

Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/04975/FUL
At 30 Redford Drive, Edinburgh, EH13 0BG
Erection of a new separate dwelling in the rear garden of
no. 30 Redford Drive.**

Item number

Report number

Wards

B08 - Colinton/Fairmilehead

Summary

The proposal is contrary to the policies contained in the Edinburgh Local Development Plan. The proposal would constitute an overdevelopment of the site, where the subdivision will adversely undermine the settled townscape character and the amenity value of the area. Future occupiers will not have satisfactory living environment in terms of useable garden space for a three-bedroom house. There are no material considerations that would outweigh the resultant harm.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LEN12, LEN21, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSHOU,

Report

Application for Planning Permission 19/04975/FUL At 30 Redford Drive, Edinburgh, EH13 0BG Erection of a new separate dwelling in the rear garden of no. 30 Redford Drive.

Recommendations

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

Background

2.1 Site description

The application site is the north west facing rear garden of 30 Redford Drive, which is a single storey, detached, hipped roofed bungalow with a dormer window to the rear. The site is situated on a corner plot with Redford Drive to the north and Westgarth Avenue to the west. The rear garden has a north west gradient and it measures approximately 23.5 m metres in depth. Within the gardens, there is a mature silver birch tree that is not protected. The curtilage fronting onto Westgarth Avenue is characterised by low walling with hedges.

The surrounding area is predominately residential with a similar style of properties. A number of properties have been extended to the rear.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The proposal seeks to subdivide the existing rear garden of 30 Redford Drive and to erect a three-bedroom detached house. It will be single storey in height with a hipped roof; the front pitch will have a dormer window and the rear pitch will have five rooflights. The new build will be fronted and accessed from Westgarth Avenue, with a mono block drive proposed to provide one car parking space. The new build will have a north east facing rear garden and it will measure approximately 70 sqm with a proposed depth of 4.85m to the rear. A new 1.8-metre-high close boarded fence would enclose the sides and rear of the site.

The proposed treatment finish includes natural slates for the roof and white painted roughcast for the walls. Doors and windows will be painted timber.

One silver birch tree is to be removed.

A supporting statement was submitted, and this is available to view on the Planning and Building Standards online 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.

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 housing on this site is acceptable;
- b) the proposal is of appropriate design, having regards to the spatial characteristics of the surrounding area;
- c) the proposed density is acceptable and future occupiers will have acceptable levels of amenity;
- d) the proposal will impact on neighbouring amenity;
- e) there are any other material considerations; and
- f) representations received have been addressed

a) Principle

Policy Hou 1 Housing Development in the Edinburgh Local Development Plan (LDP) states the circumstances that priority will be given to the delivery of the housing land supply. Criteria (d) of policy Hou 1 permits housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the plan. The application site is in an urban area. However, the proposal does not comply with the other policies in the LDP as detailed below and so does not comply with policy Hou 1.

b) Development Design

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The development pattern of the area shows that elongated rear gardens make a positive contribution to the settled townscape character and overall amenity. A number of properties in the area have been extended to the rear, yet there is still an overall consistency in the relationship between buildings and garden sizes. Properties on Westgarth Avenue are defined by the consistent appearance of detached properties of similar scale and proportions, with steep hipped roofs.

The rear garden of 30 Redford Drive is approximately 413 sqm with a depth of 23.5 m. The proposed subdivision of the rear the garden would leave 30 Redford Drive with a garden depth of 9.15m which is not consistent with the settled townscape character in terms of the relationship between buildings and garden sizes. The subdivision of the plot would occupy more than one third of the existing garden and it would undermine the established character and amenity setting to 30 Redford Drive.

The new house would be situated to align with the established front building line on Westgarth Avenue. Due to the size constraints of the site, the new house will not align with the rear building lines of neighbouring properties and provision for private garden space will measure 4.85 metres from the rear of the house to the boundary fence. Whilst the design of the house would largely be in character with the appearance of the area, the design would have a greater width and a larger roof form to address the depth constraints of the site. The positioning of the house fails to respect the established distance between buildings and it will not provide sufficient garden depth to have a positive impact, which reflects the high amenity value of gardens in this area. The siting of a new house on this plot will result in overdevelopment and it will adversely alter the spatial pattern of the area that is worthy of retention.

The subdivision of the plot and siting of a new house will have an adverse impact on the positive qualities that makes an important contribution to the settled townscape character of the area. The proposals do not comply with policy Des 1, Des 3 and Des 4 of the LDP.

c) Density, Mix and Future Occupiers

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that future occupiers of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area; the need to create an attractive residential environment within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living. It goes on to explain that in established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

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.

The Edinburgh Design Guidance (page 93) states that for private open space/gardens, they should be designed for a range of functions.

The Edinburgh Design Guidance states that the minimum internal floor area for a three-bedroom unit should not fall below 81 sqm. The ground floor will have an internal footprint of 71 sqm and the first floor will have an internal footprint of 30 sqm; the proposal exceeds the minimum floorspace standards.

The arrangement of the proposed living spaces and windows will ensure that future occupiers will have sufficient levels of daylight.

The non-statutory 'Guidance for Householder' states 18m is the minimum recommended distance between windows, usually equally spread so that each property's windows are 9 metres from the common boundary. It also advises that ground floor windows can sometimes be closer than 9 metres to a boundary if they can be screened in some way.

The proposed plans indicate that a 1.8-metre-high close boarded fence would be erected to the rear of the new house. The height and position of the fence in relation to the new house is not shown on the cross section. The windows on the new house will not face directly onto opposing windows but onto the neighbouring gardens of 28 Redford Drive. While the erection of a fence would address privacy concerns, the proposal fails to demonstrate that future occupiers will have sufficient rear garden amenity for a three-bedroom house.

The proposed strip of garden space to the rear will measure 70 sqm (4.85m by 14.5m). However, the rear garden will have a north east facing orientation with very limited capacity to receive sunlight. The depth and layout of the garden will not provide future occupiers useable garden space, and this is not acceptable as part of a new build development for a three-bedroom house. The lack of quality amenity space undermines the high amenity value that is well established in the area. In addition, the scope to facilitate the adaptability of the new house would be limited in its ability to meet the needs of different future occupiers.

Whilst the new house would have a street facing frontage, the level of development on the site is as such that it would undermine the settled townscape character and amenity value in terms of its relationship between buildings. The layout and densification of the site, with insufficient garden depth, would not provide future occupiers with useable rear garden space. The proposal fails to demonstrate that future occupiers will have an attractive living environment as required by LDP policy Hou 4.

The proposals do not comply with policy Des 5, Hou 4 and Hou 3 of the LDP and do not reflect the aspirations of the Edinburgh Design Guidance to provide high quality useable private space for future occupiers of new developments in the city.

d) Neighbouring Amenity

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 residents will not be adversely affected by the proposal.

Existing occupiers at 30 Redford Drive will not be affected in terms of privacy, overshadowing or loss of daylight.

The proposed ground floor rear windows would face onto the rear gardens of 28 Redford Drive but would be screened by a 1.8-metre-high fence. The proposed rooflights to the rear would be situated 1.5 metres above the floor level and would be integrated within the pitch of the roof. While neighbouring residents would experience a change to their established amenity due to the proximity of the proposed development, the proposal will not have a significant impact in terms of loss of privacy or outlook.

In summary, the proposal will not impact on neighbouring amenity in terms of loss of privacy, overshadowing or loss of daylight.

e) Road Safety

LPD Policies Tra 2- Tra 4 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 provision of one car parking space complies with the maximum standards as set out in the Edinburgh Design Guidance.

No provision for cycle parking was indicated within the proposal. A secure and undercover cycle parking can be accommodated to the rear of the property.

f) Other Material Considerations

Affordable housing

LDP Policy Hou 6 (Affordable Housing) states that planning permission for residential development, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed.

The proposal is for a single detached dwelling house and is not subject to the requirements of policy Hou 6. In these circumstances, there is no provision to enter a legal agreement to secure affordable housing on this site. The affordability of the scheme carries no bearing in assessing the merits of the proposal.

Flood

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

Should committee be minded to granted approval, a condition requiring a surface water management plan will be required. This is to ensure that the proposal addresses LDP policy Env 21.

Waste

The drawings show the location of the bin stores and this would be an acceptable arrangement for kerbside collection.

Trees

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

The existing silver birch tree within the site is not protected by a TPO and the site does not lie within a conservation area. Although the tree makes a contribution to the area, the tree can be removed at anytime without the consent of the planning authority. In these circumstances, the removal of the tree carries no bearing in the assessment of the proposal.

g) Representations

Material - objection

- Contrary to policy Des 1, Des 4, Des 5, Hou 5, Env 12 of the Edinburgh Local Development Plan and Edinburgh Design Guidance- Addressed in Section 3.3 (b-f).
- Inappropriate density of development and will harm the spatial character of the area - Addressed in Section 3.3 (b and c).
- Future occupiers will not have acceptable levels of amenity in terms of garden space, headroom height on the first floor. The restricted nature of the site would limit scope for future changes to house - Addressed in Section 3.3 (c).
- Would impact on the established neighbouring amenity in terms of privacy and outlook - Addressed in Section 3.3 (d).

Non-material - objection

- Reference to Building Standards - this is a separate regulatory process from planning.
- No site levels were provided - the drawings were amended to show this information.

Material - Support

- Out of the 31 letters of support received, 8 representations made direct comments to the need for more housing in Scotland/ Edinburgh - Addressed in Section 3.3 (a).
- Will be in-keeping with the area and will have low impact - Addressed in Section 3.3 (b-c).
- Will not impact on neighbouring amenity - Addressed in Section 3.3 (d).

Non- Material - Support

- Out of the 31 letters of support received, 11 representations made direct reference to the need for more affordable housing - Addressed in Section 3.3 (f).
- Reference to other planning permission in area (1B Redford Drive, 20A and 24 Dreghorn Loan, 32 Bonaly Crescent) - the issue of precedent carries no bearing in the assessment of a development proposal. Each planning application is assessed on its own merit and against the relevant provisions contained in the Edinburgh Local Development Plan and non-statutory guidance. The planning history of the area was researched, and no relevant decisions were found.
- Personal connections to the applicant and reference to the circumstances of the applicant. The policies in the Edinburgh Local Development Plan are used to assess the acceptability of a proposed development. Planning operates in the long-term public interests and does not protect the private interests of one individual.

CONCLUSION

The proposal is contrary to the policies contained in the Edinburgh Development Plan. The proposal would constitute an overdevelopment of the site where the subdivision will adversely undermine the settled townscape character and the amenity value of the area. Future occupiers will not have satisfactory living environment in terms of useable garden space for a three-bedroom house. There are no material considerations that would outweigh the resultant harm. It is recommended that this application be refused.

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

3.4 Conditions/reasons/informatives

Reasons: -

1. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal fails to draw on the positive qualities of the settled townscape character.
2. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as will not have a positive impact on the settled townscape character and would constitute an overdevelopment of the site.
3. The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as future occupiers will not have satisfactory living amenity in terms of useable garden space.
4. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal does not accord with other policy provisions in the plan.
5. The proposal is contrary to the Local Development Plan Policy Hou 3 in respect of Private Green Space in Housing Development, as it does not reflect the aspirations of the Edinburgh Design Guidance to provide useable private open space.
6. The proposal is contrary to the Local Development Plan Policy Hou 4 in respect of Housing Density, as the proposal would constitute an overdevelopment of the site and it will not safeguard living conditions for future occupiers.

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

Neighbours were notified on 1st of November 2019 and a total of 33 material representations were received; 1 was a letter of objection and 32 were letters of support.

The comments received are addressed in the assessment section in the report of handling.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is an urban area as designated in the Edinburgh Local Development Plan.

Date registered

16 October 2019

Drawing numbers/Scheme

01A-03A, 04, 05A and 06.,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

LDP Policy Des 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 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.

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

Appendix 1

Application for Planning Permission 19/04975/FUL At 30 Redford Drive, Edinburgh, EH13 0BG Erection of a new separate dwelling in the rear garden of no. 30 Redford Drive.

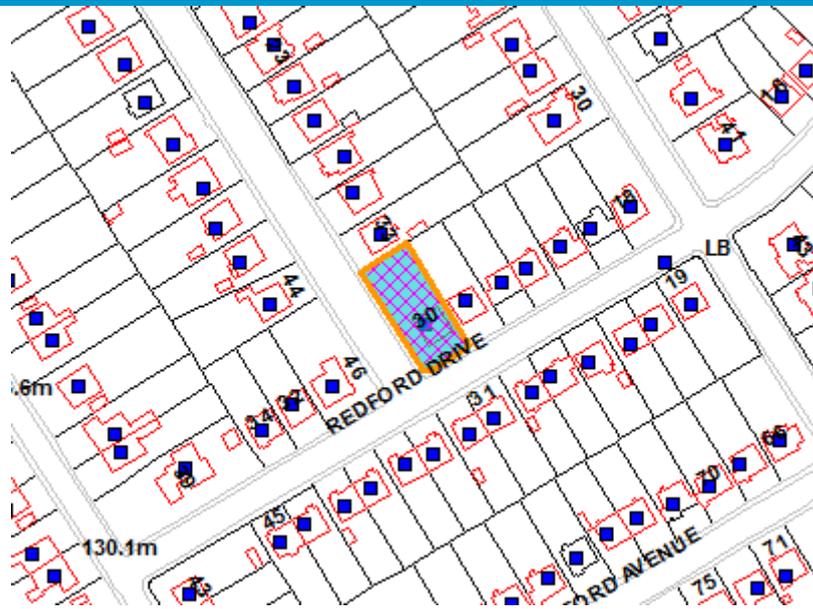
Consultations

Transport

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 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guide_lines_including):
 - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth) and at a maximum width of 3m (4.8m with transitions);
 - b. 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;
 - c. Any gate or doors must open inwards onto the property;
 - d. Any hard-standing outside should be porous;
 - e. 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

Location Plan



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