

# Development Management Sub Committee

Wednesday 23 September 2015

**Application for Planning Permission 15/03078/FUL  
At 1 Abinger Gardens, Edinburgh, EH12 6DE  
Amended proposals along with improved context  
information to describe a proposed new gated opening and  
driveway.**

<b>Item number</b>	4.1
<b>Report number</b>	
<b>Wards</b>	A06 - Corstorphine/Murrayfield

## Summary

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The proposal complies with the development plan and non-statutory guidance as it preserves the character and appearance of the conservation area and would not prejudice road safety.

## Links

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

## **Application for Planning Permission 15/03078/FUL At 1 Abinger Gardens, Edinburgh, EH12 6DE Amended proposals along with improved context information to describe a proposed new gated opening and driveway.**

### **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 property is an end terrace double upper villa with private garden located in the residential area of Murrayfield on the corner of Abinger and Murrayfield Gardens with the proposed driveway entrance on the latter.

The existing boundary on Murrayfield Gardens is delineated by a low stone wall with taller stone piers with horizontal timber inserts. The boundary wall/fence is stepped taking account of the local topography.

The Coltbridge and Wester Coates Conservation Area boundary runs along the rear gardens of Abinger Gardens and across Murrayfield Gardens.

This application site is located within the Coltbridge and Wester Coates Conservation Area.

#### **2.2 Site History**

15 September 2014 - planning permission refused contrary to recommendation by the Development Management Sub-Committee on 10 September 2015 for the creation of a gated opening on Murrayfield Gardens and the formation of a driveway in the side garden of the property (reference: 14/02192/FUL).

Reason for refusal: The proposed development is contrary to Edinburgh City Local Plan Policy Env 6 Conservation Areas - Development, as the proposal would have an adverse impact on the character and appearance of the Coltbridge and Wester Coates Conservation Area by reason of its design, appearance and materials.

## **Main report**

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

It is proposed to create a new opening in an existing low stone wall with a horizontal timber fence above on the Murrayfield Gardens frontage. The opening will be 3.0m wide. The gate will timber and be an electronically operated sliding gate. A new stone pier at the southern end of the opening will be created to match the one retained on the north side.

It is also proposed to form an area of hard standing using recycled cobbles in the side garden of the property for off-street parking adjacent to the proposed opening.

The proposal seeks to retain an existing tree to the north-west side of the proposed opening.

#### **Supporting Information:**

The applicant has submitted a design statement which is available to view at Planning and Building Standards Online Services.

### **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 proposals will adversely affect the character and appearance of the conservation area;
- (b) there are any issues in terms of road safety;
- (c) any impact on equalities or human rights are acceptable; and
- (d) there are any public comments.

## (a) Conservation Area

Policy Env 6 of the Edinburgh City Local Plan, which sets out criteria for assessing development in conservation areas, applies. Env 6 b) states that development within a conservation area will be permitted which preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area.

The Coltbridge and Wester Coates Conservation Area Character Appraisal states:

*The architectural character of the area is mainly defined by a mix of Victorian villas and terraces of outstanding quality complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. There are significant private green spaces. New development should protect the setting of individual buildings, the historic landscape and streetscape. Stone walls runs almost from the city's periphery to its centre and they should be preserved as far as possible as part of the city's overall character. The parking in the area is already affected by the significant on-street parking which detracts from the attractive streetscape.*

Murrayfield Gardens, with the exception of nos. 2 - 18, is outwith the conservation area. However, in terms of the character of the street, it is typified by stone boundary walls on the road frontage with minimal intervention in the form of pedestrian accesses and a small number of vehicular accesses.

Non-statutory 'Guidance for Householders' provides advice on parking in front gardens. In this instance, whilst the hard-standing is forward of the house, it is located to the east side of the property with access off Murrayfield Gardens. The area of hard standing is minimal with provision for one vehicle. The resultant garden ground is to be retained in garden use. The use of recycled cobbles for the hard standing is appropriate for its location in a conservation area. The proposals comply with non-statutory guidance.

The character appraisal seeks to preserve the stone boundary walls where possible and the character of Murrayfield Gardens is signified by the minimal intervention in the form of openings in the stone boundary walls. The proposal is for the creation of an opening in a low stone wall for a vehicular access. The opening is not excessive at 3.0m wide and the use of timber for the gate and stone for the additional pillar are appropriate materials in the conservation area. The height of the gate and stone pillars match the height of the stone work located between the existing timber panels.

The proposal will be viewed in the context of Murrayfield Gardens and its immediate context rather than the wider conservation area due to its position in the street and it being close to the edge of the conservation area boundary. In view of this, the proposed access and timber gate are minimal interventions which will have a negligible visual impact on the conservation area.

Whilst the proposal is not materially different in terms of design, appearance and materials from that proposed under 14/02192/FUL where the Development Management Sub-Committee refused planning permission, more detailed drawings have been provided showing the proposed opening within the stone wall. The width and positioning of the opening and the extent of the driveway remain the same.

The proposed materials remain essentially the same, with the exception of the gates being solely timber as opposed to timber within a metal frame. The main change is the use of electronic opening gates. Notwithstanding this, the proposal, preserves the character and appearance of the conservation area.

(b) Road Safety

The proposed vehicular access and driveway comply with non-statutory guidance in respect of the required length, width and use of porous materials.

Transport Planning has no objections to the proposal and has confirmed that the proposed access has been checked and a suitable visibility splay is being provided.

The loss of off-street parking is considered acceptable.

The proposal therefore raises no road safety issues.

(c) Equalities and Human Rights

The proposal raises no equalities or human rights issues.

(d) Public Comments and Community Council Comments

**Material Issues:**

- road safety - this has been addressed in section 3.3 (b);
- loss of on-street parking spaces - this has been addressed in section 3.3 (a) and 3.3 (b);
- not in keeping with the character of Murrayfield Gardens - addressed in section 3.3 (a); and
- detrimental to the visual amenity of the conservation area - addressed in section 3.3 (a).

**Non-material Issues:**

No non-material issues were raised.

No community council comments were received.

Conclusion

In conclusion, the proposal complies with the development plan and non-statutory guidance as it preserves the character and appearance of the conservation area and would not prejudice road safety. There are no material considerations which 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.
4. Transport Planning recommend that the following informatives are brought to the attention of the applicant:
  - a) A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
  - b) Any gate or gates must open inwards onto the property;
  - c) Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
  - d) The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured; and
  - e) The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of [www.edinburgh.gov.uk/downloads/file/9579/householder\\_guidance\\_2012](http://www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012).

## **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 July 2015 and nine letters of objection were received. These included comments from a ward councillor and local residents. The letters of representation raised the following material issues:

- road safety;
- loss of on-street parking spaces;
- not in-keeping with the character of Murrayfield Gardens; and
- detrimental to the visual amenity of the conservation area.

## **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**

The property is an unlisted building in an Urban Area.

It is in the Coltbridge and Wester Coates Conservation Area.

**Date registered**

1 July 2015

**Drawing numbers/Scheme**

01 - 05,

Scheme 1

**David R. Leslie**

Acting Head of Planning and Building Standards

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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.

## **Other Relevant policy guidance**

The Coltbridge and Wester Coates Conservation Area Character Appraisal emphasises low density form of the area and the predominance of detached and semi-detached villas complemented by the profusion of mature trees, extensive garden settings, and stone boundary walls.

# Appendix 1

## **Application for Planning Permission 15/03078/FUL At 1 Abinger Gardens, Edinburgh, EH12 6DE Amended proposals along with improved context information to describe a proposed new gated opening and driveway.**

### **Consultations**

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#### **Transport Planning**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 2. Any gate or gates must open inwards onto the property;*
- 3. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
- 4. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured; and*
- 5. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of [www.edinburgh.gov.uk/downloads/file/9579/householder\\_guidance\\_2012](http://www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012)*

*It is noted that there have been a number of objections with regard to visibility for cars exiting from this junction. This has been checked and a suitable visibility splay is being provided.*

## Location Plan

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