

Development Management Sub Committee

Wednesday 14 September 2016

**Application for Planning Permission 16/01751/FUL
At 1 Thirlestane Lane, Edinburgh, EH9 1AJ
Demolish existing mechanics garage and erect new mews
house (as amended).**

Item number	4.4(a)
Report number	
Wards	A10 - Meadows/Morningside

Summary

The proposed development complies with the provisions of the Edinburgh City Local Plan and relevant non-statutory guidance and is acceptable. There are no material considerations upon which to justify refusal. It will not harm the architectural or historic interest of the neighbouring listed buildings or adversely affect the character and appearance of the conservation area.

Links

<u>Policies and guidance for this application</u>	CRPMAR, CITD1, CITT4, CITE6, CITH1, NSLBCA, NSGD02,
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Report

Application for Planning Permission 16/01751/FUL At 1 Thirlestane Lane, Edinburgh, EH9 1AJ Demolish existing mechanics garage and erect new mews house (as amended).

Recommendations

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

Background

2.1 Site description

The application site contains a single storey garage on the north side of Thirlestane Lane. The other properties on the lane are traditional mews houses over two storeys with attics. Marchmont Road runs at right angles to Thirlestane Lane, and features traditional tenemental development with commercial properties at ground floor and residential above. The south side of Thirlestane Lane backs onto the rear of the properties on Strathearn Road.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

2.2 Site History

29 February 2016 - an application for planning permission to "demolish existing mechanics garage and erect 2.5 storey mews house" was withdrawn at the applicant's request, reference 16/00084/FUL.

There is a concurrent application for conservation area consent to demolish the garage, reference 16/03089/CON.

Main report

3.1 Description Of The Proposal

The application is for planning permission for the demolition of the existing garage (itself the subject of an application for Conservation Area Consent) and the erection of a house on the site.

The house will have three storeys and a basement. The second floor will incorporate a terrace to the front, with the built form set back from the principal elevation. The materials will include sandstone cladding to front, smooth render to rear, aluminium windows, and zinc panelling for the roof.

Previous Scheme

The proposal has been revised with an altered front elevation, roof layout and floorplan.

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 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) Housing is appropriate on the site;
- b) The design of the house is acceptable, and whether it would preserve or enhance the character and appearance of the conservation area;
- c) The proposal would harm the setting of the neighbouring listed buildings;
- d) There is any adverse impact on neighbouring amenity;
- e) Appropriate parking standards will be met;
- f) Any matters raised in representations have been addressed; and
- g) Equalities and human rights impacts have been addressed.

a) Appropriateness of housing on the site

Thirlestane Lane is a development of mews houses. The existing single storey garage is the only commercial property on the lane. As the application site is located within the Urban Area defined in the Edinburgh City Local Plan (ECLP), policy Hou1 supports the erection of a house on the land, subject to compliance with other local plan policies.

b) Impact of the design on the character and appearance of the conservation area

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal refers to Thirlestane Lane as having a quite different character from the typical tenement development, describing it as "an elegant mews lane with a narrow pavement and cobbled street". The Scottish Baronial style is the principal architectural form in the conservation area.

The existing garage is a unique building in the street, differing in character and appearance from the mews houses in Thirlestane Lane and from the tenements in Marchmont Road. The building is not listed, and it does not make a positive contribution to the street. The proposed replacement house would also be visually distinct from the mews houses. The revised design of the front elevation has visually separated the ground and first floors, and maintains the characteristic eaves height. This will result in a new house which will read as a modern intervention, but one which will not harm the character of the street.

The roof has been revised so as to set the flat roofed element back from the principal elevation. The proposed roof design does not seek to continue the roofline of the mews houses any further, but drops to a lower level. This serves to make the proposed house more distinct from the adjacent mews property.

Thirlestane Lane is a cul de sac; consequently, it is not subject to passing traffic or pedestrian footfall. The proposed house will be set back 23 metres from the junction with Marchmont Road, which will further reduce its visual impact on the character and appearance of the conservation area.

The proposed materials are appropriate for a new building in the conservation area.

The proposal will comply with ECLP policy Env 6, as it will preserve the character and appearance of the conservation area.

c) Impact on the setting of neighbouring listed buildings

The mews houses along Thirlestane Lane, numbered 3-17, are category C listed buildings. The listing refers to the fact that they are a relatively unaltered group of mews buildings. The proposed house will not harm the setting of the mews houses, as it will be different and distinguishable from them in terms of design. The use of high quality, contemporary materials and design will distinguish the house sufficiently.

d) Amenity

The proposed house will satisfy the 25 degree test for daylight set out in the Council's Guidance for Householders. There will be no loss of amenity in terms of overshadowing of the rear of the neighbouring tenement flats on Marchmont Road.

In terms of privacy, new windows are proposed to overlook the adjacent communal garden. However, this is a communal garden which is already overlooked. It does not benefit from any appreciable privacy at present.

In terms of the amenity of the occupants of the new house, a satisfactory residential environment will be achieved. The floorspace exceeds the recommended minimum standard set out in the Edinburgh Design Guidance.

e) Parking

There will be no parking provision for the new house. However, the site is located conveniently for public transport, and Thirlestane Lane itself is a private road. As such, parking on the road is a matter for the owners.

f) Representations

The application was advertised on 12 April 2016, and a site notice was posted on 15 April 2016.

Community Council

Marchmont and Sciennes Community Council commented as follows:

"Inappropriate and intrusive modern design out of keeping with adjacent buildings within a conservation area. Choice of building materials (zinc) does not match." These comments have been addressed in part 3.3b).

Material representations in objection

- The proposed house is not appropriate development in the conservation area. This has been addressed in part 3.3b).
- Loss of daylight. This has been addressed in part 3.3 d).
- The proposed drawings are not accurate. A site visit has been carried out and the neighbouring buildings photographed. The submitted drawings reflect the situation on the ground.
- The application was not publicised. This has been addressed in part 3.3 f).
- Loss of privacy in the neighbouring communal garden of No140 Marchmont Road. This has been addressed in part 3.3 d).

Non-material representations in objection

- Access to Thirlestane Lane would be restricted when the development is being carried out. Matters arising during the construction phase are not relevant to the planning process.
- There would be an adverse impact on neighbouring buildings as a result of digging foundations for the house. If any damage occurs, this would be a matter of civil law.
- The development may encroach onto land outwith the applicant's ownership. Land ownership is not a planning consideration.
- Future development of the building. The Council cannot speculate as to the intentions of a developer or landowner when determining an application for planning permission.
- Access to 140 Marchmont Road, including the rear garden, to carry out the work would not be forthcoming. The ability to access the site during construction works is not relevant to the planning process.

g) Equalities and Human Rights

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

Conclusion

The proposed development complies with the provisions of the Edinburgh City Local Plan and relevant non-statutory guidance and is acceptable. There are no material considerations upon which to justify refusal. It will not harm the architectural or historic interest of the neighbouring listed buildings or adversely affect the character and appearance of the conservation area.

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

Twelve representations have been received, although one has been duplicated. A full assessment of the representations can be found in the assessment section of this report.

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

Date registered 4 April 2016

Drawing numbers/Scheme 01A, 02B,

Scheme 3

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Links - Policies

Relevant Policies:

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

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

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

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

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

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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.

Appendix 1

**Application for Planning Permission 16/01751/FUL
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house (as amended).**

Consultations

No consultations undertaken.

Location Plan



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