

Development Management Sub Committee

Wednesday 25 June 2014

**Application for Planning Permission 14/01320/FUL
At 8 Raeburn Mews, Edinburgh, EH4 1RG
Form extension at first floor built over existing garage.**

Item number	5.1
Report number	
Wards	A05 - Inverleith

Summary

The proposal is an acceptable scale, form and design that preserves the character and appearance of the conservation area. However it will be detrimental to neighbouring amenity due to overshadowing, loss of daylighting and privacy and is contrary to policy Des 11. There are no material considerations that justify approval.

Outcome of previous Committee

This application was previously considered by Committee on 11.06.2014

Reasons for Refusal - This application was recommended for approval. The Committee decided to refuse the application and it is returning to Committee to agree the reasons for refusal as set out in the addendum in section 3 of the report.

Links

Policies and guidance for this application	LPC, CITD11, CITE6, NSG, NSHOU, NSLBCA, NSP, OTH, CRPNEW,
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Report

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is a two storey detached white roughcast house with a mansard roof clad in felt tiles located on the south side of Raeburn Mews. It forms part of a 1980's development of 32 two storey terraced mews houses accessed from Raeburn Place. The mews is wholly residential while Raeburn Place forms part of the Stockbridge Town Centre. A four storey tenement, and its communal garden, is located to the south of the application site.

The application site is located in the New Town Conservation Area.

2.2 Site History

3 April 2008 - planning permission granted to erect a garage (application number: 08/00641/FUL)

23 September 2011 - planning permission granted to alter a window to form a door at first floor level (application number: 11/02208/FUL)

10 October 1979 - planning permission granted to erect 25 mews dwellings and convert former stables (application number: 79/1764)

Main report

3.1 Description Of The Proposal

The application proposes the erection of an extension at first floor level above the existing garage. The resultant building occupies the footprint of the existing garage and will increase its height from 2.8 metres to 5.6 metres. It has a flat roof and will be finished in white roughcast to match the existing dwelling and garage. Recessed first floor balconies accessed via timber framed glazed windows and doors are proposed facing east and west. A first floor larch clad terrace is proposed on the north facing elevation to link the proposal to the existing house.

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:

- a) the proposal is an acceptable scale, form and design;
- b) the proposal will preserve or enhance the character and appearance of the conservation area;
- c) the proposal will cause an unreasonable loss to neighbouring amenity;
- d) the proposal will adversely affect parking provision;
- e) any impacts on equalities and human rights are acceptable;
- f) any comments raised have been addressed.

a) Scale, form and design

The proposed extension forms a two storey flat roof building that is linked to the original house and does not result in the loss of any private amenity space. The scale is acceptable. The two storey flat roof design and form introduces a sharp and contemporary feature to the mews while taking cognisance from the original dwelling by forming window openings on the east and west facing elevations. The proposed materials are compatible with the existing building and are acceptable. The application site is the only detached house located in the mews and because it is not part of one of the rows of terraced houses it has the opportunity to form a contemporary and distinct extension.

The proposal is an acceptable scale, form and design and complies with policy Des 11 and non-statutory Guidance for Householders.

b) Conservation Area

The New Town Conservation Area Character Appraisal identifies the special character as derives from *a planned urban concept of European significance, the New Town has an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.*

Mews style development in the conservation area is characterised by one and a half storey high buildings located in lanes behind the formal townhouses. The application site forms part of an infill 1980s development where the scheme attempted to achieve a one and a half storey form by incorporating a mansard roof.

The proposed extension does not attempt to hide its resultant two storey form by incorporating a mansard roof and forms an extension that is contemporary and distinct. The proposal has little effect on the character or appearance of the conservation area due to the location of the scheme in an enclosed site behind a four storey tenement and its development in the 1980s.

The proposal preserves the character and appearance of the conservation area and accords with policy Env 6.

c) Neighbouring amenity

The terrace known as 1-7 Raeburn Mews is a single aspect building of terraced houses located to the south-west of the application site with the exception of the end terrace, known as 7 Raeburn Mews, which has additional window openings on the gable elevation. The non-statutory Guidance for Householders does not protect the daylight into side facing windows. Nevertheless, the proposed drawings show the proposal satisfies the 45 degree daylighting test and will not result in an unreasonable loss of daylight to neighbouring properties.

The existing garage satisfies the overshadowing criterion in the non-statutory Guidance for Householders. The proposed addition to the garage causes a level of overshadowing of the garden at 7 Raeburn Mews that would be considered unreasonable if assessed in isolation. However the affected garden is already overshadowed by the four storey tenement located to the south of the mews which affects the whole garden. The proposal will reduce the amount of light that reaches the affected garden from the north east and consequently the harm caused is limited to a small portion of the overall day. The proposal does not cause unreasonable overshadowing of the affected garden and an infringement in the non-statutory guidance is justified.

The proposal will not cause harmful overshadowing of the communal garden relating to the tenement because it is overshadowed by the tenement building itself.

The proposed windows are recessed and face due east and west and do not directly face the private garden located to the south-west of the application site. The proposal will not result in any unreasonable loss of neighbouring privacy and accords with the privacy criterion in the non-statutory Guidance for Householders.

The proposal will not result in an unreasonable loss of neighbouring amenity and accords with policy Des 11 and broadly complies with the non-statutory Guidance for Householders.

d) Parking

The proposal increases the number of bedrooms from two to three. The Parking Standards require a three bedroom house in the application site's location to have one parking space. The application site has a garage for one vehicle. The proposed increase in the number of bedrooms complies with the Council's Parking Standards and will not have a significant impact on the existing parking provision.

e) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified. An Equalities and Human Rights Impact Assessment has been completed.

f) Public comments

Material comments in objection

- overshadow neighbouring gardens located to the south and west - assessed in section 3.3c - and found the proposal did not cause harmful overshadowing of the tenement's garden and any overshadowing of the neighbouring garden was not unreasonably harmful because it is limited to a small period of the day;
- increase pressure on parking - assessed in section 3.3d and found the proposal accords with the Council's Parking Standards;
- reduce daylight into neighbouring properties - assessed in section 3.3c and found the proposal accorded with the daylight criterion in the non-statutory Guidance for Householders;
- overlook neighbouring properties - assessed in section 3.3c and found the proposal accorded with the privacy criterion in the non-statutory Guidance for Householders because the proposed new window openings do not directly face neighbouring properties;
- overdevelopment - assessed in section 3.3a and found the proposal was an acceptable scale, form and design; and
- not in keeping with the character, design and layout of the area - assessed in section 3.3a and 3.3b - and found the proposal was an acceptable scale, form and design and preserved the character of the area.

Material comments in support

- proposal is in keeping with the mews;
- proposed plans show the proposal will not overshadow neighbouring properties;
- proposal is well designed; and
- proposal enhances existing house and mews

Non-material comments

- affect value of neighbouring property - the planning system does not exist to protect the interests of individuals;
- affect rental potential and value of neighbouring property - the planning system does not exist to protect the interests of individuals;
- proposed drawings refer to neighbouring garden as a courtyard - the agent has referred to this area and the application site's garden as 'courtyards'. The application has assessed the effect of the proposal on this area as private garden ground;
- proposal will encourage other owners to make improvements;
- alterations and extensions require consent from the Residents Association - this is a civil matter between the affected parties. A decision to grant planning permission does not infer or authorise consent under any other statutory enactment;
- comments from the Residents Association do not reflect the views of all members of the Association - noted but can only consider the comments submitted by the Association;

- applicants have alternative options to extend their property - the Council has a duty to determine the proposal submitted; and
- damage the communal courtyard - this is a civil matter between the affected parties.

CONCLUSIONS

In conclusion, the proposal is a contemporary, high quality design that preserves the character and appearance of the conservation area and does not cause unreasonable harm to neighbouring amenity. An infringement in the non-statutory Guidance for Householders is justified because the overshadowing is limited to a small portion of the day and the affected property is already overshadowed by the tenement located to the south. There are no material considerations that outweigh this conclusion.

Addendum to Assessment

The application was considered at the Development Management Sub-Committee on 11 June 2014 following a site visit.

The Committee was concerned the proposal would be detrimental to neighbouring residential amenity due to overshadowing, loss of daylighting and privacy.

The Committee indicated it was minded to refuse the application and continued the application for reasons to be drafted.

Suggested reasons for refusal are:

The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as the proposal would be detrimental to neighbouring amenity due to overshadowing, loss of daylighting and privacy.

It is recommended that this application be Refused for the reasons below

3.4 Conditions/reasons/informatives

Conditions:-

Reason for Refusal:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as proposal would be detrimental to neighbouring amenity due to overshadowing, loss of daylighting and privacy.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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 25 April 2014 and attracted 21 letters of representation including comments from Councillors Barrie, Hinds and Whyte and the Raeburn Mews Residents Association: 16 in objection and five in support.

Councillors Barrie, Hinds and Whyte support the objection made by their constituent concerning overshadowing of the garden at 7 Raeburn Mews.

Material comments in objection

- overshadow neighbouring gardens located to the south and west;
- increase pressure on parking;
- reduce daylight into neighbouring properties;
- overlook neighbouring properties;
- overdevelopment;
- not in keeping with the character, design and layout of the area.

Material comments in support

- proposal is in keeping with the mews;
- proposed plans show the proposal will not overshadow neighbouring properties;
- proposal is well designed;
- proposal enhances existing house and mews.

Non-material comments

- affect value of neighbouring property;
- proposal will encourage other owners to make improvements;
- affect rental potential and value of neighbouring property;

- proposed drawings refer to neighbouring garden as a courtyard;
- alterations and extensions require consent from the Residents Association;
- comments from the Residents Association do not reflect the views of all members of the Association;
- applicants have alternative options to extend their property;
- damage the communal courtyard.

No comments received from the community council.

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

Background reading / external references

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

Statutory Development Plan Provision

Edinburgh City Local Plan - Urban Area and New Town
Conservation Area

Date registered

4 April 2014

Drawing numbers/Scheme

01-08,

Scheme 1

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Links - Policies

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.

Relevant Non-Statutory Guidelines

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

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 on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Other Relevant policy guidance

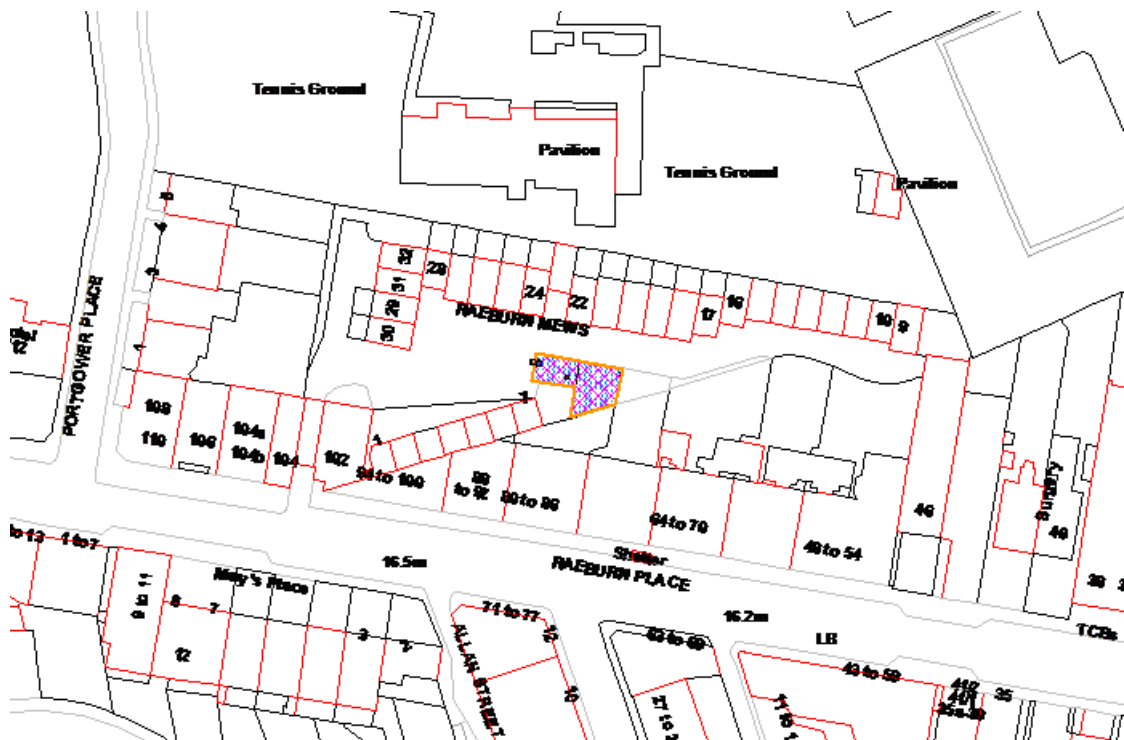
The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Consultations

No consultations undertaken.

Location Plan



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