

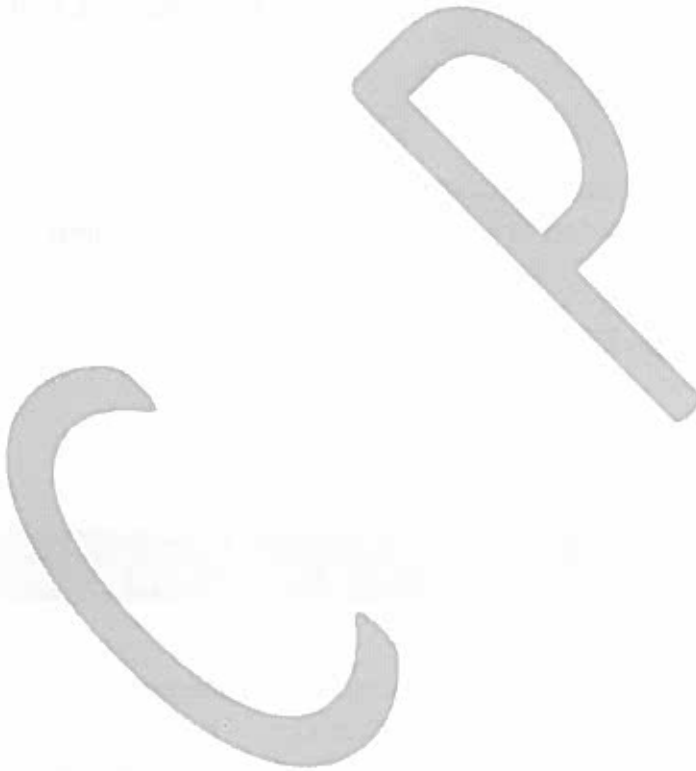
**DECISION NOTICE AND REPORT OF HANDLING**

Application address - 76 Balcarres Street Edinburgh EH10 5LT

Application Ref. No - 15/00825/FUL

Review Ref No - 15/00085/REVREF

Review Lodged Date 22.07.2015



Lorna Morgan Architect.  
21 Wardie Road  
Edinburgh  
EH5 3LH

Ms K Murphy  
76 Balcaress Street  
Edinburgh  
EH10 5LT

Date: **23 April 2015,**

Your ref:

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS**

**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS  
2013**

To form an off road parking space within the existing garden. Excavation work will be required due to the slope of the garden to form a level parking area. There is currently a dropped kerb providing access to a small level area (as amended).

At 76 Balcarres Street Edinburgh EH10 5LT

**Application No:** 15/00825/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 26 February 2015, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 1 in respect of Design Quality and Context, as it will not be compatible with the character of the area by virtue of its visual impact and incongruity.

2. The driveway is contrary to the Council's non-statutory 'Guidance for Householders' as it does not meet the minimum depth requirement for parking in front gardens, to the detriment of road safety.



Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02A, 03A, 04A, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with the local plan or with guidance, and it is not acceptable. There are no material considerations upon which to justify granting planning permission.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Mark Dunlop directly on 0131 469 3642.

*D R Leslie*

David R. Leslie

Acting Head of Planning and Building Standards

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at eplanning (<https://eplanning.scotland.gov.uk/WAM/>) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

Application for Planning Permission 15/00825/FUL

At 76 Balcarres Street, Edinburgh, EH10 5LT

**To form an off road parking space within the existing garden. Excavation work will be required due to the slope of the garden to form a level parking area. There is currently a dropped kerb providing access to a small level area (as amended).**

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	15/00825/FUL
<b>Wards</b>	A10 - Meadows/Morningside

## Summary

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The proposal does not comply with the local plan or with guidance, and it is not acceptable. There are no material considerations upon which to justify granting planning permission.

## Links

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**Policies and guidance for this application**      CITD1, NSHOU,

# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The application property is a two-storey house at the end of a terrace of four on the south side of Balcarres Street.

### 2.2 Site History

08.01.2015 - a mixed decision was issued in respect of an application for planning permission for "single storey rear extension, a two storey side extension, and a garage at street level". Planning permission was granted for the extensions, but was refused for the garage (14/04707/FUL).

## Main report

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### 3.1 Description Of The Proposal

Excavation of the front garden to form a hard surface with steps leading to the house. The hard surface will measure 3m wide x 5.5m deep, and the excavation will be approximately 2.5m deep.

### 3.2 Determining Issues

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, it needs to be considered whether:

- a. There is any adverse impact on the character and appearance of the house and of the surrounding area.
- b. There is any adverse impact on neighbouring amenity.
- c. Public comments have been addressed.
- d. Equalities and human rights impacts have been addressed.
- e. Other matters have been considered.

a. The houses on the south side of Balcarres Street are set up approximately 3.5m from street level. Their sloping front gardens are a distinctive feature of the street. The proposed removal of part of the front garden to form a driveway with a retaining wall 2.5m high would be inappropriate in the context of the house and of the street. It would harm the character of the house by reducing the amount of soft landscaping in the front curtilage considerably. This would be contrary to Edinburgh City Local Plan policy Des1.

Balcarres Street is not characterised by driveways in front gardens. It is noted that one was approved at No52 (02/00948/FUL) but there was a different local plan and different guidance in place at that time. Des1 requires that new development should not be harmful to the appearance of the surrounding area. As the proposal will harm the character of the surrounding area, the proposal would be contrary to Des1.

The proposed driveway will be 3m wide x 5.5m deep. Although the surface area of 16.5sq/m is below the 21sq/m size recommended in Guidance for Householders, a driveway must be at least 6m deep in order that it will not be detrimental to the safety of road users by allowing a car to overhang the footpath. The proposal does not comply with Guidance for Householders.



b. There would be no loss of amenity or sunlight as a result of the development.

c. One comment was received, relating to drainage. This is not a planning matter, but would be for consideration under a building warrant.

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

e. A supporting statement has been submitted, raising the following points.

*The existing front area is not attractive, with the small area of hardstanding not properly finished.* It should be noted that the hardstanding and gate were erected without planning permission. This is almost certainly lawful by virtue of s124 (1) of the Town and Country Planning (Scotland) Act 1997. However, the fact that the work was done in the past cannot be used to justify the much larger proposal in aesthetic terms.

*The proposals would minimise the extent to finishes to the property.* The rationalisation of superficial details is to be applauded. However, it is the scale of the proposed development, the loss of garden ground, and the harmful impact on the character of the area which is contrary to Des1 and guidance.

*A planter is proposed to minimise the extent of the wall.* The proposed planter is less than 50cms deep. In any case, there would be no power to require that anything planted therein could be retained. As a screening device, the proposed planter will not offset the loss of garden ground or lessen the impact of the formation of a driveway.

*The parking area and landscape proposals would enhance the front of the property and allow the garden to feel like it belongs to the house.* This is a subjective view. The impact of the development on the character of the wider area has been considered in part 3.3a.

The proposal does not comply with the local plan or with guidance, and it is not acceptable. There are no material considerations upon which to justify granting planning permission.

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 Des 1 in respect of Design Quality and Context, as it will not be compatible with the character of the area by virtue of its visual impact and incongruity.
2. The driveway is contrary to the Council's non-statutory 'Guidance for Householders' as it does not meet the minimum depth requirement for parking in front gardens, to the detriment of road safety.

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

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

#### **Equalities impact**

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##### **5.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

#### **Consultation and engagement**

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## 6.1 Pre-Application Process

There is no pre-application process history.

## 6.2 Publicity summary of representations and Community Council comments

One representation has been received, raising a non-material matter. This is addressed in part 3.3.

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

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- To view details of the application go to
- [Planning and Building Standards online services](#)

**David R. Leslie**

**Statutory Development**

**Plan Provision**

The application property is in the Urban Area designated in the Edinburgh City Local Plan. There are no special designations on the site.

**Date registered**

26 February 2015

**Drawing numbers/Scheme**

01, 02A, 03A, 04A

Scheme 2

Acting Head of Planning and Building Standards

Contact: Mark Dunlop, Planning officer

E-mail: [mark.dunlop@edinburgh.gov.uk](mailto:mark.dunlop@edinburgh.gov.uk) Tel: 0131 469 3642

**Links - Policies**

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**Relevant Policies:**

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

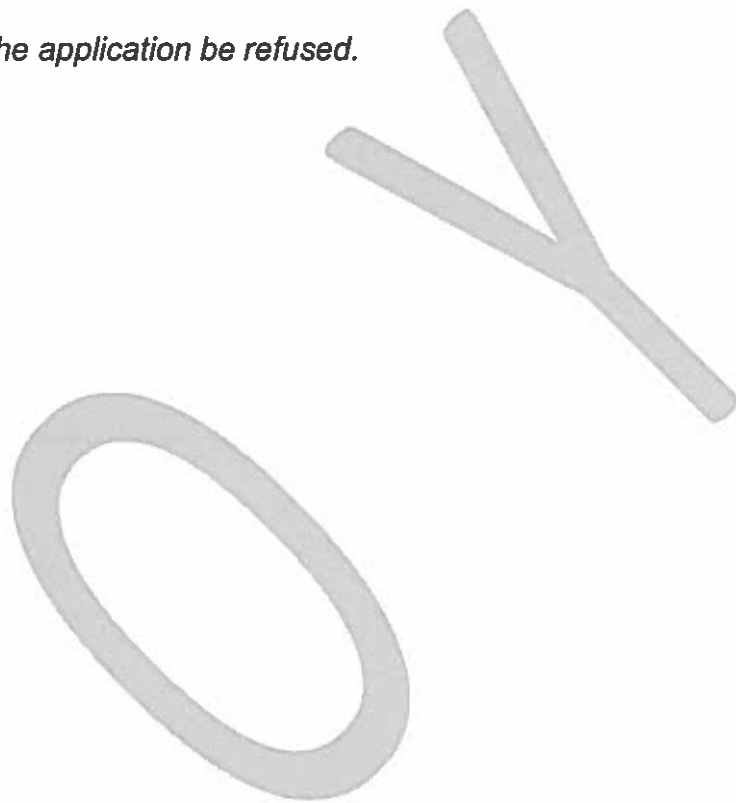
## Appendix 1

### Consultations

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#### Transport

*Recommend that the application be refused.*



END

# Comments for Planning Application 15/00825/FUL

## Application Summary

Application Number: 15/00825/FUL

Address: 76 Balcarres Street Edinburgh EH10 5LT

Proposal: To form an off road parking space within the existing garden. Excavation work will be required due to the slope of the garden to form a level parking area. There is currently a dropped kerb providing access to a small level area.

Case Officer: Mark Dunlop

## Customer Details

Name: Ms rhona mclaughlin

Address: 79 Balcarres Street, Edinburgh EH10 5LT

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:my concerns are re drainage. as the area that is planned for off road parking. is always wet and poor drainage. and the pavement always wet. will this improve the drainage. or make it worse.