

Development Management Sub Committee

Wednesday 9 September 2020

**Application for Planning Permission 20/01301/FUL
at Land to the rear of 99 Drum Brae South Edinburgh.
Construct new dwelling house with accommodation over
two floors.**

Item number

Report number

Wards

B03 - Drum Brae/Gyle

Summary

The principle of the proposal is not acceptable in this location. The proposal is backland development, not in keeping with the characteristics or spatial pattern of the wider townscape and does not draw on the positive characteristics of the surrounding area. Its design is not compatible with the style of dwellinghouses in the street and it will dominate the streetscene. The proposals will be detrimental to privacy of neighbours and will create overshadowing to neighbouring gardens and will result in a loss of sunlight. The proposal will provide a satisfactory living environment for future occupiers and there are no parking or road safety issues.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LDES01, LDES04, LHOU04, LDES05, LHOU03, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

Report

Application for Planning Permission 20/01301/FUL at Land to the rear of 99 Drum Brae South, Edinburgh. Construct new dwelling house with accommodation over two floors.

Recommendations

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

Background

2.1 Site description

The application site is part of the rear garden ground of the dwellinghouse at number 99 Drum Brae South which has been separated from the dwellinghouse by a timber fence. It fronts a private non-through road with a pedestrian path linking Drum Brae South and Craigmount Avenue North.

The street and surrounding area are predominantly residential although there are other land uses in the area, such as shops opposite the application property. Drum Brae South is a main thoroughfare with a high frequency bus route.

2.2 Site History

21 June 1995 - planning permission refused for part change of use of the property to a children's nursery (application number 95/00976/FUL);

25 October 2002 - permission granted for house and dormer extension (application number 02/02892/FUL);

16 September 2004 - permission refused to alter and extend existing dwellinghouse (application number 04/02533/FUL);

24 February 2005 - permission granted for extension and alteration to house (application number 04/04394/FUL); and

3 July 2019 - permission refused and upheld by the Local Review Body (26 September 2019; ref 19/00108/REVREF) for erection of studio mews dwelling-house on land to rear (application number 19/00798/FUL).

Main report

3.1 Description of the Proposal

The proposal is for the erection of a two-storey house within part of the rear garden of 99 Drum Brae South. A new planning unit will be created.

The house will be 5.8 metres wide, 10 metres deep and 5.5 metres high to the roof ridge, being 3.8 metres high to the eaves. It will provide a living/kitchen/dining area, bedroom and bathroom on the ground floor and two bedrooms and shower room on the upper floor with a total floor area of 82.4 square metres. The south elevation will have a double height fully glazed elevation incorporating French doors at ground floor level. The south side (rear) elevation will sit back within the building. The north elevation will have the front door and a window at both ground floor and first floor level. No windows are proposed for the east or west, i.e. side, elevations. A small rooflight is proposed in each of the roof (east and west) planes.

Materials proposed are timber or aluminium cladding for front (north) elevation and timber or aluminium door and window frames. The side (gable) elevations are to be smooth render.

Trees are proposed to be planted on the west side boundary at its southern end and two metre high timber fences are proposed on both proposed side boundaries.

A parking space is proposed to north of the site which will take access from the lane.

A supporting statement has been submitted and is available to view on the Council's Planning and Building Standards Online Services.

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 would have a detrimental impact on the character and appearance of the surrounding area;
- c) The proposal would result in the creation of a satisfactory living environment or would have a detrimental impact on the amenity of neighbouring residents;
- d) The proposal raises any issues in respect of parking and road safety;
- e) There are any other material considerations and
- f) Any issues raised in the public comments have been addressed.

a) Principle of development

Policy Hou 1 Housing Development in the Edinburgh Local Development Plan (LDP) supports 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 the urban area of the LDP and the street and surrounding area are residential in character.

The proposal does not comply with LDP policy Hou 1 as it does not comply with other policies of the Plan. The principle of the development of a house in this location is not acceptable.

b) Character and appearance

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.

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 the buildings and other features on the site; and the materials and detailing.

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.

The Edinburgh Design Guidance states that back-land development must be designed to ensure that any proposed building is subservient to surrounding buildings and it does not have an adverse impact on spatial character.

The street and surrounding area consist predominantly of single storey bungalows set within generous plots with reasonable sized front and rear gardens. Some properties have been extended and have outbuildings, such as garages and sheds. Rear garden space and the spacing between residential properties sets the spatial pattern of the area and two storey buildings positioned in rear gardens is not an established characteristic. Whilst it is acknowledged that there are two existing houses positioned behind numbers 101 and 103 Drum Brae South, this is not typical of the pattern of development in the area and the permissions pre-date current policies. The dwellinghouse at number 101A is smaller and single storey than the proposed extension and is more in keeping with the scale of dwellinghouses in the surrounding area.

The proposed dwellinghouse will occupy approximately 34% of the subdivided plot. The original dwellinghouse on the plot, before it was subdivided, occupied approximately 19% of its plot and a similar ratio of dwellinghouse footprint to plot size is the prevailing density pattern found in the surrounding area. The proposal will occupy over a third of the plot size whereas the original house occupied just under a fifth of the original plot size. The proposal introduces a much denser development.

The proposal is for a two-storey house in a rear garden and this is not in keeping with the style of dwellinghouse nor with the spatial pattern of the surrounding area. This back-land development is not in keeping with the characteristics of the wider townscape. Its design is not compatible with the style of dwellinghouses in the street and it will dominate this side street part of Drum Brae South. The proposal does not draw on the positive characteristics of the surrounding area.

The proposal does not comply with Policies Des 1, Des 4 or Hou 4.

c) Amenity

Neighbouring amenity

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

The rear garden of the proposed house is 8.2 metres from the neighbouring boundary to the south and due to the set back of the glazed elevation within the building this increases the distance to 9.2 metres. The Edinburgh Design Guidance advises that new buildings should be spaced out so that reasonable levels of daylight to existing buildings are maintained. It also advises that it is important that buildings are spaced far enough apart that reasonable levels of privacy, outlook, daylight and sunlight can be achieved. The layout of buildings in an area will be used by the Council to assess whether the proposed spacing is reasonable.

The spatial pattern on this area is characterised by bungalows in extensive garden ground with depths of around 14 - 17 metres. Whilst there has been some subdivision of these gardens, the pattern is still largely consistent.

The distances between properties in this area are greater than 9 metres, the minimum distance advised in the Edinburgh Design Guidance as being generally acceptable to maintain privacy. However, this proposal will result in introducing new overlooking directly into the neighbouring rear garden to the south and along the rear gardens of the properties to the south from the upper level of the proposal. Such overlooking directly into rear private outdoor amenity spaces would not normally be expected due to the spatial pattern and established characteristics of the surrounding area.

The windows on the front elevation of the proposed dwellinghouse will overlook a road/lane used by the public and will look onto a high wall and high gates. The upper window will be able to look along the rear gardens to the north of the site and cause new overlooking of private rear garden areas.

Information on daylighting and overshadowing has been submitted as part of the Supporting Statement. Overshadowing and loss of sunlight to the immediate neighbouring gardens will occur as shown by the 45 degree angle measurement in line with the technical advice on the Edinburgh Design Guidance. The supporting statement indicates that the 45 degree criteria is met on a due north-due south orientation. However, the axis is south east/south west and thus the criteria is not met. Most of the overshadowing from the side elevations will occur outwith the application site and in neighbouring gardens. Approximately 17% of overshadowing will fall on the east neighbouring garden ground and approximately 19% of overshadowing will fall on the west neighbouring garden ground. Almost one fifth of the east and west neighbouring garden ground will, therefore, experience overshadowing from the proposal. As such, neighbouring properties will experience new overshadowing of private garden space and this is unacceptable.

The Edinburgh Design Guidance recognises that people value the ability to look outside, whether to gardens, streets or more long-distance views. Neighbouring properties to the east and west will have an outlook of a blank rendered 3.8 metres high wall elevation plus the roof. The proposal will create a poorer outlook for existing neighbouring properties.

The proposal does not comply with policy Des 5 and will have a detrimental impact on the amenity of neighbouring residents.

Amenity for future occupiers

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

LDP Policy Hou 4 (Housing Density) takes account of the need to create an attractive residential environment within the development.

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 states that private open space/gardens should be designed for a range of functions.

Edinburgh Design Guidance requires a minimum internal floor area of 81 square metres for a three-bedroom unit. The proposed internal floor space of 82.4 square metres exceeds this minimum requirement and is acceptable.

Living spaces within the proposed development will be capable of receiving adequate levels of daylight as windows and doors are suitably located to ensure habitable rooms will receive an adequate level of daylight. The large window on the rear elevation will provide good amount of daylighting and the floor to ceiling windows on the front elevation will provide a satisfactory level of daylighting to the rooms. The proposal will provide an adequate internal amenity for future occupiers.

Overlooking of the proposed dwellinghouse, including into the windows, will be possible from the neighbouring properties. However, the applicant and other future occupiers will be aware of this when viewing the house and will be able to screen windows, such as through the use of frosted glass or window dressings.

A rear garden will be provided, and this is a satisfactory amount and type of private outdoor amenity space.

The proposal complies with policies Des 5, Hou4 and Hou 3 and will, therefore, provide adequate amenity space for prospective occupants.

d) Parking and road safety

LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

The Roads Authority has advised that it has no objections to the application subject to conditions or informatives as appropriate: relating to the size of the parking space, access to the parking space, deleterious materials, gates, and porous hardstanding.

Two cycle parking spaces are required and there is scope to include these in the proposal. Should planning permission be granted, it is recommended that a condition or informative relating to the provision of cycle parking is attached to the permission.

There are no roads authority or transport issues.

e) Other considerations

Flooding and drainage

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

A Surface Water Management Plan would be required to ensure the proposed dwellinghouse does not flood and that it will not result in the flooding of neighbouring properties or of the road. A condition for any grant of planning permission would be required to ensure that the associated drainage of the site is acceptable.

Waste

No details have been provided regarding the location of bin stores. Any domestic collection of waste would need to be agreed in advance with Waste and Cleaning Services before developing the site.

f) Public Comments

Material Comments - Objection:

- principle of development - addressed in 3.3a).
- road safety, traffic and parking - addressed in 3.3d).
- inaccurate plans & supporting statement misleading - site visit undertaken, and consideration given to statements made in supporting statement - addressed in 3.3b). 3.3c) and 3.3d);
- design and townscape - addressed in 3.3b);
- amenity; privacy; overlooking; loss of sunlight; noise - addressed in 3.3c);
- neighbour notification - not undertaken correctly *Note: further neighbour notification carried out.*

Material Comments - Support:

- principle of development;
- design and townscape;
- amenity;
- Affordable Housing - *Note: this is not an Affordable Housing unit as defined in the Local Development Plan.*

Non-material - Comments:

- lane ownership and street name;
- construction and construction traffic;
- loss of view;
- security of properties;
- Timing of planning application submission/coronavirus Covid-19 - *Note: the planning authority has no control over this and is required to consider any planning application placed in front of it; Coronavirus public health situation is regulated by other legislation including the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.*

CONCLUSION

In conclusion, the proposal is not acceptable in this location. It is not of an appropriate design, form or scale and is not in keeping with the surrounding style of dwellinghouses nor with the spatial pattern of the surrounding area. This back-land development is not in keeping with the characteristics of the wider townscape. The proposal does not draw on the positive characteristics of the surrounding area. The proposal does not comply with Policies Des 1, Des 4 or Hou 4. The proposals will be detrimental to privacy of neighbours and will create overshadowing to neighbouring gardens, resulting in a loss of sunlight.

The proposal does not comply with policy Des 5 nor with the Edinburgh Design Guidance. The proposal will provide a satisfactory living environment for future occupiers, complying with policies Des 5, Hou4 and Hou 3. There are no parking or road safety issues and the proposal complies with policies Tra 2 - 4.

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

3.4 Conditions/reasons

Reasons:-

1. The scale, form and design of this proposal is not keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area. The proposal is contrary to policies Hou 1, Des 4 and Hou 4 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.
2. The proposal will result in an unreasonable loss of neighbouring amenity and is contrary to policy Des 5 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

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 meets 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

Sixty-three public comments were received consisting of 20 objection and 44 support comments.

A full assessment of the 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](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is in the Urban Area of the Local Development Plan.

Date registered

16 March 2020

Drawing numbers/Scheme

01-04.,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer

E-mail: jackie.mcinnnes@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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 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 20/01301/FUL At Land To The Rear Of, 99 Drum Brae South, Edinburgh Construct new dwelling house with accommodation over two floors

Consultations

Roads Authority

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

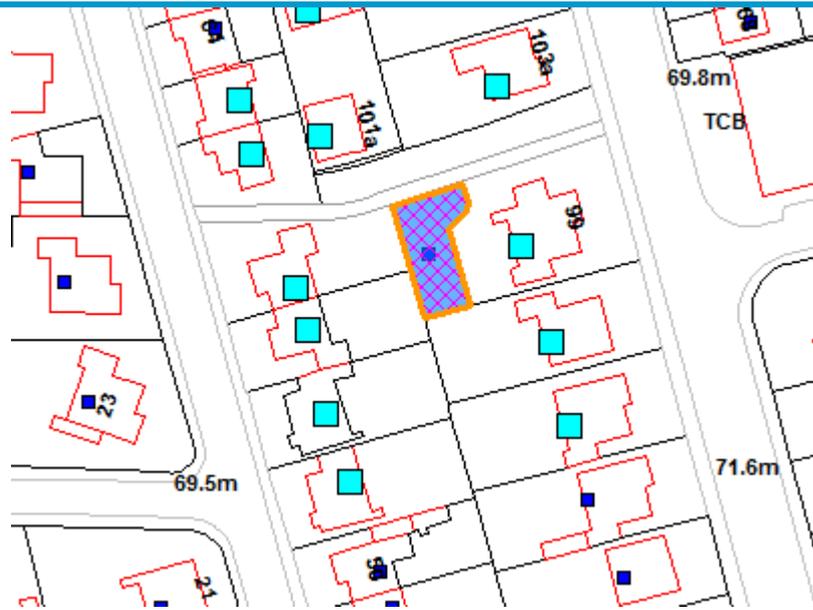
1. *Any off-street parking space should comply with the Council's Guidance for Householders dated 2018 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:*

- 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 <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>*

Note:

The existing 5m wide road from which the proposed driveway is taken from is a private access and the applicant has to satisfy themselves if they have rights of access.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END