

**Planning Permission 12/02583/FUL
at
41 - 45 Leamington Terrace
Edinburgh
EH10 4JS**

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

1 Purpose of report

To consider application 12/02583/FUL, submitted by Sohail Akhtar.. The application is for: **Conversion of former free-standing laundry building to ancillary residential accommodation; part in retrospect.**

It is recommended that this application be **Granted** by Committee.

2 The Site and the Proposal

Site description

The application site comprises a free standing, single-storey building located wholly within the rear garden of a proposed residential property, presently under conversion, that will eventually revert to No 45 Leamington Terrace.

The main building is a two-storey, mid terraced property located on the eastern side of Leamington Terrace, midway between its southern junction with Bruntsfield Place (A702) and its northern junction with Gilmour Place. It is presently undergoing refurbishment and a change of use from part of a larger private nursing home and reverting back to three individual terraced dwelling houses.

The application building, with dry-dash walls under slated roof, was designed and built as a permanent structure in 1996. It was built to provide a laundry facility for use ancillary to the nursing home. Permission was granted for a

temporary period of use for five years; the applicant would seek to make alternative laundry arrangements within the period of that temporary consent.

The building is contained wholly within what will be the rear garden to the residential dwelling house and is land-locked by the extent of the terrace, fronting Leamington Terrace, and the rear boundary walls to the gardens of the neighbouring properties, at No 47 and what will become No 43 Leamington Terrace (to the south and north) and the garden of No 68 Bruntsfield Place, to the rear.

The surrounding properties are predominantly residential with some dwellings in a mixed use for the provision of Bed and Breakfast and Guest House accommodation.

This property is located within the Marchmont, Meadows And Bruntsfield Conservation Area.

Site History

11 December 1996 - Planning permission was granted, for a temporary period of 5 years, for the erection of a building to be use as a laundry room to serve the existing nursing home (Ref A/02258/96).

"Condition No 1:

Consent being granted for a limited period of five years only.

Reason: In order to ensure that the development is carried out in accordance with the terms of the consent."

10 December 2009 - Planning permission was refused for a change of use of the premises from a nursing home (Class 8) to a 'Budget Hotel' use (Class 7), with facilities for some 41 persons within 32 bedrooms and with ancillary dining room and staff facilities (Ref 09/01681/FUL).

11 March 2010 - An appeal against the above refusal of planning permission was dismissed at appeal by the Directorate for Planning and Environmental Appeals.

19 November 2010 - Planning permission was granted for the conversion of property to form three terraced houses (Ref 10/02703/FUL).

Pre-Application Process

The proposal was the subject of pre-application discussions.

Description Of The Proposal

The application is for the conversion of an existing single storey, free-standing building, situated within the rear curtilage of the proposed residential property, from its former use as a laundry building to form ancillary residential accommodation.

The proposal includes a small single bedroom together with a kitchen and shower room facilities.

The building measures 6.3 metres in length by 3.6 metres in width externally with an internal floor area of 17.7 square metres. It measures 2.5 metres to the eaves and 3.9 metres to the ridge.

Previous Scheme

The original scheme proposed alterations to the front elevation of the building to incorporate a pair of French windows to the left hand side and a window to the right hand side. Both of these openings were centred on the original door openings.

The revised proposal, which identifies alterations to the window and door openings on the front elevation, as already carried out on the site, shows the doors retained and two new windows inserted between them. The original roof light has also been deleted from the building.

The revision also more accurately depicts the building's position within the site and its relationship with the boundary walls to south and east (rear).

As some of the works have commenced on the site the proposal is for planning permission in retrospect. The regulations make provision for the assessment of planning applications made in retrospect and the carrying out of works without planning permission. Whilst not condoned, such works do not constitute an offence in planning terms.

Supporting Statement - There is a supporting statement submitted on behalf of the applicant. This is available to view on the Planning and Building Standards Portal.

3. Officer's Assessment and Recommendation

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 residential use is acceptable in this location;
- (b) the scale and design of the proposals are appropriate to preserve or enhance the character and appearance of the conservation area;
- (c) there are any implications for road safety; and
- (d) there will be any loss of residential amenity as a result of the proposals.

a) This application has generated a large amount of concern from objectors regarding the proposed use of the building. A number of those representations refer to the original 1996 grant of planning permission, as being for a 'temporary period of time', indicating that the building should have been removed at the end of that period. Others identify that the plans approved for the 2010 grant of planning permission indicated the applicant's intention to demolish the building. The objectors therefore question why these works have not been carried out or enforced by the Council. Consequently, given that they believe that the building should have been demolished they consider that this proposal, for its reuse, should not be permitted.

The objectors also make various arguments that the proposed 'studio' would be tantamount to the formation of a house in a 'backland' position. They consider that this would, therefore, set a precedent for other similar developments within the rear gardens of the neighbouring terraced properties to the detriment of the residential amenity of neighbouring occupants. They also express concern that this application is part of an attempt for the formation of a House in Multiple Occupation (HMO) at the premises.

In planning terms the 1996 grant of planning permission sought only to control the use of the building as a laundry, associated with the then nursing home use, for a temporary period of time (five years). There was no requirement that the building should be demolished at the end of that period of use.

The planning records clarify that there has been no action taken regarding a breach of the conditions imposed in relation to the 1996 permission. Accordingly, the application building is not in breach of the provisions of any planning condition or other planning control and has lain unused over recent years.

The site plan, attached to the 2010 grant of planning permission, indicated the applicants' intention to demolish the building as part of that development. However, there was no planning requirement for the demolition of the building.

The submission of this application clearly identifies the applicants' change of mind that it would be beneficial and add more value to retain the existing building for ancillary use with the new dwelling house.

Accordingly, the Council must assess this application against the development plan policies and other material considerations as required by the terms of the Act.

The proposal provides all of the facilities necessary for residential occupation. However, its position is isolated within the rear garden of the proposed dwelling house and there are no alternative means of access to the building, from the public road, other than through the associated dwelling house

The building comprises of a very limited footprint, with an internal floor area of 17.7 square metres. Accordingly, any potential for independent residential occupation, in separate ownership from the main dwelling, is thereby considerably restricted in this instance. Any future proposal to form a separate residential planning unit from the main house would need planning permission.

As a result of the 2010 grant of planning permission the principal of residential use has been accepted with the change of use of the nursing home to form three residential dwellings. Therefore, any noise and disturbance associated with residential use has been considered in this instance and accepted in planning terms.

The building is not unlawful in planning terms and therefore its proposed use to provide ancillary accommodation associated with the proposed residential use of the main building, as a dwelling house, is acceptable in principle. However, it still requires to be the subject of an assessment against other specific policies, as set out below.

b) The Marchmont, Meadows and Bruntsfield Conservation Area was extended to include the area of Victorian tenements, west of Bruntsfield Place, and extending to Gilmour Place in 2007.

Late Georgian and early Victorian maps show villas spreading along Bruntsfield Place and spreading outwards into Leamington Terrace and Viewforth. The classical Georgian detached villas at Bruntsfield Place are the only remnants of this phase of development. Other villa properties were demolished to make way for the construction of later Victorian tenements. The area displays a rectilinear grid structure with interesting variations and high density of development but with a formal layout of properties fronting the public road.

The building exists and its retention would not, therefore, impact upon the either the existing character or appearance of this part of the conservation area.

The alterations to the openings within the front elevation are proportionate and acceptable within the overall simple frame of this small gabled structure. As such the proposal represents an acceptable impact on the conservation area in this instance.

c) The proposed use of the structure would remain entirely ancillary to the use of the main building as a five-bedroom dwelling house. The traffic generation of that size of dwelling has already been accepted in terms of its impact on road safety within Leamington Terrace. Consequently, there would be no additional pressure for on-street car parking within the public road resulting from this proposal at this location.

d) There would be no detrimental impact from the use of the application building to the neighbouring property at No 47 Leamington Terrace. The boundary wall between the two properties extends to some 5.0 metres in height for a distance of 22.2 metres from the rear elevation of the original terraced building. The remainder of the boundary is comprised of semi-mature conifers and a wooden shed located on the neighbouring side of the boundary.

Accordingly, there would be no issues of overlooking or overshadowing resulting from the proposal to the residential property to the south of the application site.

The building is single aspect facing west, towards the main dwelling. As such there would be no impact on the rear garden area, to the east of the site, to No 68 Bruntsfield Place.

The boundary treatment with the proposed property at No 43 Leamington Terrace has yet to be completed, as part of the ongoing works of conversion. However, once completed the boundary treatment would prevent any detrimental impact on the future amenity of the occupants of that property.

In conclusion, the proposals comply with the development plan and the relevant non-statutory guidelines, preserve the character and appearance of the conservation area and would not prejudice residential amenity or road safety. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application.

REASON FOR DECISION

The proposals comply with the development plan and non-statutory guidelines and, as amended, maintain the character of the conservation area and have no adverse effect upon road safety or neighbouring amenity.

John Bury
Head of Planning & Building Standards

Contact/tel	John Maciver on 0131 529 3918
Ward affected	A10 - Meadows/Morningside
Local Plan	
Statutory Development Plan Provision	
Date registered	24 July 2012
Drawing numbers/ Scheme	01 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Standards Portal : www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Paul Devaney, 0131 529 3911, paul.devaney@edinburgh.gov.uk

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

Appendix A



Application Type	Planning Permission
Application Address:	41 - 45 Leamington Terrace Edinburgh EH10 4JS
Proposal:	Conversion of former free-standing laundry building to ancillary residential accommodation; part in retrospect.
Reference No:	12/02583/FUL

Consultations, Representations and Planning Policy

Consultations

Environmental Assessment

The application proposes a change of use of 41-45 Leamington Terrace to a "granny flat" located in a residential area of Bruntsfield.

Environmental Assessment has no objections to this proposed development.

Representations

The application was advertised on 3 August 2012 and attracted 17 letters of representation. All 17 letters, from Councillor Main and 16 neighbours, are objections.

The material points of objection/concern are:

- a. Issues of principle, taken account of in assessment (a):
 - the proposal is contrary to the local plan.
- b. Conservation and Design issues, taken account of in assessment (b):
 - backland development out of character with the conservation area.
- c. Transport issues, taken account of in assessment (c):
 - will exacerbate existing on-street parking pressures and problems.
- d. Residential amenity issues, taken account of in assessment (d):
 - loss of privacy; and
 - noise and disturbance.

There are also concerns at:

- the works having already been undertaken; that this has the potential for a House in Multiple Occupation (HMO);
- that the building should have been demolished, as per a previous application; and
- if retained would be setting a precedent for other backland houses.

Other points raised, relating to the relationship with a shower room off a kitchen, are Building Control issues and not material to planning.

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

Edinburgh City Local Plan - Urban Area and designated Conservation Area.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines on 'HOUSE EXTENSIONS AND ALTERATIONS' set out the design principles against which proposals will be assessed.

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

Other Relevant policy guidance

The Marchmont, Meadows and Bruntsfield Conservation Area is characterised by well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

Appendix B



Application Type Planning Permission
Application Address: 41 - 45 Leamington Terrace
Edinburgh
EH10 4JS

Proposal: Conversion of former free-standing laundry building to ancillary residential accommodation; part in retrospect.

Reference No: 12/02583/FUL

Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to the conditions, reasons and informatives stated below.

Conditions:-

Informatives

It should be noted that:

1. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
2. The accommodation, hereby authorised, shall be used solely for purposes incidental to the enjoyment of the dwelling house as such, and for no other purpose whatsoever.

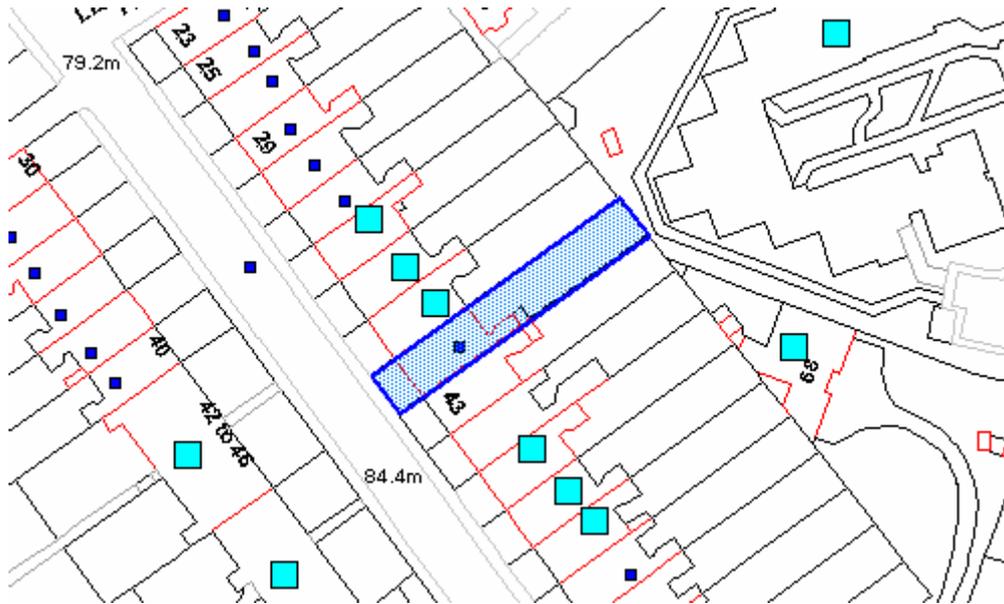
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Appendix C

Application Type Planning Permission

Proposal: Conversion of former free-standing laundry building to ancillary residential accommodation; part in retrospect.

Reference No: 12/02583/FUL



Location Plan

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