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Mr Gerard Davis
30 Greenbank Crescent
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Scotland
EH10 5SG

Decision date: 18 December 2019

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

Planning Permission in Principle for construction of Dwelling
At 30 Greenbank Crescent Edinburgh EH10 5SG

Application No: 19/04982/PPP

DECISION NOTICE

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

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

Conditions:-

Reason for Refusal:-

1. The proposal is contrary to policies Hou 1, Hou 4, Des 1 and Des 4 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area by virtue of the subdivision of an existing plot, which disrupts the established character of the area and does not create an attractive residential environment due to its size and location in comparison to other buildings in the area.

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

Drawings 01-02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is contrary to policies Hou 1, Hou 4 and Des 1 of the adopted Local Development Plan. The proposal would have an adverse impact on the character and appearance of the area. The density is considered excessive for the area and leads to a development which is crammed into the site. The proposal therefore does not comply with relevant policies or guidance and there is no justification for approval contrary to the Development Plan.

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

Should you have a specific enquiry regarding this decision please contact Christopher Sillick directly on 0131 529 3522.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

Application for Planning Permission in Principle 19/04982/PPP At 30 Greenbank Crescent, Edinburgh, EH10 5SG Planning Permission in Principle for construction of Dwelling

Item	Local Delegated Decision
Application number	19/04982/PPP
Wards	B10 - Morningside

Summary

The proposal is contrary to policies Hou 1, Hou 4 and Des 1 of the adopted Local Development Plan. The proposal would have an adverse impact on the character and appearance of the area. The density is considered excessive for the area and leads to a development which is crammed into the site. The proposal therefore does not comply with relevant policies or guidance and there is no justification for approval contrary to the Development Plan.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES04, LDES05, LEN12, LEN21, LHOU01, LHOU03, LHOU04, NSG, NSGD02,
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Report of handling

Recommendations

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

Background

2.1 Site description

The application site relates to No. 30 Greenbank Crescent, a lower villa flat within a subdivided property of a traditional design. The surrounding area is mainly residential in nature and is characterised by large semi-detached houses and bungalows with generous rear gardens.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for the erection of a single dwelling house within the northern section of the application site, replacing an existing garage.

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, it needs to be considered whether:

a) The proposal can be considered acceptable in principle;

- b) The proposal would have a detrimental impact on the character and appearance of the surrounding area;
- c) The proposal will result in the creation of a satisfactory residential environment;
- d) The proposal would have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal raises any issues in respect of parking, road safety and maintenance;
- f) The proposal raises any issues in respect of flood prevention;
- g) The proposal raises any issues in respect of the removal of trees and vegetation worthy of retention;
- h) Any issues raised in representations have been addressed.

a) Principle of Development

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 proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail in sections below.

Overall the site is not compatible with other policies in the plan and therefore the principle of housing development at the site is not acceptable.

b) Character and Appearance of the Surrounding Area

Policy Hou 4 on Housing Density states the Council will seek an appropriate density of development on the site having regard to:

- its characteristics and those of the surrounding area;
- the need to create an attractive residential environment and safeguard living conditions within the development ;
- the accessibility of the site includes access to public transport; and
- the need to encourage and support the provision of local facilities necessary to high quality urban living.

The existing house is part of an established residential area, defined by a strong rhythm of long plots with large properties fronting onto the street with generous private rear gardens. There is a clear articulation of private and public spaces. This is a settled townscape with a strong urban grain. The area is low density and this proposal seeks to alter the density of the site to such a degree it disrupts the established character of the area and does not create an attractive residential environment. Given the position of the site, between No. 30 Greenbank Crescent and No. 8 Greenbank Road, and its limited size compared to other plots on the street, a dwelling house could not be constructed on this site that respects the established built form of the street in terms of density, positioning and layout. The proposal is therefore considered contrary to policy Hou 4.

LDP policy Des 1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area. 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. As stated above the area is characterised by large buildings with generous rear gardens. The subdivision of this garden would leave plots of size which is not characteristic of the area. A new dwelling within the limited space currently taken up by the existing garage within the application site would be small in comparison to other buildings and would feel cramped. Overall this would have a detrimental impact on the appearance and character of the area. The proposal is contrary to policy Des 1 and Des 4.

c) Creation of a Satisfactory Residential Environment

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that future occupiers will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. Policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. The proposed new dwelling would front a road; however, it is located in an established residential area and the noise from this road is not seen as likely to be detrimental to the amenity of any future occupiers.

The plan provided does not indicate the overall size of the proposed development or the number of bedrooms any dwelling would contain; however, any future proposal would need to demonstrate that the size of the dwelling met the requirements set out in Edinburgh Design Guidance. The subdivision of the garden of No. 30 Greenbank Crescent would result in a rear curtilage of an adequate size to meet the amenity needs of future occupiers.

d) Impact of the amenity of Neighbouring Residents

The final dimensions of the proposed house is not detailed on the submitted documents for this application and as such it is not possible to fully and accurately assess the impact of the proposal on the amenity of neighbouring residents in respect of overshadowing or loss of daylight in the context of this application. Detailed design matters and the scale and form of the house would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted.

e) Parking, Road Safety and Maintenance

LDP policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with the levels set out in Council guidance.

The Roads Authority were consulted as part of this application and have raised no objection subject to parking provision and access design forming part of the reserved matters in any future AMC application.

f) LDP policy Env 21 states that planning permission will not be granted for development that would;

- Increase a flood risk or be at risk of flooding itself
- impede the flow of flood water
- be prejudicial to existing or planned flood defence systems.

The site does not fall within an area which has been defined as being of flood risk. That being said a surface water management plan would be required to be submitted as part of the AMC application.

g) Removal of Trees

LDP Policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree or woodland worthy of retention unless necessary for good arboricultural reasons.

A number of mature growth trees are located to the rear of the properties on this street; including within the application site and neighbouring properties. The current application does not indicate the location of trees or how any work would impact them. Any future application would require a tree survey the form specified in BS 5837:2012 for all trees with a stem diameter of 75mm or more, at 1.5m above ground on the site or within 12m of its boundary. Trees should then be categorised in accordance with their quality and suitability for retention.

h) Public Comments

The application received four representations within the notification period, all objecting to the application. The content of these representations is summarised and addressed below:

Material Representations

- The proposal would adversely affect the character of the area; this is addressed in Section 3.3b.
- Traffic and parking concerns; this is addressed in Section 3.3e.
- The proposal could result in a loss of light and overlooking; this is addressed in Section 3.3d.
- The site is not large enough to accommodate a dwelling of sufficient size to create a satisfactory residential environment; this is addressed in Section 3.3c.
- Loss of trees and vegetation; this is addressed in Section 3.3g.

Non-Material Representations

- Noise disturbance; this is a civil matter between neighbours and not an issue dealt with through the planning system.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to policies Hou 1, Hou 4, Des 1 and Des 4 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area by virtue of the subdivision of an existing plot, which disrupts the established character of the area and does not create an attractive residential environment due to its size and location in comparison to other buildings in the area.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

The application attracted four letters of representation, objecting to the planning application.

A full assessment of these 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](#)

Statutory Development

Plan Provision Edinburgh Local Development Plan.

Date registered 23 October 2019

Drawing numbers/Scheme 01-02,
Scheme 1

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

Contact: Christopher Sillick, Planning Officer
E-mail:christopher.sillick@edinburgh.gov.uk Tel:0131 529 3522

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 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.

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

Consultations

TRANSPORTATION

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Parking provision and the access design are to be a reserved matters where subsequent applications will be assessed against current standards, policies and guidance;*
- 2. Electric vehicle charging outlets should be considered for this development;*

END

Comments for Planning Application 19/04982/PPP

Application Summary

Application Number: 19/04982/PPP

Address: 30 Greenbank Crescent Edinburgh EH10 5SG

Proposal: Planning Permission in Principle for construction of Dwelling

Case Officer: Christopher Sillick

Customer Details

Name: Mr Eric Dougall

Address: 8 Greenbank Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this on the grounds that the proposed planning application will overlook my property and affect my privacy.

It will also destroy many mature trees, possibly hedgerows and my mature garden.

I am also extremely worried that the noise will disturb me as I am mainly confined to bed, my bedroom is located to the rear of my house, which is facing the proposed site.

Road access could be a safety concern as it's on a very busy corner where too many cars already dangerously park.

The site is small and narrow and the proposed building will be crammed in between 2 existing houses.

I am concerned the design of the proposed eco friendly building will not fit in with the surrounding houses.

Comments for Planning Application 19/04982/PPP

Application Summary

Application Number: 19/04982/PPP

Address: 30 Greenbank Crescent Edinburgh EH10 5SG

Proposal: Planning Permission in Principle for construction of Dwelling

Case Officer: Christopher Sillick

Customer Details

Name: Mrs Jacqueline Constable

Address: 10 Greenbank Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There isn't enough room on the proposed new site to build a dwelling house. If the new dwelling was built in line with the neighbouring dwellings, i.e. where the garage currently stands, the dwelling would only be one room wide. If built further forward adjacent to the pavement it would still have to be a narrow dwelling and would be an eyesore. A dwelling house in either position would negatively affect the appearance of the area and would be out of character with the neighbourhood.

Comments for Planning Application 19/04982/PPP

Application Summary

Application Number: 19/04982/PPP

Address: 30 Greenbank Crescent Edinburgh EH10 5SG

Proposal: Planning Permission in Principle for construction of Dwelling

Case Officer: Christopher Sillick

Customer Details

Name: Dr Lesley Trew

Address: 23 Greenbank Crescent Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 30 Greenbank Crescent is on the corner of Greenbank Road where it joins Greenbank Crescent. There are already numerous parked cars from residents and many others park here and then travel into the city by bus for work. This already causes congestion as cars exiting and entering Greenbank Road have to wait for traffic to move in or out as parked vehicles block two way traffic flow. Additional cars for a new property would exacerbate this with potential effect on pedestrian safety and increased air pollution. This crossing is used by lots of school pupils and nursery children and their families.

A separate building in a garden is out of keeping with the surrounding neighbourhood and would create a precedent that would not only adversely affect the character of the area but exacerbate the traffic problems noted above. It would also result in some loss of garden space and plants which benefit the environment and air quality. Depending on the nature and size of the property it could result in loss of light to, and overlooking of, neighbouring properties.

Comments for Planning Application 19/04982/PPP

Application Summary

Application Number: 19/04982/PPP

Address: 30 Greenbank Crescent Edinburgh EH10 5SG

Proposal: Planning Permission in Principle for construction of Dwelling

Case Officer: Christopher Sillick

Customer Details

Name: Mr Arthur Trew

Address: 23 Greenbank Crescent Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 30 Greenbank Crescent is situated on a corner site between Greenbank Road and Greenbank Crescent. This corner already suffers from parked cars that obscure vision, especially when driving out of Greenbank Road, making it a dangerous turn or pedestrians trying to cross Greenbank Road. This is a common route for children walking to South Morningside Primary. Another property located at the intersection would simply increase the problem and should be rejected on the grounds of traffic safety due to the lack of effective adequate parking.

Moreover, this is the first instance of a proposal to build in existing gardens in this area and to do so could create a precedent that would not only adversely affect the character of the neighbourhood but exacerbate the traffic problems noted above.

From: Arthur Trew
Sent: 1 Apr 2020 19:44:06 +0100
To: Local Review Body
Subject: Re: Notice of Local Review No 19/04982/PPP

23 Greenbank Crescent,
Edinburgh

1 April 2020

Dear Sir or Madam,

In its original decision to refuse in-principle planning permission for a new house in the grounds of 30 Greenbank Crescent (19/04982/PPP), the Council determined that the proposal was contrary to policies Hou 1, Hou 4, Des 1 and Des 4 of Edinburgh's Local Development Plan. I concur with that assessment.

In their response the proposers cite extension proposals granted to nearby properties as precedents. I would dispute that either of the examples quoted is, in fact, a precedent. Such extensions extend the space available to a single family, they do not increase the call on the local infrastructure by increasing the density of development (Hou 4) as would be required for the current proposal.

Without an outline plan it is difficult to judge whether any new property would have a design appropriate to the area (Des 1 and Des 4). Houses in the vicinity are either Edwardian or 1930s villas, or 1930s bungalows – all of traditional design. In no case do they have the long, thin profile that would be required by this extremely narrow site. I find it difficult to conceive, therefore, how this proposal would “draw upon positive characteristics of the area” or “be a positive and appropriate enhancement” as stated by the proposers. Moreover, I find it inconceivable that a house could actually be constructed on the same footprint as the garage unless it were unacceptably high.

The proposers claim that they will replace a redundant garage with a new house, but they do not consider the consequent effect on parking. While the garage may be unused, the drive leading to it is generally used for parking two cars. These, together with any vehicles owned by the new owners, would have to be parked on the street. The entrance to this drive is only some 15m from the junction between Greenbank Road and Greenbank Crescent, on a curve that makes sight difficult. This is an already busy area, made worse when the current owners park on the street, and I believe that there is a strong argument on the grounds of road safety – not only for drivers but for the large number of school children who cross there each day.

In summary, I believe that as you noted “The proposal would have an adverse impact on the character and appearance of the area. The density is considered excessive for the area and leads to a development which is crammed into the site.” and the appeal should be rejected.

I trust that you will be able to take the above into consideration at your review.

Yours faithfully,

Arthur Trew

Quoting localreviewbody@edinburgh.gov.uk on Tue, 24 Mar 2020 12:18:21 +0000:

- > Please See Attached This email is to inform you that a local review
- > has been received for a planning application that you commented on .
- >
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- >

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