

Development Management Sub Committee

Wednesday 25 June 2014

**Application for Planning Permission 14/00767/FUL
At 19 Abercorn Terrace, Edinburgh, EH15 2DE
Amendment to planning permission 12/01554/FUL to
retrospectively alter surface finish to rear garden lower area
from gravel to riven style concrete paving slabs.**

Item number	4.2
Report number	
Wards	A17 - Portobello/Craigmillar

Summary

The proposal complies with the development plan and Council's non-statutory guidance. It is of an acceptable scale, form and design that preserves the character and appearance of the conservation area and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations that justify refusal.

Links

<u>Policies and guidance for this application</u>	LPC, CITE6, CITD11, NSG, NSLBCA, NSHOU, OTH, CRPPOR,
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Report

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is the ground floor flat of a two storey traditional villa situated on the south side of the main thoroughfare of Abercorn Terrace, facing on to Abercorn Park. The site is bounded by large stone built villas many of which have been subdivided.

The rear garden of villa is subdivided between the occupants of a flatted dwelling house. The application site relates to the area of garden closest to the property.

This application site is located within the Portobello Conservation Area.

2.2 Site History

29.06.12 - planning permission was granted to take down an existing rear single storey pitched roof extension and reform with a new single storey pitched roof extension using reclaimed materials from the site. This work is in conjunction with a similar project to the adjoining ground floor property at No 21 Abercorn Terrace (planning application number 12/01554/FUL).

13.11.13 - An enforcement enquiry was submitted in relation to non-compliance with approved plans as hardstanding had been laid resulting in localised flooding (complaint number 13/00735/ENCOMP).

Main report

3.1 Description Of The Proposal

The application proposes an amendment to a previous planning permission 12/01554/FUL to retrospectively alter the surface finish of the lower area of the rear garden from gravel to riven style concrete paving slabs.

3.2 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?

3.3 Assessment

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

- the proposal is an acceptable scale, form, design and preserves the character and appearance of the conservation area;
- the proposal will cause an unreasonable loss to neighbouring amenity;
- the proposal will provide unacceptable level of amenity for the existing occupiers;
- any impacts on equalities and human rights are acceptable;
- any comments raised have been addressed.

a) Scale, form, design and character and appearance of the conservation area

The Portobello Conservation Area Character Appraisal emphasises *the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials. The conservation area is characterised by a high proportion of open space providing an attractive green setting to the built environment and a high quality townscape.*

The lower rear garden ground adjacent to the rear wall of the house leading from the dining area has been finished in riven style concrete paving slabs. The previous application proposed that this area would be finished in gravel.

The paving slabs that have been used match the colour of the stonework of the house and are of a similar style to those used for the paved area of the adjoining property which is also owned by the applicants. The proposal lies to the rear of the building which is restricted from public view. There are a variety of building materials in rear garden grounds within this part of the conservation area so the change in surface finish would be in keeping with existing materials. The changes to the surface finish will not be readily seen from the public street so therefore, the effect on the character and appearance of the conservation area would be minimal.

The proposal complies with policy Des 6 and Des 11 of the Edinburgh City Local Plan.

b) Neighbouring amenity

Concerns have been raised regarding potential flooding. Planning and Building Standards both play important roles in safeguarding land and development from the consequences of flooding. Planning Advice Note 69: Planning and Building Standards Advice on Flooding provides background information and best practice advice in support of Scottish Planning Policy (SPP) 7: Planning and Flooding, and the Technical Handbooks published by the Scottish Building Standards Agency which provides guidance for the Building (Scotland) Regulations 2004. SPP 7 aims to prevent future development which would have a significant probability of being affected by flooding or which would increase the probability of flooding elsewhere. The Technical Handbooks provide improved guidance on building in areas where there is a risk of flooding.

The area of hardstanding measures 37.52square metres approximately and has been designed with a gully for any excess water to drain into. Given its size, it is exempt from Building Regulations.

The proposal will not result in an unreasonable loss of neighbouring amenity.

c) Amenity of users

The proposal will provide an acceptable level of amenity for existing users.

d) Equalities or human rights impacts

This application was assessed in terms of equalities and human rights. No impact was identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

e) Public comments

Material considerations

•materials and their effect on the appearance of conservation area - this has been addressed in section 2.3(a).

Non-material considerations

- flooding and inadequate drainage - this has been addressed in section2.3 (b);
- whether concrete slabs are a suitable surface for window cleaning is not a planning consideration;
- terms of the title deeds is not a planning matter.

CONCLUSIONS

In conclusion, the proposal complies with the development plan and Council's non-statutory guidance. It is of an acceptable scale, form and design that preserves the character and appearance of the conservation area and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations that justify refusal.

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

3.4 Conditions/reasons/informatives

Conditions:-

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 6th March 2014 and attracted 23 letters of representation, 11 letters in support of the application and 12 objecting.

Material considerations

- materials and their effect on the appearance of conservation area

Non-material considerations

- whether concrete slabs are a suitable surface for window cleaning is not a planning consideration;
- flooding and inadequate drainage
- the terms of the title deeds

Background reading / external references

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

Statutory Development**Plan Provision**

The site lies within the Urban Room of the Edinburgh City Local Plan.

Date registered

26 February 2014

Drawing numbers/Scheme

1-2,

Scheme 1

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Other Relevant policy guidance

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

Appendix 1

Consultations

No consultations undertaken.

Location Plan



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