

Development Management Sub Committee

Wednesday 9 January 2019

Application for Planning Permission 18/04505/FUL At Land To Rear Of 30, Canaan Lane, Edinburgh New dwelling house and driveway accessed from Jordan Lane (as amended)

Item number	4.3
Report number	
Wards	B10 - Morningside

Summary

The principle of a house is acceptable in this location and the proposal has no significant impact upon the character or appearance of the conservation area. The application complies with local development plan policies and non-statutory guidelines. No other considerations outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES03, LDES05, LTRA02, LTRA03, LEN06, LEN03, LEN12, NSG, NSLBCA, NSGD02, OTH, CRPMON,
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Report

Application for Planning Permission 18/04505/FUL At Land To Rear Of 30, Canaan Lane, Edinburgh New dwelling house and driveway accessed from Jordan Lane (as amended)

Recommendations

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

Background

2.1 Site description

The site lies on Jordan Lane at the point where the lane narrows from 10 metres to 5 metres, such that the stone boundary wall on the west end of the site largely closes the vista when viewing down the lane from Morningside Road. The site extends to 432 square metres and currently forms the southern end of the garden attached to the subdivided villa at 28/30 Canaan Lane. Ground on the site slopes, rising by around 700mm from Jordan Lane to the rear edge of the site.

From Canaan Lane the site is wholly screened by existing buildings and landscape features. As seen from Jordan Lane the site is enclosed by a high, random rubble stone wall. The tops of small outbuildings are visible over the wall as is the roof of the main villa at 28/30 Canaan Lane. A number of immature trees lie behind the wall, the most significant of which is a silver birch in the south-west corner.

The site is flanked by a four storey tenement to the west and a modern, chalet-style bungalow to the east. Jordan Lane has two diverse characters: a strong tenemental form to the north-west for a length of around 150 metres; and an otherwise small-scale, almost rural, character to the south and parts of the north-east, interspersed with some new-build elements.

This application site is located within the Morningside Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes a three bedroom bungalow (with a small concealed basement area). The house has a footprint of 214 square metres and a total floor area of 232 square metres. The proposal largely has a flat membrane roof, but the central section has a low pitch with southern aspect, accommodating solar panels. Walls are a mix of smooth render and natural stone.

The enclosing rubble boundary wall will remain, but a new vehicle access gate is formed within the wall at the south-east corner.

Scheme 1

The proposal was amended to include more stone on the eastern side and make adjustments to design and layout. Ground levels were also clarified.

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) housing is acceptable in principle;
- b) the development preserves or enhances the character and appearance of the conservation area;
- c) the scale, form and design are acceptable;
- d) parking and access are adequate;
- e) impact on trees is assessed;

- f) impact on neighbouring amenity is acceptable;
- g) amenity of the proposed house is acceptable;
- h) the setting of any neighbouring listed building is compromised; and
- i) comments are addressed.

a) Housing Use

LDP policy Hou 1 considers sites suitable for housing use.

The site lies in a wholly residential area within the urban area. A residential infill is acceptable in principle subject to other policy requirements being met.

Densities in the area have two separate characteristics: the tenemental densities to the west vary from 40 to 50 units per hectare; densities of the houses on Jordan Lane vary from 10 to 15 units per hectare.

The density of the proposal equates to 23 units per hectare, which is comparable to surrounding densities and within acceptable limits for this area. Policy Hou 4 on Housing Density is not compromised, and the proposal does not constitute overdevelopment of the site.

b) Impact on Conservation Area

LDP policy Env 6 states that development will be permitted which preserves or enhances the character and appearance of the conservation area.

Morningside Conservation Area Character Appraisal states that Canaan Lane and Jordan Lane “contain a more varied architectural mix of buildings ranging over traditional village dwellings, Georgian villas, and tenements”.

Jordan Lane (where the house will be built) has two distinct characters: tenemental to the north-west; and low-scale, village type character in the remainder. The site lies at the junction between these two characters, but adopts the lower, village scale.

The only part of the building visible in public views will be a 300mm upstand above the boundary wall, appearing over a length of around 4 metres.

The very low profile means that the bulk of the building will remain almost totally unseen from any public viewpoint, unless the vehicular entrance is open. If the latter were the case, a glimpse view of the east side of the proposed house would be visible over a distance of around 3.5 metres. The visual impact of this very low building would be minimal, and there would be no appreciable impact on the appearance of the conservation area.

The loss of boundary wall (this same 3.5 metre length) is minimal and the overall character of the boundary wall is retained.

In terms of the character of the conservation area, large houses in extensive grounds are an essential part of the spatial pattern of the area, particularly to the east of the site.

Although pitched slated roofs predominate in the wider area, flat roofs are common on the modern buildings within the wider area, and now form part of the evolving character.

Overall the proposed new house preserves the character and appearance of the conservation area and complies with policy Env 6.

c) Scale, Form and Design

LDP policy Des 1 considers design quality and context. This seeks new development to be compatible with its surroundings.

LDP policy Des 4 considers the impact of the new development on the setting of existing buildings.

The height of the southern wall is such that the roof level solar glazing will not be visible from pedestrian eye-level. The panels will be visible from first floor windows on the opposite side of the street, but private views are not protected in planning policies. The proposed hole in this wall (3 metres) is not significant in terms of loss of historic fabric. The character of the lane is maintained. Incorporation of the bulk of the wall addresses policy Des 3 of the LDP which considers incorporation of existing features.

Although stone-built, the existing Victorian villa (28/30) is not a listed building, and is currently screened from public view by the high southern boundary wall. A single storey building will not impact upon its setting in any public view.

In terms of streetscape, the only visible changes will be: the breach in the existing stone wall at the south-east corner of the site (onto Jordan Lane); and a 300mm upstand where a very small section of the southern wall and roof will appear just above the existing wall. The gate element was amended to add a solid gate here, which will retain the sense of enclosure. The visual change to the streetscape will be minimal and acceptable.

In terms of spatial pattern the proposal is not considered to be too close to its flanking neighbours.

The height and form are such as to be largely hidden from view; the spatial pattern fits with the pattern on the north side of Jordan Lane; the proposal retains the enclosing stone wall, which is the only element of interest within the site boundary; materials and detailing are appropriate. The density is also appropriate.

The proposal will have a minimal impact on its surroundings and on the appearance of the wider area.

The design is of acceptable quality and meets the requirements of policies Des 1 and Des 4.

d) Car Parking

LDP policy Tra 2 considers car parking.

Current guidelines now seek a maximum of one parking space to serve a house of this size and this is what is proposed. Policy objectives are met. It is noted that the former (and currently unused) vehicle access within the southern boundary wall to the west is sealed over as a dummy door, retaining its existing appearance, but will not re-open as a vehicle access.

The majority of objectors were concerned regarding impact upon on-street parking and upon vehicle movements, especially in the context of a recent development on the south side of Jordan Lane, which has removed the informal turning area. This issue is unconnected to the current application and outwith the applicant's control. It is noted that the adjacent carriageway has double yellow lines, so on-street parking is not possible.

Regardless of the difficulty of turning on the lane, the current application has no further impact on this, and can accommodate the parking generated by the new house. The proposal therefore complies with policy Tra 2.

The house also has ample room for cycle storage both internally and externally, and complies with policy Tra 3.

The additional traffic (one additional car) is not significant in terms of the existing lane usage.

e) Trees

LDP policy Env 12 considers impact upon trees.

Three immature trees are removed along the southern boundary.

Of these, the only tree of significance is an 8 metre silver birch in the south-west corner of the site. This tree does not require removal due to the development (and would fall within the proposed garden of the new house). However, the applicant seeks to remove this tree at the same time and replant an equivalent as the existing tree is leaning significantly and is too close to both the boundary wall and neighbouring tenement.

The current tree is in a raised bed, and adjacent garden ground has been lowered. This appears to have undermined the root system and the tree now leans into the garden.

The tree is to be replaced by an identical tree (silver birch - heavy standard) which will be replanted further from the boundary wall and tenement, to provide a better long-term future for the tree, without prejudice to adjacent structures.

In this context, the tree work is acceptable. A condition is added to ensure replanting is done within an appropriate period.

f) Impact on Amenity

LDP policy Des 5 and the Edinburgh Design Guidance consider impact upon neighbouring amenity.

As a single storey building the building has no effect on neighbouring daylight, and privacy issues are resolved by existing boundary walls and the proposed new internal boundary between the site and the existing villa.

Neighbouring amenity is unaffected and complies with policy Des 5.

The garden of the remaining property will reduce to around 90 square metres on the south side (plus an unaltered area to the north). This remains acceptable for the amenity needs of that house, and, although smaller than other gardens on Jordan Lane, is comparable to other new developments in the wider area.

g) Amenity of the Proposed House

LDP policy Des 5 and the Edinburgh Design Guidance consider the amenity of the occupiers of the proposed house.

The house is generously proportioned with good open aspects. Daylight levels will be acceptable. The garden is split into two areas of around 50 square metres each, together totalling around a quarter of the site. Garden ground will be adequate for amenity needs, in compliance with policy Des 5.

h) Impact on the Setting of Listed Buildings

LDP policy Env3 considers impact on the setting of listed buildings.

Although most buildings on the south side of Jordan Lane are listed, the existing south boundary wall acts as a foil between the new building and these listed buildings.

As this wall will remain, the proposal has no impact on the setting of any listed building in any public view.

i) Public Comments

One neutral comment considered the design "sympathetic" and one support letter considered the application would provide good sized family accommodation.

Reason for objection were:

Material Objections

- overdevelopment - addressed in section 3.3 a).
- too close to existing buildings - addressed in section 3.3 c).
- compromise to existing character/ out of character - addressed in section 3.3 b).
- impact on trees - addressed in section 3.3 e).
- loss of a section of stone wall - addressed in section 3.3 b).
- loss of sunlight/ daylight - addressed in section 3.3 f).

- impact on parking/ no visitor parking - addressed in section 3.3 d).
- impact on the setting of listed buildings - addressed in section 3.3 g).
- privacy and overlooking - addressed in section 3.3 f).

Non-Material Objections

- structural impact on neighbouring buildings - this is a structural issue rather than a planning matter.
- continual disruption by developments on the lane/ noise from construction - this is not a reason to resist the proposal.
- the proposal will set a precedent- each case is decided on its own merits.
- neighbouring sheds receive support from the boundary wall - this is a legal matter but there is no proposal to remove this wall.
- recent developments have changed the character of the lane - this is addressed in terms of the character of the area.
- noise from construction - this is not a planning matter.
- there are other developments on the lane – the planning authority can only consider the current application.

Conclusion

The principle of housing is acceptable and the proposal will have no significant impact upon the character or appearance of the conservation area. The application complies with local development plan policies and non-statutory guidelines. No other planning considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. The proposed silver birch shall be planted within one calendar year of works commencing on site, to the specification shown on the approved drawings.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to preserve the sense of landscape within the streetscape.

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. 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.
3. 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.

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 meets 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

The application was advertised on 31 August 2018.

40 representations were received 38 of which were in objection. The objections included comment from AHSS and Cllr Ross. These are assessed in section 3.3 i) of the assessment.

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 site lies in the Morningside Conservation Area as shown in the Local Development Plan (LDP).

Date registered

21 August 2018

Drawing numbers/Scheme

1,2a,3

Scheme 2

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 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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

Relevant Non-Statutory Guidelines

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

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.

Other Relevant policy guidance

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.

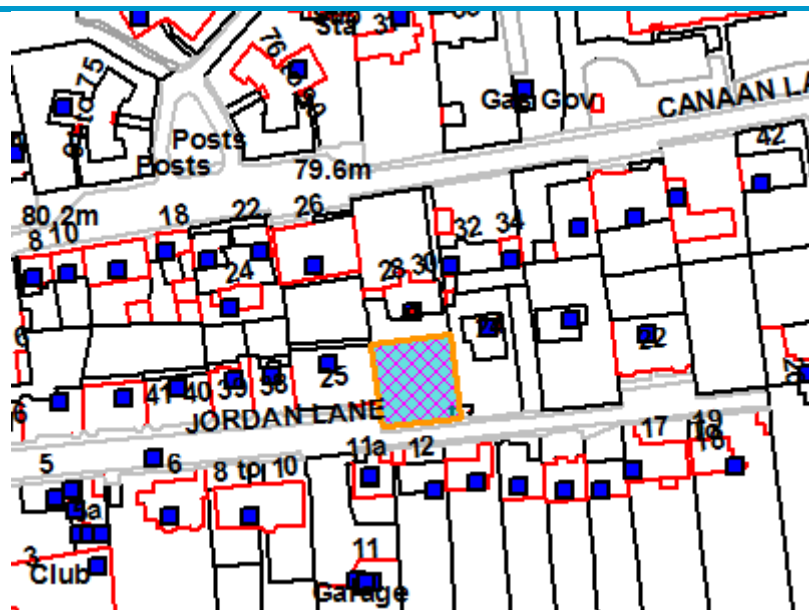
Appendix 1

Application for Planning Permission 18/04505/FUL At Land To Rear Of 30, Canaan Lane, Edinburgh New dwelling house and driveway accessed from Jordan Lane (as amended)

Consultations

No consultations undertaken.

Location Plan



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