

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/02191/FUL
At 20 Mansionhouse Road, Edinburgh, EH9 1TZ
Erection of timber deck with integrated trampoline (in retrospect)**

Item number	5.7
Report number	
Wards	A15 - Southside/Newington

Summary

The proposal does not comply with Edinburgh City Local Plan Policy Env6, and it is not compatible with the Grange Conservation Area Character Appraisal or with the council's non-statutory Guidance for Householders. It is not acceptable. Refusal is recommended.

Links

[Policies and guidance for this application](#) CRPGRA, CITE6, NSHOU, NSLBCA,

Report

Application for Planning Permission 15/02191/FUL At 20 Mansionhouse Road, Edinburgh, EH9 1TZ Erection of timber deck with integrated trampoline (in retrospect)

Recommendations

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

Background

2.1 Site description

The application property is a two storey detached villa on the east side of Mansionhouse Road, situated at the junction with Grange Road.

This application site is located within the Grange Conservation Area.

2.2 Site History

12.01.1999 - planning permission was granted to erect a conservatory, reference 98/03372/FUL.

24.06.1999 - planning permission was granted to "alter and extend dwelling house (as amended)", reference 99/01296/FUL.

21.11.2013 - planning permission was granted for "removal of existing swimming pool and conservatory, and construction of a garden room extension and first floor extension", reference 13/04161/FUL.

07.03.2014 - A non-material variation to 13/04161/FUL was approved, reference 13/04161/VARY.

01.10.2014 - planning permission was granted for hard and soft landscaping works, metal railings and gates, masonry repairs, alterations to the driveway, and several tree removals, reference 14/02371/FUL.

13.04.2015 - An enforcement notice was served which required the recipients to restore the garden ground to its condition prior to the removal of 255sq/m of garden and its replacement with hardcore and astroturf, a timber deck measuring approximately 4.2m x 3.2m x 0.15m above garden level, and a timber playhouse measuring 2.47m wide x 1.84m deep x 2.26m high, set on a raised timber deck measuring 2.27m x 2.44m x 0.2m high adjacent to the southern boundary wall. The appeal against this notice is currently under consideration by the DPEA.

Main report

3.1 Description Of The Proposal

The erection of a raised timber deck measuring approximately 4.2m x 3.2m x 0.15m high around a trampoline which has been set in a pit.

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. There is any adverse impact on the character and appearance of the conservation area or on that of the existing house;
- b. There is any adverse impact on neighbouring amenity;
- c. Public comments have been addressed; and
- d. Equalities and human rights impacts have been addressed.

a. The Grange Conservation Area Character Appraisal (GCACA) states that *"the buildings (within the conservation area) are complimented by the profusion of mature trees, spacious garden settings ... and green open spaces. A significant level of uniformity is achieved from the use of local building materials"*.

The appraisal clarifies that "the separation of dwellings creates a characteristic rhythm and solid-void repetition between precisely-sited structures of similar scale and massing. The spacious gardens provide an important setting for the buildings and mature trees within".

Private gardens dominate the landscape character of the conservation area. The appraisal states that a major pressure is on "the setting of villas, garden space, and boundary walls" through "new developments within villa grounds". Such development puts key elements of the conservation area's special character at risk, with the attendant loss of green landscaping.

The importance of gardens within the conservation area is threefold. Firstly, in terms of their spaciousness. Secondly, in terms of helping to establish the rhythm and character of the conservation area. Thirdly, the gardens themselves have a long standing expectation of greenery and amenity value.

Edinburgh City Local Plan Policy ENV6 states that "Development within a conservation area will be permitted which:

- a. preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;
- b. preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and
- c. demonstrates high standards of design and utilises materials appropriate to the historic environment.

The development of the garden ground harms the sense of spaciousness within the curtilage of the house. It does not appear as a natural feature, but as an unnatural intrusion. The development is evidently not soft landscaping or green space as the terms are commonly understood. The relationship between the house and the boundary is harmed by the laying out of an area of decking. The removal of the original garden harms the special character of the conservation area by reducing important green landscape.

The council's non-statutory Guidance for Householders (NSHOU) includes guidance on extensions to villas. The character of a villa should not be adversely affected as the result of development. The maximum site coverage of all buildings, garages, parking and access drives should not exceed 40% of the site. Planning permission was granted in 2014 for hardstanding in front of the house. With the addition of the area of decking and unauthorised hardcore which is the subject of a separate planning application, reference 15/02190/FUL, the area of development within the curtilage is approximately 85%, contrary to the non statutory-guidance.

The decking at issue has replaced an equivalent area of garden ground. This loss of garden ground is contrary to ENV6 and NSHOU for the reasons stated. It is not acceptable. There are no material considerations to the contrary.

- b. There will be no loss of daylight, sunlight, or privacy as a result of this development.
- c. Eleven representations in objection and 8 in support have been received.

Material comments in objection

There is too much hardstanding/development within the curtilage of the house. This is addressed in part 3.3a.

The development is inappropriate in the conservation area. This is addressed in part 3.3a.

Non-material comments in objection

Setting a precedent/retrospective applications. The planning system is not based on precedence. There is a statutory requirement to determine the application in accordance with the development plan unless there are material considerations to the contrary. The Town and Country Planning (Scotland) Act 1997 makes provision for retrospective applications, and there is no prejudice to any decision taken by the authority on the basis that the work has already been carried out.

Loss of parking income. This application is not for formation of a parking area; therefore, impact on on-street parking is not a material consideration.

Loss of trees. The application does not include any tree removal.

Material comments in support

The design is appropriate. This is addressed in part 3.3a.

The development is appropriate in the conservation area. This is addressed in part 3.3a.

Non-material comments in support

Safety when using the trampoline. This is not a material consideration in this case.

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

Conclusion

The proposal does not comply with Edinburgh City Local Plan Policy Env6, and it is not compatible with the Grange Conservation Area Character Appraisal or with the council's non-statutory Guidance for Householders. It is not acceptable. Refusal is recommended.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as it will result in the loss of garden ground and soft landscaping which makes a positive contribution to the character and appearance of the conservation area.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it will result in more than 40% of the curtilage being developed.

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:

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

Eleven representations have been received in objection. The following material issues have been raised, all of which are addressed in the assessment:

- Too much hardstanding/development within the curtilage of the house; and
- Inappropriate development in the conservation area.

The following non-material issues were raised:

- Setting a precedent/retrospective applications;
- Loss of parking income; and
- Loss of trees.

Eight representations have been received in support. The following material issues have been raised, all of which are addressed in the assessment:

- The design is appropriate; and
- The development is appropriate in the conservation area.

The following non-material issues were raised:

- Safety when using the trampoline.

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

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

Date registered 22 May 2015

Drawing numbers/Scheme 01 - 03,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Mark Dunlop, Planning Officer

E-mail:mark.dunlop@edinburgh.gov.uk Tel:0131 469 3642

Links - Policies

Relevant Policies:

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

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.

Appendix 1

**Application for Planning Permission 15/02191/FUL
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retrospect)**

Consultations

No consultations undertaken.

Location Plan



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