

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/01115/FUL
At 15 Comiston Drive, Edinburgh, EH10 5QR
Create new car parking space by removing the front wall
and railings for access. Add triple bin store and bike store
with new path to front door and gravel areas.**

Item number

Report number

Wards

B10 - Morningside

Summary

The proposed bin shed and bike store would be compatible with the existing building and the character of the surrounding streetscape, including the character and appearance of the conservation area.

The proposed driveway represents an unsympathetic and incongruous addition to the host property with regard to scale, form, design and the character of the streetscape within the Plewlands Conservation Area. The proposal is therefore contrary to the ELDP Policies Des1, Des 12 and ENV 6.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES12, LEN06, NSG, NSHOU, NSLBCA, OTH, CRPLEW,

Report

Application for Planning Permission 19/01115/FUL At 15 Comiston Drive, Edinburgh, EH10 5QR Create new car parking space by removing the front wall and railings for access. Add triple bin store and bike store with new path to front door and gravel areas.

Recommendations

- 1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

The application property is two storey in height with a flat roof. It is a 19 century Victorian mid terrace house of traditional construction to the west of Greenbank Terrace. Comiston Drive has a range of house types along its north and south sides. However, the Victorian terrace with flat roof is the prominent architectural style of the street. The application property is a reflection of a typical 19th century Victorian terrace with a front garden, bordered by a stone wall, iron railings and iron entrance gate, as seen consistently along Comiston Drive.

The application property backs onto large rear gardens of Greenbank Drive. The area is densely populated with mature trees which runs along Greendbank Drive.

This application site is located within the Plewlands Conservation Area.

2.2 Site History

31 January 2017 - Planning permission refused for the replacement of white timber sash and case windows with new white uPVC sash and case windows (Application reference 16/06089/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the construction of a driveway, a bin shed and a bike store in the front garden of the application property. The works include the removal of a section of stone wall with iron railings. The proposal also includes the installation of an electric car charging point on the front of the dwelling. All works are to the front of the property.

The bike store will be in metal and will be 1m high. The bin store will be wooden and 850mm high.

The proposed landscaping alterations and installation of the electric charging point are development and therefore will not be subject to further assessment.

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 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 or enhances the character and appearance of the Plewlands Conservation Area;
- b) The scale, form and design of the proposals are acceptable;
- c) Any impacts on traffic are addressed; and
- d) Any comments raised have been addressed.

a) Conservation Area

Policy Env 6 (Conservation Areas- Development) of the LDP states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal. The Plewlands Conservation Area Character Appraisal emphasises:

"The area is mainly comprised of low rise residential development. The predominant height is two storeys but there are a small number of flatted elements of mainly three and four storeys. The buildings are complemented by the profusion of mature trees, extensive garden settings, shallow stone boundary walls and spacious roads. The stone boundary walls give definition to the street layout and create a clear distinction between public and private spaces."

"There is a clear distinction between front and back, public and private. Front gardens are displays of public pride defined by low walls to allow a good 'keek'. Rear garden walls stand above head height preventing 'keeking' from neighbours."

The area is mainly composed of Victorian/Edwardian Terraced housing. There is an overall architectural coherence with the houses being built of grey or red sandstone with flat roofs or roofed with slate. Gardens to the front are bordered by low stone walls with iron railings and gates onto the street. The predominance of soft landscaping to the front of the properties adds to the amenity of the streetscape.

The Plewlands Conservation area was designated in 2010. There are five examples of garden conversions for parking purposes on Comiston Drive. However, it should be noted these works took place before the designation of the conservation area. Two applications proposing development of a similar nature have come forward since the designation was initiated (applications 10/02391/FUL and 12/00480/FUL) and both applications were refused on the grounds that these driveways contravened the policies in place for safeguarding the character of this part of the Plewlands Conservation Area. Therefore, it is noted that private driveways are not part of the character of the conservation Area.

The proposal requires the partial removal of the original stone wall. The removal of these important historical features will alter the visual appearance of the street which further detracts from the essential character of the Conservation Area. Furthermore, the removal of landscaping to accommodate the development of hardstanding will have a significant impact on the amenity of the street.

The formation of the driveway does not comply with policy Env 6.

The proposed bike store and bin shed have been relocated during the assessment process and now accord with ELDP policy Tra 4 and the non-statutory guidance for householders. Now located along the eastern boundary of the front garden, this minimises the impact to the appearance of the host property. Bike sheds and bin stores have become part of the character of Comiston Drive; numerous properties have had similar works completed in front gardens. The sheds therefore comply with policy Env 6.

b) Scale, Form and Design

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

Policy Des 12 (Alterations and Extensions) requires alterations and extensions to be compatible with the character of the building and the surrounding neighbourhood and to have no unreasonable loss of amenity to neighbouring properties.

The proposed driveway fulfils the requirements of the non-statutory Guidance for Householders, section 'Access and Parking', in relation to the length of garden available for parking, which measures 7.5 metres which is greater than the 6.0 metres required by the guidance. However, it does not comply with the width of the access requirements, which should not exceed 3.0 metres, as set out in the guidance. The width of access onto the pavement measures 3.5 metres for the driveway plus an additional 1 metre for the pathway creating one large access of approximately 4.5 metres, defined by differing ground covering materials. The consequent removal of 4.5 metres of stone wall and railing from a 9.5 metre frontage is out of scale with this domestic property and fails to comply with policies Des 1 and Des 12.

Other elements of the application include a bike store and a bin shed. The original location of the bike shed and bin store were considered inappropriate and contrary to non-statutory Guidance for Householders 'Garages and Outbuildings'. The amended location is considered acceptable and aligns with the principles set out in the guidance. They comply with policies Des 1 and Des 12.

c) Traffic impacts

The application was assessed in relation to parking and road safety. The Roads Authority advises it has no objections subject to informatives. The proposal accords with ELDP policy Tra 2 and Tra 4.

d) Public comments

Material representations - Objection

- Impact on character of Plewlands Conservation Area contrary to policy Env 6: this is addressed in section 3.3 a).
- Location of bin shed along the principal façade of the property: this is addressed in section 3.3 a).
- The proposed driveway will detract from the appearance of the terrace and reduce amenity of the street: this is addressed in section 3.3 a).
- The proposal removes available on-street parking for other residents: addressed in section 3.3 c).
- The proposal will have environmental impacts: addressed in section 3.3 b).

Non-material representations – Objection

- Condition extra hedge planting: hedges are not subject to planning control.
- Precedent: all cases are dealt with on their own merits.

Material representations - Support

- The proposal will reduce parking congestion on Comiston Drive.
- Only five/six properties on Comiston Drive could accommodate a driveway, three of which have already done it, therefore a precedence for similar applications cannot be set.
- The proposal will encourage the use of electric car.
- The design of the proposal is respectful of the area.

- The proposal meets parking regulations.
- The proposal increases safety for children.
- Similar works have previously been completed previously on Comiston Drive.
- Condition the relocation of the bin shed and bike store to go behind the hedge, use of permeable materials and compensate for loss of planting.

Non-material representations - Support

- The proposal will aid the applicant's profession as an on-call doctor and access for emergency services: this is not a material planning consideration.

Conclusion

The removal of the stone wall, railings and gate to construct a driveway does not accord with the principles set out in ELDP policies Des 1, Des 12 and Env 6 and is considered to have an adverse impact on the character and appearance of the Plewlands Conservation Area. The bike store and bin shed are considered appropriate in the amended location in accordance with the same policies and therefore will not have an adverse impact on the character and appearance of the Plewlands Conservation Area.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to the front garden sheds.

Reason for Condition:-

1. the sheds do not affect the character or appearance of the conservation area.

Reason for Refusal:-

1. This refusal relates to the formation of the driveway and the removal of the front wall.
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it does not draw upon the positive characteristics of the surrounding area.
3. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the design and form is not compatible with the character of the existing building.
4. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it does not preserve or enhance the special character or appearance of the conservation area.

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.

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 4 April 2019. Fifty six representations were received, twenty four representations in support of the application and thirty two representations objecting to the proposal. A full assessment of the elements raised can be found in the assessment section.

Background reading/external references

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

Statutory Development Plan Provision	Edinburgh Local Development Plan.
Date registered	20 March 2019
Drawing numbers/Scheme	01-03, 04A, 05A, 06-07, Scheme 2

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 PLACE
 The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Plewlands Conservation Area is mainly comprised of two storey residential terraced development. The predominant height is two storeys with a small number of flatted elements of mainly three and four storeys. The buildings are complemented by mature trees, extensive garden settings, shallow stone boundary walls and spacious roads.

Appendix 1

**Application for Planning Permission 19/01115/FUL
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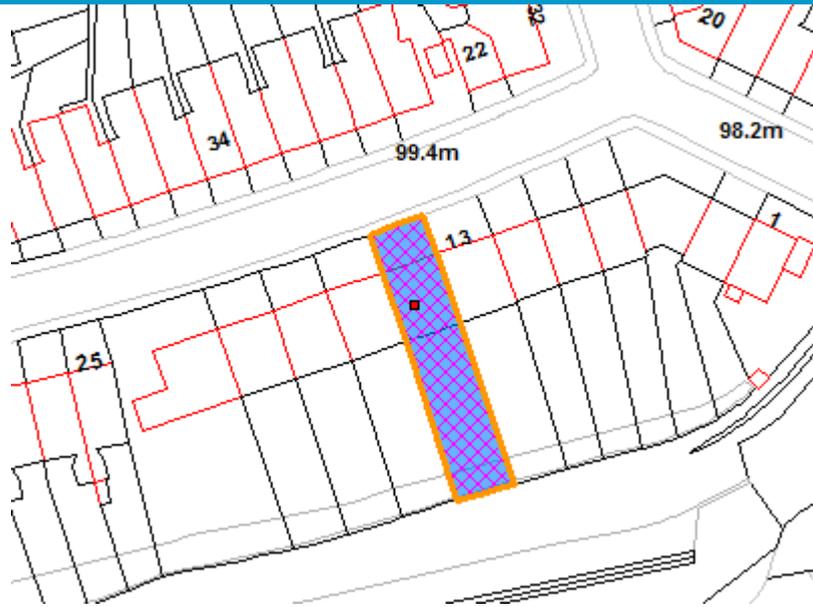
Consultations

ROADS AUTHORITY ISSUES

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

1. The 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_guidelines including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. 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;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous;
 - f. 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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