

Development Management Sub Committee

Wednesday 18 November 2015

Application for Planning Permission 15/03778/FUL At 157 Craigleith Hill Avenue, Edinburgh, EH4 2NA Proposed single storey rear extension and raised external patio area (as amended and in retrospect)

Item number	7.1
Report number	
Wards	A05 - Inverleith

Summary

The development is of an acceptable scale, form and design and will not be detrimental to neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. An infringement of the non-statutory Guidance for Householders relating to the overshadowing of the neighbouring garden is justified because it is an acceptable minor infringement that will not cause an unreasonable loss of neighbouring amenity. There are no material considerations that justify refusal.

Links

[Policies and guidance for this application](#) LPC, CITD11, NSG, NSHOU,

Report

Application for Planning Permission 15/03778/FUL At 157 Craigleith Hill Avenue, Edinburgh, EH4 2NA Proposed single storey rear extension and raised external patio area (as amended and in retrospect)

Recommendations

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

Background

2.1 Site description

The application site is a semi-detached bungalow, located on the south side of Craigleith Hill Avenue. The property has a pitched slated roof, is harled in white and has a dormer on the front elevation. All windows are formed in upvc.

There is a garden to the front and rear of the property. The rear garden is bounded on three sides by a 1.80 metre high timber fence, augmented by shrubs, plants and trees. A garden shed is situated under the trees on the southern boundary.

The surrounding area is predominantly residential, although the property backs onto Craigleith Retail Park.

2.2 Site History

21 July 2009 - Planning permission granted for a single storey extension to rear and dormer to front (application number: 09/01508/FUL).

11 December 2014 - Planning permission granted for proposed single storey extension to rear of property with external raised area (application number: 14/04561/FUL).

06 July 2015 - Planning enforcement investigation pending regarding non-compliance with approved plans (case reference: 15/00345/ENCOMP).

Main report

3.1 Description Of The Proposal

The application is for the erection of a single storey rear extension and raised patio area.

The application is in retrospect as the development has been completed. Whilst the development is of a similar scale, form and design, to that approved under planning permission 14/04561/FUL, the key differences are:

- The extension is set 70 centimetres back from the common boundary with 159 Craigleith Hill Avenue. Planning application 14/04561/FUL approved an extension up to the boundary;
- The extension is 50 centimetres higher than approved under planning application 14/04561/FUL;
- The raised patio is 50 centimetres higher than approved under planning application 14/04561/FUL;
- The raised patio area projects 20 centimetres further from the rear elevation than approved under planning application 14/04561/FUL; and
- The west elevation of the extension has been finished in facing brick. Planning application 14/04561/FUL approved a render finish on this elevation.

The flat roofed extension measures 3.60 metres in height. The extension is finished in smooth white render and facing brick. The extension has aluminium sliding doors on the rear (south) elevation and upvc framed windows in the side (east) elevation. The flat roof incorporates one projecting rooflight.

The development includes a raised patio area, to the rear of the extension. The floor level of the raised patio area is 1 metre above ground level. A privacy screen, measuring 1.80 metres above the patio floor level, is to be erected along part of the existing eastern boundary fence and on the western edge of the raised patio.

Previous Scheme

The application has been amended to address concerns that two windows in the side (east) elevation of the extension would result in an unacceptable loss of privacy for the neighbouring property. The revised application proposes that the two windows in the side (east) elevation are formed in obscure glazing.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 of an acceptable scale, form and design and will not be detrimental to neighbourhood character;

- b) The proposal will result in an unreasonable loss of neighbouring amenity;
- c) Any impacts on equalities and human rights are acceptable; and
- d) Any comments raised have been addressed.

a) Scale, form and design

The extension is of a simple design that is subservient to the main house and its character and appearance is not adversely changed as a result. There are other examples of rear extensions in the surrounding area; the layout and scale of the development fits with the general pattern of development within the area. It will leave a reasonable proportion of private amenity space. The materials are compatible with the existing building and are acceptable. The use of upvc windows is acceptable in this location.

The raised patio is of an acceptable scale, form and design and is not detrimental to the appearance of the existing building or neighbourhood character.

The scale, form and design of the development are acceptable and are not detrimental to neighbourhood character. This is in accordance with local plan policy Des 11 and the non-statutory Guidance for Householders.

b) Neighbouring amenity

i) Daylight

The development satisfies the criterion in the non-statutory Guidance for Householders and does not result in an unreasonable loss of daylight to the neighbouring properties.

ii) Overshadowing/Sunlight

With regard to sunlight to the neighbouring property to the west, the extension complies with the criterion set out in the non-statutory Guidance for Householders and does not result in an unreasonable loss of sunlight for 159 Craigleith Hill Avenue.

With regard to sunlight to the neighbouring property to the east, the extension exceeds the criterion for sunlight and creates an additional five square metres of overshadowing beyond the standard set out within the guidance in the rear garden of 155 Craigleith Hill Avenue. However, the level of overshadowing is not significant in relation to the size of the neighbouring garden, equating to approximately 2% of the rear garden area, in these circumstances this represents an acceptable minor infringement.

iii) Privacy

The development includes two windows in the side (east) elevation which would be within nine metres of the boundary with 155 Craigleith Hill Avenue. The revised application proposes that the two windows in the side (east) elevation are formed in obscure glazing.

Although desirable, the windows could be formed with clear glazing under permitted development rights on the completion and approval of the development. In addition, a timber fence provides a degree of screening at present and two windows were included in the 2014 planning permission. In these circumstances it would not be appropriate to seek to condition the use of obscure glazing.

All other proposed windows are in accordance with the privacy requirements of the non-statutory Guidance for Householders.

To address concerns of overlooking from the proposed raised patio area, it is proposed that two privacy screens, measuring 1.80 metres above the patio floor level, will be erected along part of the existing eastern boundary fence and on the western edge of the raised patio. This will provide a degree of screening, although in compliance with guidance in relation to the imposition of conditions, it would not be appropriate to seek to control the erection of the screens by way of a condition.

The development will not result in an unacceptable loss of privacy for neighbouring properties.

The development will not result in an unreasonable loss of neighbouring amenity and accords with policy Des 11 and broadly complies with the non-statutory Guidance for Householders.

c) 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.

d) Public comments

Material Representations - Objection:

- Scale of the development. This is addressed in section 3.3 (a);
- The development is out of character with the existing house. This is addressed in section 3.3 (a);
- The development is out of character with the surrounding area. This is addressed in section 3.3 (a);
- Loss of daylight. This is addressed in section 3.3 (b);
- Loss of sunlight. This is addressed in section 3.3 (b); and
- Overlooking/Loss of privacy. This is addressed in section 3.3 (b).

Non-Material Representations:

- The development has not been built in accordance with the plans approved under planning application 14/04561/FUL. This is not a material planning consideration for this application. An enforcement investigation (case reference: 15/00345/ENCOMP) regarding this matter has been held in abeyance until this planning application has been determined;
- Concern that building work is continuing before the application is determined. This is not a material planning consideration for this application. The applicant has been informed that any further work was at their own risk;

- Accuracy of the plans. All plans and drawings submitted as part of an application for planning permission should show the application site accurately and to scale. The submitted plans and drawings provide sufficient detail for the determination of this planning application; and
- Concern that a building warrant will be required. This is not a material planning consideration.

Conclusion

In conclusion, the development is of an acceptable scale, form and design and is not detrimental to neighbourhood character. It does not result in an unreasonable loss of neighbouring amenity. An infringement of the non-statutory Guidance for Householders relating to the overshadowing of the neighbouring garden is justified because it is an acceptable minor infringement that will not cause an unreasonable loss of neighbouring amenity. There are no material considerations that justify refusal.

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.

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:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

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

The application was advertised on 26 August 2015 and four letters of representation were received, all objecting to the planning application. These included comments from Councillor Hinds and Colin Keir MSP.

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

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**

Edinburgh City Local Plan - Urban Area.

Date registered

17 August 2015

Drawing numbers/Scheme

01-05, 06A, 07, 08, 09A, 10, 11,

Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Peter Martin, Planning Officer

E-mail: peter.martin@edinburgh.gov.uk Tel: 0131 469 3664

Links - Policies

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.

Relevant Non-Statutory Guidelines

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

Appendix 1

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Consultations

No Consultations received.

Location Plan



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