

# Development Management Sub Committee

**Wednesday 14 January 2015**

**Application for Planning Permission 14/02125/FUL  
At 5 Merchiston Avenue, Edinburgh, EH10 4PJ  
Alterations and extension to existing dwelling house  
comprising of a single storey extension to the northwest to  
form garage and gym and a two storey extension to the  
southeast to form additional living area and bedroom.  
(Resubmission of planning application 13/03431/FUL)**

<b>Item number</b>	5.1
<b>Report number</b>	
<b>Wards</b>	A10 - Meadows/Morningside

## **Summary**

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The proposals, for the erection of separate two-storey and single-storey side extensions, do not comply with the Edinburgh City Local Plan policies and the relevant Council's non statutory guidance and would adversely affect the character and appearance of the conservation area and design and form of the host building.

## **Outcome of previous Committee**

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This application was previously considered by Committee on 17.12.2014

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.

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## Links

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[Policies and guidance for this application](#)

LPC, CITD11, CITE6, NSG, NSHOU, NSLBCA, OTH, CRPMER,

# Report

## **Application for Planning Permission 14/02125/FUL At 5 Merchiston Avenue, Edinburgh, EH10 4PJ Alterations and extension to existing dwelling house comprising of a single storey extension to the northwest to form garage and gym and a two storey extension to the southeast to form additional living area and bedroom. (Resubmission of planning application 13/03431/FUL)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site comprises a stone built, two-storey, hipped roofed, detached dwelling house located on the eastern side of Merchiston Avenue to the north of its junction with Merchiston Place in a predominantly residential area.

The property is raised above the road level and is located forward within its overall feu. The front boundary is a low stone wall with well tended hedgerow planting to the rear and 2.0 metre high stone walls at either side. There is a central pedestrian access, together with a gated vehicular access to the northern end and a timber personnel door within the high stone wall to the southern end. There are high stone walls along both the northern and southern boundaries containing a well tended, predominantly grassed rear garden area.

The overall feu measures 51.9 metres in depth by 25.1 metres in width, an overall area of 1,288 square metres.

To the northern side is a stone built, two-storey, semi-detached dwelling, one half of which has a mansard roof providing an additional floor in the roof. To the southern side is a single-storey brick built dwelling with a mansard, slated roof which stands within the former rear garden area of the corner property, a category 'C' listed building and itself subdivided into two dwellings.

The dwellings on the western side of the road are stone built, two-storey detached dwellings set within wide fronted feus; No 8 is divided into three flats with a road frontage of 36 metres and No 10 is also divided into three flats with a road frontage of 47.8 metres.

This application site is located within the Merchiston \_ Greenhill Conservation Area.

## **2.2 Site History**

The relevant site history is:

24 July 2000 - Planning permission was granted for internal alterations and the erection of a sun room extension to the rear of the property (reference 00/01926/FUL).

18 June 2002 - Planning permission was granted for alterations to the sun room extension prior to its erection (reference 02/01352/FUL).

25 October 2013 - An application; to erect a single-storey side extension, to the north west elevation, and a two-storey side extension, to the south east elevation, together with patio areas; was withdrawn prior to its determination (reference 13/03431/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The application is for the erection of a two-storey side extension, to the south-eastern elevation, and a single-storey side extension, to the north-western elevation of dwelling house.

The two-storey extension measures 6.0 metres in width by 10.4 metres in depth, contained within the overall depth of the original building. It measures 5.1 metres to the eaves and 7.1 metres to the highest part of the roof, 0.3 metres below the eaves of the original building. The extension is to be faced in stone with stone quoin stones and a stone band continuation between the ground and first floors. The front and rear elevations are hipped under matching slate with a central, flat roofed section. There are wall-head dormers, one each within the front and rear roof slopes.

The single-storey side extension is comprised of two parts. To the front of the existing attached garage is a flat roofed extension; measuring 3.4 metres in width by 1.9 metres in depth, set back from the front elevation of the original building, to a height of 4.0 metres. To the rear of the garage is a hipped roofed extension; measuring 3.7 metres in width by 8.8 metres in length, to an eaves height of 2.3 metres and a ridge height of 4.0 metres. The front element is to be clad in stone under a single ply flat roof, and the rear element is faced in an off-white wet dash rendered finish under a slated roof. Most of the side elevation is rendered with the exception of an element near the front.

The proposals would provide a gym and shower room to the northern side and a play/games room on the ground floor to the southern side, with en-suite bedroom, bathroom and an additional en-suite area to an existing bedroom.

### **Supporting Statement**

A supporting statement has been submitted which draws attention to the prevailing character and appearance of the property and its immediate surroundings, including other examples of similar forms of addition and redevelopment. This is available to view on the Planning and Building Standards on-line services.

### 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 proposals preserve or enhance the character and appearance of the conservation area;
- (b) the proposed scale, form, design and materials are acceptable;
- (c) the proposals will result in an unreasonable loss of neighbouring amenity;
- (d) the proposals have any equalities or human rights impacts; and
- (e) comments raised have been addressed.

#### a) Impact on Character and Appearance of the Conservation Area

Policy Env 6, of the Edinburgh City Local Plan, seeks to ensure that the proposed development preserves the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal, and that it demonstrates high standards of design and utilises materials appropriate to the historic environment.

*The 'Merchiston and Greenhill Conservation Area Character Statement' identifies that in general terms the area is dominated by Victorian villas set in extensive gardens. The main threat to the area is that of over-development of villa grounds and the erosion of garden space and boundary walls through the sub-division of property.*

At this location, in close proximity to non-uniform road junctions, the prevailing size and shape of the property feus is not characteristic of the wider conservation area. As a consequence there are a number of examples of infill development within this location. These include the adjacent premises at 5C Merchiston Avenue, 2B Merchiston Crescent and 4A and 4B Merchiston Crescent to the south of the site. The latter properties are immediately to the south-west; rear, of No 8 Merchiston Avenue which stands opposite the site.

The application property represents a transitional zone with the more regular pattern that extends to the north beyond the site, is re-established. The properties on the western side of Merchiston Avenue, to the north of this location, tend to be larger buildings standing within wide fronted feus that have been sub divided into flats. The application property is flanked by a single storey infill property to the south and a semi-detached pair of dwellings to the north.

Overall, the property does not stand within a unified or other regularly patterned streetscape. There is no regular pattern of buildings or intervening gaps between them at this location within the conservation area.

The two-storey extension, to the south-eastern side elevation, has been designed with appropriate proportions in terms of its width, fenestration and stone band at the ground floor level that would represent an appropriate continuation of the frontage of the property.

The first-floor section incorporates a reduced height eaves line and slated pitched roof all of which will sit comfortably below the original eaves line of the main property.

Overall the proposal represents a form of addition which has been satisfactorily achieved elsewhere in this location and which would be set suitably down from the original ridge and eaves and in from the front elevation such that it would be clearly read as a subordinate form of later addition.

The single-storey property to the south provides a sufficient reduced height so that a suitable gap would remain between the proposal and the original neighbouring building at the junction with Merchiston Place.

The wall-head dormer lines up with and continues the proportions and form of the ground floor window. It also complies with the overall form and proportions for such a dormer in terms of the guidance. There are examples of dormer windows within the immediate surroundings such that this element of the proposal would not be introducing any new or inappropriate type of roof addition to this part of the conservation area.

The front elevation of the single-storey extension to the north-western side would match the elevation of the existing garage. It would have a similar door and would be framed in stone. It is set back from the original front elevation of the building and sits below the line of the neighbouring garage.

The intended facing materials would match with the existing building and are appropriate for use in the extension of this property within this part of the Merchiston and Greenhill Conservation Area.

Scale, form and massing, in the 'Guidance for Householders', relating to 'villas', seeks to limit the extent of additional building to no more than 1.5 times that of the original villa, subject to a maximum site coverage, by buildings and other hard surfaces, to 40% and ensuring at least 12.5 metres between the principle property elevations.

The previous rear extension increased the original footprint by 68 square metres. This proposal represents an additional 99.1 square metres of new ground floor coverage. Overall this equates to total additions of 167.1 square metres; equivalent to twice the original footprint of the property, and in excess of that identified in the guidance.

Overall the coverage by buildings and other hard surfaces within the site would extend, including the proposed patio area, to an area of 518 square metres out of an overall feu area of 1,288 square metres; equivalent to 40.2%.

In this instance, given the prevailing spatial character at this location and the nature of the proposals, specific to this property, they would represent an acceptable variation from the non-statutory guidelines.

Overall, the proposal represents an appropriate and suitably designed form of addition that would be suitably subordinate to the appearance of the property and would preserve the character and appearance of the conservation area at this location.

#### b) Scale, Form and Design (Materials)

The proposed design and form, choice of materials and positioning of the alterations and extensions to the host property are suitably compatible with the character and appearance of the existing building. Accordingly, the proposals are appropriate and acceptable in their scale, form and design in this instance.

#### c) Neighbouring Amenity

The proposals incorporate narrow, secondary windows within the south-eastern side elevation of the extension at both ground and first floor levels. At the ground floor the windows would be set behind the existing boundary wall and at first-floor level the single window will serve a bathroom, so is most likely to be frosted, but in any event will look out over the roof of the neighbouring property.

As such there would be no detrimental levels of overlooking as a result of the proposals.

The proposed extension will be located 1.3 metres from the common boundary with the neighbouring property at No 5C to the south-east. The proposal stands within a gable-to-gable position and, therefore, although there would be an area of 15.6 square metres of overshadowing this would relate to an area of roof slope where there are no windows.

As such there would be no detrimental levels of overshadowing as a result of the proposals.

With regard to the single-storey side extension to the northern side of the property there would be no additional levels of overshadowing beyond the existing levels resulting from the proximity of the original two-storey dwelling to the common boundary with the neighbouring property.

Overall, the proposal would not result in any detrimental impact on the existing levels of residential amenity presently enjoyed by the occupants of any of the neighbouring properties.

d) Equalities and Human Rights Impacts

This application has no impact in terms of equalities or human rights.

e) Public Comments

**Material Representations in Objection**

- excessive scale and design of the proposals - assessed in section 3.3(a) and found that the proposal represents an appropriate and suitably subordinate form of addition to the property.
- does not preserve or enhance the special character or appearance of the conservation area - assessed in section 3.3(a) and found that the proposal represents an appropriate form of addition that would preserve the character and appearance of the conservation area at this location.
- loss of garden ground and impact on the spatial character of the area - assessed in section 3.3(a) and found that the overall area of development at the premises would represent an acceptable level with regards to the provisions of the guidance.
- the proposals, together with previous development, exceed the villa provisions of the guidance - assessed in section 3.3(a) and found that they would represent a minor but acceptable variation from the non-statutory guidelines.
- overshadowing and overlooking impact on neighbouring amenity - assessed in section 3.3(c) and found that there would no detrimental impact on the existing levels of residential amenity presently enjoyed by the occupants of any of the neighbouring properties.

**Non-material Representations**

- the extension would result in a loss of view - a view, over land outwith the individuals' ownership cannot be controlled through the provisions of the Planning Act.
- if approved the property could be subdivided in future and used as a multi-occupied building - any future subdivision or use as a house in multiple occupancy, if undertaken, would need to be considered and addressed at that time. It would be inappropriate to consider all potential future circumstances as part of this determination.
- no design statement was submitted with the proposals - the requirement for the submission of a design statement relates only to those planning applications that seek the erection of a new building within a conservation area, they are not required for the assessment of an application for an extension to an existing building.

## Conclusion

In conclusion, the proposals comply with the development plan and represent an acceptable variation from the non-statutory guidelines, preserve the character and appearance of the conservation area and would not prejudice residential amenity. There are no material considerations which outweigh this conclusion.

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

## **Addendum to Assessment**

The application was considered at the Development Management Sub-Committee on 17 December 2014 where Committee decided to refuse the application. The application is returning to Committee to agree the reasons for refusal.

Committee indicated it was minded to refuse the application and continued the application for the reasons for refusal to be drafted. Those reasons were that it would detrimentally dominate the host building contrary to policy Des 11 and would detrimentally impact on the character and appearance of the conservation area contrary to policy Env 6 of the Edinburgh City Local Plan and the relevant provisions of the Merchiston and Greenhill Conservation Area Character Appraisal.

The suggested reasons for refusal are:

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, and the non-statutory Guidance for Householders, as the proposed alterations and extensions would double the size of and dominate the scale, form and appearance of the host building to the detriment of its design, form and character within the streetscape.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, and the non-statutory guidance on Listed Buildings and Conservation Areas, as the scale and form of the proposed alterations and extensions would detract from the special character and appearance of the conservation area contrary to the relevant provisions of the Merchiston and Greenhill Conservation Area Character Appraisal.

## **3.4 Conditions/reasons/informatives**

### **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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **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 6 June 2014 and attracted 8 letters of representation objecting to the proposal; these included a comment from The Cockburn Association and 7 from neighbours.

### **Material Representations in Objection**

- excessive scale and design of the proposals;
- does not preserve or enhance the special character or appearance of the conservation area;
- loss garden ground and impact on the spatial character of the area;

- the proposals, together with previous development, exceed the villa provisions of the guidance; and
- overshadowing and overlooking impact on neighbouring amenity.

### **Non-material Representations**

- the extension would result in a loss of view;
- if approved the property could be subdivided in future and used as a multi-occupied building; and
- no design statement was submitted with the proposals.

### **Community Council Comments**

Merchiston Community Council made no representation.

### **Background reading/external references**

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- 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  
designated Conservation Area.

**Date registered**

28 May 2014

**Drawing numbers/Scheme**

01-10,

Scheme 1

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**Links - Policies**

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**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.

**Other Relevant policy guidance**

**The Merchiston & Greenhill Conservation Area Character Appraisal** emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

# Appendix 1

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## **Consultations**

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No consultations undertaken.

# Location Plan

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