

# Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/03850/FUL  
at 1 Essex Road, Edinburgh, EH4 6LF.**

**Proposed erection of a 4 bedroom, 1 and a half storey family home to the South corner of the existing garden at 1 Essex Rd, EH4 6LF.**

**Item number**

**Report number**

**Wards**

B01 - Almond

## Summary

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The principle and design of the proposed dwelling are acceptable in this location. The proposal will not significantly impact on the amenity of neighbours and offers a suitable level of accommodation for future occupants. The Roads Authority has not objected to the proposal.

The development complies with the adopted Local Development Plan and there are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES03, LDES04, LDES05, LTRA02, LTRA03, LEN12, LEN21, NSG, NSGD02,

# Report

**Application for Planning Permission 20/03850/FUL  
at 1 Essex Road, Edinburgh, EH4 6LF.  
Proposed erection of a 4 bedroom, 1 and a half storey family  
home to the south corner of the existing garden at 1 Essex  
Road, EH4 6LF.**

## 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 part of the rear garden ground of number 1 Essex Road, a detached villa occupying a corner plot. Whitehouse Road lies to the east of the site.

The rear of the garden ground is bound by a private road known as Ewerland which serves approximately 11 existing residential properties including bungalows, detached and semi-detached dwellings.

The surrounding area is residential.

### 2.2 Site History

There is no relevant site history for the site.

Relevant applications on neighbouring sites include:

3 November 2005 - Planning permission granted for house with integral garage and erect new double garage along with other associated works (as amended) at 12 Essex Road (05/02444/FUL)

27 February 2017 - Planning permission granted for erection of 2 x 2-storey houses at 5 Essex Road (16/05913/FUL)

## **Main report**

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### **3.1 Description of the Proposal**

It is proposed to divide the garden ground of 1 Essex Road and form a detached dwelling accessed from the private road.

The dwelling would be one and a half storeys in height with five bedrooms. The dwelling would have a pitched roof and have a contemporary appearance with white render walls and a zinc roof.

A replacement retaining wall is proposed to separate the dwelling from 1 Essex Road. The remainder of the boundaries would be surrounded by 1.8m fencing, with a gated access to the private road, Ewerland.

#### Supporting Documents

The applicant has submitted the following supporting documents which are available to view on Planning and Building Standards on-line services:

- Design Statement
- Tree plan and root protection area
- Surface Water Management Plan

#### Revised Scheme

The scheme has been revised to meet parking requirements.

### **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 proposal is acceptable in principle;
- b) the proposal would have a detrimental impact on the character and appearance of the surrounding area;
- c) the impact on neighbouring amenity is acceptable;

- d) the amenity for future occupiers is acceptable;
- e) the proposal will have any parking, traffic or road safety issues;
- f) there are any other material considerations and
- g) any comments raised 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 surrounding area is residential in character.

The proposal is a suitable site within the urban area. Compliance with other plan policies is assessed in turn below.

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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) requires new development to be informed by an understanding of the site and incorporate existing features.

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 Edinburgh Design Guidance states that backland 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.

Backland development may be acceptable where it would not disrupt the spatial character of the area and the amenity of future residents, and residents of adjacent properties. Proposals will be considered on a case by case basis and will take into account the cumulative impact of proposals in an area (including the cumulative impact on surface water drainage and biodiversity, including trees)

The surrounding area is residential with a range in size, style and age of houses. Essex Road is characterised by larger properties with generous garden ground, whilst development over the last 30 years in Ewerland and at Templar's Cramond display a range of styles including other properties built within garden grounds.

At one and a half storeys the dwelling will appear subservient to number 1 Essex Road and minimise impact within Ewerland itself. The density will be comparable to that of existing development in Ewerland.

The proposed design and materials using a light render and a standing seam roof which, though more contemporary than those in the surrounding area, will not be out of place as the area already contains a mixture of styles. Materials have been conditioned to further ensure suitability.

The placement of the building to the rear of the plot maintains the spacious appearance of the wider townscape. Existing mature trees and will be retained to plot boundaries and the position of the house has been placed outwith their root protection areas. The loss of six younger trees will not have a detrimental impact in this already heavily planted location.

The proposal complies with policies Des 1, Des 2, Des 4 and Hou 4.

c) 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 proposed dwelling will sit approximately 1.8 metres below that of 1 Essex Road. The mutual boundary with this existing property will be surrounded by a retaining wall and fencing. The windows of the proposed dwelling are minimised on this elevation. At ground floor level these will be obscured by the retaining wall. At the upper level there will be three rooflights serving a stairwell and bathroom nearest the existing house. The western most rooflight will serve a bedroom. However, due to the positioning of the building it will not directly overlook the existing property. A further window on the western gable will be 15 metres to the garden ground 3 Essex Road and will also be obscured by mature trees. The windows on the front elevation will look out onto proposed fencing and the private but publicly accessible Ewerland and are in excess of 25 metres to other dwellings.

As the proposed dwelling will sit at a lower level than neighbouring properties, this in combination with the buildings position within the plot, will not cause any significant loss of daylight and sunlight to neighbouring dwellings or their garden ground.

The proposal will ensure that a suitable level of amenity is maintained to existing dwellings.

d) 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 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 91 square metres for properties with more than three bedrooms. The proposed internal floor space of 174 square metres exceeds this minimum requirement and provides enhanced storage.

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 west elevation will provide a 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 good quality internal amenity for future occupiers.

As the proposed dwelling will not be located directly behind 1 Essex Road there will be limited overlooking to windows. These and the garden ground will also be screened by walls, fencing and planting.

The proposed garden ground is to the front and side of the dwelling. However, the garden ground will be well screened and secluded offering a suitable level of privacy and ensuring that this will receive a good level of sunlight over what would otherwise have been a north facing garden. The garden ground measures approximately 400 square metres.

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

d) Parking and road safety

LDP Policies Tra 2 - Tra 3 set out the requirements for private car and cycle parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

One parking space is set out on the proposed site plan in line with the Edinburgh Design Guidance and there is a suitable amount of garden ground to provide cycle storage.

The road Ewerland is in private ownership. Previous applications have been consented for development of houses along the road.

The Roads Authority has advised in this instance that it has no objections to the application and have not requested any conditions or informatives.

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 has been submitted which includes acceptable drainage arrangements and has been accepted by the Council's flood officer.

Scottish Water have been consulted and have confirmed current drainage capacity.

## Waste

No details have been provided regarding the location of bin stores. However, there is sufficient space for the storage of domestic waste on site.

### f) Public Comments

#### **Material Comments - Objection:**

- Development will detract from character - addressed in 3.3b);
- Design and materials not in keeping with surroundings - addressed in 3.3b).
- Overdevelopment of site - addressed in 3.3b);
- Road safety concerns including width of access, junction with Whitehouse Road, safety of pedestrians and cyclists, capacity and turning space - addressed in 3.3d and
- Setting of listed building 124 Whitehouse Road - the listed building is over 50 metres away and separated by existing buildings and will not be affected by the proposed development.

#### **Non-material - Comments:**

- No established access - the access is proposed through the application site.
- Plans inaccurate - plans have been confirmed as accurate by the applicant.
- Infringement on neighbouring land - land ownership disputes are a civil matter.
- Trees already cut down - tree removal prior to the application is not restricted.
- Wear and tear of lane - this is a private matter.
- Disruption during construction - this is not a material planning consideration.
- Should be accessed from Essex Road - the application is assessed as presented and
- Road should be adopted - this is outwith the consideration of the application.

## Conclusion

The principle and design of the proposed dwelling are acceptable in this location. The proposal will not significantly impact on the amenity of neighbours and offers a suitable level of accommodation for future occupants. The Roads Authority has not objected to the proposal.

The development complies with the adopted Local Development Plan and there are no material considerations which outweigh this conclusion.

## **Addendum to Assessment**

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. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
3. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.

#### **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard existing trees.
3. In order to safeguard existing trees.

#### **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 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**

The application received 10 objections raising material and non-material issues. These are addressed in section 3.3.

## **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** 11 September 2020

**Drawing numbers/Scheme** 01, 02, 03A, 04A, 05 - 09,

Scheme 2

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

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## **Links - Policies**

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### **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 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 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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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 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 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.

### **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 20/03850/FUL  
At 1 Essex Road, Edinburgh, EH4 6LF  
Proposed erection of a 4 bedroom, 1 and a half storey family  
home to the South corner of the existing garden at 1 Essex  
Rd, EH4 6LF.**

## **Consultations**

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### Roads Authority

*No Objections.*

### City Archaeologist

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of a 4 bedroom, 1 and a half storey family home to the South corner of the existing garden*

*The site is located adjacent to the B-listed early 17th century Whitehouse, close to the historic Long Row settlement and within an area suspected of lying along the Roman Road leading from Cramond Southwards. The site therefore occurs within an area of archaeological significance. However, it has been concluded that this development is unlikely to have a significant archaeological impact.*

### Flood Officer

*11/12/20*

*Thank you for sending through the additional information. Flood Prevention have no major concerns over this application. For completeness, we would request that Scottish Water provide confirmation they accept the proposed surface water discharge rate to the surface water sewer. As you mentioned in your email, I suspect this will not be an issue due to the size of the development.*

*Once Scottish Water provide confirmation, they accept the proposed surface water discharge rate, this application can proceed to determination with no further comments from our department.*

*22/01/21*

*The proposals satisfy our requirements. We have no further comments and this application can proceed to determination, with no further comments from our department.*

## Scottish Water

08/01/21

### Capacity Assessment

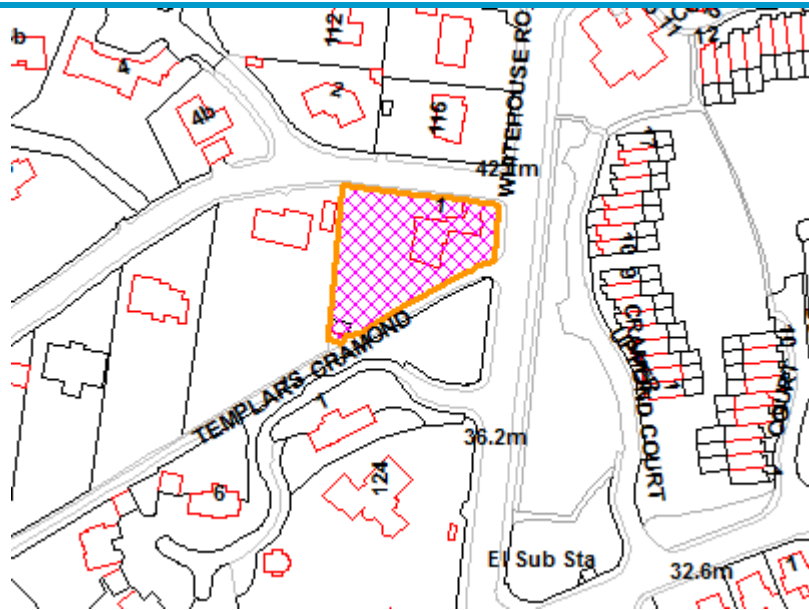
Scottish Water has carried out a Capacity review and we can confirm the following:

- There is currently sufficient capacity in the Marchbank Water Treatment Works to service your development.
- -There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment works to service your development.

### Network Assessment

- There are no issues currently identified within our water and wastewater network that would adversely affect the demands of your development.

## Location Plan



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