

Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 18/01609/FUL
At 34 Canaan Lane, Edinburgh, EH10 4SU
Creation of a door opening on the rear boundary wall to
Jordan Lane.**

Item number	4.2
Report number	
Wards	B10 - Morningside

Summary

The proposal complies with the local development plan and the Council's non-statutory guidance. There is no adverse impact on the character and appearance of the Morningside Conservation Area and there is no impact on neighbouring amenity. There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN06, CRPMON, LDES12, NSHOU, NSLBCA,
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Report

Application for Planning Permission 18/01609/FUL At 34 Canaan Lane, Edinburgh, EH10 4SU. Creation of a door opening on the rear boundary wall to Jordan Lane.

Recommendations

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

Background

2.1 Site description

The application relates to a semi-detached dwelling house which is sited within a long narrow plot between Canaan Lane and Jordan Lane, which is a dead end street approximately 270m in length.

When entering Jordan Lane from Morningside Road, the streetscape is characterised by four storey tenement buildings on the northern side and a mix of detached and semi-detached bungalows on the southern side. Approximately 157m from the street entrance, the street frontage to the north changes from four storey tenement buildings to the rear boundary walls of the residential dwellings on Canaan Lane. The residential dwellings on the southern side of Jordan Lane at this point change from bungalows to two storey terraced dwellings. The frontages of these dwellings are characterised by pedestrian entrances, conservatories, iron fences and low hedges.

The rear boundary stone wall of Canaan Lane that leads onto Jordan Lane is approximately 2m in height and 62m in length. The stone wall is characterised by 5 pedestrian and vehicular access points, serving properties on Canaan Lane and one on Jordan Lane. The section of wall related to this application is partially missing and is boarded up with building materials across the space.

This application site is located within the Morningside Conservation Area.

2.2 Site History

14th January 2016 - enforcement enquiry into alleged removal of boundary wall and formation of access closed - (16/00012/EOPDEV).

Main report

3.1 Description Of The Proposal

The proposal is to create a pedestrian access in the boundary wall fronting Jordan Lane. This will involve the removal of rubble at the existing partial opening with a new

stone lintel. A solid timber gate is proposed. Within the garden ground, new concrete steps and rail will be formed to get access from the garden to the gate.

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) The proposed scale, form and design is acceptable, would accord with neighbourhood character and would preserve or enhance the character and appearance of the Conservation Area.
- b) The proposal will cause unreasonable loss to neighbouring amenity;
- c) Any impacts on equalities or human rights are acceptable;
- d) Any impacts on traffic are acceptable;
- e) Any comments received have been addressed;

a) Scale, form and design

The Morningside Conservation Area Character Appraisal states that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

The northern side of Jordan Lane is characterised, to a considerable degree, by a high, random rubble, stone wall that runs for approximately 105 metres. The wall has a number of gated accesses, both pedestrian and vehicular within its length.

The proposed formation of a pedestrian entrance within the wall, with associated stone lintels, concrete steps and a metal hand rail within the garden of the property, would

form a modest and sympathetic addition to the streetscene. The door would be formed in timber, and would reflect many of the other examples that are found within the immediate vicinity.

The condition of the wall at the point in which the access would be formed is poor, with much of it collapsed and partially boarded up. The proposal would not only represent an acceptable addition in the street, but would also facilitate the repair of the wall and improve the visual amenity of the area.

The proposal is in accordance with LDP Policy Env 6 Conservation Areas - Development, Policy Des 12 Alterations and Extensions, the non-statutory Guidance for Listed Buildings and Conservation Areas and the Guidance for Householders.

It would have no detrimental impact upon the character and appearance of the Morningside Conservation Area.

b) Neighbouring amenity

The proposal was assessed in terms of neighbouring amenity. The proposal complies with the aims and objectives of the non-statutory guidance in relation to the protection of neighbouring residential amenity.

c) Equalities or human rights impacts

The application was assessed in terms of equalities and human rights. No impact was identified.

d) Traffic impacts

The proposal was assessed in terms of traffic impacts. The creation of an access point would have no adverse impact upon road safety by virtue of the entrance being for pedestrian traffic only.

e) Public comments

Non-material representations - Objection

- Postal issues; this is not a material consideration.
- There isn't a need for a rear access; this is not a material consideration.
- The current condition of the wall should be repaired, not as a pedestrian entrance; this is not a material consideration.
- Alleged inaccurate drawings; the drawings received satisfy the requirements of the Planning Department.
- Alleged future uses of the site; the Council cannot anticipate alleged future uses.
- Traffic issues; this is addressed in section d).

One comment was made with a neutral stance towards the proposal.

Conclusion

The proposal is in accordance with Development Plan Policy Env 6 and Des 12 in the adopted Edinburgh Local Development Plan, the non-statutory Guidance for Listed Buildings and Conservation Areas and the non-statutory Guidance for Householders. It would not have an adverse impact upon the character and appearance of the Morningside Conservation Area, neighbouring amenity, equalities, human rights and all public comments have been addressed.

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 works 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:

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

The application was advertised on 27th April 2018. Seven representations objecting to the proposal have been received. A full assessment of the parts raised can be found in the assessment section.

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**

Edinburgh Local Development Plan.

Date registered

13 April 2018

Drawing numbers/Scheme

01-02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

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.

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

Appendix 1

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Location Plan



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