

**Full Planning Application 09/00121/FUL  
at  
Land 14 Metres South Of  
5 Plewlandcroft  
South Queensferry**

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**Development Management Sub-Committee  
of the Planning Committee**

29 April 2009

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**Supplementary Report**

This application was previously considered by Committee on **29 April 2009**.

An addendum is included at the end of Section 3 of this report.

1 Purpose of report

To consider application 09/00121/FUL, submitted by Dr + Mrs Gray. The application is for: **Change of use from public amenity ground to private garden and erection of fence**

It is recommended that this application be **GRANTED** subject to the conditions below.

## **2 The Site and the Proposal**

### Site description

The site consists of a detached property on Plewlandcroft plus a triangular area of open space to the rear which has been incorporated into its rear garden area. The larger garden has been enclosed by a 1.7 metre timber fence. Prior to its inclusion within the rear garden space, the land was a public open area of landscaping that fronted onto the main route into the estate? Two trees remain on the land, although the previously hedged boundary has been removed.

### **Site History**

1216/87/24 Application for the erection of 34 houses granted.

### **Description of the Proposal**

The proposal is retrospective and involves a change of use of approximately 68 square metres of public open space to private amenity space for 5 Plewlandcroft. The area of open space has a triangular shape. A 1.7 metre high timber fence has been erected on the boundary with the road.

## **3 Officer's Assessment and Recommendations**

### Determining Issues

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?

## ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the change of use from public to private open space is acceptable.
- b) the boundary fence is detrimental to the visual amenity of the area.
- c) the proposal adversely affects residential amenity.
- d) there are any transport concerns.

a) The area of land was designated as one of a few areas of public amenity space when the Plewlandcroft estate was first developed. At the time of application, the report to Committee recommended refusal of the application and regarded the proposed open space as fragmented and inadequate. Nevertheless, planning consent was granted by Committee.

RWELP policy E51 states that the loss of an area of open space will only be permitted where there is no detrimental impact in terms of recreational, amenity or nature conservation value. The site is small with no recreational value and the vegetation that has been removed provided little nature conservation value. Although the land did contribute to the landscaped setting of the estate it is the erection of the timber fence rather than the change of use that has had an affect on this. In principle the change of use of this land from public amenity space to private garden ground is therefore acceptable.

b) The site is prominently located to front onto the main route through Plewlandcroft and made a small contribution to the landscaped setting of the estate. However, the applicant's have certified that they own the application site and could therefore erect a fence of 1 metre in height in this position without permission. There is little difference between the affect that a 1 metre and a 1.7 metre fence has on the landscaped setting of the estate. The new fencing extends the existing 1.7 metre fencing to the rear of the adjacent 6 Plewlandcroft which was erected as part of the development of the original estate. In this context the size of the new fencing is acceptable and does not adversely affect the character of the surrounding area.

In order for the fencing to be better integrated with its surroundings it should be painted dark brown to match the adjacent fencing.

- c) The erection of the fence will not adversely overshadow adjacent properties nor will it be directly overlooked by neighbouring dwelling houses
- d) There are no road safety concerns.

In conclusion, the land had little value as public amenity space and the erection of a 1.7 timber fence does not adversely affect the character of the surrounding area.

It is recommended that the Committee approves the application subject to a condition regarding the colour of the fencing.

#### Addendum

The application was considered at the Development Management Sub-Committee on 8 April 2009. The Committee sought further details of the original planning permission regarding use of the land and evidence as to its current ownership.

The land is identified as recreational public open space on the approved design layout of the original application. A condition was attached when granting planning permission that requested a detailed landscaping scheme to be submitted showing full details of planting for all open space areas. This was to be approved in writing by the Director of Planning. The approved landscaping was to be maintained for a period of three years by the applicant. There is no record in the planning file of the submitted landscaping scheme. A letter of representation from a neighbouring property states that following the three year period all properties in Plewlandcroft were jointly liable for maintenance.

The applicant has provided a letter from their solicitors that states that the contract for purchase of the land was concluded in July 2008. The title is currently undergoing registration at the Land Register and will be registered under Title Number WLN6694.

#### FURTHER ADDENDUM

The application was again considered at the Development Management Sub-Committee on 29 April 2009.

Committee indicated that it was minded to refuse the application and continued the application for reasons for refusal to be drafted.

A suggested reason for refusal is:

The proposed change of use of the land and the erection of a 1.7 metre high timber fence has had a detrimental impact in terms of recreational and amenity value and is therefore contrary to Rural West Edinburgh Local Plan Policy E51.

As this application is in retrospect, the Committee should confirm if enforcement action is to be undertaken to remove the fence and re-instate the ground to its previous condition.



**John Bury**  
Head of Planning

<b>Contact/tel</b>	Ian Tame on 0131 529 6133
<b>Ward affected</b>	A01 - Almond
<b>Local Plan</b>	Rural West Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Settlement Boundary
<b>Date registered</b>	5 February 2009
<b>Drawing numbers/ Scheme</b>	1 Scheme 1

**Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Control Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517.

Email: [helen.martin@edinburgh.gov.uk](mailto:helen.martin@edinburgh.gov.uk).

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail [david.emerson@edinburgh.gov.uk](mailto:david.emerson@edinburgh.gov.uk) or [henry.scullion@edinburgh.gov.uk](mailto:henry.scullion@edinburgh.gov.uk)

**Application Type** Full Planning Application  
**Application Address:** Land 14 Metres South Of  
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**Proposal:** Change of use from public amenity ground to private garden and erection of fence

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## Consultations, Representations and Planning Policy

### Consultations

No consultations undertaken.

### Representations

The proposal was advertised on 13.02.2009 in the Edinburgh Evening News. Four letters of representation were received, including one from a ward Councillor and one from the Community Council.

The material points of objection are:

- a. Issues of principle, taken account of in assessment a.:
  - loss of open space
  - affect on public amenity
  
- b. Issues of visual amenity, taken account of in assessment b.:
  - unsightly fencing
  - removal of trees and bushes

Other points raised are not material.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

### Planning Policy

The site is within the settlement boundary of the Rural West Edinburgh Local Plan.

**Relevant Policies:**

**Relevant policies of the Rural West Edinburgh Local Plan.**

Policy E43 says that alterations and extensions to existing buildings, where acceptable in principle, should be subservient and relate carefully to the original building.

Policy E51 seeks to retain public and private open space of recreational, amenity or nature conservation value.

**Relevant Non-Statutory Guidelines**

**Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT'** set criteria for assessing proposals in relation to these issues.

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## Conditions/Reasons associated with the Recommendation

### Recommendation

It is recommended that this application be **GRANTED**

### Conditions

1. The fence should be painted dark brown to match the adjacent fencing within three months of the date of consent.

### Reasons

1. In order to preserve the visual amenity of the surrounding area.

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End

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## Location Plan

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