

# Development Management Sub Committee

Wednesday 12 August 2020

**Application for Planning Permission 20/00890/FUL  
At Land 7 Metres West Of 46, Craigleith Road, Edinburgh  
Erect new dwelling house in building plot west of 46  
Craigleith Road.**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

## Summary

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The proposal complies with the relevant policies in the adopted local development plan. The proposed site is a suitable location for the erection of a dwelling house. This proposal would not be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

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

# Report

## **Application for Planning Permission 20/00890/FUL At Land 7 Metres West Of 46, Craigleith Road, Edinburgh Erect new dwelling house in building plot west of 46 Craigleith Road.**

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

#### **2.2 Site History**

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2016- An application for planning permission to erect a new house within the curtilage of No. 46 Craigleith Road was withdrawn (application reference: 16/03885/FUL).

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

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

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

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

## **Main report**

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### **3.1 Description Of The Proposal**

The application is for planning permission for the erection of a three bedroom, two storey flat roofed house with single storey rear element. The plot is 8.1 metres wide and approximately 39 metres deep.

The proposed house would be approximately 15.4 metres deep, 5.8 metres wide and will have a maximum height of 6.57 metres, which will closely match the eaves height of the neighbouring two storey buildings. The single storey rear element of the property will have a maximum height of approximately 2.9 metres.

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

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

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

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

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

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The principle of development at this location is acceptable;
- b) The proposal is of an appropriate scale, form and design;
- c) The proposal will result in a satisfactory residential environment;
- d) The proposed use would result in any loss of amenity;
- e) Road safety has been addressed;
- f) the proposal has no impact in terms of flooding;
- g) the proposal will have no impact on trees;
- h) Other matters; and
- i) Public comments have been addressed.

#### a) The Principle of Development in this Location

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

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

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

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

The decision was then overturned by the Scottish Government's Planning and Environmental Appeals Division (DPEA) and consent was granted. This consent is still currently extant. The principle of constructing a dwelling within the site is therefore established.

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

The proposal complies with Policy Hou1.

#### b) Scale Form and Design

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

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

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

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

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

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

It is noted that the approved house on the site is a one and half storey dwelling with a mono pitched roof utilising a mixture of more modern materials like zinc.

The main two storey body of the proposed dwelling will largely match the depth of the directly nearby properties. The single storey element, to the rear, will also be no deeper than many of neighbouring dwellings that have single storey rear extensions.

The previous consent has shown that the introduction of a detached dwelling on the site would not result in an unacceptable level of density. The proposal is very similar in width, depth and position on site to that previously approved. The major change is that while the approved building on the site is one and half and single storey with mono pitched roofs the proposal is now two storey and one storey with flat roofs. Overall it is felt that the new proposal better reflects the character and appearance of the surrounding area.

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

#### c) Residential Environment

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

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

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

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

#### d) Loss of Amenity to Neighbours

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

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

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

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

The gable windows and entrance door on the neighbouring property (No. 48 and 50) are positioned only 1.8 metres (approximately) from the mutual boundary. The new boundary distance between the application site and the gable windows of No. 46, has been established through the approval of the previous consent. As such the windows of neighbouring properties that lie within the gable to gable zone cannot be expected to be protected from loss of privacy or sunlight.

The proposed two storey element of the building shall project approximately 1.3 metres beyond the rear elevation of No. 46 and approximately 600mm beyond the rear elevation of No. 48. However, this limited degree of projection beyond existing rear elevations will ensure that any additional overshadowing will not be significant.

The single storey rear element of the proposal is only 2.9 metres (approximately) in height, which is less than the height of the rear elevation of the approved dwelling on the site. The DPEA Reporter concluded that the proposal would have no material impact upon neighbouring properties in terms of potential loss of sunlight/daylight. The neighbouring properties have large rear south facing gardens which the proposal will not materially impact.

There is only one slim window proposed in the side elevation of the property. This would, however, face onto the solid boundary wall. The rear facing windows will overlook the garden of the application property. Windows are assessed for privacy only within the width of the window and spread views are not considered.

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

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

#### e) Traffic or Road Safety Issues

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

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

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

The application proposes one off street car parking provision which is acceptable. The dwelling will have a large rear garden for the secure storage of bikes.

The proposal complies with LDP policy Tra 2 and Tra3.

#### f) Flooding

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

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

#### g) Trees

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

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

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

The previous application for a detached dwelling house on the site, shared the same position and footprint as that proposed. No concerns were raised in the report produced by the Planning and Environmental Appeals Division with regards to trees either within or surrounding the site.

The proposal broadly complies with LDP policy Env 12.

#### h) Waste

The neighbouring properties are already served by Waste Services. Waste Services will provide a service here.

#### (i) Public comments

##### **Material representations - objection:**

- Design and appearance. This is addressed in section 3.3b
- Parking. This is addressed in section 3.3e
- Overdevelopment of the site. This is addressed in section 3.3a & b.
- Overshadowing and loss of sunlight. This is addressed in section 3.3d.
- Overlooking. This is addressed in section 3.3d.
- Noise impacts. This is addressed in section 3.3d.
- Flooding Concerns. This is addressed in section 3.3f.
- Loss of landscape, destruction of trees. This is addressed in section 3.3g
- Size of property. This is addressed in section 3.3c
- Impact on skyline. Given the relatively small height of the proposal it is unlikely that it would have a material impact upon important views of the city's skyline.

##### **Material representations in support**

- Well designed and innovative design. More appropriate design than before. This is addressed in section 3.3b
- Proportionate in size. This is addressed in section 3.3b
- Enhances the surrounding area. This is addressed in section 3.3d

- Gap sites should be used, Edinburgh needs more homes. This is addressed in section 3.3a
- The site has ample parking provision. This is addressed in section 3.3e
- The site has ample garden ground - This is addressed in section 3.3c

### **Non-material comments**

- Precedent. Every application is determined on its individual merits.
- Location of those who made comments - The Planning Service must consider all representations made.
- Some letters were received that had no reason provided for their support of the proposal.

### **Conclusion**

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

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

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

#### **Conditions:-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A Surface Water Management Plan shall be submitted for the written approval of the Council as Planning Authority prior to any works commencing on site. This should be prepared in line with the self-certification scheme below.
4. CEC Flood Planning Self-Certification Requirements and Guidance:  
[http://www.edinburgh.gov.uk/info/20045/flooding/1584/flood\\_planning\\_application](http://www.edinburgh.gov.uk/info/20045/flooding/1584/flood_planning_application)

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

#### **Reasons:-**

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

#### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See
5. [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category D - New Build).

## **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:**

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

## **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**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

In total, 42 representations have been received. 17 were in objection to the proposal while 25 were in support.

A full assessment of the representations can be found in the main report in the Assessment section.

## **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

**Date registered** 3 March 2020

**Drawing numbers/Scheme** 01, 02, 03, 04, 05,

Scheme 1

### David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## Links - Policies

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### Relevant Policies:

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

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

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

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

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

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

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

# Appendix 1

## Application for Planning Permission 20/00890/FUL At Land 7 Metres West Of 46, Craigleith Road, Edinburgh Erect new dwelling house in building plot west of 46 Craigleith Road.

### Consultations

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#### Roads Authority

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

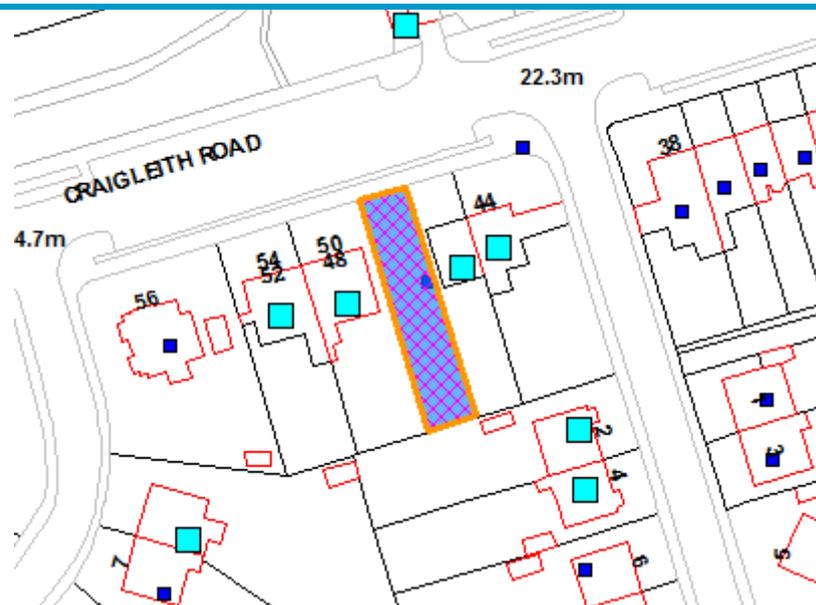
1. *The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See*

*[https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-)*

*\_controlled\_parking\_zone\_amendments\_to\_residents\_permits\_eligibility.pdf (Category D - New Build).*

### Location Plan

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