

# Development Management Sub Committee

Wednesday 25 March 2015

**Application for Planning Permission 14/05289/FUL  
At 8 Raeburn Mews, Edinburgh, EH4 1RG  
Form extension at first floor built over existing single-storey  
garage.**

<b>Item number</b>	6.3
<b>Report number</b>	
<b>Wards</b>	A05 - Inverleith

## Summary

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The proposal is 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. An infringement of the non-statutory Guidance for Householders relating to privacy and the overshadowing of the neighbouring garden is justified because it is an acceptable minor infringement that will not cause an unreasonable loss of neighbouring amenity. There are no material considerations that justify refusal.

## Links

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<a href="#">Policies and guidance for this application</a>	LPC, CITD11, CITE6, NSG, NSHOU, NSLBCA, CRPNEW,
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# Report

## **Application for Planning Permission 14/05289/FUL At 8 Raeburn Mews, Edinburgh, EH4 1RG Form extension at first floor built over existing single-storey garage.**

### **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 is a two-storey, detached, white roughcast house with a mansard roof and located on the south side of Raeburn Mews. It forms part of a 1980s development of 32 two-storey, terraced mews houses accessed from Raeburn Place. The mews is wholly residential whilst 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.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

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

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).

26 June 2014 - Planning permission refused to form extension at first floor built over existing garage (application number: 14/01320/FUL). Reasons for refusal:

- 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.

3 October 2014 - Appeal to the DPEA was dismissed (Planning appeal reference: PPA-230-2128). The reporter concluded:

- The proposed development does not accord overall with the relevant provisions of the development plan, specifically Policy DES 11 criterion b) relating to privacy, and that there are no material considerations which would justify granting planning permission.

## **Main report**

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### **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. One recessed first floor balcony, accessed via a timber framed door, is included in the east elevation. One recessed timber framed window, measuring 0.80 metres in width, is included in the west elevation. A first floor larch clad overhang corridor is proposed on the north-facing elevation to link the proposal to the existing house.

Planning application (Reference: 14/01320/FUL) was refused at appeal on 3 October 2014 for a similar proposal. This application proposes a change to the fenestration on the west elevation to address the privacy concerns raised by the DPEA reporter.

### **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) Any impacts on equalities and human rights are acceptable; and
- e) Any comments raised have been addressed.

#### a) Scale, form and design

The two-storey flat roof design and form introduces a sharp and contemporary feature to the mews, whilst taking cognisance of the original dwelling by forming window openings on the east and west facing elevations. The proposal does not increase the footprint of development at the application site and will not result in the overdevelopment of the site. The proposal does not result in the loss of any private amenity space or loss of green space or loss of habitat. 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 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 derived 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.*

Edinburgh City Local Plan policy Env 6 highlights the importance of preserving the character and appearance of the conservation area and the materials used are appropriate to the historic environment. However, the application site is part of a 1980s infill development which is not characteristic of the New Town Conservation Area.

Number 8 Raeburn Mews is the only detached dwelling in the development. The extension is contemporary and distinct. The design of the proposal would not have a detrimental impact on the wider conservation area, being part of a 1980s development which is concealed by the traditional tenements on Raeburn Place.

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

#### c) Neighbouring amenity

Planning application 14/01320/FUL proposed a similar proposal to what this application proposes, and was recommended for approval. The Council's Development Management Sub-Committee refused the application on 26 June 2014. The reason for refusal was that the proposal was contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as it would be detrimental to neighbouring amenity due to overshadowing, loss of daylighting and privacy.

An appeal (Reference: PPA-230-2128) to the DPEA was dismissed on 3 October 2014. The reporter concluded that the proposed development did not accord overall with the relevant provisions of the development plan, specifically Policy DES 11 criterion b) relating to privacy.

## **i) Daylight**

The terrace known as 1-7 Raeburn Mews, located to the south-west of the application site, is a single aspect building of terraced houses with the exception of the end terrace, known as 7 Raeburn Mews. 7 Raeburn Mews, which is located to the south-west, has additional window openings in its eastern gable elevation. However, the non-statutory Guidance for Householders does not protect the daylight into side-facing windows.

The proposal will not cause an unreasonable loss of daylight to neighbouring properties.

## **ii) Overshadowing/Sunlight**

The existing single storey garage satisfies the overshadowing criterion in the non-statutory Guidance for Householders.

The private garden of 7 Raeburn Mews is located to the south-west of the application site, between the western elevation of the applicant's garage and the eastern gable of number 7. At its closest point, the private garden is approximately 4.40 metres from the four-storey tenement building located to the south.

The proposed addition to the garage causes a level of overshadowing of the garden at 7 Raeburn Mews that could be considered an infringement of the overshadowing criterion in the non-statutory Guidance for Householders if assessed in isolation. However, the four-storey tenement building to the south already overshadows 7 Raeburn Mews to a significant extent and the proposed development will add marginally to that overshadowing, for a limited time at the beginning of the day in midsummer.

The DPEA reporter stated that the proposed development is acceptable in relation to the potential loss of sunlight, as the degree of non-compliance with the non-statutory advice as set out in Guidance for Householders is minimal and will not give rise to an unacceptable impact on 7 Raeburn Mews.

The proposal will not cause an unreasonable loss of sunlight to neighbouring properties and the infringement of the non-statutory guidance is acceptable.

## **iii) Privacy**

This application proposes a change to the fenestration on the west elevation to address the privacy concerns raised by the DPEA reporter. The previous application proposed a recessed balcony in the west elevation. The balcony would potentially have provided a formalised outdoor sitting area, resulting in the loss of privacy to the private garden of 7 Raeburn Mews.

This application proposes a recessed window in the west elevation which would be in close proximity of the private garden of 7 Raeburn Mews. At its closest point the window would be 2.47 metres from the private garden area. This proposal does not include a balcony in the west elevation. Therefore, there is not a formalised outdoor sitting area that could result in the loss of privacy to private garden of 7 Raeburn Mews.

The recessed window, measuring 0.80 meters in width, faces due west and does not directly face the private garden of 7 Raeburn Mews which is located to the south-west. The proposed recessed window will not result in an unreasonable loss of privacy to the private garden of 7 Raeburn Mews.

The gable window and door of 7 Raeburn Mews are not protected, as the non-statutory Guidance for Householders does not protect the privacy of side windows.

The proposed west elevation window will overlook the common drying area of the mews development. However, given the drying area's proximity to the existing houses and public status there is no privacy impact.

The proposal will not result in an unreasonable loss of privacy to neighbouring properties and the infringement of the non-statutory guidance is acceptable.

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) 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.

#### e) Public comments

### **Material comments in objection**

- The proposal is not in keeping with the character and appearance of the Mews. This has been addressed in section 3.3a;
- The scale of the proposal is too large and out of proportion with neighbouring properties. This has been addressed in section 3.3a;
- Overdevelopment of the site. This has been addressed in section 3.3a;
- Loss of green space and habitat for insects, earthworms, birds, etc. This has been addressed in section 3.3a;
- The proposal will result in a loss of daylight to neighbouring properties. This has been addressed in section 3.3c;
- The proposal will result in overshadowing/loss of sunlight to neighbouring properties. This has been addressed in section 3.3c; and
- The proposal will result in overlooking/loss of privacy to neighbouring properties. This has been addressed in section 3.3c.

### **Material comments in support**

- The proposal will enhance the appearance of the mews. This has been addressed in section 3.3a;
- The scale, form and design of the proposal is in keeping with neighbouring properties. This has been addressed in section 3.3a;
- The proposal will not result in loss of daylight. This has been addressed in section 3.3c; and

- The proposal will not result in overshadowing/loss of sunlight. This has been addressed in section 3.3c.

### **Non-material comments**

- The submitted plans and drawings refer to the neighbouring garden as a courtyard when in fact it is the private garden of 7 Raeburn Mews. The application has assessed the effect of the proposal on this area as private garden ground;
- The proposal is more in keeping than the recently completed extension at the Grange Club. Each planning application is considered on its own merits; and
- Garage that was granted planning permission (Reference: 08/00641/FUL) in April 2008 was not built in accordance with the approved plans and drawings. This was subject to an enforcement investigation (Reference: 08/00748/ENCOMP). The investigation considered what impact the increased height had on neighbouring properties. The conclusion was that any impact would not be significant enough to justify the use of discretionary enforcement powers. The enforcement investigation was closed on 12 December 2008.

### Conclusions

In conclusion, the proposal 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. An infringement of the non-statutory Guidance for Householders relating to privacy and the overshadowing of the neighbouring garden is justified because it is an acceptable minor infringement that will not cause an unreasonable loss to neighbouring amenity. There are no material considerations that outweigh this conclusion.

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

### **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 30 January 2015 and attracted 14 letters of representation including comments from Councillors Hinds and Whyte. 12 comments object to the application and two comments support the application. Councillors Hinds and Whyte support the objection made by their constituent.

### **Material comments in objection**

- The proposal is not in keeping with the character and appearance of the Mews;
- The scale of the proposal is too large and out of proportion with neighbouring properties;
- Overdevelopment of the site;
- Loss of green space and habitat for insects, earthworms, birds, etc;
- The proposal will result in a loss of daylight to neighbouring properties;
- The proposal will result in overshadowing/loss of sunlight to neighbouring properties; and
- The proposal will result in overlooking/loss of privacy to neighbouring properties.

### **Material comments in support**

- The proposal will enhance the appearance of the mews;



- The scale, form and design of the proposal is in keeping with neighbouring properties;
- The proposal will not result in loss of daylight; and
- The proposal will not result in overshadowing/loss of sunlight.

### **Non-material comments**

- The submitted plans and drawings refer to the neighbouring garden as a courtyard when in fact it is the private garden of 7 Raeburn Mews;
- The proposal is more in keeping than the recently completed extension at the Grange Club; and
- Garage that was granted planning permission (Reference: 08/00641/FUL) in April 2008 was not built in accordance with the approved plans and drawings.

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**

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- 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**

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

**Date registered**

9 January 2015

**Drawing numbers/Scheme**

01-08,

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.

**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

**Application for Planning Permission 14/05289/FUL  
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Form extension at first floor built over existing single-storey  
garage.**

## Consultations

No consultations undertaken.

## Location Plan



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