

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/01287/FUL
at 35 Kekewich Avenue, Edinburgh, EH7 6TY.
To erect new dwelling**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

The proposal complies with the policies contained in the Edinburgh Local Development Plan and associated supplementary guidance. The existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through the development's design. The proposal will provide adequate levels of amenity for future occupiers and will not materially harm the amenity of neighbouring residents. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LEN12, LEN16, LEN21, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

Report

Application for Planning Permission 21/01287/FUL at 35 Kekewich Avenue, Edinburgh, EH7 6TY. To erect new dwelling.

Recommendations

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

Background

2.1 Site description

The application site relates to No.35 Kekewich Avenue, Edinburgh. It is a detached bungalow property with a large west facing garden. It lies on the corner of Vanderleur Place. There is currently a gated entrance leading off Vandeleur Place which provides access to the property's rear garden and detached garage. The garden grounds are currently screened along Vanderleur Place by a wall and high hedging.

It is noted that the property directly to the south of Vandeleur Place, No. 33 Kekewich Avenue, has a shorter rear garden than No. 35 and No. 8 Vandeleur Place lies opposite the application site.

The site does not lie within a defined conservation area and none of the trees that surround the site are protected.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is for planning permission for the erection of a one and a half storey, 110sqm, 3 bedroom, detached dwelling house in the rear garden of No. 35 Kekewich Avenue. The property will have a maximum ridge height of approximately 7.1 metres, a depth of roughly 10.7 metres and a width of approximately 8.2 metres. The total site area measures 274 sqm.

The proposal will replace an existing garage at this part of the existing garden grounds. The property will be accessed off Vandeleur Place and it will have one off street car parking space. The property will have approximately 164 sqm of green space. A new rendered wall with wrought iron gates and rails is proposed along the principal boundary of the dwelling.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Supporting Statement

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 is of appropriate scale, form and design;
- c) future occupiers will have acceptable levels of amenity;
- d) the proposal will impact on neighbouring amenity;
- e) there are any other material considerations and
- f) representations received have been addressed.

(a) The Principle of Development in this Location

Policy Hou 1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

Paragraph 221 of the LDP states that *Edinburgh needs more housing to provide homes for an increasing population and to support economic growth*. The policies objectives are to meet the requirement for additional housing in Edinburgh whilst protecting environmental quality in established housing areas.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposal is compatible with other policies in the plan.

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs.

The surrounding area consists largely of dwelling houses. The proposed dwelling would provide further accommodation within the area for families and complies with LDP policy Hou 2.

Subject to compliance with other policies of the LDP the principle of housing development is acceptable.

b) Development Scale, Form and Design

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. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

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

Paragraph 154 of the LDP states *"Where the built environment is of high quality and has a settled townscape character, new development proposals will be expected to have similar characteristics to the surrounding buildings and urban grain"*

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.

Chapter 1.5 of the Edinburgh Design Guidance states that *"The appropriateness of high density housing to a particular site will depend on site context and on the way in which the development addresses the issues of open space (including impacts on landscape character and trees), unit mix, daylight, sunlight, privacy, outlook, house type, car parking requirements, waste management and the design and site layout of the development itself. Density should be a product of design, rather than a determinant of design"*.

The application site lies within an established residential neighbourhood where there is quite a varied pattern in terms of the size of house plots and layout of the detached dwellings. Whilst the majority of properties in the surrounding area have smaller gardens to the front and elongated gardens to the rear, many nearby garden grounds vary in depth and some corner or cul-de-sac plots (like that on Vandeleur Avenue) have relatively limited garden ground beyond the rear elevation of the dwelling house.

The application site has a long and wide rear garden. It is proposed that the existing rear detached garage be demolished, and a dwelling house be constructed within the rear garden of No. 35. The design of buildings in the wider surrounding area is also varied with bungalows, many of which have been extended to a large degree, and one and half storey properties being prevalent. However, there are also some examples of two storey buildings nearby. The design of roof forms in the surrounding area also varies, with the bungalows largely having shallow roof pitches, whilst the one and half storey buildings have much steeper roof pitches with dormers. There are also examples of two storey buildings with flat roofs present on nearby Sydney Place.

The proposed building will be one and half storey in height, with a pitched slate clad roof, rendered walls and a stone bay window to broadly match that of nearby properties. The building line of the principal and rear elevation of the development shall also closely match that of the directly neighbouring dwellings on Vandeleur Place.

It is further noted that the position of the building will also roughly mirror that of No. 8 Vandeleur Place which is directly across the street. The proposal will retain acceptable spaces between directly neighbouring properties and will not appear to be squeezed in, or be apparent overdevelopment of the site. The width of the proposal is also largely comparable to that of nearby dwellings and while the building shall be taller than that of directly neighbouring dwellings it will not be to a significant degree.

It is acknowledged that the main physical difference between the proposal and the directly neighbouring properties is that it will have a flat principal elevation with the roof pitching to the sides and rear. Whilst this is not a design feature within this small element of street, there is another building present nearby at No. 9 Kekewich Avenue which also has a similar principal elevation design. Overall, the design of the proposal is attractive and given the quite varied building designs and roof forms that already exist in the surrounding area it is acceptable.

The existing property will retain a good sized rear garden with a depth of 12.9 metres. Whilst the proposal shall not have much of a useable garden area directly to the rear of the building, it will still have a good sized garden overall. The elements of garden to the side of the dwelling shall measure approximately 4.3 metres by 11 metres and 4.1 metres by 11 metres, whilst the element of garden to the front of the proposal shall be roughly 5 metres by 16 metres in width. It must also be noted that there are also other examples nearby of corner plots and that of some cul-de-sac properties which also have a garden layouts in which their rear garden grounds are quite limited but they have sizeable garden grounds directly to the sides of the dwellings.

Even though the proposal will be constructed within approximately 1.2 metres of the mutual boundary to the rear, the directly neighbouring property has a substantial, deep, garden and the proposal will be located towards the rear of this garden space.

The proposal has also been designed to angle away and minimise its physical presence in relation to the rear garden ground to which it will face. The proposal will also be screened to a degree by a hedge row along the mutual boundary.

The footprint of the dwelling and the layout of the garden will not read as overdevelopment of the site and is relatively consistent with the established ratio of plots in this area.

The rear garden of the plot is currently screened from public views by a wall and tall hedging. It does not contribute to a sense of openness along the street whilst the rear garden grounds of the property are largely covered with grass only.

The proposal largely draws on the positive characteristics of the area and respects the development layout of the site and the established spaces between buildings.

There would be a need to remove permitted development rights for this development should it be granted. This is due to the proximity of the development to the neighbouring boundary and the range of permitted development rights available that could result in adverse harm to neighbouring amenity at a later date. A condition is recommended to secure this.

The proposal complies with policies Des 1, Des 3 and Des 4 of the adopted LDP and the Edinburgh Design Guidance.

c) Residential Amenity

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

The Edinburgh Design Guidance states that the minimum internal floor area for a three-bedroom unit should not fall below 81 sqm. The proposal exceeds the minimum floorspace standards with 110 sqm of internal floor space being provided.

The building will have large south facing windows as well as windows to the east and west. Adequate levels of sunlight/daylight should be received. All habitable rooms shall receive an adequate outlook and will have satisfactory privacy.

The proposal complies with LDP policy Des 5 in terms of providing an adequate level of amenity in terms of noise, sunlight, daylight, privacy and outlook.

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.

LDP Policy Hou 3 does not define what the adequate provision of greenspace for future residents of a single new house is. The size of the proposed gardens for the proposed property and size of the garden ground which will remain for No. 35 have been assessed in detail in part (b) of this report.

The proposed new house will have a good amount of garden ground. It complies with LDP policy Hou 3.

d) Neighbouring Amenity

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

In terms of privacy, the majority of the windows in the dwelling will face south towards the garden of the property and then the street. The proposal will respect the established distances between gardens and windows that have already been established. The front windows proposed shall be approximately 13.5 metres away from the front garden of the property across the street, whilst the window to window distance shall be roughly 19.6 metres.

There will be two bedroom windows that will face to the west of the property. These will face the gable elevation of the neighbouring dwelling and will be at ground floor level. Gable elevations are not protected for loss of sunlight/daylight or privacy. Regardless of this these windows will be screened by an existing 1.5-metre-high wall. There will be a singular small rooflight that will also face to the west. However, this rooflight shall only provide sunlight/daylight to the stairs of the dwelling.

There is only one small rooflight that will face to the north. However, this will only provide light to a landing/storage area which is not classed as a habitable room.

There will be a selection of windows and patio style doors that will face to the east of the development. However, again these windows and door will be screened by a proposed 2 metre high close boarded fence. The rooflights that face to the east will provide light to an en-suite and bathroom.

The height and positioning of the development will ensure that there will be no loss of daylight to neighbouring windows. Gable elevations of properties are not protected for loss of sunlight/daylight.

The applicant has provided a daylight analysis which shows that the proposal will not result in any overshadowing to the garden to the rear of the site. The proposal will not materially overshadow the garden of the property to the west of the site as it will lie in a gable to gable situation which is common practice.

The proposal generally complies with LDP policy Des 5.

e) Other Material Considerations

Car and Cycle parking and accessibility

LPD Policies Tra 2 (Private Car Parking), Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) sets out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The proposal would accommodate one off-street car parking space and this complies with the Council's car parking standards.

The site is located quite near to local transport links and has easy access to nearby facilities.

The proposal includes a private garden space in which bikes could be securely stored.

The Roads Authority were consulted as part of the assessment of the application and raised no concerns with regards to road or pedestrian safety.

The proposal complies with LDP policies Tra 2, Tra 3 and Tra 4.

Flooding

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

The site does not fall within an area which according to SEPA maps is at defined risk of river, coastal or surface water flooding. However, a Surface Water Management Plan (SWMP) is recommended to be conditioned if the application is granted. Some concerns have been raised in objections that the area of the site may contain a stream or drainage channel. These matters can be addressed through the required building warrant and SWMP.

The proposal complies with LDP policy Env 21.

Waste

The proposal was assessed by Waste Services and it offered no objections.

Trees

LDP Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order (TPO) or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

There are currently a number of trees which lie near to the boundary of the site and are within the neighbour's ownership. The applicant has confirmed that no trees will be harmed in the construction of the proposal and no pruning is anticipated. The trees near the site are not protected by a TPO and the site does not lie within a conservation area. It is acknowledged that any tree branches and roots which are present within the site can be removed at any time without the consent of the planning authority.

g) Representations

Material - objection:

- Overdevelopment of the site - Addressed in Section 3.3 (b).
- Inappropriate development design and will harm the character of the area - Addressed in Section 3.3 (b).
- Impact on neighbouring amenity in terms of privacy, daylighting and overshadowing - Addressed in Section 3.3 (d).
- Loss of garden space - Addressed in Section 3.3 (b).
- Level of off street parking provided, and parking is under pressure on street - Addressed in Section 3.3 (e).
- Impact on road safety - Addressed in Section 3.3 (e).
- Contrary to the Council's guidance on amenity - Addressed in Section 3.3 (d).
- Potential impact on neighbouring trees - Addressed in Section 3.3 (e).
- Flood risk/stream, drainage channel under garden - Addressed in Section 3.3 (e).

Non-material - objection

- Impact on on-street car parking - planning does not control or condition the allocation of on-street parking.
- Loss of view - there is no right to a particular view.
- Not in accordance with the title/feu disposition in terms of number of properties in garden ground, building in rear gardens, design, scale- This is a civil matter between interested parties.
- Noise and disturbance arising from the demolition and construction works - this does not preclude assessment of the proposal or prevent developments from happening.
- If this development goes ahead I will do similar- Every application is determined on its own individual merits.
- Applicant has allegedly been canvassing for support, it will not impact the applicant- This is not a material planning consideration.
- The site is not accessible for development traffic, it is too narrow. - This is not a material planning consideration.

Material - Support

- Will improve the visual amenity of the site - Addressed in section 3.3 (b) and (d)
- Appropriate scale, form and design, the surrounding area has a very mixed design and layout - Addressed in section 3.3 (b)
- Will provide a good level of amenity for future residents, internal space and sunlight/daylight levels - Addressed in section 3.3 (c)
- The development is sustainable and will provide good levels of accessibility - Addressed in section 3.3 (b) and (e)
- Will provide required additional housing- There is no deficit in the 5 year housing land supply.
- Good for the economy and jobs- Addressed in section 3.3 (a).

Non Material Support

- Good for investors- This is not a material planning consideration.
- It is reuse of a brownfield site - The site cannot be seen as brownfield. The extent of the development proposed is far greater than that which currently exists.

Conclusion

The proposal complies with the policies contained in the Edinburgh Local Development Plan and associated supplementary guidance. The existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through the development's design. The proposal will provide adequate levels of amenity for future occupiers and will not materially harm the amenity of neighbouring residents. There are no material considerations that outweigh this conclusion.

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. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A Surface Water Management Plan shall be submitted for the written approval of the Council as Planning Authority prior to any works commencing on site. This should be prepared in line with the self-certification scheme.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) order 1992 as amended (or any order amending, revoking or re-enacting that order), no extensions or external alterations to the new house as hereby permitted shall be constructed without the submission of a new planning application for the assessment of the Council as Planning Authority.

Reasons: -

1. In the interests of amenity.
2. In the interests of amenity
3. In the interests of surface water management.
4. In the interests of neighbouring amenity.

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.
4. Any off-street parking space should comply with the following:
 - 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>

5. Electric vehicle charging outlets should be considered for this development.

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 received 6 objection comments and 22 support comments. The points raised shall be addressed in section 3.3 of this report. A councillor asked for the application to be determined by the Development Management Sub-Committee.

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

Date registered 11 March 2021

Drawing numbers/Scheme 01,02,03,04,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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 Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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 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 21/01287/FUL At 35 Kekewich Avenue, Edinburgh, EH7 6TY To erect new dwelling

Consultations

Roads Authority

Full Response

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 following:
 - 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>
2. Electric vehicle charging outlets should be considered for this development;

Note:

The proposed one car parking space complies with Parking Standards which allow for a maximum of one space per unit in this area;
No dedicated cycle parking required as the proposals include a private garden;

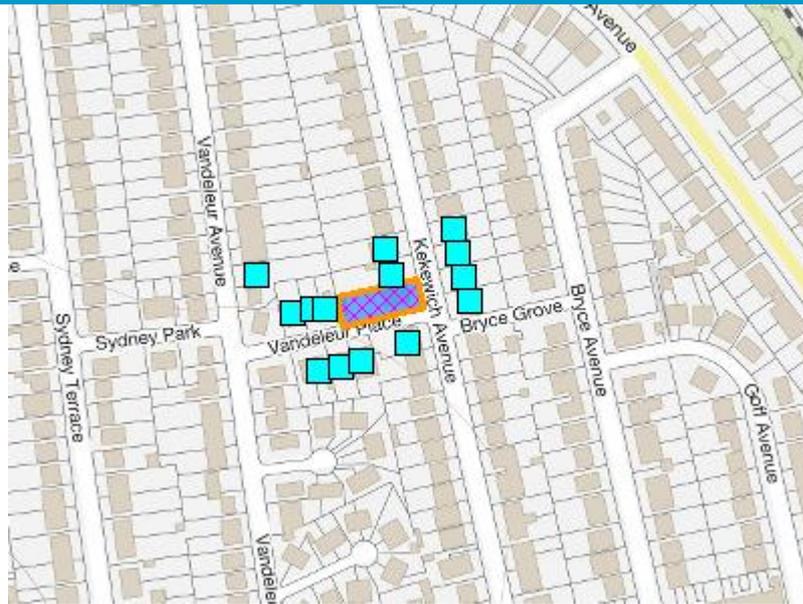
Environmental Protection

Environmental Protection does not object to the proposed development.

Waste Services

This application is for an individual property and presentation would be the same as the surrounding area, Individual kerb side collections, we would have no objection to this proposal.

Location Plan



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