

# Development Management Sub Committee

Wednesday 29 April 2015

**Application for Planning Permission 15/00453/FUL  
At 26 Hermitage Drive, Edinburgh, EH10 6BY  
Demolish existing garage and conservatory; New extension  
to east elevation with new garage and erect new rear  
conservatory (as amended).**

<b>Item number</b>	5.4
<b>Report number</b>	
<b>Wards</b>	A10 - Meadows/Morningside

## 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. Infringements of the non-statutory Guidance for Householders relating to privacy and development forward of the building line are justified because they are minor infringements that will not cause an unreasonable loss of neighbouring amenity or have an adverse impact on the dwelling and the character and appearance of the conservation area. There are no material considerations that justify refusal.

## Links

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

## **Application for Planning Permission 15/00453/FUL At 26 Hermitage Drive, Edinburgh, EH10 6BY Demolish existing garage and conservatory; New extension to east elevation with new garage and erect new rear conservatory (as amended).**

### **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 substantial, detached dwelling house on two floors. The dwelling house is of traditional construction with the use of stone for wall finishes and slate for the roof. The original villa has been developed in the past, with the property extending eastwards. This extension was formed with traditional materials and rendered wall finishes to the side and rear. The dwelling house is set in large grounds. There is a double garage, built in traditional materials, near the entrance to the site. The front garden area of the property is largely given over to a gravelled parking area. There are a number of trees located within the grounds of the property in both front and rear gardens.

The street is characterised by similar, large, detached villas set within extensive garden grounds.

This application site is located within the Morningside Conservation Area.

#### **2.2 Site History**

25 November 2014: Planning permission granted to widen and set back vehicular entrance gates, form dormer window on rear elevation (14/03955/FUL).

4 November 2014: No objections raised to works to various trees (14/03971/TCO).

13 November 2002: Planning permission granted for the erection of conservatory (02/03213/FUL).

17 April 1991: Planning permission granted to alter and extend dwelling house (91/00121/FUL).

## **Main report**

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

The application proposes the erection of a two storey extension adjacent to the east elevation of the property, the demolition of the existing garage that sits in front of the property and the erection of a new garage that will be linked by a glass atrium to the existing dwelling and the proposed extension. It is also proposed to remove a door and replace it with a timber sash and case window on the front elevation.

The proposed side extension measures 8.1 metres in height and has a footprint of 72.5 square metres. The front elevation of the side extension will be finished with reconstituted stone and the edges of the stone (margins) polished with reddish hue to match the existing dwelling. The roof will be finished with slate and lead and the windows will be timber sash and case painted white. The side and rear elevations will be finished with render and reconstituted stone, polished with reddish hue, at the edges of the elevations to match the existing east gable of the dwelling house.

The proposed garage has a ridge height of 3.6 metres and has a footprint of 57 square metres. The rear elevation of the garage will be finished with render to match the east gable of the existing dwelling and the front elevation will be finished with natural stone. The side elevation of the garage facing towards the street will be finished with broached stone at the edge of the stone (margins) and infilled with natural stone. The roof of the garage will be finished with slate and lead.

The proposed conservatory to the rear measures 6.4 metres in height and has a footprint of 29.7 square metres. The conservatory will be of traditional, hardwood construction painted white and will have a lead roof.

### **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 public comments raised have been addressed.

a) Scale, form and design

The house sits within generous garden grounds. As such, the proposed extension and proposed conservatory would fit in comfortably with the existing house. The materials to be used for the front elevation of the extension are traditional materials and the side and rear elevations are to be finished with render to match the gable of the existing extension. The addition of a first floor element to the side extension will fit in well with the dwelling house through the use of traditional materials for the front elevation and the pitched roof. The proposed conservatory will use traditional materials that will complement the host building.

The proposed garage is set away from the original villa, which incorporates the main features of architectural interest. The addition of a glass atrium will provide a visually lightweight link between the proposed garage and the proposed side extension. The garage, as amended, has been reduced in scale from the originally proposed three car garage and will be constructed using traditional materials.

The removal of a door and installation of a window from the front elevation of the dwelling will not have an adverse impact on the dwelling and the astragal pattern of the new window will match that of the window directly above it.

The Council's Guidance for Householders states that up to 40% of a villa plot can be occupied by buildings and/or other hard surfaces. The application proposals would result in 39% of the site being covered in buildings and other hard surfaces and as such would not constitute over-development. In combination, the resultant dwelling will form an architecturally unified and coherent development that respects the character of the dwelling.

The proposal is of an acceptable scale, form and design and complies with Edinburgh City Local Plan (ECLP) policy Des 11: Alterations and Extensions and non-statutory guidance.

b) Conservation Area

*The Morningside Conservation Area Character Appraisal states that its southern boundary is formed by the rear gardens of Hermitage Drive which overlook the woodland park of Hermitage of Braid. Hermitage Drive forms a flat ridge line before descending the steep slopes of Hermitage of Braid. The eastern boundary is formed by Midmar Drive which is a single sided street overlooking extensive allotments, which in turn are overlooked by the mass of Blackford Hill lying to the east.*

*The principal features of the urban fabric are characterised by a loose grid layout dividing the area into unequal rectangular perimeter blocks, which are lined by semi detached and detached houses to the east of Braid Road.*

*The area from Braid Road to Comiston Road forms a long triangle with five separate roads penetrating between the two roads, giving good permeability. The effect of this is to create irregularly shaped perimeter blocks up to Braidburn Terrace. With the exception of Comiston Road, the overall density of the conservation area is low with individual front and rear gardens to the majority of the buildings within the conservation area. Generally, there are smaller gardens to the front and extensive gardens to the rear, both containing mature trees. The gardens are well tended and are particularly important in terms of greening the area and offering a mature landscape setting. Most gardens are defined by low stone walls and hedging.*

ECLP Policy Env 6: Conservation Areas - Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area, preserves features that contribute positively to the character of the area and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The materials proposed for the extension, garage and conservatory are of a high quality and are compatible with the existing dwelling house and the conservation area. The spatial character of the conservation area at this location is one of large villas in generous garden grounds, a number of which have been substantially altered over time with extensions adjacent to the boundaries of plots. The proposed side extension would fit in with this pattern of development and would not have an adverse impact on spatial character. Neither will the introduction of a first floor element adversely affect the character and appearance of the conservation area through the use of appropriate materials and a design.

The proposal, as amended, would include a two car garage and glazed link forward of the principal building line within the plot. Although this would generally be resisted, there are a number of examples of properties within the vicinity that have similar structures forward of the building line. In addition, the existing garage, which is located near to the entrance to the site and forward of the location proposed for the new garages, is to be removed.

On balance, the impact of the proposal, having regard to the conservation benefit of the removal of the existing garage, will be neutral. A suspensive condition will be attached to ensure the existing garage is removed prior to the development taking place in order to preserve the character and appearance of the conservation area through ensuring that two garages will not be on site at a given time.

The proposed garage will result in the loss of three trees from the front garden of the property, and Natural Heritage have stated in their consultation response that the mature beech tree to the rear is unlikely to survive. The loss of the three trees to the front of the property will have little impact on visual amenity because they are dominated by the large, mature evergreen tree which will not be removed. The potential loss of the mature beech to the rear would have little visual impact, as it is set far back from the street, and would not harm the character and appearance of the conservation area.

Overall, the proposal preserves the character and appearance of the conservation area and accords with policy Env 6 and non-statutory guidance.

### c) Neighbouring amenity

#### **i) Daylight**

The windows on the west elevation at the side of 28 Hermitage Drive face towards the location of the proposed side extension. The Guidance for Householders does not protect daylight to side facing windows.

Overall, the proposal will not cause an unreasonable loss of daylight to neighbouring properties.

#### **ii) Overshadowing/Sunlight**

The proposed side extension will result in a gable to gable relationship with the neighbouring property to the east. The Guidance for Householders does not protect sunlight between gables. Therefore, the proposed extension will not adversely overshadow the neighbouring property to the east.

The proposed garage satisfies the 45 degree criteria in the Guidance for Householders and will not overshadow the front garden of the neighbouring property to the east.

Overall, the proposal will not cause an unreasonable loss of sunlight to neighbouring properties.

#### **iii) Privacy**

The windows on the rear elevation at ground and first floor level are more than 12.5 metres from the rear boundary of the plot, and therefore accord with the requirements of the Guidance for Householders. The window at the first floor of the extension at its front elevation faces towards the street where privacy is not protected. The formation of a ground floor window from a door will have no impact on privacy.

The window on the side elevation at first floor level faces onto the gable of 28 Hermitage Drive. This is less than 12.5 metres from the east boundary and face windows on the west elevation of 28 Hermitage Drive which are also within 12.5 metres of their boundary. Privacy is not protected between windows where neighbouring windows are not, in themselves, good neighbours.

The proposed conservatory to the rear is situated more than 12.5 metres from the rear boundary of the plot but is situated eleven metres from the east boundary. This is a minor infringement of the Guidance for Householders which will not have an adverse impact on neighbouring privacy.

Overall, there are no privacy issues will arise from the proposal, which complies with Policy Des 11 and the 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**

- Development in front of the building line - addressed in section 3.3b).
- Loss of trees - addressed in section 3.3b).
- Design and scale of the proposal will have a detrimental impact on the character and appearance of the conservation area - addressed in section 3.3b).
- Building close to the boundary is not part of the character of the conservation area - addressed in section 3.3b).
- The proposal is not compatible with the character of the dwelling - addressed in section 3.3a).
- Visual impact of conservatory to the rear - addressed in section 3.3 (a).
- No comments on landscaping details where garage is to be removed - addressed in section 3.3b).
- Negative visual impact of proposed garage - addressed in section 3.3b).
- Unacceptable materials through the use of white render for wall finishes of garage - addressed in section 3.3a).
- Loss of privacy to neighbouring properties - addressed in section 3.3c).
- Re-planting of trees is not considered - addressed in section 3.3b).

### **Non-material comments**

- Title deeds being flouted in relation to garage height - this is a legal matter which is not a material planning consideration.
- Lack of supporting justification for proposal - this comment is non-material to the application.
- Deficient drawings - this comment is non-material to the application.
- Lack of conservation area consent for demolition of conservatory - this comment is non-material to the application.

## Conclusion

The proposed development complies with Edinburgh City Local Plan policy and will not have a detrimental impact on the character and appearance of the conservation area at this location.

The proposed garage positioned forward of the building line represents a minor breach of non-statutory guidance, but is in keeping with the spatial pattern of development in the area and is considered acceptable at this location. The distance of the conservatory from the east boundary of the property is a minor breach of non-statutory guidance but will not have an adverse impact on neighbouring amenity.

Approval is recommended.

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

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

#### **Conditions:-**

1. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
2. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of level changes, shall be submitted for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion of development.
3. The existing garage at the site subject to this application shall be demolished prior to the commencement of development on site.

#### **Reasons:-**

1. In the interests of visual amenity; to ensure that all trees that are to be retained are satisfactorily protected before and during construction works.
2. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
3. In order to safeguard the character of the conservation area.

#### **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 17 March 2015 and received ten representations, one of which was from Morningside Community Council.

### **Material comments in objection**

- Development in front of the building line;
- Loss of trees;
- Design and scale of the proposal will have a detrimental impact on the character and appearance of the conservation area;
- Building close to the boundary is not part of the character of the conservation area;
- The proposal is not compatible with the character of the dwelling;

- Visual impact of conservatory to the rear;
- No comments on landscaping details where garage is to be removed;
- Negative visual impact of proposed garage;
- Unacceptable materials through the use of white render for wall finishes of garage;
- Loss of privacy to neighbouring properties; and
- Re-planting of trees is not considered.

### **Non-material comments**

- Title deeds being flouted in relation to garage height;
- Lack of supporting justification for proposal; and
- Deficient drawings.

### **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

**Date registered**

12 February 2015

**Drawing numbers/Scheme**

01A, 02A, 03A, 04-05,

Scheme 2

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**Links - Policies**

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**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 Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

# Appendix 1

## **Application for Planning Permission 15/00453/FUL At 26 Hermitage Drive, Edinburgh, EH10 6BY Demolish existing garage and conservatory; New extension to east elevation with new garage and erect new rear conservatory (as amended).**

### **Consultations**

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#### **Natural Heritage**

##### Comments:

The proposal will result in the loss of three trees, one birch and one cypress to accommodate the garage and one beech. The beech is shown to be retained adjacent to the conservatory and gym extension. Given the extent of construction, including level changes is highly unlikely that this tree would survive. The loss of these trees and some minor vegetation will have negligible impact on the character or amenity of the Conservation Area. An expectation of planting in mitigation and positive tree management should be accepted by the applicant that would more than compensate for the losses and allow for a continuity of the tree cover in the future.

If this is considered acceptable then the following conditions relating to landscaping should be applied.

##### Conditions:

1. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of level changes, shall be submitted for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the date of this consent.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

2. All planting carried out on site shall be maintained by the developer to the satisfaction of this Planning Authority for a period of 5-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.

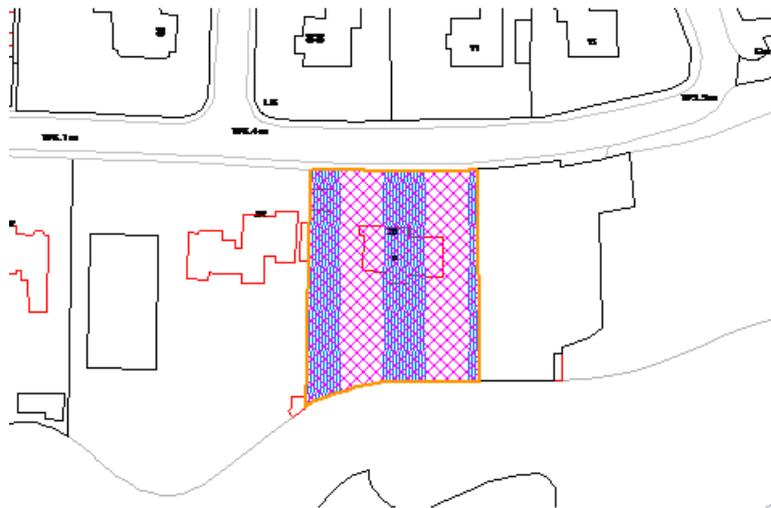
Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

3. All trees existing on site at the date of this report shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity; to ensure that all trees to be retained are satisfactorily protected before and during construction works.

## Location Plan

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