

Development Management Sub Committee

Wednesday 21 March 2018

**Application for Planning Permission 17/03277/FUL
At 33 Telford Road, Edinburgh, EH4 2AY
Proposed extension plus deck and concrete slab to rear (in retrospect).**

Item number	4.7
Report number	
Wards	B05 - Inverleith

Summary

The proposal is in accordance with the Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders. The proposal is of an acceptable scale, form and design and will not be detrimental to neighbourhood character. The proposal will not result in an unacceptable loss of neighbouring amenity and no impact on equalities or human rights was identified. There are no material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSHOU,
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Report

Application for Planning Permission 17/03277/FUL At 33 Telford Road, Edinburgh, EH4 2AY Proposed extension plus deck and concrete slab to rear (in retrospect).

Recommendations

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

Background

2.1 Site description

The application site is a detached bungalow, located on the north side of Telford Road. There is a garden to the front and rear of the property. The surrounding area is predominantly residential.

2.2 Site History

01.12.2015 - Planning permission granted to build new extension to side and rear (reference: 15/04754/FUL).

08.09.2016 - Planning enforcement investigation, regarding the alleged non-compliance with the approved plans, pending consideration (reference: 16/00496/ENCOMP).

Main report

3.1 Description Of The Proposal

The application is in respect of an extension to the side and rear of the main house. A detached garage has been demolished to accommodate the development. The application is in retrospect as the development has been substantially completed, with only the external finish and detailing to be completed.

The development is materially different to that approved under planning permission 15/04754/FUL. The extension projects approximately 10 metres from the rear elevation of the original house, which is no greater than previously approved. The extension has a footprint of 181 square metres, which is 7 square metres larger than the extension previously approved. Its positioning, including distance to the boundary, is not materially different. The key difference is the height of the extension as built. The roof extension measures approximately 7 metres in height, which is 2 metres higher than previously approved. The single storey element of the extension measures 4.74 metres in height, which is approximately 1.20 metres higher than previously approved. The extension is to be finished in smooth white render with a metal fascia.

The development includes an area of raised decking to the rear of the extension. The floor level of the raised decking is 1.35 metres above ground level. A 3.1 metre high timber fence has been erected along the western edge of the raised decking. This fence is 1.80 metres above the deck floor level.

The development includes a number of fenestration changes to the existing building. These are permitted development under class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of their merits is required.

The development includes an area of mono block paving to the rear of the extension, and a 250 mm high concrete slab within the rear garden. Both hard surfaces are permitted development under class 3C of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of their merits is required.

The development includes a 1.80 metre high fence around the perimeter of the rear garden. This is permitted development under class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of its merits is required.

Further Information

Further information was provided by the applicant to demonstrate full compliance with the relevant criteria set out in the Council's non-statutory Guidance for Householders for maintaining adequate daylight and sunlight to neighbouring properties. The information, including sun path analysis, is available to view on the Planning and Building Standards online services.

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 of an acceptable scale, form and design and will not be detrimental to neighbourhood character;

- b) The proposal will result in an unreasonable loss of neighbouring amenity;
- c) Any impacts on equalities or human rights are acceptable; and
- d) Any comments raised have been addressed.

a) Scale, form and design and neighbourhood character

The extension is of an acceptable design that remains subservient to the host building. The ridge height and height of the eaves are acceptable as they are compatible with the existing roof and will not overwhelm the house. The rear extension is not visible from the street and does not result in an obtrusive addition within the street scene. The materials and detailing, including smooth white render, glazing and metal fascia, are compatible with the existing building and are acceptable in this location. The extension does not occupy more than one third of the applicant's rear garden area, leaving a reasonable proportion of private amenity space and does not represent overdevelopment.

It is acknowledged that the extension is large in terms of footprint and scale. The original house had a footprint of 114 square metres. The extension has a footprint of 181 square metres, which is only 7 square metres larger than the extension approved under planning permission 15/04754/FUL. In addition, there are examples of similarly large extensions along this section of Telford Road and within the surrounding area. The layout and scale of this development is in keeping with the spatial pattern of the surrounding area, and when considering multiple such developments in close proximity, the development does not have a negative cumulative effect on neighbourhood character.

The area of raised decking to the rear of the extension is of an acceptable scale, form and design and is not detrimental to the appearance of the building or neighbourhood character. The 3.1 metre high timber fence, erected along the western edge of the raised decking, is adjacent to the neighbour's garage, mitigating any visual impact.

Concern has been raised that the ground levels have been changed at the application site. The applicant has stated that there has been no change to ground levels. Notwithstanding, the case officer has visited the site and is satisfied that there has been no material change in the ground levels.

The scale, form and design of the development is acceptable and will not be detrimental to neighbourhood character. This is in accordance with Edinburgh Local Development Plan (LDP) Policy Des 12 and the non-statutory Guidance for Householders.

b) Neighbouring amenity

i) Daylight

With regard to daylight to neighbouring properties, the development fully complies with the 45 degree criterion set out in the non-statutory Guidance for Householders and does not result in an unreasonable loss of daylight.

ii) Overshadowing/Sunlight

With regard to sunlight, the non-statutory Guidance for Householders states that half the area of neighbouring garden space should be capable of receiving potential sunlight during the spring equinox for more than three hours. The development does not rise above the 45 degree line criterion, as set out in the non-statutory Guidance for Householders. As advised in the guidance, where a development fails this first test, other methods may be required - for instance a measurable hour by hour sun path analysis showing how sunlight moves through the [potentially] affected space for both before and after situations.

A sun path analysis has been submitted which shows the amount of additional overshadowing is minimal and any harm caused is limited to a small portion of the overall day - less than three hours during the spring equinox. The development is in compliance with the non-statutory Guidance for Householders and will not cause unreasonable overshadowing of neighbouring properties.

iii) Privacy

The rear elevation windows are more than 9 metres from the boundary and more than 18 metres from the nearest facing window, in accordance with the privacy requirements of the non-statutory Guidance for Householders.

The extension includes side elevation windows that are less than 9 metres from the boundary, creating a marginal privacy issue. The east elevation includes one window at ground floor level and one rooflight at first floor level. The west elevation includes glazed sliding doors at ground floor level and one rooflight at first floor level. The rooflights, by way of their positioning and angle within the roof, will not provide unrestrained opportunities to overlook the neighbouring properties and are acceptable. The 2015 planning permission included ground floor windows in the side elevation of the extension, and the ground floor windows in this application will not result in any greater loss of privacy for neighbouring properties.

The development includes an area of raised decking to the rear of the extension. The floor level of the raised decking is 1.35 metres above ground level. The deck has been built close to the western boundary, creating a marginal privacy issue. However, the deck is adjacent to the neighbour's garage and this helps to mitigate any privacy concerns. In addition, to address concerns of overlooking from the deck, a 3.1 metre high timber fence has been erected along the western edge of the raised decking. This fence rises 1.80 metres above the deck floor level, and provides sufficient screening and the area of decking will not result in an unreasonable loss of privacy. The deck is 9 metres from the eastern boundary, and will not result in an unreasonable loss of privacy for neighbouring properties.

The development will not cause an unreasonable loss to neighbouring amenity. This is in accordance with LDP policy Des 12 and the non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified. An Equalities and Human Rights Impact Assessment has been completed.

d) Public comments

Material Representations - Objection:

- The proposed development is contrary to the non-statutory Guidance for Householders - addressed in sections 3.3 (a) and (b);
- The proposed development is unacceptable in scale, form and design and is incompatible with the existing building, changing its character - addressed in section 3.3 (a);
- The new extension is built above the original height of the eaves - addressed in section 3.3 (a);
- The proposed materials and detailing, including glazing and fascia, are not acceptable - addressed in section 3.3 (a);
- The proposed development will be detrimental to neighbourhood character - addressed in section 3.3 (a);
- The proposed development will have an adverse impact on the spatial characteristics of the wider area - addressed in section 3.3 (a);
- The proposed development represents overdevelopment - addressed in section 3.3 (a);
- The raising of the ground level within the rear garden is unacceptable - addressed in section 3.3 (a);
- The proposed development would result in the loss of sunlight for neighbouring properties - addressed in section 3.3 (b);
- The proposed development, including windows and elevated decking, would result in the loss of privacy for neighbouring properties - addressed in section 3.3 (b);
- The proposed development, including elevated decking, would result in noise disturbance for neighbouring properties - addressed in section 3.3 (b).
- The proposed development should be one metre from the boundary. In planning terms, there is no rigid requirement for a development to be more than one metre from the boundary; and
- The loss of trees is unacceptable. The trees are not protected by a Tree Preservation Order. If any trees are removed from the application site, the Council has no powers to get involved.

Non-Material Representations:

- Concern has been raised that the extension has not been built safely, does not meet fire regulations or disabled access requirements. This is not a material planning consideration. These concerns would be a matter for the Council's Building Standards function to consider before issuing a building warrant;
- No information has been given as to what the concrete slab in the rear garden is to be used for. This hard surface is permitted development under class 3C of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of its merits is required;

- Concern has been raised about energy conservation. This is not a material planning consideration for a proposal of this scale;
- The applicant never discussed the proposal with neighbours. This is not a material planning consideration;
- A tall hedge has been removed without the neighbour's permission. Land ownership, boundary disputes and damage to property are not material planning considerations. This would be a civil matter which the planning authority cannot involve itself in;
- Concern was raised that comments from neighbours are less likely to have influence on a completed build. Applications in retrospect are assessed against the same policies and guidance as any application;
- The area below the house has not been adequately detailed on the proposed plans. The submitted plans and drawings provided sufficient detail for the determination of this planning application;
- Concern was raised that the submitted drawings state 'existing' when the development has commenced. This application is in retrospect, and the 'existing' drawings reflect what was in situ prior to the development commencing;
- Concern was raised, following the re-advertisement of the application, that a new application should have been submitted. It should be noted that further information was submitted. The plans have not been amended. There is no requirement for a new application; and
- The submitted daylight and sunlight reports have been prepared on behalf of the Applicant and are not unbiased reports. All information submitted with a planning application should be accurate. The submitted daylight and sunlight report has been checked and is acceptable.

Conclusion

In conclusion, the proposal is in accordance with the Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders. The proposal is of an acceptable scale, form and design and will not be detrimental to neighbourhood character. The proposal will not result in an unacceptable loss of neighbouring amenity and no impact on equalities or human rights was identified. There are no material considerations that outweigh this conclusion.

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 considered 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

The application was first advertised on 25 July 2017 and eight letters of representation were received, all objecting to the planning application.

Further information was provided by the applicant to demonstrate full compliance with the relevant criteria set out in the Council's non-statutory Guidance for Householdors for maintaining adequate daylight and sunlight to neighbouring properties. Accordingly, the application was re-advertised on 19 January 2018. Neighbour notification letters were re-sent on 6 February 2018 to make clear exactly why the application was being re-advertised.

Six individuals submitted further comments to those they had already submitted. The further comments all maintained their objection to the planning application.

An additional comment was received from Councillor Gavin Barrie, objecting to the planning application.

A full assessment of the representations can be found in the main report 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

11 July 2017

Drawing numbers/Scheme

01-04,

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

Relevant Non-Statutory Guidelines

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

Appendix 1

**Application for Planning Permission 17/03277/FUL
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Proposed extension plus deck and concrete slab to rear (in retrospect).**

Consultations

No Consultations received.

Location Plan



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