

# Development Management Sub Committee

Wednesday

**Application for Planning Permission 20/03983/FUL  
At 2A Easter Belmont Road, Edinburgh, EH12 6EX  
Alter existing garden fence to provide sliding gate and  
provide dropped kerb along gate line, to provide car  
parking for a single car on existing paved surface.**

**Item number**

**Report number**

**Wards**

B06 - Corstorphine/Murrayfield

## Summary

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The application for development is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). It is compatible with the existing building, preserves the special character and appearance of the conservation area and has no adverse impact on neighbouring residential amenity. The proposal represents a minor departure from the non-statutory Guidance for Householders and is acceptable in this instance. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

NSLBCA, OTH, CRPWMU, LDPP, LDES12, LEN06, NSG, NSHOU,

# Report

## **Application for Planning Permission 20/03983/FUL At 2A Easter Belmont Road, Edinburgh, EH12 6EX Alter existing garden fence to provide sliding gate and provide dropped kerb along gate line, to provide car parking for a single car on existing paved surface.**

### **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 relates to the rear garden of a one and a half storey detached property at the entrance to Easter Belmont Road.

Within the area, there is a range of boundary treatments including stone walls, timber fences and hedgerows. There are a number of gates and openings and these range from permeable wrought iron gates to solid timber gates.

This application site is located within the West Murrayfield Conservation Area.

#### **2.2 Site History**

01.09.2020 - Enforcement investigation: alleged unauthorised development relating to the creation of an access and parking space. -(20/00499/EOPDEV).

### **Main report**

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

The proposal is for the creation of a parking area with mechanical gates within an existing fence along the boundary treatment of the rear curtilage of the application site.

#### **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 scale, form and design are acceptable; and would preserve or enhance the character and appearance of the conservation area;
- b) There would be no unreasonable loss to neighbour's amenity;
- c) Any road safety concerns have been addressed;
- d) There would be no impacts upon Human Rights;
- e) Any comments received have been addressed.

#### (a) Scale, form, design and impact on Conservation Area

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high-quality villas of restricted height enclosed by stone boundary walls and the predominance of residential uses within the area.

The boundary treatments of the surrounding area are characterised by stone walls, timber fences, wrought iron gates and timber gates. The installation of a timber gate (3.5 metres wide, approximately) within the existing timber fence to provide access to a parking area within the rear curtilage of the application site would fit seamlessly within this context. The gate itself mirrors the in-situ fence in height and material and by virtue of this congruous characteristic, the opening would not impact upon the host property or the surrounding West Murrayfield Conservation Area.

The proposal complies with the Edinburgh Local Plan Policies Env 6, Des 12, the non-statutory Guidance for Listed Buildings and Conservation Areas and represents an acceptable minor departure from the non-statutory Guidance for Householders.

#### (b) Neighbouring amenity

The proposal would not result in an unreasonable loss of neighbouring residential amenity. The proposal complies with the non-statutory guidance with respect to daylight, sunlight and privacy and Local Plan Policy Des 12.

#### (c) Transport

No impacts were identified in relation to road safety. In relation to the car parking space itself, the proposal is contrary to the non-statutory Guidance for Householders in that it is not 6 metres in depth. This criterion is in place to ensure a private vehicle can completely draw in. However, this would represent an acceptable minor departure in this instance by virtue of the application displaying that a car can entirely draw in without leaving any part projecting.

#### (d) Equalities and human rights

No impacts were identified in relation to Human Rights.

(e) Public Comments

Objecting Material Representations -

- The proposal is not in-keeping with the conservation area; this is addressed in section a).
- The proposal would create a dangerous scenario in terms of Road Safety; this is addressed in section d).

Objecting Non-Material Representations -

- Concerns regarding the accuracy of the received materials; the materials received as part of the application are acceptable in terms of conducting an assessment in this instance. In addition, a site visit provided further contextual understanding of the application site.
- Neighbour notification concerns; the properties that have been notified are those that are within a 20-metre radius of the application site; this is a statutory requirement and is carried out via the Royal Mail. In addition, the proposal has also been advertised in the local press by virtue of the application site being in a conservation area.
- Ownership concerns; the material as part of the application states that the applicant is the owner of the development site. This information satisfies the requirements of the Planning Service. In addition to this, further due diligence confirmed via the agent that the applicant is the owner. If this information is inaccurate or incorrect, it would be a civil matter and would not fall within the planning remit.
- Alleged unauthorised previous works; this application is in place to have the unauthorised works assessed and formalised.
- Maintenance of the application site and adjacent area; this is not a material planning consideration and cannot be assessed as part of the application.
- The parking space is subject to the make/model of the vehicle; the make and model of vehicle is not part of the assessment in terms of parking spaces.

Conclusion

The proposal complies with the Edinburgh Local Plan Policies Env 6, Des 12, the non-statutory Guidance for Listed Buildings and Conservation Areas and represents a minor departure from the non-statutory Guidance for Householders.

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

**3.4 Conditions/reasons/informatives**

**Conditions:-**

## **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**

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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 is not subject to 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**

The application was advertised on 9 October 2020 and 30 representations were received in objection to the proposal.

## 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](#)

<b>Statutory Development Plan Provision</b>	Edinburgh Local Development Plan.
<b>Date registered</b>	18 September 2020
<b>Drawing numbers/Scheme</b>	01-02,  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:**

**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 West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

### **Relevant policies of the Local Development Plan.**

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.

### **Non-Statutory Guidelines**

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

# Appendix 1

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## Consultations

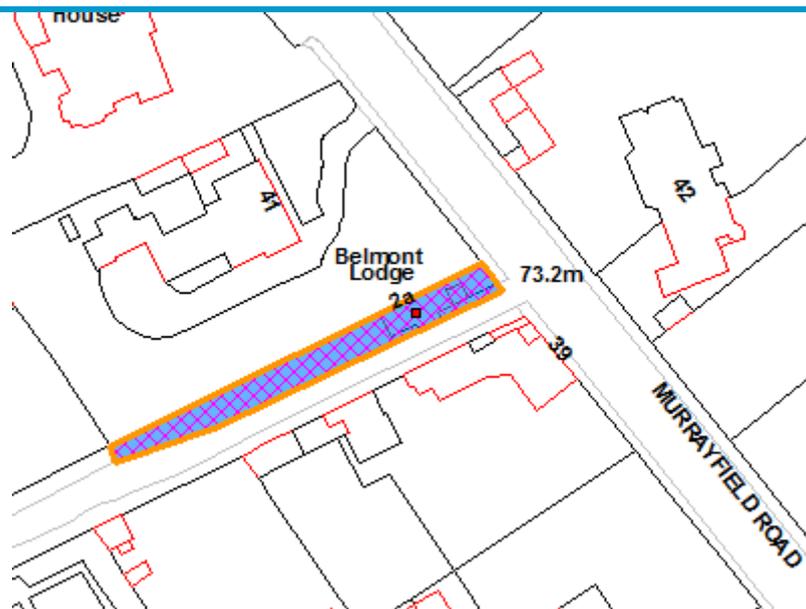
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Roads Authority -

No objections.

## Location Plan

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