

Development Management Sub Committee

Wednesday 13 December 2017

Application for Planning Permission 17/03001/FUL At 16 Larkfield Gardens, Edinburgh, EH5 3QA Erection of a sun lounge

Item number	4.6
Report number	
Wards	B04 - Forth

Summary

The proposal complies with the Local Development Plan. The proposal also complies with the non-statutory Guidance for Householders with the exception of a minor infringement in respect of overshadowing, which on balance is acceptable. There are no material considerations upon which to justify refusal.

Links

[Policies and guidance for this application](#) LDES12, NSHOU,

Report

Application for Planning Permission 17/03001/FUL At 16 Larkfield Gardens, Edinburgh, EH5 3QA Erection of a sun lounge

Recommendations

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

Background

2.1 Site description

The application property is a three storey terraced townhouse on the west side of Larkfield Gardens. It is part of a recently built residential development of similar housing.

2.2 Site History

There is no relevant planning history for this property. Other house extensions have been added to neighbouring houses. Of these, only two have actually required planning permission; the others have been erected under permitted development rights.

Main report

3.1 Description Of The Proposal

Planning permission is sought for the erection of a single storey sun room extension on the rear (north) elevation. The extension will have a footprint of 3.7 metres (m) deep by 2.9m high by 4m wide. The overhanging roof will measure 3.9m deep by 4.5m wide. The extension will have roughcast walls and aluminium windows.

It should be noted that the property benefits from permitted development rights under Part 1 (Class 1A) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). This means that a single storey extension in the location proposed with a depth of up to 3m and heights of up to 3m (to the eaves) and up to 4m (to the ridge) which does not take up more than 50% of the external area (excluding the original house and any hard surface or decking) and does not cover more than twice the area of ground covered by the original dwellinghouse, would not require planning permission. The proposal is only marginally larger than an extension which would not any require planning permission.

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 design is acceptable;
- b) There is any adverse impact on neighbouring amenity;
- c) Public comments have been addressed; and
- d) Equalities and human rights impacts have been addressed.

a) Design

The proposed extension is compatible with the character of the existing house and surrounding area in terms of scale, form, design and materials, in compliance with Edinburgh Local Development Plan Policy Des 12.

The Larkfield Gardens development has been recently built, featuring townhouses with small back gardens. Notwithstanding that the rear gardens are characteristically modest, the proposed extension complies with the requirement in the non-statutory Guidance for Householders that rear extensions should not occupy more than one third of the rear garden area. The addition of a rear extension will not harm the character or appearance of the surrounding area. Although it will be visible from neighbouring flats, the situation is that of back gardens backing onto other back gardens.

It should be noted that other houses in this development have been extended, some with the benefit of express planning permission.

b) Amenity

The proposed extension will satisfy the Council's 45 degree test for daylight set out in the Guidance for Householders and the level of impact is acceptable.

It will result in a loss of sunlight to the rear garden to the east of 0.37 square metres over and above that which is set out in the Council's 45 degree test for sunlight set out in the Guidance for Householders. This minor infringement is acceptable, given that it is such a small area of the garden, and given that the garden is north-facing.

There will be no unacceptable loss of privacy as a result of this development. The sliding door on the side elevation will be less than 9m from the boundary. The existing boundary treatment is a 1.9m high close-boarded fence, and the layout of the houses is such that overlooking will be of the side elevation of the neighbouring building. Side windows are generally not protected for privacy where they are not good neighbours in and of themselves.

The residential block to the rear (north) of the application site has a balcony at first floor level across its width. As such, rear gardens are already mutually overlooked, and there would be no loss of privacy as a result of the proposed development.

The proposed extension forms part of a residential property and does not involve a change of use. It will have no unacceptable noise impact on neighbouring residential properties.

c) Representations

Material representations in objection

- The extension is too large for the site. This has been addressed in part 3.3.a).
- The extension will harm the character of the area. This has been addressed in part 3.3.a).
- The development will result in a loss of sunlight. This has been addressed in part 3.3.b).
- The development will result in a loss of daylight. This has been addressed in part 3.3.b).
- The materials are not appropriate. This has been addressed in part 3.3.a).
- The proposal breaches guidance in terms of density. The proportion of development on the site has been addressed in part 3.3.a). Policies relating to residential density relate to new housing or housing conversion, not to house extensions.
- The development would result in loss of privacy. This has been addressed in part 3.3.b).
- Loss of privacy from the cupola. The council does not consider privacy to be affected by rooflights in flat roofs.
- Increased noise. This has been addressed in part 3.3b).

Non-material representations in objection

- Loss of property value for neighbours. This is not a planning matter.
- This development would set a precedent. There is no precedence in the planning system. Applications are determined on their own merits in accordance with the local plan and other material considerations.

- The proposal is not in accordance with the CALA design statement relating to the original build. This is not a material consideration in determining the application.
- Loss of view. The planning system does not seek to protect private views over another person's land.
- CALA would not have received planning permission for the extension. This is not germane to the determination of the application.
- Access for building work would be difficult / communal access. These are not planning matters.

d) Equalities and Human Rights

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

Conclusion

The proposal complies with the Local Development Plan. The proposal also complies with the non-statutory Guidance for Householders with the exception of a minor infringement in respect of overshadowing, which on balance is acceptable. There are no material considerations upon which to 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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

In total, 11 representations have been received, all objecting to the proposal. The matters raised are addressed in part 3.3.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The application property is in the Urban Area designated in the Edinburgh Local Development Plan. There are no special designations on the site.

Date registered

27 June 2017

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

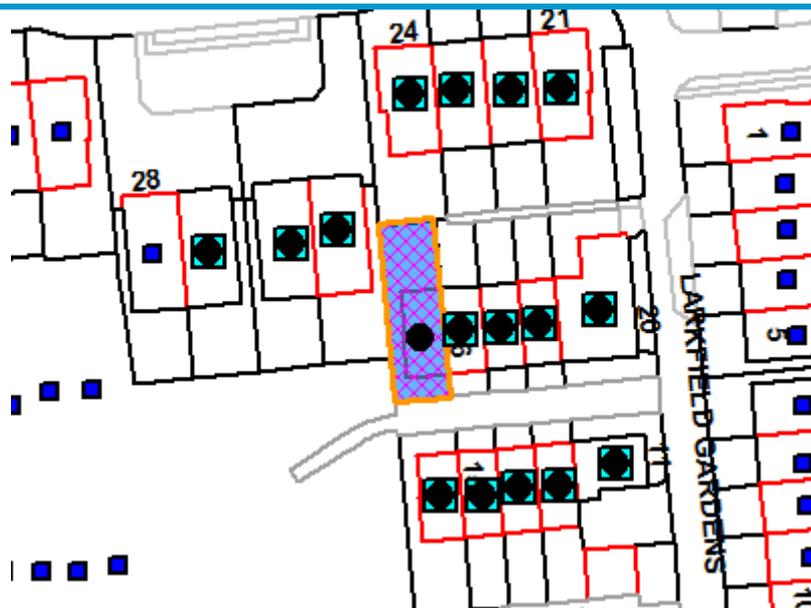
Appendix 1

Application for Planning Permission 17/03001/FUL At 16 Larkfield Gardens, Edinburgh, EH5 3QA Erection of a sun lounge

Consultations

No consultations undertaken.

Location Plan



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