

Development Management Sub Committee

Wednesday 11 March 2015

**Application for Planning Permission 15/00062/FUL
At 5A Balcarres Street, Edinburgh, EH10 5JB
Subdivision of the building to form two dwelling units,
together with associated extensions, alterations and erection
of new garage (as amended)**

Item number	4.2
Report number	
Wards	A10 - Meadows/Morningside

Summary

The proposal has no adverse effect upon the character or appearance of the conservation area. No privacy or daylight issues arise in relation to neighbouring residents. No parking or road safety concerns arise. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

Links

Policies and guidance for this application	LPC, CITE6, CITE11, CITE12, CITT4, NSG, NSLBCA, NSHOU,
--	--

Report

Application for Planning Permission 15/00062/FUL At 5A Balcarres Street, Edinburgh, EH10 5JB Subdivision of the building to form two dwelling units, together with associated extensions, alterations and erection of new garage (as amended)

Recommendations

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

Background

2.1 Site description

The existing building is a large modern, pebble-dashed, two storey house, sitting on a triangular site to the rear of a traditional four storey tenement on Balcarres Street. It is accessed via a pend of restricted width and height beneath that tenement. The plot is bounded by a traditional high stone wall.

The building backs onto a newly created public road, Belhaven Place, but has no access from that side. Belhaven Place is a modern development of brick flats, four storeys high with the top storey over-clad in vertical tiles to emulate a roof effect. The Belhaven Place development has a large car park placed on the west side of the application site, and many of the house's existing windows sit on the mutual boundary, viewing into this car park. The Belhaven Place development used to be land belonging to Morningside Cemetery and still retains the original ornamental cemetery gates (now serving as the access to their development). The cemetery itself lies west of the car park behind a blockwork wall and now has only limited access points, remote from this original access route.

This application site is located within the Plewlands Conservation Area.

2.2 Site History

13.10.1992 - consent granted to erect a double garage (Reference: 92/01815/FUL).

4.7.2006 - consent granted for six flats (Reference: 05/00325/FUL).

18.4.2007 - consent granted for use as an HMO (Reference: 07/00409/FUL).

30.11.2012 - consent granted for 5 houses (Reference: 07/00792/FUL) (following a protracted conclusion to a legal agreement dating from 2007).

14.4.2014 - no objection raised to removal of trees along the northern boundary (Reference: 14/01236/TCO).

Main report

3.1 Description Of The Proposal

The application proposes single storey extensions to both sides of a large modern house on a backland site plus sub-division into two residential units. The east extension is 5m x 6m and the north extension is 2.5m x 4.5m.

At the eastern end of the site a garage is proposed, infilling the triangular end of the garden. As originally submitted this garage had a rooftop terrace with 2m high-level screening running along its mutual boundary with the tenements to the north side, but this element was deleted from the proposals.

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 principle of subdivision is acceptable;
- b) the form, design and materials have any adverse impact on the character or appearance of the conservation area;
- c) any privacy or daylighting issues arise;
- d) parking and road safety is adequate;
- e) tree loss is considered;
- f) public comments have been addressed; and
- g) any issues of equality or human rights arise.

a) Principle of Development

The site is within an existing residential area and this is maintained. The use remains appropriate to the area. The site is of adequate size to accommodate two units.

b) Impact Upon the Conservation Area

Plewlands Conservation Area Character Appraisal makes no reference to either the tenements on Balcarres Street nor to this enclave of modern developments

The site lies to the north-east edge of the conservation area. It is modern in style and other than on its north edge it is surrounded by modern developments, none of which are typical of the wider conservation area.

The redevelopment will have no adverse impact upon the conservation area.

The majority of works are screened behind the boundary wall and have no visual impact upon surroundings.

c) Effect upon Neighbouring Amenity

Both extensions lie on the property boundary and will appear above the existing boundary wall. The extension on the north side will increase the height on the west boundary by around 2m.

The scheme was amended to delete a high level roof terrace which would have impacted upon both privacy and daylight to neighbouring residents on Balcarres Street.

Rooflights will be visible to some neighbours but do not give rise to privacy issues in policy terms.

As amended no privacy or overshadowing to existing houses will arise from the proposals.

It is noted that the proposal adds a window on its western boundary. Whilst windows are not normally permitted on boundaries, in this instance the window faces into a private car park and the house has numerous windows already on the same boundary. Development rights on the adjacent land are already prejudiced by the existing windows, and an additional window will be of little further prejudice. The proposal also causes an additional 8sqm of overshadowing here, but again this is to an area of car park, already heavily overshadowed by the existing building. The effect is acceptable in this context.

d) Parking and Road Safety

The proposal includes adequate parking provision for two houses.

Access is restricted but access arrangements are unchanged. Usage will be less than in previously approved schemes.

e) Tree Loss

Trees along the north side are already consented for removal (see Planning History). The large sycamore to the east is currently jeopardising the integrity of the boundary wall. There is no objection to the removal of trees along the north boundary.

The application proposes suitable replanting of native species.

f) Flood Risk

The property already exists and the current ground floor level stands 0.5m above surrounding ground. One proposed extension (that to the east) is at slightly lower level, increasing the potential risk to that one room.

The proposals cause no significant alterations in relation to potential flood risk.

g) Public Comments

Eighteen objections were received from neighbouring properties.

Material Objections -

- The rooftop terrace will cause loss of privacy and daylight - this was removed from the proposal.
- Tree loss - this is already consented, see section 3.3 e) of Assessment.
- Objection to addition of rooflights - addressed in section 3.3 c) of Assessment.
- Overdevelopment of the site - addressed in section 3.3 a) of the Assessment.
- Flooding concerns - addressed in section 3.3 f) of the Assessment.
- The development will cause road safety concerns due to the pond - addressed in section 3.3 d) of the Assessment.

Non-material objections -

- Lack of access to fire tenders/large vehicles - this is not a planning issue but is no different than the existing status quo.
- Noise from the proposed terraces/gardens - this is not a planning concern in relation to residential gardens.
- Construction difficulties - this is not a planning issue.
- Objection to the new tree planting - this does not require planning permission.
- Construction may damage boundary walls - this is not a planning issue.
- The new buildings "cannot be built without potentially damaging cars in Belhaven Place" - this is not a planning issue.
- The construction will require scaffold access on Belhaven Place - this is not a planning issue.
- The development has previously been refused by the Council - it is unclear to what the objector is referring here.
- Increased usage of drainage and sewage - this is not a planning issue.
- Additional fumes from the proposed parking - this is not a planning issue.
- The proposal will not address existing drainage issues - this is not a planning issue.
- The proposal will increase fire risk - this is not a planning issue.
- The proposal will increase numbers of people on site - this is not a planning issue in this context.

Community Council

The Community Council made no comments upon the application.

h) Equalities and Human Rights

The proposal raises no concerns regarding equalities or human rights.

Conclusion

The proposal has no adverse effect upon the character or appearance of the conservation area. No privacy or daylight issues arise in relation to neighbouring residents. No parking or road safety concerns arise. The proposals comply with development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Planting to be executed in accordance with the approved plans within one year of completion. All planting carried out on site shall be maintained by the developer to the satisfaction of this Planning Authority for a period of five years from the date of planting. Within that period any plants, which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reasons:-

1. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

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. 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.
3. 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.

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 23 January 2015.

Eighteen neighbours wrote in objection. Reasons for objection were:-

- The rooftop terrace will cause loss of privacy and daylight;
- Tree loss;
- Objection to addition of rooflights;
- Overdevelopment of the site;
- Flooding concerns;
- The development will cause road safety concerns due to the pend;
- Lack of access to fire tenders;
- Noise from the proposed terraces/gardens;
- Construction difficulties;
- Objection to the new tree planting;
- Construction may damage boundary walls;
- The new buildings "cannot be built without potentially damaging cars in Belhaven Place";
- The construction will require scaffold access on Belhaven Place;
- "The development has previously been refused by the Council";
- Increased usage of drainage and sewage;

- Additional fumes from the proposed parking;
- The proposal will not address existing drainage issues;
- The proposal will increase fire risk; and
- The proposal will increase numbers of people on site.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site lies within the Plewlands Conservation Area as shown on the Edinburgh City Local Plan.

Date registered

9 January 2015

Drawing numbers/Scheme

1-3,4a,5a,6,7a-10a,

Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Stephen Dickson, Senior planning officer

E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

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 Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

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 '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.

Appendix 1

**Application for Planning Permission 15/00062/FUL
At 5A Balcarres Street, Edinburgh, EH10 5JB
Subdivision of the building to form two dwelling units,
together with associated extensions, alterations and
erection of new garage (as amended)**

Consultations

Transport

No objections.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END