

# Development Management Sub Committee

**Wednesday 16 March 2022**

**Application for Planning Permission 21/05149/FUL  
at 8A Napier Road, Edinburgh, EH10 5BD.  
New three bedroom, two storey house within the garden of  
8A Napier Road, including minor alterations to the existing  
house.**

**Item number**

**Report number**

**Wards**

B10 - Morningside

## Summary

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The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the development preserves the character and appearance of the conservation area and respects the setting of the adjacent A listed building.

The proposal is acceptable in this location and complies with the Local Development Plan. It is of an appropriate design, form and scale and is in keeping with the character, appearance and spatial pattern of the surrounding area. The proposal draws on the positive characteristics of the surrounding area.

The principle of housing is acceptable.

The proposal will not have a detrimental impact on neighbouring amenity and will provide a satisfactory living environment for future occupiers. There are no parking or road safety issues.

The proposal complies with the sustainability principles of Scottish Planning Policy. There are no material considerations which outweigh this conclusion.

## Outcome of previous Committee

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This application was previously considered by Committee on 26.01.2022

Site visit - This application was continued by the Committee for a site visit. The application is returning to Committee for a decision.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, LEN06, LEN12, LEN21, OTH, NSGD02,

# Report

## **Application for Planning Permission 21/05149/FUL at 8A Napier Road, Edinburgh, EH10 5BD. New three bedroom, two storey house within the garden of 8A Napier Road, including minor alterations to the existing house.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is an area of land to the north-west of the host villa, a sub-divided villa containing 8 and 8A Napier Road. The land is garden ground for 8A, the upper floor of the sub-divided villa, accessed by stairs at the side.

The villa was subdivided in 1956. There are some modern garages at the rear and an area of hardstanding which is required for access to the garages. There is a high stone wall which hides the site from the street view. There is a pedestrian access gate within the wall providing access on to Napier Road.

There is a yew tree on the site and an ash tree on the neighbouring site.

The surrounding area is largely residential with stone villas predominating. However, there are modern flats on the other side of the road. Napier University sits at the back of the site. The property at 10 Napier Road is category A listed (LB reference 27279, listed 14 December 1970). Napier Road and Spylaw Road Walls and Gatepiers of the Former Rockville House is category B listed (LB reference 49538, listed 1 August 2003).

This application site is located within the Merchiston and Greenhill Conservation Area.

#### **2.2 Site History**

There is no relevant planning history for this site.

## Main report

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### 3.1 Description of the Proposal

The application proposes to erect a three bedroom house in the garden grounds of the upper villa. This will be two storey in height with the wall built up to create a curved gable to the street. The bedrooms on the upper floor will be lit by rooflights and high level windows facing the garden.

The design is contemporary, and the majority of the house will be finished in a dark stained softwood cladding. The roof structure of rafters and purlins will also be exposed in the manner of arts and craft buildings. At the apex of the roof is a row of photovoltaic cells along the southern side complemented by roof lights on the northern side. All windows will be dark stained hardwood.

Garden ground is shown to the side and rear and a small area of amenity space is also shown for the remaining upper floor flat. A gate will be formed in the front wall for access to the existing upper flat. A boundary of brick walls and fencing is proposed to be constructed between the remaining external space of 8A and the garden of the new house.

There is no car parking space proposed on the site. Bicycle parking for 3 bicycles is accommodated in a storeroom along the northern edge of the new building.

The works include a porch to the front door on number 8A at first floor level which is within the ownership of the applicant.

The application is submitted by a close relative of a serving Councillor and requires a committee determination.

#### Supporting Information

- Design statement
- Flood risk assessment
- Tree report

These documents are available to view on the Planning portal.

### 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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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, the Committee needs to consider whether:

- a) the proposal preserves the setting of the adjacent A listed building;
- b) the proposal preserves or enhances the character and appearance of the conservation area;
- c) the proposal is acceptable in principle;
- d) the proposal is acceptable in terms of scale, form, design and materials;
- e) the proposal has an adverse impact on residential amenity;
- f) the proposal will have car and bike provision;
- g) the proposal will impact on trees;
- h) other material planning considerations have been addressed;
- i) equalities and human rights issues have been addressed and
- j) all material comments raised have been addressed.

#### a) Setting of listed building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Policy Env 3 (Listed Buildings - Setting) states that development affecting the setting of a listed building will be permitted only if not detrimental to the appearance or character of the building, or to its setting.

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It states that factors to be considered in assessing the impact of a change on the setting of a historic asset or place include the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this and the ability of the setting to absorb new development without eroding its key characteristics and the effect of the proposed change on qualities of the existing setting.

The site lies next to No.10 Napier Road, an A listed building which was designed by Sir James Gowans. The proposed new house in the grounds of No.8/8a would be built close to the southern boundary wall of No.10 on garden ground and the upper level will be visible from the listed building. As the main entrance to No.10 faces south towards the development site, it is possible that some views of the frontage will be impacted although in practice the high stone walls and the tree cover means that views of the listed building do not appear until you are past the development site.

As the grounds of No.10 are generous, there is still ample setting for the listed building despite views to the new house. This will appear as a separate structure behind the boundary walls and trees. There is also no impact on the setting of the listed wall opposite of the building.

Historic Environment Scotland has raised some concerns regarding the impact on the setting of the A listed building but do not consider the proposal's impacts on No.10 would be significant.

The proposal will not detract from the special architectural and historic interest of the adjacent listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

#### b) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area.

The proposal is substantially smaller than a typical villa in Napier Road and has been designed as a subsidiary building largely hidden from public view behind the original stone wall. As such, this modest addition would not be an intrusive feature and would have a minimal impact on the appearance of the conservation area.

Despite the fact that the proposal will not follow the well-established building line, the house has the size and character of a subsidiary building often found at the entrance to large villas. The design statement gives examples of such buildings in the surrounding area including the lodges at George Watson's school, a gatehouse in Spylaw Road and a lodge type building on the corner of Colinton Road and Gray's Loan.

In terms of the character of the conservation area, the proposed design represents a contemporary style against the more traditional stone villas in the conservation area. However, there is a mix of styles within this conservation area including the modern flats on the other side of the road. The proposed materials, with the extensive use of timber, complement this more contemporary design approach, rather than using more traditional materials. The innovative use of materials and design is a valid approach and provides a clear contrast with the original properties. The aim is to be able to read the historical and architectural progression of the area by the buildings within it. This new development is different from the essential character of the conservation area but will add to its richness of character by its high-quality design and materials. As such, it preserves the character of the conservation area.

The proposal complies with policy Env 6 and meets the requirements of Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### c) Principle of the Proposal

The proposal site is located in the urban area as designated in the Local Development Plan (LDP). LDP Policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria (a-d) on where this can be achieved.

Criteria d) prioritises the delivery of housing on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals must be compatible with other policies in the plan.

The site is located in proximity to sustainable modes of transport and there is established residential development in the surrounding area. The site is a suitable location for new housing, subject to compliance with all other relevant policies. These are outlined below.

#### d) Scale, form, design and neighbourhood character

LDP policy Des 1 - Design Quality and Context, states development will be granted for development that contributes towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area.

Supporting paragraph 151 states the purpose of the policy is to encourage innovation in design and layout, provided the existing quality and character of immediate and wider environment are respected and enhanced.

LDP policy Des 4 - Development Design - Impact on Setting, states permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, character of the wider townscape and landscape including, height and form, scale and proportions, position, materials and detailing.

There is a regular pattern to development in the immediate area and there is a clear established building line within the spatial area. Each property is set back from the street, separated with a stone wall and each villa benefits from large garden areas which contribute positively to the character of the area. There is a settled townscape character.

Essentially, the house will sit behind the high stone wall and will not appear as a dominant feature. It provides an innovative design with the wall built up to create a curved gable to the street which will add an attractive design element to the street. The house would be set within a large garden plot and does not represent overdevelopment.

In summary, the proposal is of an acceptable scale, form and design and is compatible with the surrounding properties and area.

The proposal does comply with the LDP policy Des 1- Design Quality and Context and Des 4 - Development Design - Impact on Setting.

#### e) Residential amenity

##### *Amenity of Future Occupiers*

Policy Des 5 (Development Design- Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity in regard to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

Regarding space standards, Edinburgh Design Guidance (EDG) states that residential dwellings of three bedrooms shall have a minimum floor area of 81 square metres. The proposed dwelling contains three bedrooms, and the overall floor areas is over 145 square metres. It therefore complies with the standards.

In terms of daylight, the dwellings will achieve a satisfactory level of daylight by virtue of the scale of windows on the principal and rear elevations.

The garden area for the new house is 202 square metres and this will receive good sunlight.

Overall, the proposal will result in the creation of a satisfactory residential environment and complies with LDP Policy Des 5.



### *Neighbouring amenity*

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

All proposed windows on the new building have windows situated further than 18 metres from any neighbouring habitable rooms. The front windows that are embedded in the wall would look over the public street which is not considered to have any privacy issues. The larger windows on the side of the property will face garden and boundary treatments and will not result in a material loss of privacy.

In addition, the proposal would include an additional porch to the stairs at number 8A in order to prevent any privacy or overlooking.

There would be no impact in regard to daylight or sunlight to the near neighbouring properties.

It is noted the proposal will result in reduced garden space for the applicant's property at 8A Napier Road, with a resultant size of 104 square metres. However, the remaining size of this amenity space is more than adequate garden space for residents.

Environmental Protection was consulted on the scheme and recommended refusal on the basis they cannot support the proposed wood burning stove due to the close proximity of the flue to the window of number 8A Napier Road (the applicant's current property). However, the fuel being burned is not controlled by the Planning Authority and the design of the flue is acceptable. The marginally affected property is sufficiently protected provided the stove and fuel comply with the Clean Air Act. The appropriate informative has been added to advise about smoke control.

Overall, the proposal is compliant with LDP Policy Des 5, the Edinburgh Design Guidance and will not result in an unreasonable impact on neighbouring residential amenity.

#### f) Car and Cycle parking and accessibility

LPD Policies Tra 2 (Private Car Parking), Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) sets out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The proposal does not provide any car parking space. However, the site is located quite near to local transport links and has easy access to nearby facilities, therefore there is an incentive for zero car parking provision.

The proposal includes a space in which bikes can be securely stored.

The Roads Authority was consulted as part of the assessment of the application and raised no concerns with regards to road or pedestrian safety.

The proposal complies with LDP policies Tra 2, Tra 3 and Tra 4.

#### g) Trees

Policy Env 12 (Trees) of the Local Development Plan states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless for good arboriculturally reasons.

Trees make an important contribution to character, biodiversity, amenity and green networks. In the Merchiston and Greenhill Conservation Area, mature trees make an important contribution to its character and appearance.

With regards to this application, the proposals do not include any removal of trees within the garden of the application property or the neighbouring property. Both trees are outwith the footprint of the new house.

The proposal is considered acceptable as it would not have any impact on the tree root system. In addition, the tree survey has advised a pre-requisite measure that could be implemented while the development takes place is 'to install temporary ground protection measures around the base of the trunk to prevent soil compaction and rutting. This could comprise sheets of heavy-duty plywood or butt-jointed scaffolding boards.' A condition is recommended to that effect.

In conclusion, the tree survey outlines that the proposed extension and the recommended works will not be detrimental to the tree and its amenity value will be maintained subject to the appropriate conditions to safeguard them during the construction.

The proposals comply with Local Development Plan Policy Env 12

#### h) Other material planning considerations

##### *Surface Water Management*

Policy Env 21 (Flood protection) states that planning permission will not be granted for development that would: a) increase a flood risk or be at flooding itself; b) impeded the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; c) be prejudicial to existing or planned flood defence systems.

A Surface water management plan has been submitted and Flood Planning has no objections subject to conditions or informative.

## *Sustainability*

Policy Des 6 (Sustainable Buildings) states that planning permission will only be granted for new development where it has been demonstrated that criteria a) and b) can be met with regards to; a) carbon dioxide emissions reduction through the use of low and zero carbon generating technologies and b) other features are incorporated that will reduce or minimise environmental resource use and impact. The supporting text clarifies that Scottish Building Standards set carbon dioxide emissions reduction targets. To meet this criterion proposals for new development must accord with the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards) and also demonstrate that at least half of this reduction will be met through low and zero carbon technologies. This aspect will therefore be assessed during the building warrant process.

The building will be required to be constructed to meet the building regulations and, therefore, will be a sustainable building. The house is intended to be carbon neutral. Energy sources will be 6.75m<sup>2</sup> of PV cells on the roof, a ground source heat pump and DEFRA approved wood burning stove.

The proposal complies with LDP policy Des 6.

## *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 to the far end of the side of the property. The proposed bin store will not have a material impact upon neighbouring properties in terms of potential odours.

## *SPP Sustainable Development*

Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old. The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions.

The development proposes an appropriate and sustainable land use which will provide local housing and protect the historic environment. The scheme makes good use of the land available, and the design will create a sense of place, including amenity space.

The proposals include measures to assist with climate change mitigation, including zero car parking, ample cycle parking, a low and zero carbon heating/hot water system and recycling facilities.

The proposed development therefore complies with SPP principles.

## *Emerging Policy Context*

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

i) Equalities and Human Rights

The submitted design statement states the proposal is to create a one and half storey dwelling for the owners of 8A Napier Road and their disabled son, ensuring his mobility and self-care independence needs are met.

The statement details that it is the intention for one of the bedrooms to be occupied by him, the main space to be open plan enabling direct access to a garden and the bathroom designed suitably for wheel-chair use. The dwelling is to be built as a permanent residence that will be a suitable family house inclusive for those with special needs.

The proposal supports community inclusivity through the provision of a home that provides for varying needs. Furthermore, an adaptable user-friendly home will enable enhanced comfortable family living for a disabled individual. In addition, granting of planning permission would demonstrate a positive ethos by the City of Edinburgh Council in promoting inclusivity and variety in homes.

The planning application raises matters of equality as the purpose of the proposal is to provide a home that is designed suitably to meet the identified needs of a disabled individual, and this is a material planning consideration.

The Local Planning Authority has a legal obligation to have due regard to persons with protected characteristics under Section 149 - Public Sector Equality Duty of the Equality Act 2010. The Council in determining the planning applications under Section 25 of the Town and Country Planning (Scotland) Act 1997, must consider whether this material consideration outweighs any potential non-compliance with the Edinburgh Local Development Plan.

The internal arrangement cannot be controlled under planning. However, it is recognised that the overall scale, design and footprint of the dwelling proposed would enable suitable accommodation to be achieved for a disabled individual, and the rest of the family.

Under Section 149 - of the Equality Act 2010, the public authority must have due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not.

In this case, the delivery of an accessible home designed to accommodate a person's disability has the potential to advance equality of opportunity between persons who share a protected characteristic and persons who do not.

Unless a legal agreement is put in place, it would not be possible to ensure that the house, if granted planning permission, is occupied by a disabled person. An Occupancy Restriction under a Section 75 legal agreement could be applied restricting the occupation of the property to people with a disability (and their dependents) as set out under the Equality Act 2010. However, the legal agreement would be tied to the property and future occupiers would have to abide by the occupancy restriction.

On balance, the proposal does comply with the LDP therefore there is no requirement to consider whether the requirements of the Equalities Act outweighs non-compliance. However, should the Committee come to a different conclusion on compliance with the LDP, this material consideration will have to be fully assessed as part of the decision-making process.

It should also be noted that some of the objections related to adverse impact on mental health and it is recognised that contentious planning applications and subsequent construction can be stressful for neighbours. However, equalities and human rights has been considered as part of this application and no negative impacts were found.

#### j) Public comments

##### **Material Comments: Objection:**

- significant impact on the conservation area and surrounding buildings - assessed in section (b)
- impact on the privacy, overlooking, sunlight and the daylighting issues - assessed in section (e)
- lack of car parking - assessed in section (f)
- does not comply with the guidance as projects beyond building line - assessed in section d)
- proposed materials do not keep with the area - assessed in section (d)
- contrary to Policy Env 6 - assessed in section (b)
- overdevelopment of the site - assessed in section (d)
- inappropriate design - assessed in section (d)
- negative impact on the A Listed Building - assessed in section (a)
- removal of trees is not acceptable - assessed in section (h)
- remaining garden of the flat 8A would be too small - assessed in section (e)
- not all neighbours have been notified - notification has been sent out in accordance with the statutory requirements
- impact on health and mental health - addressed in section (i)

##### **Non-material consideration**

- this proposal will set precedents - there is no precedent in planning as each application is considered on its own merits;
- breach of the title deeds - This is a private, civil matter which cannot be materially assessed as part of the planning application;
- block the view - this is not a material planning consideration
- remove main access to the flatted property - this is a private, civil matter which cannot be materially assessed as part of the planning application;

- the applicant does not own the public space to project the window or roof onto the public space - this is a land ownership issue which cannot be materially assessed as part of the planning application;
- disturbance due to the construction work - this is not a material planning consideration;
- there is no legal right to access courtyard by any additional access gate - this is a private, civil matter which cannot be materially assessed as part of the planning application;
- potential damage to the boundary wall - this is a private, civil matter which cannot be materially assessed as part of the planning application;
- the applicant is a local councillor - this has been declared on the application form and is not relevant to the assessment against the LDP

### **Neutral**

- carbon neutral is very welcome
- attractive design

### **Support**

- adds charm and variations on the street
- good for climate change
- eco-friendly
- design for disability
- high quality design
- good low-rise in-fill house

### **CONCLUSION**

In conclusion, the proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the development preserves the character and appearance of the conservation area and respects the setting of the adjacent A listed building.

The proposal is acceptable in this location and complies with the Local Development Plan. It is of an appropriate design, form and scale and is in keeping with the character, appearance and spatial pattern of the surrounding area. The proposal draws on the positive characteristics of the surrounding area.

The principle of housing is acceptable.

The proposal will not have a detrimental impact on neighbouring amenity and will provide a satisfactory living environment for future occupiers. There are no parking or road safety issues.

The proposal complies with the sustainability principles of Scottish Planning Policy. There are no material considerations which outweigh this conclusion.

## **Addendum to Assessment**

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions: -**

1. During construction work, temporary ground protection measures around the base of the trunk as detailed in the submitted tree survey shall be done to prevent soil compaction and rutting.
2. 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.

#### **Reasons:-**

1. In order to safeguard protected trees.
2. To ensure the development is compatible with the character of 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. 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. 1.Prior to construction, the applicant should provide written confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.

2. As recommended in the Surface Water Management Plan (SWMP), infiltration testing should be conducted to determine whether a soakaway (or partial soakaway) can be introduced to manage surface water and reduce the volume of surface water discharging to the combined network

5. The development proposal includes a flue. The associated solid fuel stove/burner, which does not require planning permission, should be an 'exempt appliance' in terms of the Clean Air Act 1993 and the City of Edinburgh Council's Smoke Control Area Orders. Advice on this matter is available at [http://www.edinburgh.gov.uk/info/20237/pollution/312/smoke\\_control](http://www.edinburgh.gov.uk/info/20237/pollution/312/smoke_control) or by contacting Environmental Assessment on 0131 469 5475 / email [environmentalassessment@edinburgh.gov.uk](mailto:environmentalassessment@edinburgh.gov.uk)

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **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 has attracted 51 comments objecting the proposal, 4 in support and 2 neutral.



## Background reading/external references

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- 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**

30 September 2021

**Drawing numbers/Scheme**

01-14,

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer  
E-mail: [weronika.myslowiecka@edinburgh.gov.uk](mailto:weronika.myslowiecka@edinburgh.gov.uk)

## **Links - Policies**

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### **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 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 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 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.

### **Other Relevant policy guidance**

**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 21/05149/FUL At 8A Napier Road, Edinburgh, EH10 5BD New three bedroom, two storey house within the garden of 8A Napier Road, including minor alterations to the existing house.**

### **Consultations**

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#### **Environmental Protection**

Environmental Protection cannot support this application and recommends refusal.

*The application site is an open garden area between residential buildings. The application includes a proposed log burning stove*

*The proximity of this stove exhaust point in relation to nearby existing residential buildings is a concern for Environmental Protection. We feel the likelihood of odours from the stove entering neighbouring properties is relatively high and residential amenity will be impacted by its inclusion in the application.*

*Environmental Protection therefore cannot support this application and recommends refusal.*

#### **Historic Environment Scotland**

##### *Our Advice*

*We have been consulted over the potential impact of works within the property boundary of No.8 &8a Napier Road on the setting of No.10 Napier Road, a Category A listed building. In assessing the setting of No.10 we have followed our Managing Change guidance on*

*Setting; identifying the asset, defining its current setting, and assessing the impact of the proposals on that setting.*

*Historic Environment Scotland - Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. SC045925 VAT No. GB 221 8680 15 No.10 Napier Road was designed by Sir James Gowans for Francis Sheppard in 1859, and was built in his wildly eclectic style, with different stones used in a banded modular grid layout. The Cyclopean masonry pattern extends to the boundary walls on Napier Road and to the north on Merchiston Crescent. It originally faced Gowans' own, even more elaborate home, Rockville, tragically lost in 1966. No.10 was designed within a generous stone-walled corner plot, set to lawns and trees. The triple-gabled entrance frontage is to the south (actually SE) with the main principal rooms facing west onto Napier Road (as well as south and north). The original service areas of the house are situated to the NE. A tennis court was recently built between the house and the boundary with No.8/8a. Despite later additions to No.8/8a, and building in the vicinity, (c1900 tenements and college buildings*

*to the east), the original plot and immediate setting of No.10 survives. The proposed new house in the grounds of No.8/8a would be built close to the southern boundary wall of No.10 on garden ground. The addition of a two-storey pitched roofed building in the northern plot of No.8/8a would impact adversely on certain views of the entrance façade of No.10 from the south, when travelling north, although trees will obscure this at certain times of the year. Views towards the gabled entrance front would still be available closer to the listed building, due to its generous grounds. There would also be views from the listed house to the proposed new building, which is considerably taller than the shared boundary wall. This will reduce the sylvan garden setting of the house a little. The raising of the boundary walling of No.8/8a, though in matching rubble, would be an unexpected, quirky addition to the established height of boundary walling of the conservation area, adversely impacting on the unusual Cyclopean masonry of No.10's walling, immediately adjacent.*

*In conclusion, we consider the works would have some harmful impacts on the setting of No.10 and its associated boundary walling. Such impacts could be reduced by revising the height and massing of the building to fit more sensitively behind the existing boundary walling. However, we do not consider the proposal's impacts on No.10 would be significant. Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

## **Waste**

*No objection*

## Location Plan

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