

Wood Associates.
FAO: Harry Wood
11 St Fillans Terrace
Edinburgh
EH10 5NH

Mr Kenneth & Mrs Angela
Notman.
11 Zetland Place
Edinburgh
EH5 3LZ

Decision date: 22 July 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Forming a driveway and parking space to the front of the house.
At 11 Zetland Place Edinburgh EH5 3LZ

Application No: 19/02454/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 23 May 2019, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

1. The application would be detrimental to neighbourhood character and to the character and appearance of the conservation area.

Reasons:-

1. To protect neighbourhood character and the character and appearance of the conservation area.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 to 03., represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders". There are no material planning considerations which would justify approval.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Val Malone directly on 0131 529 3485.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 19/02454/FUL At 11 Zetland Place, Edinburgh, EH5 3LZ Forming a driveway and parking space to the front of the house.

Item	Local Delegated Decision
Application number	19/02454/FUL
Wards	B04 - Forth

Summary

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders". There are no material planning considerations which would justify approval.

Links

<u>Policies and guidance for this application</u>	LEN06, LDES12, CRPTRI, NSHOU,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site comprises a ground floor flat within a three storey, subdivided stone built villa, located on the south side of Zetland Place close to its junction with Stirling Road. To the west of the front garden area serving an upper flat, there is a detached block of two flat roofed garages each with an off-street parking space in front of them, one of which serves the application property.

This application site is located within the Trinity Conservation Area.

2.2 Site History

23 August 2018 planning permission granted for an extension to the side and rear, velux windows to front and rear, creation of off-street parking place, as amended to delete creation of the off-street parking space (18/02711/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the creation of an opening in the existing low stone boundary wall and the installation of a 5.5 metre deep and 3.2 metre wide off-street parking space. The parking space would be formed in Marshalls Drivesett Savana permeable mono-blocks. A set of 2.5 metre high metal gates (opening inwards) would be installed across the opening.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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, it needs to be considered whether:

- (a). The proposed scale, form and design is acceptable, would accord with neighbourhood character and preserve or enhance the character or appearance of the conservation area
- (b). The proposal will cause an unreasonable loss to neighbouring amenity;
- (c). Any impacts on equalities or human rights are acceptable;
- (d). Any comments raised have been addressed.

(a). The Trinity Conservation Area Character Appraisal emphasises the wealth of detached villas set in substantial plots with generous spacing to their neighbours, the high quality stone built architecture of restricted height, the predominant use of traditional building materials (such as local sandstone for buildings and boundary walls), and the predominance of residential use.

Edinburgh Local Development Plan (ELDP) Policy Env 6 permits development which preserves or enhances the character or appearance of the conservation area, are consistent with the relevant conservation area character appraisal and preserves features such as boundary walls which contribute positively to the area's character. Policy Des 12 supports development which would not be detrimental to neighbourhood amenity and character. The non-statutory "Guidance for Householders" set out criteria to be taken account of in the formation of vehicle access and parking in residential gardens.

The proposal would involve removal of a 3.2 metre wide section of the original stone boundary wall and the creation of a second vehicular access to serve the application property. Removal of part of the stone boundary wall means loss of traditional and historic fabric which would be detrimental to the character and appearance of the conservation area and to ELDP Policies Env 06 and Des 12. Whilst it must be accepted that there are a number of vehicular access to properties in the Trinity Conservation Area, the general pattern is that they are formed to the sides of properties, rather than vehicles being parked directly in front of part of a principal elevation. Taking account of the non-statutory "Guidance for Householders" criteria, whilst the proposal does not transgress the portion of front garden taken up by paving, the depth of the parking area does not meet the required 6 metres (which could lead to problems of vehicles overhanging the pavement) and its width exceeds the recommended 3 metres. In addition, this guidance advises against the formation of two vehicular accesses to any individual property.

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders".

(b). The proposal meets the aims and objectives of the non-statutory "Guidance for Householders" in relation to the protection of neighbouring residential amenity, by way of daylight, loss of sunlight or privacy.

(c). There would be no impact on equalities and human rights.

(d). The public comments can be summarised and addressed, as follows:

Material Planning Considerations

Objection to the formation of a second vehicular access to the property - this is addressed in (a), above;

Concern with respect to loss of garden ground and creation of parking space in a front garden - this is addressed in (a), above;

Concern with respect to removal of the stone boundary wall, this would have a detrimental impact on the streetscape and erode the character of the conservation area - this is addressed in (a), above.

Non-material Considerations

Approval would set a precedent for further such applications - every application must be treated on its own merits.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Conditions:-

1. The application would be detrimental to neighbourhood character and to the character and appearance of the conservation area.

Reasons:-

1. To protect neighbourhood character and the character and appearance of the conservation area.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

Two representations have been received, objecting to the proposal, one from an amenity body and one from a community council. These are summarised and addressed in the Assessment Section of this Report.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

The application site is identified as being within the urban area and a conservation area in the adopted Edinburgh Local Development Plan 2016.

Date registered

23 May 2019

Drawing numbers/Scheme

01 to 03.

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Val Malone, Senior planning officer
E-mail:val.malone@edinburgh.gov.uk Tel:0131 529 3485

Links - Policies

Relevant Policies:

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

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

The Trinity Conservation Area Character Appraisal emphasises the wealth of detached villas set in substantial plots with generous spacing to their neighbours, the high quality stone built architecture of restricted height, the predominant use of traditional building materials, and the predominance of residential use.

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

Appendix 1

Consultations

Transport Development has commented that it has no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018
http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guide_lines including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous;
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point.

END

Comments for Planning Application 19/02454/FUL

Application Summary

Application Number: 19/02454/FUL

Address: 11 Zetland Place Edinburgh EH5 3LZ

Proposal: Forming a driveway and parking space to the front of the house.

Case Officer: Val Malone

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Thank you for the opportunity to comment on the above planning application. The proposal concerns the enlargement of an opening in the front boundary wall of the property and subsequent conversion of a portion of the garden to create a parking space. The Forth & Borders Cases Panel of the AHSS has considered the proposal and wishes to make the following comments.

The Panel is concerned that since the property is located within the Trinity Conservation Area the removal of its boundary wall and fencing could detract from the current cohesion found within the neighbourhood. The Panel observed that neighbouring properties seem to retain their front gardens sans the parking spaces.

Accordingly, the AHSS wishes to object to the proposal. The excessive amounts removed from the front boundary wall could have a detrimental impact on the overall character of the streetscape and could set precedent for neighbouring properties to do the same, further eroding the conservation area. The proposals contravene Policy ENV6 of the Local Development Plan

11 Zetland Place Application 19/02456/FUL - Message (HTML)

FILE MESSAGE IDOX McAfee E-mail Scan

Ignore Delete Reply Reply All Forward More Meeting Move OneNote Mark Unread Categorize Follow Up Translate Find Related Select Zoom Insights

Delete Respond Move Tags Editing Zoom

Fri 21/06/2019 21:12

 Tricia Brindle <triciabrindle@gmail.com>
11 Zetland Place Application 19/02456/FUL

To Val Malone

Forming Driveway and Parking Space to the Front of the House
As the property already benefits from a garage with a parking space in front of it the creation of an additional separate parking space does not seem necessary. There are also concerns about breaking through the wall on the street frontage and the loss of garden ground to hard standing.
Tricia Brindle
Trinity Community Council

Sent from [Mail](#) for Windows 10