

Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/05306/FUL
at Land 7 Metres West Of 46, Craigleith Road, Edinburgh,
Erect new House.**

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposal complies with the relevant policies in the adopted local development plan and non statutory guidance. The proposed site has been shown to be a suitable location for the erection of a dwelling house. This proposal would not be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to refuse granting planning permission.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN12, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

Report

Application for Planning Permission 20/05306/FUL at Land 7 Metres West Of 46, Craigleith Road, Edinburgh Erect new House.

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 separate plot which was previously part of the garden ground of No. 46 Craigleith Road, a semi-detached two storey house on the south side of Craigleith Road. The area is characterised by traditional bungalows, semi-detached and terraced two storey properties which share a horizontal emphasis. Access to the proposed property will be via the existing driveway utilised by No.46.

2.2 Site History

5 October 2016- An application for planning permission to erect a new house within the curtilage of No. 46 Craigleith Road was withdrawn (application reference: 16/03885/FUL).

17 February 2017- An application to erect a new house within the curtilage of No. 46 Craigleith Road was refused under delegated powers (application reference:17/00023/FUL).

28 July 2017- The Local Review Body upheld decision by the Chief Planning Officer to refuse planning permission (review reference:17/00044/REVREF).

5 December 2018 - An application to erect a new house within the curtilage of No. 46 Craigleith Road was refused by the Development Management Sub-Committee (application reference:18/07513/FUL).

13 May 2019- Appeal allowed by the Planning and Environmental Appeals Division to grant permission to erect a new house within the curtilage of No. 46 Craigleith Road (Appeal Reference: PPA-230-2262).

14 August 2020- An application to erect a new house within the single building plot to the west of No. 46 Craigleith Road was approved by the Development Management Sub-Committee (application reference:20/00890/FUL).

Main report

3.1 Description of the Proposal

The application is for planning permission for the erection of a three-bedroom, two storey flat roofed house with single storey rear element. The plot is approximately 8.1 metres wide and approximately 40 metres deep.

The proposed house would be approximately 18.8 metres deep, 6 metres wide and will have a maximum height of 6.57 metres, which will closely match the eaves height of the neighbouring two storey buildings. The single storey rear element of the property will have a maximum height of approximately 2.9 metres.

The new building will be set back from the mutual boundary shared with the neighbouring properties to the west of the site (No. 48 and No. 50) by approximately 1.2 metres. The distance between the proposal and these neighbouring dwellings will be about 3 metres.

The distance between the proposed property and the dwelling to the east of the site, No. 46, will be approximately 1.6 metres.

One parking space would be located within the curtilage of the proposed dwelling.

The dwelling would be externally finished in render and timber cladding. It will also have a green roof.

A fence has already been erected along the new boundary formed between No.46 and the application site, while there is a solid wall present along the mutual boundary currently shared with the neighbouring properties, No. 48 and No. 50 Craigleith Road. The applicant now proposes to construct a new stone wall between the plot and No.46.

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 principle of development at this location is acceptable;
- (b) the proposal is of an appropriate scale, form and design;
- (c) the proposal will result in a satisfactory residential environment;
- (d) the proposed use would result in any loss of amenity;
- (e) road safety, car and cycle parking has been addressed;
- (f) the proposal will have an impact in terms of flooding;
- (g) the proposal will have an impact on trees;
- (h) other material matters have been addressed and
- (i) public comments have been addressed.

(a) The Principle of Development in this Location

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposal is compatible with other policies in the plan.

LDP policy Hou 2 - (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area consists of largely detached, semi-detached and terraced dwellings. The proposed dwelling would provide further accommodation within the area for families and complies with LDP policy Hou 2.

Planning permission was refused by the Development Management Sub Committee for the erection of a new dwelling house on this site under planning application 18/07513/FUL.

The decision was then overturned by the Scottish Government's Planning and Environmental Appeals Division (DPEA) and consent was granted. Another application for the erection of a dwelling house on the site, of materially different design to that already consented, was then approved by the Development Management Sub Committee under planning application 20/00890/FUL. This consent is still extant. The principle of constructing a dwelling within the site is therefore established.

Overall, the proposal is also compatible with other policies in the plan and therefore the principle of housing development is acceptable.

The proposal complies with Policy Hou1.

(b) Scale Form and Design

LDP policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings.

LDP policy Hou 4 - (Housing Density) sets out criteria for establishing whether the density of a proposed development is compatible with the character of the area.

The dwellings in the surrounding area are largely terraced, semi-detached dwellings and traditional bungalows.

The new proposed house is a two-storey dwelling with an eaves line that matches that of the directly neighbouring properties.

The proposed house will be externally finished in a mixture of render which is common on many of the surrounding properties and timber.

The main two storey body of the proposed dwelling will largely match the height and depth of the directly nearby properties. The scale, form and design of the proposed dwelling is overall very similar to that approved under 20/00890/FUL. There are some differences in the number and positioning of windows proposed and to the layout of the already approved external finishing materials. However, the main design difference between this application and that approved under 20/00890/FUL is that the depth of the rear single storey element of the building has been extended. The approved application had a single storey element which was approximately 4.3 metres in depth and 6 metres in width. The proposal will also have this single storey element, but it will be further extended in depth by 3.6 metres to a total depth of 7.9 metres. This proposed addition will, however, only be 3.1 metres in width and will only be 2.9 metres in height.

The application site is deep and there will still be approximately 13.8 metres between the rear of the proposed property and the rear mutual boundary of the garden. More than adequate garden ground will be retained. It is further acknowledged that many of the neighbouring properties have also been extended, to quite a degree, which could be expected given the depths of their rear gardens.

Overall, the proposal broadly complies with LDP policies Des1, Hou 4 and Des 4.

(c) Residential Environment

LDP Policy Des 5 (Development Design- Amenity) states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy and immediate outlook.

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

The proposed dwelling will have large windows to its front and rear elevations at both ground floor and upper level. It would provide adequate levels of sunlight/daylight for any future occupiers. It will also provide adequate internal floorspace and a good amount of external garden ground will also be provided. It would have to comply with the building regulations in terms of adaptability and sustainability and it meets the other criteria of Des 5.

The proposal complies with policy Des 5 and the Edinburgh Design Guidance.

(d) Loss of Amenity to Neighbours

LDP Policy Des 5 (Development Design- Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.

It is noted that the majority of the two-storey element of the proposed property will lie within a gable to gable situation between the neighbouring two storey buildings.

The Edinburgh Householder Guidance states that *Windows will only be protected for privacy and light if they themselves accord with policies in terms of distance to the boundary. Windows on side walls or gables - as often found on bungalows, for instance- will not normally be protected as they are not set back sufficiently from the boundary to be "good neighbours" themselves, taking only their fair share of light.*

The Edinburgh Design Guidance states that *Daylight to gables and side windows is generally not protected.*

There are two side windows proposed within the main body of the dwelling, which will face towards the west. However, these windows will lie within the gable to gable zone and are relatively high level, approximately 1.65 metres off the ground level, and will be shielded, to a degree, by the existing boundary wall. It is further noted that these windows will provide sunlight to a bathroom and kitchen area.

The boundary distances between the application site and the gable windows of the directly neighbouring dwellings has been established through the approval of the previous consents. As such the windows of neighbouring properties that lie within the gable to gable zone cannot be expected to be protected from loss of privacy or sunlight.

The original plans showed a large window in the proposed rear office which would face west. The proposal has now been amended so that this large window has been replaced with high level windows which are 1.8 metres (approximately) off the ground level. These windows will also be set off the mutual boundary which they will face by roughly 4 metres and will also be shielded by the existing boundary wall. The rear facing windows will overlook the garden of the application property. Windows are assessed for privacy only within the width of the window and spread views are not considered.

The plans submitted show an upper level window which opens onto the flat sedum roof of the single storey rear element of the proposal. It is highlighted on the plans that this is only for maintenance purposes. Planning permission would be required if the applicant wanted to utilise the roof as a balcony area as formation of security/safety barriers would be required. It is unlikely that consent for these changes would be forthcoming.

The proposed dwelling will not materially impact upon existing levels of privacy currently enjoyed by neighbouring properties.

The proposed two storey element of the building shall project approximately 800mm beyond the rear elevation of No. 46. It will, however, be set back from the existing rear elevation of No. 48. The limited degree of projection beyond the existing rear elevation of No. 46, by the two-storey element of the proposal, will ensure that any additional overshadowing will not be significant.

The single storey rear element of the proposal will extend 3.6 metres further into the plot than that previously approved. However, it is acknowledged that the overall height of the single storey element is limited at roughly 2.9 metres. The applicant is proposing a 1.8 metre high stone wall along the mutual boundary and a wall/fence up to 2 metres in height could be erected along the mutual boundary without the requirement for planning permission. The proposed additional office element will only be 900mm above the maximum height of a fence over a distance of 3.6 metres. The applicant has provided a supporting sun analysis which shows that the additional office will not have a material impact on the levels of sunlight/daylight received by No. 46.

The neighbouring properties have large rear south facing gardens which the proposal will not materially impact.

The proposed property will be detached and set back off mutual boundaries. It is unlikely that the normal residential use of the property would generate a significant noise impact upon existing residents. Construction noise is not controlled by the planning authority.

The proposal complies with policy Des 5 the Edinburgh Design Guidance and the Edinburgh Guidance for Householders.

(e) Traffic or Road Safety Issues

LDP policy Tra 2- Private Car Parking states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 - Private Cycle Parking states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The Roads Authority was consulted as part of the assessment of the application. It has confirmed that it has no objections to the proposal

The application proposes one off street car parking space which is acceptable. The dwelling will have a large rear garden for the secure storage of bikes and a bike store is shown in the plans.

The proposal complies with LDP policy Tra 2 and Tra3.

f) Flooding

LDP policy Env 21- Flooding states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

The recently updated Scottish Environmental Protection Agency (SEPA) flood maps show that the area around the site has a high risk of surface water flooding. Flood Planning were consulted as part of the assessment of the previous application for the site (20/00890/FUL) and stated that given the scale of the development, a separate flood risk assessment would not be required. Flood Planning did, however, ask for a Surface Water Management Plan (SWMP) to be submitted for their written approval.

They further commented that as part of the SWMP, they would request that the surface water flood risk is considered, as the online indicative SEPA flood maps show ponding on Craigleith Road. The SWMP should consider the flood risk from surface water runoff from outside of the development boundary entering the site and should ensure that the development does not increase the flood risk to neighbouring properties.

The property does not lie within an area defined as at risk of river or coastal water flooding. A condition has been applied to the consent to ensure that a surface water management plan is submitted for the written approval of the Council prior to works commencing on site.

g) Trees

LDP policy Env 12- Trees states that development will not be permitted if likely to have a damaging impact upon a tree protected by a tree preservation order or on any other tree worthy of retention.

The site does not lie within a conservation area and no trees within the site or directly nearby are covered by a tree preservation order. It appears that the majority of small trees that were previously within the site have already been cleared.

There is a line of mature/semi mature trees to the north of the site. However, these are approximately 10 metres from the proposed development and are separated by the pavement, boundary wall and existing driveway.

The previous applications for a detached dwelling house on the site largely shared the same position and footprint as that proposed. No concerns were raised in the report produced by the DPEA with regards to the proposals potential impact on trees either within or surrounding the site.

The proposal broadly complies with LDP policy Env 12.

h) Waste

The neighbouring properties are already served by Waste Services. Waste Services will provide a service here. The plans submitted show that the refuse bins shall be sited within a bin store to the rear of the garden. The rear gardens, and bin store will also be separated by a 1.8-metre-high stone wall. The proposed bin store will not have a material impact upon neighbouring properties in terms of potential odours. The previously approved plans had a bin store in a very similar position.

(i) Public comments

Material Representations - objection

- Concerns relating to design and appearance of building. This is addressed in section 3.3b
- Proposal is overdevelopment of the site. Scale of proposed office building. This is addressed in section 3.3a & b.
- Overshadowing and loss of sunlight. This is addressed in section 3.3d.
- Overlooking and loss of privacy. Concerns about the use of the access door to flat roof. This is addressed in section 3.3d.
- Potential disturbance and noise. This is addressed in section 3.3d.
- Odours, proposed siting of bins. This is addressed in section 3.3h.

Non Material Representations - objection

- Proposed wall must be constructed fully within the grounds of the application site. - Any disputes over boundaries are a civil matter.

Conclusion

The proposal complies with the relevant policies in the adopted local development plan and non statutory guidance. The proposed site has been shown to be a suitable location for the erection of a dwelling house. This proposal would not be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to refuse granting planning permission.

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. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A Surface Water Management Plan shall be submitted for the written approval of the Council as Planning Authority prior to any works commencing on site. This should be prepared in line with the self-certification scheme below.

CEC Flood Planning Self-Certification Requirements and Guidance:

http://www.edinburgh.gov.uk/info/20045/flooding/1584/flood_planning_application

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) order 1992 as amended (or any order amending, revoking or re-enacting that order), no extensions to the new house as hereby permitted shall be constructed without the submission of a new planning application for the assessment of the Council as Planning Authority.

Reasons:-

1. In the interests of amenity.
2. In the interests of amenity.
3. In the interests of surface water management.
4. In order to protect the amenity of neighbouring properties.

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.
4. As part of the SWMP, we would request the surface water flood risk is considered, as the online indicative SEPA flood maps show ponding on Craigleith Road. The SWMP should consider the flood risk from surface water runoff from outside of the development boundary entering the site and should ensure that the development does not increase the flood risk to neighbouring properties.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

In total, seven letters of objection have been received.

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

Date registered 30 November 2020

Drawing numbers/Scheme 01,02,03a,04a,05a,06,07a,

Scheme 2

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PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

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

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

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 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 Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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

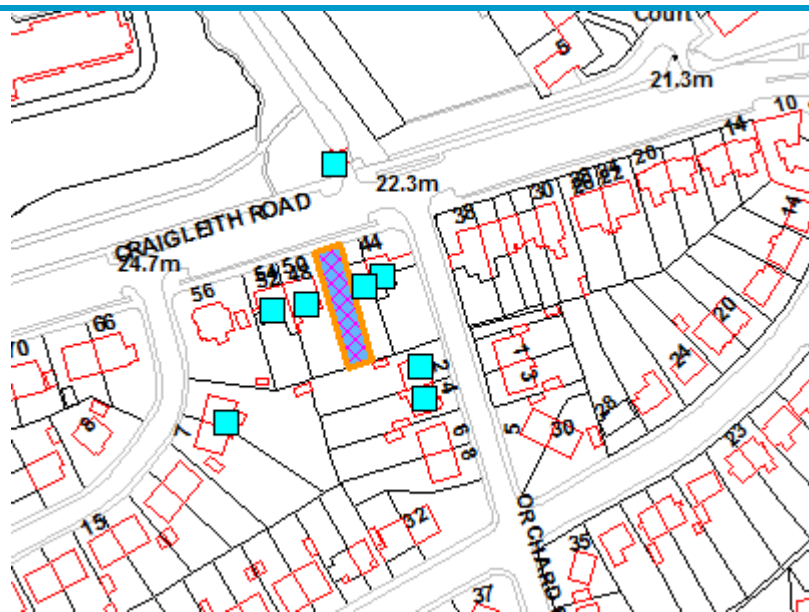
Application for Planning Permission 20/05306/FUL at Land 7 Metres West Of 46, Craigleith Road, Edinburgh Erect new House.

Consultations

Roads Authority

No objections.

Location Plan



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