

# Development Management Sub Committee

Wednesday 15 August 2018

## Application for Planning Permission 18/00984/FUL At Garage 8 Metres West Of 2, Old Kirk Road, Edinburgh Demolition of an existing lock-up storage unit and construction of a two bedroom house (as amended).

Item number	4.4
Report number	
Wards	B06 - Corstorphine/Murrayfield

### Summary

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The proposal is acceptable in principle and is of a suitable design, form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal will not have an unacceptable impact on the amenity of neighbouring residents and does not raise any issues in respect of parking or equalities and human rights. The proposal complies with policies Hou 1, Hou 3, Hou 4, Des 1, and Tra 2 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance (EDG). The minor breach of policy Des 5 in respect of overshadowing is acceptable given that the increase in overshadowing to neighbouring properties will be marginal.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES05, LTRA02, NSG, NSGD02,
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# Report

## **Application for Planning Permission 18/00984/FUL At Garage 8 Metres West Of 2, Old Kirk Road, Edinburgh Demolition of an existing lock-up storage unit and construction of a two bedroom house (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is a vacant flat roofed garage building located within a garden ground located on the southern side of Old Kirk Road. The site slopes steeply from north to south with the resultant effect that the front of the garage facing onto Old Kirk Road is a single storey. The garage increases in size as it proceeds southwards and has the appearance of a two storey building when viewed from the south. The associated garden ground extends in an L shaped configuration southwards and westwards. The site covers a total area of 185 square metres.

#### **2.2 Site History**

15 November 2000 - Planning permission refused to convert store below existing garage to form a garden flat. An appeal against this refusal was subsequently dismissed (application reference: 00/02835/FUL).

5 November 2015 - Planning permission refused for the demolition of the existing garage/workshop building and the construction of a two storey dwellinghouse. The proposal was refused on the grounds that it would have an adverse impact on the character of the surrounding area by way of its layout, scale, form and design, would result in the overdevelopment of the site; and would have an adverse impact on neighbouring amenity (application reference: 15/04177/FUL).

## Main report

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### 3.1 Description Of The Proposal

The proposal seeks planning permission for the demolition of the existing vacant garage and the construction of a new two bedroom detached dwellinghouse on the site. The new dwellinghouse will largely mirror the form, scale and footprint of the existing garage, appearing as a single storey structure at the front when viewed from Old Kirk Road while appearing as a two storey structure when viewed from the garden ground to the south. The house will have a footprint of 50 square metres and will incorporate a varied pitched roof design, with the principal (north) elevation measuring 3.35 metres above ground level and the rear (south) elevation measuring 5.9 metres in height at their highest points.

The rear elevation of the dwelling will consist of a weathered steel facade panel separating the ground and first floors, with larch reveals delineating the gable elevations and the roof. Larch reveals are also used to delineate the roof and gable elevations on the front elevation of the building. The spine wall on the rear elevation will be finished in white render, as will the spine wall situated on the principal elevation. The roof will consist of a dark grey standing-seam zinc cladding.

Two sections of glazing on the rear elevation and one on the front elevation will provide daylight to the habitable rooms. The windows will be grey aluminium clad double glazing units. The front door on the south elevation will be weathered steel.

Parking will be provided via the existing driveway which is accessed from Old Kirk Road.

#### Scheme One

The original application description was amended to more accurately describe that the proposal involved the demolition of the existing garage as opposed to its conversion.

#### Supporting Documents

The applicant has submitted the following supporting documents which are available to view via planning and building standards online services:

- Design Statement
- Existing and Proposed Light Study

### 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 proposal is acceptable in principle;
- b) The proposal is acceptable in respect of its design, form, scale, density and impact on the character and appearance of the surrounding area;
- c) The proposal will result in the creation of a satisfactory living environment;
- d) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal raises any issues in respect of parking;
- f) Any issues raised by objectors have been addressed, and
- g) The proposal raises any issues in respect of equalities and human rights.

#### **a) Principle of the Proposal**

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and the relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The site is designated as being within the urban area in the LDP. The proposal is acceptable in principle and complies with LDP Policy Hou 1.

#### **b) Design, Form, Scale, Density and Impact on the Character and Appearance of the Surrounding Area**

LDP Policy Des 1 states that planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character and appearance of the area around it. In addition, policy Hou 4 states that the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

The surrounding area is largely characterised by one and a half storey detached and two storey semi-detached dwellinghouses dating from both the pre-war and post war period. These buildings utilise a variety of different external materials including smooth render, roughcast and natural stone. Set within this streetscape, the proposed form of the dwelling would appear notably different from that of other dwellings in the surrounding area. However, the proposed dwelling utilises high quality build materials and has an imaginative and unique individual design which is of a high standard. The dwelling will also largely replicate the footprint and the height of the existing garage, with the resultant effect that the building would not represent the introduction of an incongruous feature into the streetscape. Furthermore, the visual quality of the building represents a significant improvement on the existing garage, which has a poor aesthetic quality which contributes little of note to the character of street.

The effective density level of the proposal is 53 dwellings per hectare. This is higher than the density level along the north and south sides of Old Kirk Road. However, the proposal forms a unique standalone development and is not part of a wider scheme. In addition, as described above, the development is replacing an existing building of a similar footprint and its overall impact on the established spatial character of the surrounding area will be minimal.

The proposal is appropriate in respect of its design, form, scale and density; and will not have a detrimental impact on the character and appearance of the surrounding area. The proposal complies with LDP policies Des 1 and Hou 4.

#### c) Creation of Satisfactory Living Environment

LDP policy Des 5 states that planning permission will be granted for development where future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The EDG outlines a recommended minimum floor area of 66 square metres for new two bedroom dwellings. The proposed dwelling will have a total habitable floor area of 66 square metres and accords with this requirement.

All of the habitable rooms within the building comply with the no skyline method as set out in the EDG and will receive an adequate amount of daylight.

LDP Policy Hou 3 states that, for flatted or mixed housing/flatted developments, a minimum of 20% of total site area should be useable green space. The proposal includes provision for 110 square metres of rear garden space which represents 58% of the total site area. This will ensure that prospective occupants have access to an acceptable level of amenity space. Existing boundary walls, fences and vegetation will ensure that occupants using the garden will have adequate privacy levels.

The proposal will result in the creation of a satisfactory residential environment and complies with policies Hou 3 and Des 5.

#### d) Impact on Amenity of neighbouring residents

LDP Policy Des 5 states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected.

The potential of the proposal to cause overshadowing to neighbouring properties has been assessed in accordance with the parameters of the BRE Guide, 'Site Layout Planning for Daylight and Sunlight - A Guide to good practice'. A light study has been provided to demonstrate where overshadowing from the building will fall in relation to neighbouring properties and both the summer and winter solstices and spring and autumn equinoxes.

In regards to both neighbouring dwellinghouses, the level of adverse overshadowing which affects the garden grounds of both properties will be broadly in line with the current levels which are a result of the height of the garage. In respect of the premises to west, the study details that there will be a very small increase in overshadowing to the rear garden. The areas which will be affected consist predominantly of the section of land situated between the mutual boundary wall and the gable elevation of the premises and the front garden. In respect of the premises to the east, there will be a marginal increase in overshadowing to the main rear garden.

Both properties encompass sizeable rear garden areas. The premises to the west has a rear garden area of 413 square metres and the premises to the east has a rear garden area of 220 square metres. The majority of both gardens will remain unaffected by any overshadowing from the development.

The windows on the rear elevation will be situated 15 metres from the boundary with the neighbouring property to the south on Gordon Road and further than 25 metres from the rear elevation of this property. The window distance is broadly in keeping with that maintained between other properties located on Old Kirk Road and Gordon Road and sufficient to ensure that there is no adverse overlooking or detrimental impact on privacy levels.

The proposal will not have an adverse impact on the amenity of neighbouring residents. The minor infringement of policy Des 5 is acceptable given that the increase in levels of overshadowing will be marginal and the majority of the neighbouring garden areas will be unaffected.

#### e) Parking and Road Safety

LDP policy Tra 2 states that permission will be granted for development where proposed parking complies with the levels set out in Council guidance, but that lower provision will be pursued subject to whether there will be any adverse impact on the amenity of neighbouring occupiers through on-street parking; and the accessibility of the site to public transport stops on routes well served by public transport, shops, schools and centres of employment.

The premises is identified within the EDG as being within zone 3 of the Council's Parking Standards. The standards identify that new houses with four or more habitable rooms should not have more than two parking spaces. The proposal includes provision for one parking space which will be provided via the existing driveway and complies with the EDG parking standards.

The proposal does not raise any issues in respect of parking and complies with policy Tra 2.

#### f) Matters Raised in Representations

##### **Material Representations - Objections**

- Proposal is not acceptable in principle - addressed in section 3.3 (a).
- Proposal will result in loss of daylight and overshadowing for neighbouring residents - addressed in section 3.3 (d).
- Proposal will have an adverse impact on the privacy of neighbouring residents - addressed in section 3.3 (d).
- Proposal will have a detrimental impact on the character and appearance of the surrounding area - addressed in section 3.3 (b).
- Proposal will not result in the creation of a satisfactory residential environment - addressed in section 3.3 (c).
- Design, scale, height and density of the proposal are inappropriate - addressed in section 3.3 (b).
- Proposal raises issues in respect of parking provision - addressed in section 3.3 (d).

##### **Non-Material Representations - Objections**

- Proposal will result in an increased security risk for neighbouring properties.
- Proposal will result in a reduction in the value of neighbouring properties - The planning authority cannot take into account the impact of a proposal on private property values when assessing its acceptability.
- Noise from plumbing fittings incorporated into the new dwelling.
- The description of the proposal is not accurate as it involves the demolition of the building and the construction of a new dwelling, not a conversion - The application description has been amended and now provides a clearer description of the proposed works.
- The proposal will be built up to existing boundaries and no discussions have taken place regarding access rights to neighbouring properties in connection with maintenance of the structure - access rights are a civil matter and cannot be controlled by the planning authority.

- The drawings submitted are incorrect or incomplete - The drawings and information which have been submitted have been assessed and the planning authority is satisfied that they provide an accurate description of the development and are sufficient to assess its impact on the surrounding area.
- Use of 'architect speak' and 'jargon' in supporting documents.
- Proposal could create a precedent for similar development in the local area - The Scottish Planning System does not include material provision for the concept of precedent. Each application is assessed on its own individual merits.
- Storage of wheelie bins on the driveway - Wheelie bins and moveable bins do not constitute development under section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). The planning authority cannot control or restrict their placement.
- Sewage disposal from the site - Arrangements for the connection of the site to the mains sewer system is a matter which should be addressed with Scottish Water prior to the occupation of the development.

#### g) Equalities and Human Rights

The proposal has been assessed and raises no issues in respect of equalities and human rights.

#### Conclusion

In conclusion, the proposal is acceptable in principle and is of a suitable design, form and scale which will not have an adverse impact on the character and appearance of the surrounding area. The proposal will not have an unacceptable impact on the amenity of neighbouring residents and does not raise any issues in respect of parking or equalities and human rights. The proposal complies with policies Hou 1, Hou 3, Hou 4, Des 1, and Tra 2 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance (EDG). The minor breach of policy Des 5 in respect of overshadowing is acceptable given that the increase in overshadowing to neighbouring properties will be marginal.

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

#### **3.4 Conditions/reasons/informatives**

##### **Conditions:-**

##### **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**

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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:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **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**

Neighbouring residents were notified of the application on 15 March 2018. Seven letters of objection were received in respect of the proposal and a full assessment of the representations can be found in section 3 of the main report.

## Background reading/external references

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- 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 site is located in an urban area in the adopted Edinburgh Local Development Plan (LDP).

**Date registered**

7 March 2018

**Drawing numbers/Scheme**

01 - 07,

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

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

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

## **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, parking, streets and landscape, in Edinburgh.

# Appendix 1

**Application for Planning Permission 18/00984/FUL  
At Garage 8 Metres West Of 2, Old Kirk Road, Edinburgh  
Demolition of an existing lock-up storage unit and  
construction of a two bedroom house (as amended).**

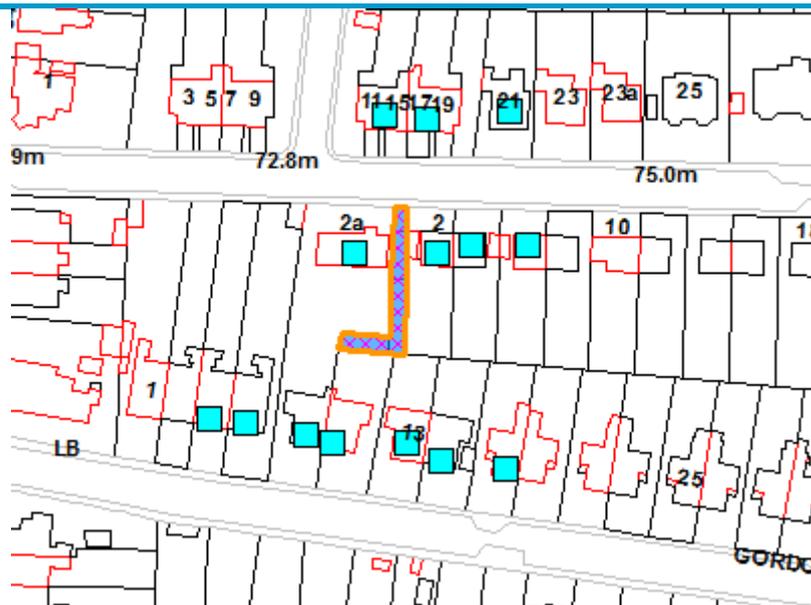
## Consultations

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No consultations undertaken.

## Location Plan

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