

**Full Planning Application 05/03390/FUL
at
7 Carmel Road
Kirkliston
EH29 9DD**

**Development Quality Sub-Committee
of the Planning Committee**

1 Purpose of report

To consider application 05/03390/FUL, submitted by Mr + Mrs Johnston. The application is for: **Erect decking (timber) at rear of house (in retrospect).**

It is recommended that this application be **REFUSED AND ENFORCED** for the reasons in Appendix B.

2 The Site and the Proposal

Site description

The application site is a 2 storey mid terraced property located on the southern side of Carmel Road, Kirkliston. There is an area of open garden ground to the rear of the property.

Site history

There is no relevant planning history for this site.

Description of the Proposal

Planning permission is sought in retrospect for the erection of a timber deck and handrail to the rear of the terraced property. The decking has a footprint

of approximately 22 square metres and extends from the rear wall of the house by 4 metres. It is 0.8 metres above the rear garden ground and the total height of the supporting hand rail is 2 metres above the ground level.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

The determining issues are:

- 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?

ASSESSMENT

To address the determining issues, the Committee needs to take account of the following specific considerations:

- a) Is the design and scale of the proposal acceptable for the location?
- b) Will there be any adverse effect on the amenity of neighbouring residents?

a) The advice on decking contained within the non-statutory guideline on house extensions and alterations states that "Planning Permission is also required for decking in all situations except where the property is a single dwelling house." There has however, been a number of recent planning and enforcement appeals for decking considered by the Scottish Executive Inquiry Reporters' Unit which have concluded that decking constitutes development. This is on the basis that the decking forms a building under the definition provided within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Based on recent appeal decisions the decking erected at 7 Carmel Road requires permission.

The property is a modest mid-terrace two storey house. To the rear of the property are open garden areas which appear to be a mix of defined gardens and communal drying areas. There are a number of garden sheds within the rear garden area of this property and adjacent properties. The decking area has already been erected and dominates the rear elevation of the house and the garden area.

The garden area extends to 86 square metres and the decking has a footprint of 22 square metres. The decking constitutes less than one third of the applicants' rear garden ground.

The overall impression that is created is of a developed space and the openness of the rear of these properties has been lost. The decking area dominates the rear of not only the application site but also the neighbouring properties. The scale of the decking at this location is not considered to be appropriate.

b) In terms of the potential impact on the amenity of the adjacent residential properties, the formation of the deck area will create an elevated surface on which the applicant can enjoy their garden. The main area for potential impact on privacy is to the adjacent properties both in relation to their garden area and their residential accommodation.

The decking area has been constructed virtually on the boundary of the site on both the east and west elevations. The rear gardens of these terraces are relatively open and there are views shared across the gardens. The decking creates an elevated platform which gives direct uninterrupted views into neighbouring gardens and infringes on the limited privacy there is within these areas. In addition due to the height and size of the decking it enables direct views into a neighbouring living room. The privacy of these properties is adversely affected.

In order to provide privacy to the adjacent residential properties and gardens a screen boundary fence would be required along the extent of the decking area. This would need to be in the region of 2.7 metres high in order to provide privacy. The scale of such a fence would impact on daylighting and create overshadowing on the neighbouring property. In this instance the use of a screen fence would not be acceptable.

In conclusion, the proposal does not make a positive contribution to the overall quality of the environment, and has an adverse effect on the amenity of neighbouring properties. There are no other material considerations which outweigh this conclusion.

It is recommended that Committee refuses this application for these reasons and that enforcement action be authorised for the removal of the screen fence and decking.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Elaine Robertson on 529 3612
Ward affected	03 - Dalmeny/Kirkliston
Local Plan	Ratho, Newbridge, Kirkliston
Statutory Development Plan Provision	Mainly Residential
Date registered	7 October 2005
Drawing numbers/ Scheme	1 and 2 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 7 Carmel Road
Kirkliston
EH29 9DD
Proposal: Erect decking (timber) at rear of house (in retrospect).
Reference No: 05/03390/FUL

Consultations, Representations and Planning Policy

Consultations

No consultations undertaken.

Representations

Three letters of representation have been received in connection with the application. The following material points have been raised:

- The decking area dominates the communal garden area;
- The decking encroaches on privacy of adjacent properties especially as it is on a mid terrace property;
- Structure encroaches onto drying green and poles placed there for that purpose have been removed;
- Certain aspects do not comply with the title deeds, a solicitor is looking into this;
- Height of the structure is a danger to young children;
- A fence along the boundary would not provide privacy due to the height of the structure.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The proposal lies within an area allocated for residential purposes in the Ratho, Newbridge and Kirkliston Local Plan area where existing residential character and

amenities are to be protected. The site is similarly allocated on the Finalised Rural West Edinburgh Local Plan.

Relevant Policies:

Ratho, Newbridge and Kirkliston Local Plan

Policy RN231 seeks to protect the residential character of the existing housing areas.

Finalised Rural West Edinburgh Local Plan

Policy E43 requires that alterations and extension be subservient and relate carefully to the original building. Proposals should preserve the architectural integrity of the existing building and respect its setting.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines on 'HOUSE EXTENSIONS AND ALTERATIONS' set out the design principles against which proposals will be assessed.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **REFUSED AND ENFORCED**

Reasons

1. The proposal fails to make a positive contribution to the quality of the environment and has an unacceptable impact upon its surroundings contrary to policy RN231 of the Ratho, Newbridge and Kirkliston Local Plan, policy RWE42 of the Finalised Rural West Edinburgh Local Plan, and the council's non statutory guideline on House Extensions and Alterations.
2. The proposal is contrary to Non Statutory Guidelines in respect of Daylighting, Privacy and Sunlight, as it results in loss of privacy to neighbours to the detriment of their residential amenity

End



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PLANNING APPLICATION

Address	7 Carmel Road, Kirkliston, EH29 9DD		
Proposal	Erect decking (timber) at rear of house (in retrospect).		
Application number:	05/03390/FUL	WARD	03- Dalmeny/Kirkliston
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			