

Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/03560/FUL
at 10 Craigmillar Park, Edinburgh, EH16 5NE.
Roof garden and terrace over existing first floor north
extension with landscaped enclosure features. Alter
dormer windows to form door onto roof.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal would be unacceptable by virtue of its impact on neighbouring privacy and the resultant loss of residential amenity. The proposal is contrary to the relevant Local Development Plan policies. There are no material planning considerations which would justify approval.

Links

[**Policies and guidance for
this application**](#)

CRPCMP, LDES01, LDES05, LDES12, LEN06,
NSGD02, NSLBCA,

Report

Application for Planning Permission 20/03560/FUL at 10 Craigmillar Park, Edinburgh, EH16 5NE. Roof garden and terrace over existing first floor north extension with landscaped enclosure features. Alter dormer windows to form door onto roof.

Recommendations

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

Background

2.1 Site description

The application site lies to the west of Craigmillar Park, at the corner of Suffolk Road.

The stone-built villa is elevated above Craigmillar Park and has undergone a number of alterations to its rear and side elevations. The building is set within its own grounds with a 2m high stone boundary wall to the side and rear and a gated driveway entrance off Craigmillar Park. A parking area exists to the south of the site, along the boundary with Suffolk Road. The premises are currently operating as a Class 10 use (Non-residential institutions).

There are residential properties to the north and west of the site and St. Margaret's School is on the opposite side of Craigmillar Park.

Craigmillar Park is a busy thoroughfare to the city centre, with Greenways on both sides of the road.

This application site is located within the Craigmillar Park Conservation Area.

2.2 Site History

15 June 2020 - Application withdrawn for the creation of a new roof terrace (20/01753/FUL)

09 July 2003 - Planning permission granted for the change of use from hotel to a Non-Residential Institution and alterations and extensions (02/04594/FUL)

Main report

3.1 Description of the Proposal

Planning permission is sought for the alteration of a flat roof rear extension to form a new roof terrace. The new area would be used for additional external play space.

The proposed works include the erection of a 1.75m wire and post safety balustrade around the perimeter of the flat roof and the alteration of a dormer window to form a new entrance onto the proposed roof terrace. The application also proposes to run a 950 mm high boundary hedge along the west elevation of the roof terrace and other minor landscaping in relation to the new play space.

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 of the proposal are acceptable and would preserve or enhance the character and appearance of the conservation area;
- b) there would be any unreasonable effect on neighbouring residential amenity and
- c) any comments have been addressed.

a) Scale, Form, Design and the Character and Appearance of the Conservation Area

The Craigmillar Park Character Appraisal emphasises the predominance of high-quality, stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing, the use of traditional materials and the predominant residential use. Front gardens and large rear gardens are a feature of the area; and the relationship of the natural landscape with the built development is a key element to the character and appearance of the conservation area.

LDP Policy Env 6 (Conservation Areas - Development) requires development to preserve or enhance the special character and appearance of the conservation area and to contribute positively to the character of the area.

LDP Policy Des 1 (Design Quality and Context) requires development to draw upon positive characteristics of the area and create a sense of place. The policy states that planning permission will not be granted for poor quality or inappropriate design or for proposals that are damaging to the character or appearance of the area around it.

LDP Policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations to existing building which in their design, positioning and materials are compatible with the character of the existing building and will not be detrimental to neighbourhood character.

The proposed extension forms a modern addition to the building. It does not make a significant or positive contribution to the character of the conservation area. The proposed balustrade has been reduced in height (from 2 metres to 1.75 metres) when assessed against the previous scheme, which was withdrawn (20/01753/FUL). The form and appearance of the balustrade would be understated and modest. The design seeks to reflect the architectural form of the extension and would be distinct from the more ornate architecture of the original building. It would not create an over-dominant element to the roof of the building and would be a subservient addition.

The proposal would not be readily visible from public views and would not have an adverse effect on the character and appearance of the conservation area.

The proposal would comply with LDP Policies Env 6, Des 1 and Des 12.

b) Neighbouring Residential Amenity

LDP Policy Des 5 (Development Design- Amenity) requires that the amenity of neighbouring properties is not affected by development in terms of noise, daylight, sunlight, privacy and immediate outlook. LDP Policy Des 12 (Alterations and Extensions) requires that development will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

Concerns have been raised in relation to potential noise disturbance due to the development and the applicant has suggested that the hours of use of the terrace could be restricted by condition. However, the proposal is restricted to operational development only. It does not constitute a material change of use or an intensification of use. This assessment must be restricted to the impact of the development and cannot consider the broader operational characteristics of the lawful Class 10 use. Moreover, the imposition of a condition restricting the use of the terrace would be difficult to enforce in practical terms and would fail to meet the tests set out in the relevant circular.

The proposal would be to the rear of the property and would be set one metre from the mutual boundary wall, shared by neighbours at number 7 and 8 Gilmour Road. The proposed balustrade would facilitate the use of the roof as a terrace, which currently stands approximately 1.5 meters above the boundary wall.

Although there is a degree of overlooking already from top floor windows of the building, this type of overlooking is typically passive. The proposed terrace would allow individuals using the terrace to come close to the boundary. The proposed hedge planting along the west elevation would not be guaranteed to provide adequate screening due to it being natural and susceptible to disease or lack of foliage cover. Any attempt to condition its retention and effectiveness as a screen to the terrace would be unenforceable and impractical. The proposal would fail to provide adequate screening and would have the potential to significantly affect the ability of residents to enjoy their gardens without being subject to relatively intrusive overlooking.

The proposal would result in the overlooking of neighbouring gardens and an unacceptable loss of neighbouring residential amenity. This is contrary to LDP Policies Des 5 and Des 12.

c) Public comments

Material Considerations- Objections

- size and scale not subservient-addressed under Section 3.3a.
- incongruous appearance of balustrade - addressed under Section 3.3a
- Proposal represents over-development - addressed under Section 3.3a
- noise pollution; - addressed under Section 3.3b
- impact upon neighbour privacy and outlook - addressed under Section 3.3b

Material Considerations- Support

- has created new attractive garden space for the benefit of children in attendance addressed under Section 3.3a
- uses sympathetic materials in keeping with the area -addressed under Section 3.3a
- the development has improved the appearance of the formally neglected area and the appearance is better than previous arrangement -addressed under Section 3.3a

Non-Material Considerations- Objections

- Impact on parking provision and road safety - this application relates solely to operational development and does not constitute a change or intensification of use

Conclusion

The proposal complies with LDP Policies Env 6, Des 1 and Des 12 in relation to design, scale, materials and impact on the conservation area. However, the proposal would be unacceptable by virtue of the effect that it would have on privacy, to the detriment of neighbouring residential amenity, contrary to LDP Policies Des 5 and Des 12.

Addendum to Assessment

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh Local Development Plan Policies Des 5 and Des 12, as the formation of a roof terrace would result in overlooking of neighbouring gardens, to the detriment of neighbouring residential amenity.

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

The application was advertised on 14.9.2020.

In total, 65 representations have been received. Of these, 35 are in objection, 30 are in support and one is neutral. 3 comments are repeated and discounted from the overall tally. The matters raised are addressed in part 3.3.

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 site lies within the urban area of Edinburgh Local Development Plan where it is designated as within Craigmillar Park Conservation Area.
Date registered	27 August 2020
Drawing numbers/Scheme	01-03, Scheme 1

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

Contact: Adam Glosner, Assistant Planner
 E-mail:adam.glosner@edinburgh.gov.uk

Links - Policies

Relevant Policies:

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

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

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 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.

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

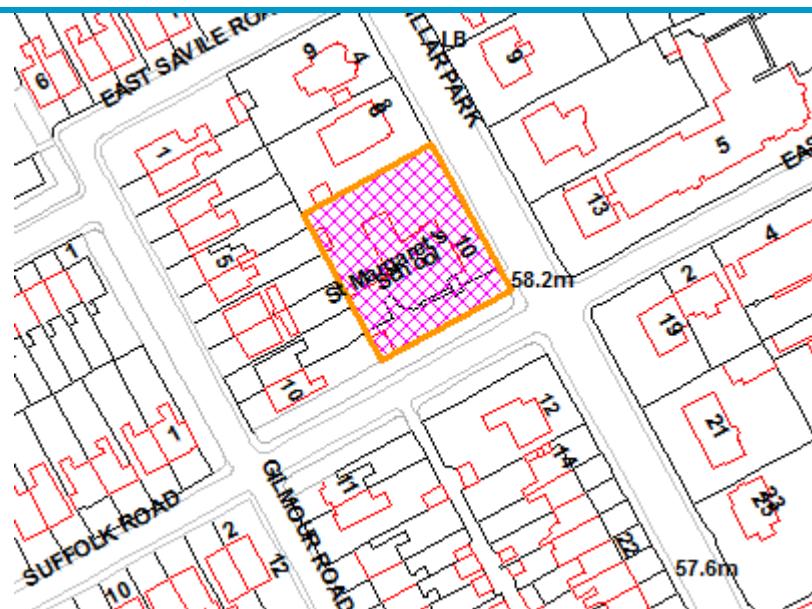
Appendix 1

**Application for Planning Permission 20/03560/FUL
at 10 Craigmillar Park, Edinburgh, EH16 5NE.
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extension with landscaped enclosure features. Alter dormer
windows to form door onto roof.**

Consultations

No Consultations received.

Location Plan



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