

**Planning Permission 12/02858/FUL
at
34 Midmar Drive
Edinburgh
EH10 6BU**

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

1 Purpose of report

To consider application 12/02858/FUL, submitted by Mr & Mrs Ian & Schehrezade Davidson.. The application is for: **Demolish existing house and erect two-storey house with off-street parking and landscaped garden.**

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

2 The Site and the Proposal

Site description

The application site is located on the west side of Midmar Drive at the south end just before the bend into Hermitage Drive. It sits behind a large detached, and extended, Victorian villa fronting Hermitage Drive and next to a one-and a half storey detached house of bungalow appearance. The property is elevated above street level and looks across to Blackford Hill. Next to the two bungalows is a row of two storey, with garage at ground level giving appearance of three storey, detached brick built modern villas.

The property is a modern bungalow set back on the plot. It has stone walls and a slate roof, with dormers. The dwellinghouse was completed in 2003 and

is one of two residential units built in the grounds of the former nursing home on the corner of Hermitage Drive and Midmar Drive.

The street and surrounding area are residential in character with a large area of open space on the east side of Midmar Drive, namely Blackford Hill and including allotments. Most of the dwellinghouses in the area are stone Victorian villas although there are examples of modern houses, including a block of flats on Hermitage Drive and the row of brick built houses on Midmar Drive.

The property is not a listed building.

This property is located within the Morningside Conservation Area.

Site History

The relevant site history is:

15 Hermitage Drive:

15 December 1993. Permission granted to erect a matron's residence in the grounds of the existing nursing home (as amended) (Reference: 93/01623/FUL).

10 September 1997. Permission granted for redevelopment and extension to staff accommodation (i.e. demolish existing staff accommodation and erect new staff accommodation building (Reference: 97/00868/FUL).

5 June 2006. Permission granted for change use from nursing home to residential (Reference: 06/01169/FUL).

13 June 2007. Permission granted for formation of 4No flats from existing dwelling including internal and external alterations and the construction of single and two storey extensions (Reference: 06/05340/FUL).

32 Midmar Drive:

9 September 2005. Permission granted for change of use from matron's house (nursing home) to residential (Reference: 05/02396/FUL).

1 July 2010. Permission granted to remove, replace and add new windows, door sets and skylights to north and south elevation (Reference: 10/01223/FUL).

Other relevant planning applications:

34 Midmar Drive

20.August 2012. Application pending consideration to demolish existing one and a half storey house (Reference: 12/02859/CON).

Pre-Application Process

Pre-application advice was given by the Council as planning authority on the acceptability of the design and on the impact on neighbouring privacy.

Description Of The Proposal

The proposal is for a two storey flat roofed modern detached house.

The proposal will be angled, at approximately 15 degrees, on the site facing out towards Blackford Hill and the Edinburgh skyline, including the Castle and Leith, beyond. It will be constructed right up to the side (north and south) boundaries of the site. The ground floor will extend further forward into the garden than the first floor and be at an angle facing north-north eastward. The first floor will be perpendicular to the side boundaries on the front elevation. Both floors will be angled on the rear elevations.

The front elevations will consist of glazing and larch cladding on the ground floor with the same on the first floor plus a section of zinc clad wall. Dark stained timber fascia boards will bound the top of the first floor elevation and flat roof.

The rear elevation will also contain windows and have larch cladding and zinc clad walls. Two sections of larch timber screens will be installed from ground floor to roof height covering windows. The southern part of the rear elevation will be smooth render with no windows.

A garage at street level is also proposed. It will be accessed directly from the heel of the pavement and have timber boarded gates. A vehicle turntable will be installed inside the garage. Steps immediately adjacent to the garage will lead up to the garden and will also be accessed directly from the pavement through a timber boarded gate. Both gates will be higher than the existing stone wall and the pedestrian access gate will continue the timber northwards to the boundary.

A smooth render section of wall will be erected above the stone wall and sit between the gates and between the vehicular gate and the southern boundary. A section of wooden fence will be erected at the southern end of the boundary fronting Midmar Drive and a glass balustrade next to it running to just before the proposed pedestrian access gate.

The proposed house will replace an existing one and a half storey bungalow.

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 proposal is acceptable in this location;
- b) the proposal is of an appropriate scale, form and design;
- c) the proposal will preserve or enhance the character and appearance of the conservation area;
- d) the proposal will result in an unreasonable loss to neighbouring amenity;
- e) the proposal will provide an acceptable level of amenity for future occupiers; and
- f) the proposal will have any traffic or road safety issues.

a) The use of the application site for a dwellinghouse is established in this location. The proposal will retain residential use on the plot within a residential street and in a residential area. Proposals for the demolition of unlisted buildings within conservation areas will only be permitted in exceptional circumstances where they do not make a positive contribution to the character of the area. The existing property falls within this scenario. It is important that any replacement building meets the statutory test to preserve or enhance the character of the area. The Scottish Historic Environment Policy (SHEP) on unlisted buildings requires that planning authorities take into account the importance of the building to the character or appearance of any part of the conservation area when assessing applications for conservation area consent. The demolition, to enable the replacement building to be erected, is considered in a separate report on planning application 12/02859/CON.

The proposal is acceptable in this location.

b) The ground floor will occupy approximately 33% more than the footprint of the existing building's ground floor footprint. The proposed first floor area is smaller than the ground floor and approximately 4% smaller than the ground floor footprint of the existing building. Being angled and being built up to the

boundaries will retain the close relationship with the neighbouring properties. Historically there was a link between the neighbouring property at 15 Hermitage Drive and staff accommodation on the plot where the bungalow at number 34 Midmar Drive now sits. The proposal will leave a sufficient amount of private outdoor amenity space. In this context the increase in the area of the footprint of the proposed building is acceptable.

The proposal will sit forward of the existing bungalow's position on the plot and behind the building line of the neighbouring buildings on either side. With the flat roof, the resultant building will be marginally higher than the existing dwellinghouse. It will sit comfortably between its neighbours and provide a gradual step down from the grand Victorian villa, on the corner of Hermitage Drive and Midmar Drive, to the bungalow at number 32 Midmar Drive.

A mixture of traditional and modern materials will be used. The door frames and some of the window frames will be timber and the front elevation will consist mainly of timber cladding with a small area of zinc. Zinc will be used in more parts of the rear elevation which will also include timber louvred screens. The palette of materials works well with the modern design of the building and maintains a reference to traditional materials.

The proposed additional boundary treatment, of smooth render and opaque glass and a timber fence, with the street will contrast with the original stone boundary wall. An existing wooden fence sits above the stone wall and its replacement by a mixture of timber fencing, opaque glazing and render is acceptable.

The proposal is of an appropriate scale, form and design.

c) Morningside Conservation Area Character Appraisal states that, *the southern boundary is formed by the rear gardens of Hermitage Drive which overlook the woodland park of Hermitage of Braid. The eastern boundary is formed by Midmar Drive which is a single sided street overlooking extensive allotments, which in turn are overlooked by the mass of Blackford Hill lying to the east. There are two recent developments, one being a brick built terrace on Midmar Drive and the other being an extensive block of flats turning the corner of Braid Avenue and Hermitage Drive.*

The Character Appraisal also states under "Opportunities for Enhancement" that. *The scale, design and materials of new developments should reinforce and protect those features that give the conservation area its spatial character. Any development should take into consideration the spatial pattern, scale, proportions and design of traditional properties.*

Traditional materials should be used in repair and new build. Modern substitutes generally fail to respect the character of the area. The stone boundary walls and railings are a key feature within the conservation area, and they should be repaired and reinstated where appropriate. Original architectural features should be preserved wherever possible.

The proposed house will replace an existing house and, therefore, the principle of a building on this site, a former garden area to the villa at 15 Hermitage Drive, has been established. The use of the former garden of the original villa for a building has already been conceded. Therefore, it is not appropriate to apply the "Infill development in villa areas and the grounds of villas" non statutory guideline or to assess overdevelopment of the plot. The detached properties in Midmar Drive are set closer together than that found elsewhere in the immediate part of the conservation area and the proposed house respects the spatial pattern of Midmar Drive.

The existing building is set back from the public street and is at a higher level than the street. The proposed new house will only be marginally higher than the existing house and will still be positioned between the neighbouring properties. It will not be readily seen from the street and it will not be prominent within the street scene. Part of the ground floor may be seen from some views from the street. The property will be seen from Blackford Hill and will sit comfortably within the row of houses on Midmar Drive, particularly given the row of modern brick built houses which form a main part of this section.

The bungalow to be replaced is not a Victorian villa or dwellinghouse. It was built in 2003. The design policies of Edinburgh City Local Plan encourage high quality modern design and the proposal satisfies this policy. The proposal is of a contemporary design and will use high quality materials. The immediate surrounding area, particularly the eastern part of Hermitage Drive and most of Midmar Drive, contains other examples of individually designed dwellinghouses.

The proposed boundary treatment on the front bounding Midmar Drive will retain the stone boundary wall. The two cuttings proposed to install timber gates to the garage and pedestrian access are acceptable. The wall does not continue all along the street and, with the exception of number 32 Midmar Drive, all the other properties have driveways and openings in the boundary walls. There is a mixture of materials used, with examples of brick boundary walls in Midmar Drive. The proposal, therefore, will not detract from the prevailing character of the street scene.

The character of the conservation area, predominantly residential, will be retained.

The proposal will preserve and enhance the character and appearance of the conservation area.

d) The front windows will overlook the public street and onto Blackford Hill. There is an element of existing overlooking of number 32 Midmar Drive's windows and front garden due to its proximity to number 34 and the boundary treatment between the properties. The angle of the proposed house will look more towards number 32 than the existing building to be demolished. In this context, no new overlooking will be created.

The ground floor windows at the rear will look onto an existing stone boundary wall which has a fence attached increasing the height of the existing screening of the neighbouring property. There are existing windows on the rear elevation and there is no new overlooking created by the proposal at ground floor level.

On the first floor, a bathroom window will be installed in the north gable and be translucent glazing. Two bathroom windows will be installed on the first floor on the rear elevation and will be translucent glazing. They will both be within the minimum distance of 9 metres required to protect neighbouring privacy. The bedroom window in the set back part of the gable towards the rear of the proposed house will overlook the tennis court and will not be opposite any neighbouring windows.

The rear first floor elevation of the proposed house will also include bedroom windows between 4.9 metres and 6.1 metres from the boundary. The windows on the proposed house will not be directly opposite neighbouring windows and will be more than 16 metres away from the windows on the neighbouring property in Hermitage Drive and angled. The minor infringement of the non statutory guideline is acceptable and is so minor that refusal would not be justified. However, due to the angle of the proposed new house there may be a perception that the windows would overlook the neighbouring windows and garden. Currently there is sufficient screening in the form of deciduous trees but in the winter months, without the leaves, there would be overlooking. A condition, therefore, shall be attached to ensure that sufficient screening be provided in order to protect neighbouring amenity.

The proposed house will sit in a gable to gable situation which is generally exempt from the guidance on Daylighting Sunlight and Privacy. However, the neighbouring property to the south has its rear elevation next to the gable of the proposed house. The applicant has demonstrated that there will be no adverse overshadowing or loss of daylighting to neighbouring windows.

The proposal, with the use of a condition regarding screening, will not result in an unreasonable loss to neighbouring amenity.

e) The proposal will provide a sufficient amount of living accommodation for any future occupiers and will also provide an appropriate amount of private outdoor amenity space. The proposed house will also benefit from the extensive open space opposite. It satisfies the criteria in the Edinburgh Standards for Housing and is acceptable.

The proposal will provide an acceptable level of amenity for future occupiers.

f) Transport has been consulted and has no objections to the application. It has requested that the gates open inward to protect pedestrian and road safety. The representations raised the issue of the proposed vehicle entrance being on a corner and that this would create a road safety hazard. The issue of the impact on traffic of manoeuvring of vehicles in and out of the proposed garage was also raised. The proposed garage will be more than 15 metres

from the junction, which is the minimum distance required at junctions in the interests of road safety. Vehicles park on this part of Midmar Drive and the introduction of a garage entrance will have no more impact on traffic than the parked vehicles. The garage will incorporate a turntable and the vehicles will be able to exit in a forward position.

The proposal does not raise any traffic or road safety issues.

In conclusion, the proposal complies with the development plan and the infringement, regarding privacy, of the non statutory guideline is justified in this case. The proposal is acceptable in this location and is of an appropriate scale, form and design. The character and appearance of the conservation area will be preserved and enhanced. With the use of a condition relating to privacy screening, it will not result in an unreasonable loss to neighbouring amenity and an acceptable level of amenity will be afforded to future occupiers. The proposal will not result in any traffic or road safety issues. There are no other material considerations which outweigh this conclusion and approval is recommended. The demolition of the existing house is considered in a separate report on planning application 12/02859/CON.

It is recommended that Committee approves this application subject to conditions relating to the privacy screens and materials.

REASON FOR DECISION

The proposal complies with the development plan and the infringement, regarding privacy, of the non statutory guideline is justified in this case. The proposal is acceptable in this location and is of an appropriate scale, form and design. The character and appearance of the conservation area will be preserved and enhanced. With the use of a condition relating to privacy screening, it will not result in an unreasonable loss to neighbouring amenity and an acceptable level of amenity will be afforded to future occupiers. The proposal will not result in any traffic or road safety issues. There are no other material considerations which outweigh this conclusion and approval is recommended.

John Bury
Head of Planning & Building Standards

Contact/tel	Jackie McInnes on 0131 469 3731
Ward affected	A10 - Meadows/Morningside
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Conservation Area Urban Area
Date registered	28 August 2012
Drawing numbers/	01 - 19.

Scheme	Scheme 1
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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: 34 Midmar Drive
Edinburgh
EH10 6BU

Proposal: Demolish existing house and erect two-storey house with off-street parking and landscaped garden.

Reference No: 12/02858/FUL

Consultations, Representations and Planning Policy

Consultations

Transport

Transport has no objections to the proposed application subject to the following being included as conditions or informatives as appropriate:

- 1. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 2. Any gate or gates must open inwards onto the property;*
- 3. The works to form the footway crossing should be carried out in accordance with "Development Roads - Guidelines and Specification" and under cover of a Minor Roadworks consent.*

Note: the proposed vehicle access is outwith 15m of the junction of Midmar Drive / Hermitage Drive.

Representations

The application was advertised on 7 September 2012 and nine letters of objection were received. These included comments from The Cockburn Association, Morningside Community Council and The Architectural Heritage Society of Scotland. The letters of representation raised the following issues:

Principle of demolition (addressed in part a of the assessment):

Design (addressed in part b of the assessment):

- overdevelopment; relationship with original villa, design of elevations; impact on wider townscape; topography; and boundary wall

conservation (addressed in part c of the assessment):

- special importance of Conservation Area; materials; design concept; architectural contribution to character and appearance, impact of proposals on enhancement criterion

Parking, garaging and street scene (addressed in parts b and f of the assessment):

- road safety concerns.

Amenity (addressed in part d of the assessment):

- overlooking and loss of privacy, loss of light, proximity.

Note: This application relates to an associated planning application (Reference: 12/02859/CON) which seeks the demolition of the existing building. Representations, including those made above, have been received relating to this parallel application and will be considered in the report on planning application 12/02859/CON.

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 application property is in Morningside Conservation Area and in the Urban Area of Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Env 5 (Conservation Areas & Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

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

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

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 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Other Relevant policy guidance

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to

extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

Appendix B



Application Type Planning Permission
Application Address: 34 Midmar Drive
Edinburgh
EH10 6BU

Proposal: Demolish existing house and erect two-storey house with off-street parking and landscaped garden.

Reference No: 12/02858/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:-

1. Details of the screening of the rear first floor windows shall be submitted and approved in writing by the Head of Planning and Building Standards before occupation of the proposed house. The screening shall be erected prior to the first occupation of the dwellinghouse hereby approved.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning and Building Standards before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to protect the privacy of adjoining neighbours.
2. In order to enable the Head of Planning & Building Standards to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach

of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. 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.

4. The garage and pedestrian gates are to open inwards in the interests of pedestrian and road safety.

5. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;

6. The works to form the footway crossing should be carried out in accordance with "Development Roads - Guidelines and Specification " and under cover of a Minor Roadworks consent.

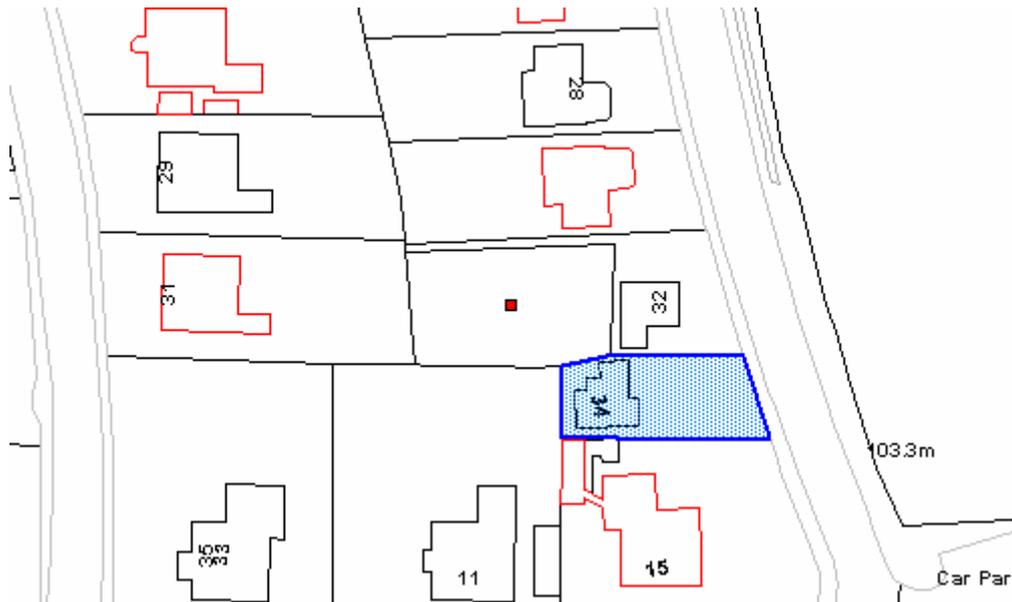
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Appendix C

Application Type Planning Permission

Proposal: Demolish existing house and erect two-storey house with off-street parking and landscaped garden.

Reference No: 12/02858/FUL



Location Plan

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