

# Development Management Sub Committee

Wednesday 11 September 2013

**Application for Planning Permission 13/00814/FUL  
At Land 15 Metres South Of 21, Lovedale Crescent, Balerno  
Erection of dwelling house.**

Item number	4.4
Report number	
Wards	A02 - Pentland Hills

## Links

<a href="#">Policies and guidance for this application</a>	NSGD02, LPRW, RWE41, RWE42, RWH5, RWTRA4, NSG,
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# Executive summary

## **Application for Planning Permission 13/00814/FUL At Land 15 Metres South Of 21, Lovedale Crescent, Balerno Erection of dwelling house.**

### Summary

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The proposal complies with the development plan and whilst it does not fully comply with non-statutory guidance, the proposal does not adversely affect the character and appearance of the street or neighbouring residential amenity.

### Recommendations

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It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

### Financial impact

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There are no financial implications to the Council.

### Equalities impact

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The application has been assessed and has no impact in terms of equalities or human rights.

### Sustainability impact

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This application meets the sustainability requirements of the Edinburgh Design Guidance.

### Consultation and engagement

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#### **Pre-Application Process**

Pre-application discussions took place on this application.

#### **Publicity summary of representations and Community Council comments**

Neighbours have been notified of the application. Four representations have been received from neighbouring residents, objecting to the proposal.

The letters of representation raised the following material issues:

- design issues;
- amenity;
- road safety;
- equalities.

The non-material comments are:

- ownership/restrictive conditions on the land and its respective interim interdict relating to the removal of vegetation from the site.

Following the inclusion of existing and proposed levels and an indication of the extent of the lowering of the levels, the two properties affected by this were re-notified (19 and 21 Lovedale Crescent). No other neighbours were notified as there was no change to the proposal other than the aforementioned additions and therefore their previous comments remained relevant.

The revised proposal attracted two letters of representation and a petition with five names from neighbouring residents, objecting.

The letters of representation raised the following material issues:

- design issues;
- amenity;
- road safety;
- equalities.

The non-material comments are:

- potential damage to neighbouring garage, fence and planting;
- not allowing access onto neighbouring land for the carrying out of construction work.

A full assessment of the representations can be found in the main report in the Assessment section.

## **Background reading / external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

## **Application for Planning Permission 13/00814/FUL At Land 15 Metres South Of 21, Lovedale Crescent, Balerno Erection of dwelling house.**

### **1. Background**

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#### **1.1 Site description**

The site comprises the former side garden of 21 Lovedale Crescent, to the south west of the existing house. The site measures approximately 450 square metres and has a frontage of approximately 11.4m and 34 metres in depth. The site drops down from front to rear by approximately 1.6 metres, and from north east to south west by approximately 0.7 metres. There is currently a single garage to the front of the site.

The area is wholly residential and although Lovedale Crescent is of a mixed character, this section of Lovedale Crescent comprises single storey detached houses constructed in the early part of the 20th century, finished in render with slate or pantiled roofs. There are two storey properties further round the crescent to the north west and to the south east (Deanpark Avenue). These properties are a mix of semi-detached and terraced houses.

#### **1.2 Site History**

December 1981 - planning permission refused for erection of house in side garden for reasons relating to overdevelopment of the site (2162/81).

January 1982 - planning permission granted for an amended design, comprising a two storey house measuring approximately 115.4 square metres. Works were commenced, therefore, this consent has been taken up.

March 1987 - variation to application reference 2162/81 for a slightly smaller house of 105 square metres granted. This consent is also still valid.

September 2012- variation to previously approved dwelling house was withdrawn (12/02219/FUL as amended).

March 2013- planning application for the erection of a house in the side garden ground of 21 Lovedale Crescent was withdrawn (12/04469/FUL).

### **2. Main report**

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#### **2.1 Description Of The Proposal**

It is proposed to erect a detached dwelling house on the former garden ground of 21 Lovedale Crescent.

The house is predominantly a two storey house that has the appearance of a single storey house from the front due to the slope of the site.

The house is approximately 8.3m wide on a plot width of 11.4m at the front. It is approximately 14.5m deep with a ground to eaves level of 3 metres at the front of the house and 4 metres at the rear. The house has a pyramidal type roof with a protruding front gable with hip roof.

Windows of habitable rooms are predominantly front and rear facing with secondary windows and windows to non-habitable rooms to the sides.

The proposed materials include a render finish to the external walls, uPVC windows and a grey tiled roof.

Off street parking is provided to the front of the house.

The proposal was revised to include details of the existing and proposed levels on the drawings and the retaining wall on the south west boundary.

## **2.2 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?

## **2.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- a) the proposal is acceptable in principle;
- b) the proposal is acceptable in design terms;
- c) the proposal has any adverse effect on neighbouring residential amenity;
- d) the proposal raises any road safety issues;
- e) the proposal raises any equalities or human rights issues;
- f) the proposal meets sustainability requirements; and
- g) representations raise issues to be addressed.

### **a) Principle**

The proposal is for the erection of a dwelling house on an area of land that was formerly part of the garden ground of 21 Lovedale Crescent which received planning consent for the erection of a house in January 1982. This was subsequently varied in March 1987. The works started on site therefore these consents remain live. The principle of housing on the site is therefore established through these consents.

## b) Design

The area is characterised by low density suburban style housing. There are detached bungalows on sizeable plots adjacent to the site.

Although the proposed plot is smaller than its immediate neighbours, the size of house to plot reflects other properties in the area. Therefore, the issue is whether the proposed design will be in keeping with the character and appearance of the area.

The split level design of the house allows accommodation on two levels towards the rear of the house whilst maintaining a single storey appearance from the front. This allows the proposed house to sit comfortably within the streetscape as the design and height of the roof is in keeping with the neighbouring bungalows.

In order to achieve the split level design solution, ground levels have been reduced within the site by up to 962mm and the proposed house is set further back on the plot than the neighbouring properties (or the consented house). There is not a particularly strong building line in this part of the street and the set back is not out of keeping with the streetscape.

The reduction in ground levels is most pronounced along the south western boundary of the site where a neighbouring detached garage is located. A retaining wall is proposed along this boundary which will ensure that this design solution does not impact on the neighbours.

The proposed walling and roofing materials are appropriate for this location. Whilst concerns have been raised in relation to grey tiles being used, (red tiles and slates are characteristic of the street), the proposed tiles will not have an adverse effect on the character and appearance of the street. Precise details of the walling and roofing material specification can be agreed by condition.

Overall, the proposal is a suitable design and will not have an adverse effect on the character or appearance of the area.

## c) Amenity

In respect of 21 Lovedale Cescent, the proposal will adversely affect a side window of the property which provides daylight to a study. However, this is a secondary window and the proposal complies with non-statutory guidance in relation to the second window to the rear. The proposal will not have an adverse effect on daylighting.

The proposal will result in approximately 0.18 sq.m. of overshadowing over that considered to have no adverse effect in non-statutory guidance. However, the overshadowing will fall on part of the garden that will already be in shadow through the existing boundary treatment and will not have an adverse effect.

Windows proposed on the north east side of the house are within nine metres of their respective boundary. However, the windows are to non-habitable rooms, namely a shower room and utility room and therefore no privacy concerns arise.

In relation to 19 Lovedale Crescent, the proposal complies with non-statutory guidance in respect of daylighting.

The proposed house is to the north east of no. 19, approximately 1.2m away from the boundary with an eaves height of four metres above ground level. The proposal complies with non-statutory guidance.

In respect of privacy, a low level window and a small rooflight are proposed on the south west side of the house that will be within nine metres of the shared boundary with 19 Lovedale Crescent. However, the rooflight is to an en-suite shower room and the existing boundary treatment will provide adequate screening for privacy purposes from the window.

In relation to the windows to the front and rear, these maintain an eighteen metre window to window privacy distance at the front and to the rear are over nine metres away from their respective boundary.

The proposal will not adversely affect neighbouring residential amenity.

#### d) Transport

Following the concerns raised in representations, Transport Planning carried out a survey of the street and found no evidence of excessive on street parking and therefore has no objections to the application. The proposal does not raise any road safety issues.

#### e) Equalities and Human Rights

The proposal raises no human rights issues. However, it does include internal changes in floor level and in this regard, accessibility within the house is a matter for Building Standards. The house has level access to both the front and rear doors and therefore raises no evident equalities issues.

#### f) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings.

#### g) Representations

### **Material Comments**

- Design- issues relating to the proposed development not being characteristic of the spatial pattern of the area, two storey height not in-keeping with the street, materials and over development are addressed in assessment b) above;
- Amenity- issues relating to overshadowing, loss of daylight and privacy are addressed in assessment c) above;
- Road safety- issues relating to off street parking and the location of the proposal are addressed in assessment d) above;
- Equalities- issues relating to accessibility are addressed in assessment e) above;

•Structural issues relating to the extent of excavation on the south western boundary of the property. The revised proposal includes a retaining wall along this boundary. The structural soundness and detailing of the wall is a matter for Building Standards and in that regard, an engineers certification under the SER scheme (New Build Certificate) or full calculations for all elements, connections, fixings and overall stability of the structure has been requested as part of the building warrant process;

•Drainage- the issue of difficulties in connecting into the existing drainage due to the change in levels is a matter for Building Standards. However, they have advised that there are solutions in respect of the concerns.

### **Non- Material Comments**

•Ownership/restrictive conditions on the site and the interim interdict relating to the removal of vegetation from the site are noted. The removal of vegetation is not controlled by planning but is a legal matter between the parties involved. The planning decision on the application requires to be made solely in terms of section 25 of the Town and Country Planning (Scotland) Act 1997. However, it is noted that the drawings do not indicate any removal of the evergreen topiary and shrubbery from the site or its boundaries with 19 or 21 Lovedale Crescent.

- potential damage to neighbouring garage, fence and planting is a matter for the applicant and/or his contractors;
- not allowing access onto neighbouring land for the carrying out of construction work is a civil matter between the parties concerned.

The issues raised in representations have therefore been addressed.

The legal issues relating to the site, which would have implications regarding subsequent implementation of any consent, are not material planning considerations in terms of assessment or reaching a decision on the planning merits of the proposals. The submitted drawings are sufficient to enable a determination of the application.

In conclusion, the proposal complies with the development plan and whilst it does not fully comply with non-statutory guidance, it does not adversely affect the character and appearance of the street and would not prejudice residential amenity or road safety. There are no material considerations which outweigh this conclusion.

## **3. Recommendations**

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**3.1** It is recommended that this application be Granted subject to the details below

### **3.2 Conditions/reasons**

#### **Conditions:-**

1. 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 enable the planning authority 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.

**Statutory Development**

**Plan Provision**

The application site is within the Settlement Boundary of Balerno in the Rural West Edinburgh Local Plan.

**Date registered**

14 March 2013

**Drawing numbers/Scheme**

01A and 02B-03B,

Scheme 3

**David R. Leslie**

Acting Head of Planning and Building Standards

## Links - Policies

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### **Relevant Policies:**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

### **Relevant policies of the Rural West Edinburgh Local Plan.**

Policy E41 encourages high standards of design for all development and its careful integration with its surroundings in terms of scale, form, siting, alignment and materials. New development should improve energy efficiency and reduce noise pollution.

Policy E42 requires new buildings to make a positive contribution to the overall quality of the environment and the street scene, making provision for high quality landscaping and, where appropriate, new open spaces.

Policy H5 states that all new housing should harmonise with and reflect the character of its surroundings and should adhere to the criteria set out in the policy.

Policy TRA4 says that development proposals should make specific provision for the needs of cyclists and pedestrians and provide convenient and safe access to existing or proposed networks where practicable

### **Relevant Non-Statutory Guidelines**

# Appendix 1

## Consultations

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### Transport Planning

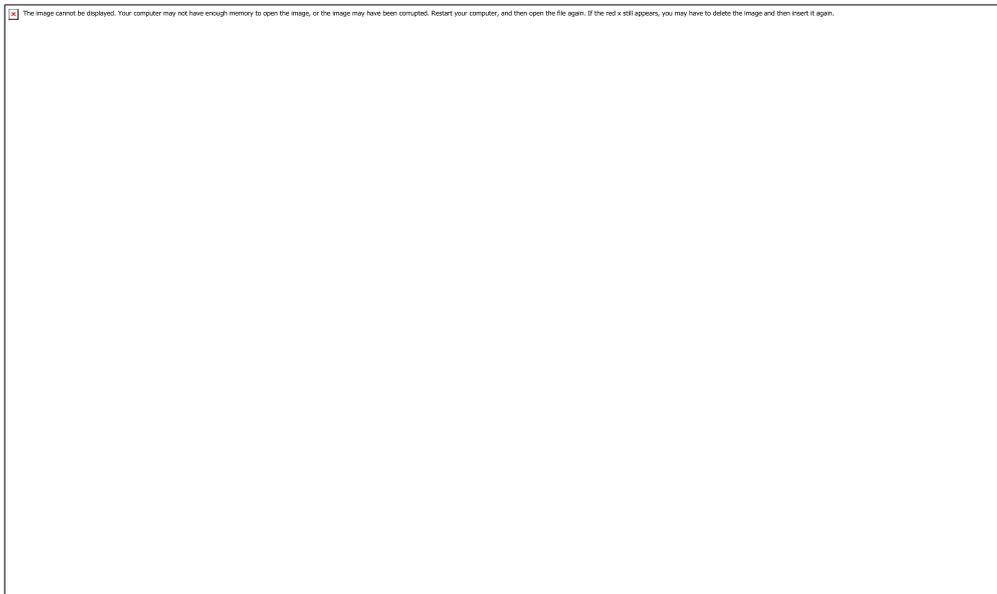
*No objections to the application*

*INFORMATIVE*

*An on street parking survey has been undertaken and there was no evidence with regards to excessive on street parking.*

## Location Plan

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