

The character of the area is largely residential, with large villas set in walled gardens. There has been backland development to the rear of some of the original villas, the application property being a case in point. Further to the north are tenemental properties with commercial premises on the ground floor.

The property is in the Merchiston and Greenhill Conservation Area. The property is not listed.

### Site history

January 1987 planning permission granted to subdivide 2 Church Hill and erect house in rear garden (reference 1066/86). This consent allowed for communal parking in the courtyard area of 2 Church Hill.

April 1990 appeal against refusal of planning permission for formation of vehicular access refused (reference 2214/88). The application resulted as the house was sold without right of access to use the communal courtyard area associated with 2 Church Hill.

September 1991 appeal sustained against refusal of planning permission to form pedestrian access gate (reference 1370/90). Consent was granted on the basis that a solid timber gate would be maintained to retain the sense of enclosure, the access would not be widened and no trees would be removed from the access strip.

May 1998 Appeal dismissed against refusal of planning permission for formation of vehicle access (reference A 01063/97). The Reporter agreed that the proposal would be detrimental to the character and appearance of the conservation area.

May 2002 Planning permission refused for creation of vehicular access to house by removing part of boundary wall and providing gates (reference 02/01135/FUL)

March 2003 Appeal dismissed against refusal of planning permission (02/01135/Ful). The Reporter in dismissing this appeal did not agree with the Council that the proposal would affect the character and appearance of the conservation area. However, he concluded that the manoeuvring of vehicles in and out of an in-curtilage parking space could affect the amenity of the neighbour.

## **Development**

### Scheme1

The application is to form a vehicular access, replacing the pedestrian access gate with timber motorised gates 2.7 metres wide with a dropped kerb to the footway. In addition, the area within the site will be paved to the full width of the strip of land, which gives access to the site. The existing hardstanding area is to be widened accordingly and a new stone wall will replace the existing ranch style fence which is the front /side communal boundary between the application site and 2/2A Church Hill. This wall will be approximately 300mm higher than the existing fence.

### Scheme 2:

The revised proposal incorporates the installation of two raised kerbs to define the limit of the car parking area.

## **Consultations**

### **Transport**

No objections

## **Representations**

The application was advertised on 20 June 2003.

Five letters of representation were received, from Mike Pringle MSP, Greenhill and Church Hill Amenity Association and 3 local residents.

Their comments are summarised below:

- a) contrary to the interests of road safety,
- b) increase in noise and fumes resulting in detrimental impact upon amenity.
- c) loss of/ damage to trees
- d) loss in property values
- e) reassurance sought that right of access is maintained.

## **Policy**

### CENTRAL EDINBURGH LOCAL PLAN

The property is in an area allocated for Housing and Compatible Uses.

### 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 CD16 (NEW DEVELOPMENT IN VILLA AREAS) sets out the essential requirements of approved guidelines which seek to regulate the form and layout of new development in the garden grounds of villa properties.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Non-statutory guidelines on 'VILLA AREAS AND THE GROUNDS OF VILLAS' provide guidance on development, to ensure the conservation and enhancement of villa areas.

### **3 Conclusions and Recommendations**

#### **DETERMINING ISSUES**

The determining issues are;

- Do the proposals preserve or enhance the character or 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:

- a) the proposal will preserve or enhance the character of the conservation area,
- b) the proposal will preserve the existing residential amenity of neighbouring properties,
- c) the proposal is acceptable in the interests of road safety.

a) *The character of the conservation area 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.*

The proposed gates are of timber construction and traditional appearance. The enlarged opening is to be finished in dressed sandstone. It should be noted that the Reporter, when considering the previous appeal concerning the widened access, did not consider that the enlarged entrance would detract, in visual terms, from the character and appearance of the conservation area. Furthermore, the parking of cars in the new driveway will be hidden from view for the majority of the time owing to the timber gates.

The increased area of hardstanding resulting from this proposal is negligible and will not substantially affect the maintenance of 'green' aspects of the plot.

Regarding the issue of tree damage/ protection the proposals indicate no trees to be removed. Any subsequent tree removal will require the permission of the Council owing to its location within the conservation area.

b) the applicant has confirmed that the proposed driveway which will not project beyond the rear building line of the adjacent dwelling (2/2a Church Hill) is to accommodate up to 2 cars for domestic use only. The applicant has agreed to install two kerb upstands on the driveway approximately 16 m from the front entrance gates in order to protect the residential amenity of 2, 2A and 2B Church Hill. Vehicle movements therefore will not go beyond this point which will ensure that the applicant's motor vehicles do not affect the amenity of the rear garden areas of the above mentioned properties. However, provision will remain for pedestrian and wheelchair access. A condition is attached which will require the kerb upstands to be in place prior to the driveway being brought into use. Whilst it is acknowledged that there will be some noise/fumes when cars are moving from the driveway, this will be limited and no worse than the existing situation as experienced by similar car parking/driveway situations of a domestic nature. It should also be noted that the main road (Church Hill) is a recognised bus route. This proposal will not exacerbate the noise issues that already exist. The proposed driveway is already screened to the north by a high screen wall (boundary wall with 2b Church Hill). The applicant proposes to erect a similar stone wall along the southern boundary opposite (Shared with 2 & 2a Church Hill) as a replacement to the timber ranch style fence. Not only will this assist in limiting the noise it will provide a more appropriate gain in visual terms to neighbours and the conservation area.

c) Transport has confirmed that there are no objections to this proposal.

The loss of property values to neighbouring properties as a result of this proposal is not a material planning consideration.

The maintenance of right of access over the driveway is a civil matter. However the proposals indicate no change to the present situation.

In conclusion, the proposals preserve the character and appearance of the conservation area, do not impact on residential amenity and raise no road safety concerns.

It is recommended that the Committee approve this application, subject to the conditions stated.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

**Contact/Tel** Ian Dryden on 0131 529 3464 (FAX 529 3717)

**Ward affected** 46 -North Morningside/Grange

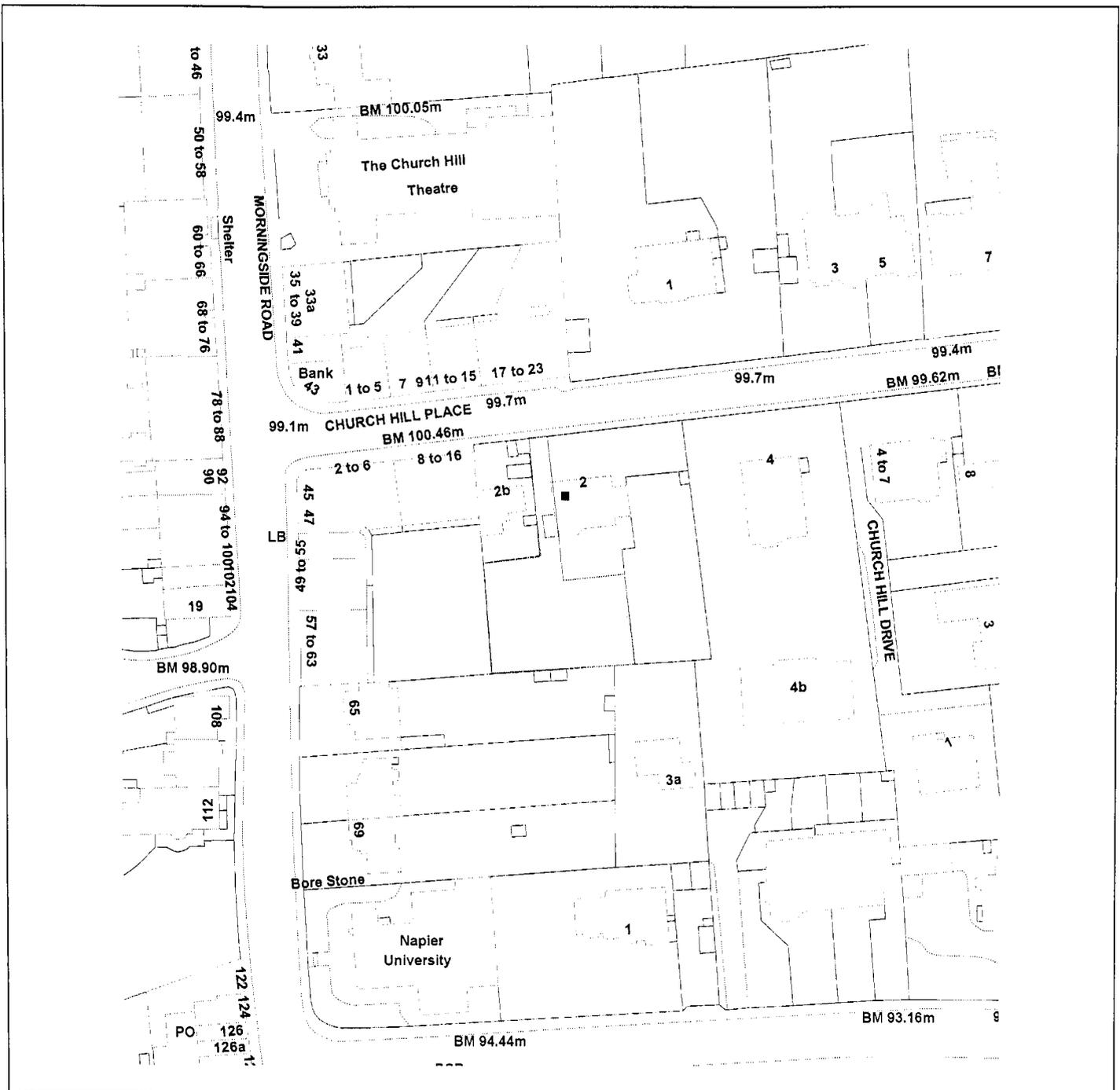
**Local Plan** Central Edinburgh

**Statutory Development  
Plan Provision** Housing and Compatible Uses

**File**

**Date registered** 10 June 2003

**Drawing numbers/  
Scheme** S1: 01- 03, S2: 01,04\_05  
Scheme 2



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# PLANNING APPLICATION

<b>Address</b>	<b>2C Church Hill, Edinburgh, EH10 4BQ</b>		
<b>Proposal</b>	<b>Enlarged gates and new stone boundary wall</b>		
<b>Application number:</b>	<b>03/02137/FUL</b>	<b>WARD</b>	<b>46- North Morningside/Grange</b>

THE CITY OF EDINBURGH COUNCIL  
 THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY