

# Development Management Sub Committee

Wednesday 8 June 2016

## Application for Planning Permission 16/00764/FUL At Land 26 Metres South West Of 10, Learmonth Gardens Mews, Edinburgh Erection of a new house

Item number	7.3
Report number	
Wards	A05 - Inverleith

### Summary

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The proposal does not comply with Edinburgh City Local Plan policies Des 1, Des 3, Env 6, Hou 1, Hou 4 and the Council's non-statutory Design Guidance. The proposals are not acceptable, as they represent an inappropriate level of development and would result in a form of development that would adversely impact on the character of the area and views from the conservation area. The proposals could result in overlooking to the rear gardens of Dean Park Crescent. There are no material considerations which outweigh this consideration.

### Links

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<a href="#">Policies and guidance for this application</a>	LPC, CITD1, CITD3, CITE6, CITE7, CITE17, CITH1, CITH3, CITH4, NSG, NSGD02, OTH, CRPNEW,
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# Report

## **Application for Planning Permission 16/00764/FUL At Land 26 Metres South West Of 10, Learmonth Gardens Mews, Edinburgh Erection of a new house**

### **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 site is a roughly triangular shaped piece of undeveloped plot of land of 118 sqm located on the east side of Comely Bank Avenue at the junction with Learmonth Garden Mews. The site is defined by the boundary walls of the rear gardens of 21-23 Dean Park Crescent to the south and by railings to Learmonth Garden Mews to the north and Comely Bank Gardens to the west. It is 45m north of the junction with Dean Park Crescent. The site slopes down to the north west.

The site is located in a residential area which is characterised by a mix of three and four storey terraced townhouses, four storey traditional tenements and two storey terraced mews properties.

The southern site boundary denotes the edge of the New Town Conservation Area with the rear gardens of 21-23 Dean Park Crescent falling within the conservation area. The application site lies outside but immediately abuts the conservation area. The boundary of the World Heritage Site lies to the south of the site along Learmonth Terrace Lane and Dean Park Crescent.

The application site is located within the New Town Gardens and Dean Historic Garden/Designed Landscape area.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

The application site forms part of a larger previous application site with the following relevant planning history:

06 October 2006 - planning permission refused for a detached dwelling and formation of car parking space on land at rear of 22 and 23 Dean Park Crescent (Application reference: 06/01131/FUL).

01 June 2007 - planning permission refused for the formation of 3 car parking spaces on land at rear of 22 and 23 Dean Park Crescent (Application reference: 07/01122/FUL).

21 December 2007 - appeal of decision 07/01122/FUL dismissed by the Scottish Government Directorate for Planning and Environmental Appeals (DPEA Reference: P/PPA/230/946). The reasons for dismissal included the loss of a 12m section of mature hedge which makes a positive contribution to the character of the conservation area, the loss of an attractive feature and interrupting the established pattern of gardens.

25 October 2013 - planning application for erection of detached house with integral garage was withdrawn (Application reference: 13/02997/FUL).

## **Main report**

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### **3.1 Description of the Proposal**

The application is for the erection of a four storey detached house. Within the site there will be a parking space and a SUDS area. Space for bin storage is to be built into the wall at street/entrance level.

The property will have its main entry at lower ground level on the eastern section of the site accessed off Learmonth Garden Mews and adjacent to the parking area. The upper levels of the building will cantilever over the entry area. On the western edge of the site, at lower ground level, there will be a small courtyard that will be below street level. This will have stairs up to a terrace on ground level. The terrace will be screened from the street by a stone wall on western boundary of the site. This will replace the railings that currently exist. There will be two further levels above of reduced floor plate, accomplished by stepping back from the southern boundary of the site with a pitched roof. There is an additional small terrace on the uppermost level overlooking Comely Bank Avenue.

The area of the proposed dwelling will be 194 sqm. There will be no garden area but the combined area of external courtyards and terraces is 26.6 sqm.

Materials are to be natural stone at lower ground and ground floor levels and zinc above including a section of sloped roof with aluminium framed windows. Windows are to the north onto Learmonth Garden Mews, to the west onto Comely Bank Avenue and to the east there is glazing behind vertical timber louvres.

As part of this application, the following documents have been submitted which are available to view on Planning and Building Standards Online Services:

- Planning and Design Statement;
- Supporting Statement;
- Daylighting Study;
- Overshadowing Study;
- Daylight to Basement Study;
- Flooding Report and Self Certification; and
- Drainage Calculations.

### 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:

- the principle of the development is acceptable in this location;
- the proposals will have a detrimental impact on the character of the area;
- the proposals will preserve or enhance the conservation area or World Heritage Site;
- the proposals are of an appropriate scale, form, positioning, design and materials;
- the proposals will result in an unreasonable level of neighbouring residential amenity;
- the proposals will result in an adequate level of amenity for the future occupiers of the development;
- the proposals will have any traffic or road safety issues;
- the proposals will have detrimental impact on flooding issues;
- the proposals will have detrimental impact on wildlife and biodiversity;
- any impacts of equalities and human rights have been addressed; and
- any comments raised have been addressed.

#### a) The Acceptability of the Principle of the Development in this Location

The site lies within the urban area as defined by the Edinburgh City Local Plan (ECLP). The area is almost entirely residential. The principle of housing in the urban area is supported by Hou 1 (Housing Development) on suitable sites provided that the proposals are compatible with other policies in the Plan.

The site is a 118 sqm triangular piece of land that lies to the rear of the gardens on Dean Park Crescent. The building would occupy almost the entirety of the site and will rise up four levels. Although, not strictly speaking, back-land development, since it would not be built within the garden grounds of any of the Dean Park Crescent houses, the site visually reads as part of the green space that is these gardens.

Some letters of support have referred to the need for more family housing. Although housing supply is a relevant issue, the addition of one new unit would not outweigh other considerations.

The proposal represents overdevelopment of a site that is not appropriate for development, as explored in the criteria assessed below.

b) The Impact on the Character of the Area

The proposal is to construct a modernist, four storey, detached dwelling in an area that is dominated by traditional terraced houses, tenemental buildings and rows of mews buildings. It will rise to approximately just below the top of the windows of the second level of tenements to the north on the opposite side of Learmonth Garden Mews. The only exception to the pattern of terraces or rows is the recent addition of a studio that has been built opposite the site on Comely Bank Avenue above a garage. By inserting a stand-alone, detached modern building, the proposals would break with the dominant hierarchy and spatial pattern of terraced buildings, that range from the more formal principal streets, to the more subservient mews lanes. The site is in a prominent location within the area, as it will be viewed looking down the long views on Comely Bank Avenue, as well as back up to Dean Park Crescent. As a building that stands independent of any other, even though it may be lower than its neighbours, it will be a conspicuous and incongruous intrusion into the established spatial pattern, breaking with the traditional layout and hierarchy. The presence of the recently built studio across the street does not provide a context that would justify this proposal, the west side of the street being more enclosed and Learmonth Terrace Lane being characterised by lock-ups.

Although there are walls at the pavement edge on the opposite side of the street, the wall to the proposed house will project in front of the traditional building line that is distinct feature of the east side of the street. This will be of detriment to the views up and down Comely Bank Avenue.

Some letters of support have referred to the derelict appearance of the site as justification for the development. In its current condition, the site does make a positive contribution to the area by allowing attractive views through to buildings at Learmonth Gardens Mews and Dean Park Crescent.

The proposed building will be a conspicuous and incongruous addition in a prominent site that breaks with the established street hierarchy and pattern. It will adversely impact on the character of the area.

c) The Impact on the Character and Appearance of the New Town Conservation Area

The New Town Conservation Area Character Appraisal notes of the spatial structure of the conservation area:

- *The grid hierarchy of grand streets, lesser streets, lanes and mews throughout the conservation area;*
- *Formal geometric grid enclosed gardens and larger informal grid edge gardens soften the classical discipline of the buildings; and*

- *Layouts follow the topography to create vistas and views both inward and outward, to and from, high ground all round and particularly northwards over the estuary.*

The site lies just outwith the conservation area which is bounded by the rear of the gardens to Dean Park Crescent. However, the proposals will impact views and vistas out of the conservation area towards the north. The building would be located on a prominent site and would intrude into views from the conservation area towards the north.

There are no trees currently on the site. The proposals would adversely impact on a birch tree in the back garden of 21 Dean Park Crescent house. This is within the conservation area and is potentially of value to the character and appearance of the conservation area.

The site lies just outwith the World Heritage Site. The proposals are not of a scale that would impact on the outstanding universal values of the World Heritage Site.

The proposals would neither preserve nor enhance the character of the conservation area.

#### d) Scale, Form, Positioning, Design and Materials

ECLP Policies Des 1 (Design Quality and Context) and Des 3 (Development Design) of the Edinburgh City Local Plan seek to promote design which draws on the positive characteristics of the surrounding area to create or reinforce a sense of place.

The position of the proposed building on the site would result in the well demarcated building line on the east side of Comely Bank Avenue being breached. A key characteristic of Comely Bank Avenue is the long continuous sweep of the tenemental building line with the railings at the pavement edge. The proposed house would sit forward of this building line and the high stone wall to the front would interrupt views down the street. The detached nature of the building is not in keeping with the established character in the area and would represent an incongruous feature. In terms of positioning, the building is not a positive addition to the streetscape.

The building is not high in comparison the neighbouring tenements and town houses but is higher than the nearby mews buildings. However, because the floorplate of the building is constrained and the building is detached and isolated, it has the impression of being higher. The design and materials are contemporary, the stone walls acknowledge the traditional materials of the area and the zinc represents a modern material. In isolation, it can be viewed as an interesting piece of contemporary architecture. However, in the context of its positioning on the site and its impact on the streetscape, the design is not appropriate. It does not reinforce the sense of place that is so distinct in this area.

The proposals do not comply with the ECLP design policies Des 1 and Des 3.

#### e) Neighbouring Amenity

The applicant has submitted information with respect to possible overshadowing of the gardens to the back of Dean Park Crescent. The study shows the existing shadowing to the rear gardens and the impact of the proposed dwelling on the spring equinox as per guidelines. The gardens are north facing and are already substantially shaded. The new building will have a negligible impact on the amount of shade that they receive. The garden to the rear of the tenement at 95 Comely Bank Avenue will not be substantially impacted.

Using the 25 degree method, the applicant has shown that the building will not adversely impact on the daylight that reaches the windows of the houses on Dean Park Crescent.

There is no fenestration to the south so there will be no overlooking from windows. However there is potentially overlooking from the ground floor terrace to the rear gardens of Dean Park Crescent as the proposals rely of a hedge on the southern boundary with the gardens. The height and longevity of a hedge cannot be controlled by planning and an element of overlooking could occur.

The proposals will have no impact on neighbouring amenity in terms of overshadowing or loss of daylight but may have an adverse impact in terms of privacy.

#### f) Amenity of Future Occupiers

The proposed dwelling is 194 sqm in area and substantially exceeds the space standards outlined in the Non-statutory Design Guidance.

Unlike a traditional New Town house the area, or courtyard, to the front of the basement will be surrounded by a stone wall rather than railings which will restrict light to the kitchen/sitting/dining area in the basement. However it complies with minimum lighting levels.

The proposed dwelling will have no garden but will provide three different external spaces in the form of courtyards or terraces for a total area of 26.6 sqm which is 22.5% of the total site area. While there are no quantitative policy requirements for gardens to individual houses, this is more than the 20% green space required by ECLP Policy Hou 3 (Private Open Space) for flatted or mixed housing developments where communal space is necessary.

The proposed dwelling will provide a satisfactory level of amenity for the occupants of the dwelling in terms of internal space and lighting and provision of external space.

#### g) Traffic or Road Safety Issues

A number of objectors have alluded to concerns with traffic safety at this junction and that the dwelling will create a blind corner with no pavement on Learmonth Garden Mews to assist pedestrians. However subject to the addition of standard conditions or informatives, the proposals are not viewed as having the potential to have an adverse impact on road safety.

#### h) Flooding Issues

The applicant has submitted information with respect to flooding and surface water management and has self-certified that there will be no additional risk to flooding as a result of this development. This is in line with current requirements of the Council.

#### i) Impact on Wildlife and Biodiversity

There are no biodiversity issues. This very small site is unlikely to be supporting any protected species.

#### j) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

#### k) Public Comments

### **Material objections**

- Principle of the development - the issues of backland development and over-development, have been addressed in section 3.3(a);
- Character of the area - the issues of impact on the spatial pattern and traditional streetscape have been addressed in section 3.3(b);
- Impact on the conservation area and world heritage site - the issues of the impact on the conservation area and world heritage site have been addressed in section 3.3(c);
- Design, density, scale, positioning and materials. The issues of design, materials and positioning are addressed in section 3.3(d);
- Neighbouring residential amenity - These issues including sunlight, daylight and privacy are addressed in section 3.3(e);
- Amenity for the occupiers of the development - the issue of lack of green space has been addressed in section 3.3(f);
- Traffic and road safety - this issue of road safety has been addressed in section 3.3(g);
- Flooding - issues with respect to flooding and surface water management are addressed in section 3.3(h);
- Trees - loss of trees is addressed in section 3.3(i); and
- Wildlife - concerns about biodiversity are addressed in section 3.3(j).

### **Material reasons for support**

- Principle of the development - support was expressed for family homes in the area. This is addressed in section 3.3(a);
- Impact on the area - the proposals will enhance the area. This is addressed in section 3.3(b);
- Design - the proposals could be an interesting development. This is addressed in section 3.3(d); and
- Residential amenity - the proposals will enhance privacy. This is addressed in section 3.3(e).

## **Non material reasons for support**

Non material comments relate to:

- impact on house prices; and
- disturbance during construction.

## **Community Council objections**

Material reasons for objecting to this application relate to:

- Overdevelopment - addressed in section 3.3(a);
- Impact on the character of the area - addressed in section 3.3(b);
- Design, form materials and positioning - addressed in section 3.3(d);
- Amenity for neighbours - addressed in section 3.3(e); and
- Lack of garden area of the occupants of the development - addressed in section 3.3(f).

## **CONCLUSIONS**

In conclusion, the proposal does not comply with Local Plan policies Des 1, Des 3, Env 6, Hou 1, Hou 4 and the Council's non-statutory Design Guidance. The proposals are not acceptable, as they represent an inappropriate level of development and would result in a form of development that would adversely impact on the character of the area and views from the conservation area. The proposals could result in overlooking to the rear gardens of Dean Park Crescent. There are no material considerations which outweigh this consideration.

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 the proposals do not draw upon positive characteristics of the surrounding area to create or reinforce a sense of place. The proposals are of an inappropriate design and would be damaging to the character or appearance of the area around it.
2. The proposal is contrary to Edinburgh City Local Plan Policy Des 3 in respect of Development Design, as it will not have a positive impact on its setting, with respect to the positioning of the building on the site, its height, wider townscape impacts and impacts on views.
3. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as it will neither preserve or enhance the special character or appearance of the neighbouring conservation area.

4. The proposal is contrary to Edinburgh City Local Plan Policy Hou 1 in respect of Housing Development, as the application site is not a suitable site for development.
5. The proposal is contrary to Edinburgh City Local Plan Policy Hou 4 in respect of Density, as the proposed density of the development on this site does not have regard to the characteristics of the surrounding area.
6. **Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

## **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:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **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**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 26 February 2016. In all there have been 66 letters of representation. There have been 55 letters of objection including the Stockbridge and Inverleith Community Council, the Cockburn Association and neighbours and members of the public. There have been 11 letters of support from neighbours and members of the public.

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

## **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**

Located within the urban area as designated by the  
Edinburgh City Local Plan.

**Date registered**

18 February 2016

**Drawing numbers/Scheme**

1-9,

Scheme 1

**John Bury**

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## Links - Policies

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### Relevant Policies:

#### **Relevant policies of the Edinburgh City Local Plan.**

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

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

Policy Env 7 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

#### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

#### **Other Relevant policy guidance**

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

# Appendix 1

## **Application for Planning Permission 16/00764/FUL At Land 26 Metres South West Of 10, Learmonth Gardens Mews, Edinburgh Erection of a new house**

### **Consultations**

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#### **Roads Authority Issues**

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

1. *A parking space will normally be allowed if the front garden is at least 6 metres deep, the access should not be wider than 3 metres;*
2. *Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
3. *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;*
4. *Any gate or doors must open inwards onto the property;*
5. *Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
6. *The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)*
7. *Any off-street parking space should comply with the Council's Guidance for Householders and be at least 6 metres deep and should not be wider than 3 metres. See [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders)*

## Location Plan

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