

Development Management Sub Committee

Wednesday 9 January 2019

**Application for Planning Permission 18/08460/FUL
At 40 Craigleith Hill Avenue, Edinburgh, EH4 2JN
Proposed single storey rear extension with access to
garden (in retrospect).**

Item number	4.4
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.

Links

[Policies and guidance for this application](#) LDPP, LDES12, NSG, NSHOU,

Report

Application for Planning Permission 18/08460/FUL At 40 Craigleith Hill Avenue, Edinburgh, EH4 2JN Proposed single storey rear extension with access to garden (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 one and a half storey, end terrace dwellinghouse and is located on the north side of Craigleith Hill Avenue. There is an existing single storey side extension.

The surrounding area is predominantly residential, although the application site backs onto the Maggie Centre and the Western General Hospital.

2.2 Site History

3 December 2008 - Planning permission granted for removal of internal wall, addition of French doors and window at rear, new garage / utility room (application reference: 08/03743/FUL).

27 November 2012 - Planning enforcement investigation regarding decking and fence within rear garden. Closed (enforcement reference: 12/00680/EOPDEV).

7 February 2017 - Planning permission granted for full width rear extension to form new kitchen/family room (as amended) (application reference: 16/06212/FUL).

10 May 2018 - Application for a non-material variation, approved (application reference: 16/06212/VARY).

18 May 2018 - Planning enforcement investigation, regarding the alleged non-compliance with the approved plans, pending consideration (enforcement reference: 18/00283/ENCOMP).

Main report

3.1 Description Of The Proposal

The application is for a single storey rear extension. The application is in retrospect as the development has been substantially completed.

The flat roofed extension will provide additional living accommodation and will be finished in blue engineering facing brick and grey zinc cladding with grey coloured aluminium bi-fold doors formed in the rear elevation.

The extension will measure 4.60 metres in height, 6.30 metres in length, and 8.10 metres in width. A 0.90 metre deep platt and steps provides access from the extension to the rear garden.

The development, as built, is materially different to that approved under planning permission 16/06212/FUL. Planning enforcement investigation 18/00283/ENCOMP ascertained that the submitted plans for planning application 16/06212/FUL did not accurately show the ground levels within the rear garden. A new application was requested to consider the proposed development in the context of the changes in ground level and the resultant change in wall height relative to ground level.

Supporting Statement

This application includes a supporting statement/covering letter. The supporting statement 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 proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) The proposal will cause an unreasonable loss to neighbouring amenity; and
- c) Any comments raised have been addressed.

a) Scale, form and design and neighbourhood character

The contemporary extension is well designed and it does not have an adverse impact on the character and appearance of the property. The height of the eaves are acceptable as they match the eaves of the existing single storey side extension and tie in with those of the main house - the proposed development is subservient and does not overwhelm the host property. The rear extension is not visible from the street and does not result in an obtrusive addition within the street scene. The proposed materials and fenestration design are compatible with the existing building, represent good quality modern additions and are acceptable in this location.

Concern has been raised that the proposed development will treble the footprint of the original house. It is acknowledged that the application property has been extended previously with a single storey side extension. However, it should be noted that the non-statutory Guidance for Householders does not explicitly restrict site coverage for non-villa properties. The guidance does advise that rear extensions should not occupy more than one third of the applicant's original rear garden and that there should be enough private garden space left after extensions - normally at least 30 square metres, depending on the spatial pattern of neighbourhood to avoid over-development. The application site is relatively large and is capable of accommodating further development. The proposed 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.

There are a number of comparable extensions within the same street and 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 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

The proposal will not cause an unreasonable loss to neighbouring amenity for the reasons set out below.

i) Daylight

In terms of daylight, the rear elevation conservatory extension at 42 Craigleith Hill Avenue is served by a large area of glazing including two windows and fully glazed French doors. The nearest rear elevation window would be partially affected by the proposal. However, the impact is limited to one window only. The second rear elevation window and fully glazed French doors are unaffected and will ensure that the room will continue to receive a reasonable level of daylight.

With regard to daylight to the neighbouring property to the east, the proposed 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 to the neighbouring property at 38 Craigleith Hill Avenue.

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 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 proposed rear elevation windows are more than 9 metres from the boundary and more than 18 metres from the nearest facing window.

The proposed development includes a 0.90 metre deep platt and steps to the rear of the extension, to provide access to the rear garden. However, the depth of the platt would not allow for a formalised outdoor sitting area that could have a detrimental impact on neighbouring residential amenity in terms of noise and privacy. In addition, there is no change of use proposed and the use of ancillary residential garden spaces cannot be controlled by the planning system.

Concern has been raised that the raised decking/patio that has been constructed will create noise disturbance and a loss of privacy for neighbouring properties. The raised decking/patio has been omitted from this application and does not form part of the proposed development. However, the planning authority considers it expedient to attach a condition to ensure the removal of the raised decking/patio that is currently in situ. With this condition attached, any impact on neighbouring residential amenity in terms of noise and privacy will be resolved.

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

c) Public comments

Material Representations - Objection:

- The proposed development is contrary to the Edinburgh Local Development Plan - addressed in section 3.3 (a) and (b);
- The proposed development is contrary to the Non-statutory Guidance for Householders - addressed in section 3.3 (a) and (b);
- The proposed development is unacceptable in terms of design, form, materials and positioning - 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 development is of an inappropriate scale, overwhelming the application property and neighbouring properties - addressed in section 3.3 (a);
- The proposed development will treble the footprint of the original house and occupies more than one third of the rear garden, and represents overdevelopment - addressed in section 3.3 (a);
- The proposed development is detrimental to neighbourhood character - addressed in section 3.3 (a);
- The proposed development will result in a loss of daylight - addressed in section 3.3 (b);
- The proposed development will result in a loss of sunlight - addressed in section 3.3 (b);
- The proposed development will result in a loss of privacy for neighbouring properties - addressed in section 3.3 (b);
- The proposed development will result in noise disturbance for neighbouring properties - addressed in section 3.3 (b);
- The proposed development creates human rights issues - addressed in section 6.1.

Material Representations - Support:

- The proposed development is a high quality extension that will enhance the neighbourhood - addressed in section 3.3 (a);
- The proposed development will enhance the property - addressed in section 3.3 (a);
- The proposed development is not visible from the street - addressed in section 3.3 (a);
- The proposed materials enhance the development and are sympathetic to the mix of housing in the street - addressed in section 3.3 (a);
- The application property has an extensive garden that is able to accommodate the extension, and the proposal does not represent overdevelopment - addressed in section 3.3 (a);
- Sufficient private amenity space will remain - addressed in section 3.3 (a);
- The proposed development is in keeping with extensions that have been granted planning permission of a similar scale and size - addressed in section 3.3 (a).

Non-Material Representations:

- The submitted plans, including measurements and ground levels, are inaccurate. All plans submitted as part of an application for planning permission should show the application site accurately and to scale. The submitted plans are in accordance with the measurements taken on site and do appear to reflect the ground levels within the rear garden;
- The property boundary, as shown on the plans, is incorrect. Land ownership and boundary disputes are not material planning considerations;
- Concern was raised that the submitted drawings state 'proposed' when the development has been completed. This application is in retrospect, and the 'existing' drawings reflect what was in situ prior to the development commencing. The 'proposed' drawings reflect the scheme that planning permission is being sought for;
- An area of decking at the bottom of the garden is not shown on the proposed plans. This decking/structure was subject of a planning enforcement investigation in 2012, where it was assessed to be acceptable;
- The proposed development will set a bad precedent. Each planning application is considered on its own merits;
- The proposed development will affect property prices for nearby properties. This is not a material planning consideration;
- The development has been completed before planning permission has been granted. Applications in retrospect are assessed against the same policies and guidance as any application;
- The proposed development will provide much needed family space and accommodation. This is not a material planning consideration.

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. 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

Conditions:-

1. Within one month of the date of this decision to grant planning permission, the raised decking/patio to the rear of the extension must be removed in its entirety.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

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 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 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 advertised on 17 October 2018 and twenty nine letters of representation were received, nineteen objecting to the planning application and ten in support of the planning application. These included comments from Councillor Iain Whyte, 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	5 October 2018
Drawing numbers/Scheme	01-02, Scheme 1

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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.

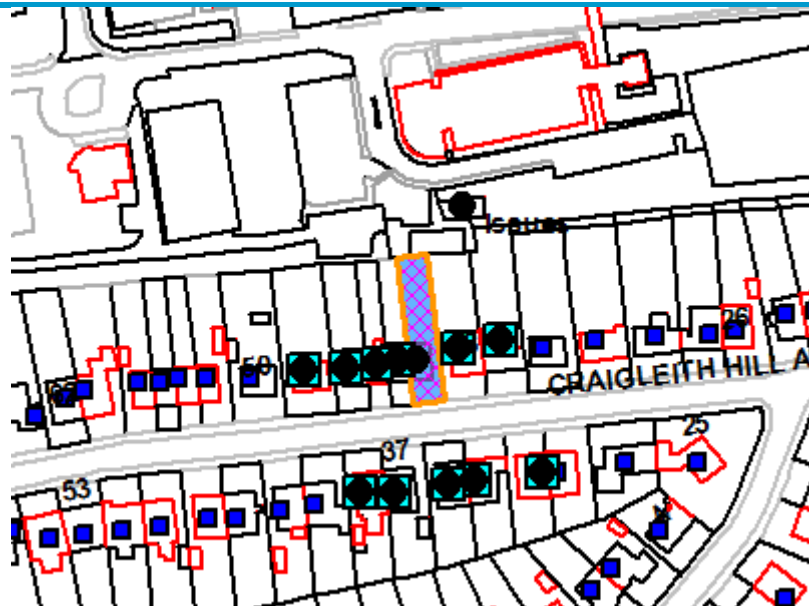
Appendix 1

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Consultations

No Consultations received.

Location Plan



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