

Development Management Sub-Committee Report

Wednesday 26 October 2022

**Application for Planning Permission
18 Cumloddan Avenue, Edinburgh, EH12 6DR**

Proposal: Proposed demolition and replacement dwelling house (as amended).

**Item – Committee Decision
Application Number – 22/02279/FUL
Ward – B06 - Corstorphine/Murrayfield**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 14 letters of objection have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

Residential use is established on-site and this use is compatible with the character of the area. The scale, form and design will not have a damaging impact on the townscape character. The proposal will continue to help support local facilities and has near access to sustainable transport modes. A satisfactory residential environment will be created and there will be no adverse impact on the amenity of neighbouring residents. Appropriately designed cycle provision is incorporated and exceedance of the car parking standards is acceptable given the existing parking provision on-site. No specific road or pedestrian safety issues will occur as a result. Sustainable features are incorporated.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP) and due regard has been had to matters of equality.

The proposal is in accordance with the development plan. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The proposal site is a detached bungalow property located on the north-east side of Cumladden Avenue.

It contains a hipped roof with a bay window feature facing the street. It is constructed externally with white render walls a red clay tiled roof with three dormers.

The site has front and rear gardens with hedging, plants and foliage and a driveway facing the street.

The surrounding area is primarily residential in character with detached and semi-dwellings evident nearby. There is some range to the scale, form and design of houses nearby.

Description of the Proposal

Proposed demolition, replacement dwelling house and associated works.

The new dwelling is one and a half storeys in height with an asymmetrical, curved form. Its footprint will be 151 square metres (sqm) whilst the existing dwelling is 170 sqm. Four bedrooms will be included in total, all at first floor level.

It will primarily be constructed externally in a dark red standing seam zinc on the front and gable sides.

The lower sections will be finished in a cedar cladding which includes a single storey flat roof projection with a sedum roof.

Modern, rectangular, glazed openings are proposed. The size of these openings are larger at the rear which face onto the applicant's own garden space.

At the rear of the garden, a single-storey, flat roof garden room is proposed externally finished in a cedar cladding with patio doors and a sedum roof. Its footprint will be approximately 21 square metres.

The existing driveway will be re-used and increased in width by approximately 1 metre with a new sliding vehicular gate fronting the road and a curved footpath formed.

Revised Scheme

Scheme 1 was amended to reduce the overall size of glazing on the first floor to the rear by changing windows to solid panels.

Cycle storage has also been added adjacent to the car port. This provision includes space for 4 cycles via wall-mounted supports and an additional sheffield stand has been added on the driveway fronting this.

Existing and proposed finished floor levels have been added to the floor plans and a sunlight plan received.

Supporting Information

The following information was submitted in support of the planning application. These are available to view on the Planning and Building Standards Online Service:

- Bat reports
- Design statements
- Demolition statement
- Flood Risk Assessment
- Preliminary Ecology Appraisal
- Surface Water Management Plan
- Visualisations and street scene analysis

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Planning

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 11 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 14

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 6
- LDP Environment policies Env 12, Env 16, Env 21
- LDP Housing policies Hou 1, Hou 3, Hou 4
- LDP Transport policies Tra 2, Tra 3 and Tra 4

The Edinburgh Design Guidance is a material consideration that is relevant when considering policies of the Local Development Plan.

Land Use

Policy Hou 1 (Housing Development) - criteria d) refers to 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.

The site is located within the urban area where the continued residential use on-site is appropriate.

The proposal's compatibility with all other applicable policies are assessed throughout this report.

Policy Hou 3 (Private Green space in Housing Development) states planning permission will be granted for development which makes adequate provision for green space to meet needs of future residents.

The proposal includes provision of greenspace to the front and rear which will provide adequate external amenity space for future occupiers.

Policy Hou 4 (Housing Density), states an appropriate density of development on each site will be sought having regard to the following as summarised:

- a) its characteristics and those of the surrounding area;
- b) the need to create an attractive residential environment and safeguard living conditions within development,
- c) the site's accessibility including access to public transport
- d) encourage and support provision of local facilities

The footprint of the new dwelling will be smaller than the existing. Its form will differ however its overall height is smaller, and it will increase the distance to either side boundary when compared with the existing dwellinghouse on site.

The garden room will be appropriately modest in scale, as a single storey structure set in from the sides and similarly scaled to garden buildings nearby.

In light of the above, the site's lower density characteristics will not materially be altered by the proposal. The spacious garden setting of the site which is characteristic of the area will be retained.

The dwelling will be a good size and is designed with large, glazed openings allowing natural light into the main habitable spaces. The size of garden spaces will allow good levels of sunlight to be received. Therefore, overall, an attractive residential environment will be achieved.

The established residential use on-site is compatible with the surrounding character of the area which will safeguard future living conditions.

The accessibility to public transport is commensurate with existing levels in this residential area.

Lothian bus service 13 is an approximate two minute walk away onto Ravelston Dykes which provides access into the city centre.

The local centre at the junction between Corstorphine Road and Saughtonhall Drive is accessible in a 15 minute walk or 5-10 minute bus journey via Lothian Service no. 38.

Local centre on Roseburn Terrace to the south-west can be accessed in an approximate 12 minute walk.

The continued residential use on-site will help support these local facilities.

In light of the above, the proposal complies with LDP policies Hou 1, Hou 3 and Hou 4.

Design

Policy Des 1 (Design Quality and Context) refers to development creating or contributing to a sense of place based on positive characteristics of the surrounding area.

Policy Des 3 (Development Design) refers to development incorporating existing characteristics and features worthy of retention on site and surrounding area.

Policy Des 4 (Development Design - Impact on Setting) sets out criteria for development to have a positive impact on the character of the wider townscape and landscape. These include:

- a) height and form
- b) scale and proportions
- c) position of buildings and other features on site
- d) materials and detailing

Supporting paragraph 154 refers to where the built environment is of high quality and has a settled townscape character, new development will be expected to have similar characteristics to surrounding buildings and urban grain.

There are prevalent characteristics to houses on the street in terms of a general consistency of traditional building materials and pitched roof forms.

The existing bungalow reflects these traditional characteristics through its construction in rosemary clay tiles, light rendered walls, pitched roof form and traditional window detailing.

Its appearance aligns with the adjacent property to the north whilst its form, eaves level and consistency of materials ties with larger scaled house to the south. In this regard, the existing bungalow blends suitably with the townscape character.

No application for prior approval has been submitted or determined by the planning authority for the demolition of the bungalow on-site. Therefore, this aspect of the proposed development requires consideration.

As per the above, the bungalow makes a contribution to the townscape character however it is not listed or of any special architectural or historical interest.

Whilst there is a prevalent traditional character to the street, a degree of change has occurred and the site is not located within a conservation area.

For example, planning permission 12/01739/FUL was granted for demolition and replacement dwelling at 8 Cumlodden Avenue. Other modern alterations have been carried out including presence of differing materials including slate / zinc roofs, changing shades of rendered and wood cladding. Moreover, there are regular changes to building heights and forms evident.

In this respect whilst there is a prevalence of traditional materials, the character of the area is mixed and not defined by a unified architectural style.

In this context, the demolition of the bungalow is acceptable, subject to an appropriate high-quality replacement dwelling being granted.

The proposed materials for the new dwelling, including the primary use of zinc, timber clad walls in tandem with its asymmetrical roof form, are part of a modern design concept. This concept will clearly differ from the original, traditional characteristics of the townscape.

However, the new dwelling is of a proportionate scale as it will be one of the smaller houses on the street. It will continue along the existing building line and retains adequate spacing with properties each side.

Its footprint is similar to existing properties with large garden spaces retained. In this regard, the proposal respects the low-density characteristics of the site and area.

Removal of the existing bungalow and addition of this modern dwelling will read as a clear, visible change on the street.

The new dwelling will not reflect traditional townscape characteristics regarding its form and materials. However, as a distinguishable, modern design concept there is no requirement to replicate the appearance of more traditional buildings.

Importantly, it responds appropriately to the street scene in term of its proportionate height, scale, spacing and position. In this regard, it will not appear an overly dominant or intrusive addition to the area in terms of its scale and massing.

Innovative, sustainable features have been incorporated in its design including a sedum roof on the projecting canopy and an integrated solar pv system on the zinc upper floor roof.

Overall, the introduction of a high-quality, innovatively designed modern house will add interest to the existing variation of architecture, which is currently evident along the street.

In this context, whilst the modern design does not take cues from some traditional characteristics it will not have a damaging impact on the area's character or appearance.

The proposal therefore complies with the overall objectives of relevant LDP design policies.

A condition has been added for full details of the external materials to be submitted prior to works starting on-site.

Amenity

Neighbouring occupiers

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

The Edinburgh Design Guidance states buildings should be spaced out so that reasonable levels of daylight to existing buildings are maintained.

The layout of buildings in an area will be used to assess whether proposed spacing is reasonable.

Sunlight to neighbouring gardens can be tested by checking whether new development rises above a 45 degree line drawn in section from the site boundary. Daylight to gables and side windows are generally not protected.

Furthermore, the pattern of development in an area will help define appropriate distances between buildings and privacy distances.

In regard to sunlight, the dwelling will increase separation distance to each boundary with space retained of approximately 1.3 m to the south-east and 1.6 m to the north-west.

In regard to the former, the proposal complies with the 45 degree sunlight criteria and will result in no material impact on the existing levels of sun to this garden space.

In regard to the latter, whilst the first floor will fail the 45 test, less than 1 square metre of additional shade will be cast onto the adjacent rear garden at number 16. This rear garden is over 180 square metres in total and this degree of impact will not result in an adverse impact on this occupiers' living environment. An infringement of the guidance is therefore acceptable in this context.

In regard to daylight, the increased distance retained to the adjacent properties in tandem with the similar scale of the replacement dwelling will prevent impact on habitable room windows.

Furthermore, the gable openings on either side currently face onto the applicant's side gable and are not protected in this context.

In addition, any light impacts on adjacent solar panels cannot be protected as the guidance seeks to protect main sources of outlook and light to habitable rooms.

The garden room will be single storey and is sufficiently set in from all neighbouring boundaries to prevent any impact on sunlight or daylight.

The footprint of the dwelling will be largely consistent with the existing and similar to the position of dwellings on this side of the street. In this respect it aligns with the existing spatial pattern of the area.

Views of adjacent gardens from ground floor openings at the rear, will be primarily screened by the existing boundary treatment and foliage.

A privacy screen is proposed near the north-west boundary to minimise outlook of the garden beyond from ground floor openings. The full detail of this is required by condition prior to work starting in the interests of neighbouring amenity.

Outlook from the garden room will mainly face the applicant's own garden. Screening from foliage and the boundary walls will prevent any material impact on privacy through overlooking.

At first floor, the extent of glazing has been reduced and centralised to increase distance from the side boundaries.

Clearly, there will be a view from the upper floor rooms onto adjacent gardens. This is not uncommon on the street where openings at this level generally provide some outlook onto adjacent land.

The openings primarily face the applicant's own garden, and the reduced glazing will prevent any material loss of privacy from perceived overlooking.

The street-ward side of properties is visible from the public street and therefore existing privacy levels are to a degree compromised.

The relationship of the new dwelling to neighbours on this side will not materially be altered or create any new privacy issues.

Future occupiers

Policy Des 5 (Development Design - Amenity) states permission will be granted for development where future occupiers have acceptable levels of amenity in relation to noise, daylight sunlight, privacy or immediate outlook.

The EDG states dwellings with three bedrooms or more with enhanced storage should have an internal floor space of 91 square metres. The floor space of 259.5 square metres exceeds this standard.

The dwelling will achieve dual aspect and the size of windows will allow good levels of light and outlook internally.

The front and rear gardens are generously sized allowing good levels of sunlight to be received.

The position of the dwelling will be compatible with the spatial pattern of the street. This will allow a level of privacy for future occupiers that is characteristic of the area.

In light of the above, an adequate living environment will be achieved which complies with LDP policy Des 5.

Sustainability

Policy Des 6 (Sustainable Buildings) states permission will be granted for new development where it is demonstrated that:

- a) current carbon dioxide emissions targets have been met
- b) features are incorporated to reduce or minimise environmental resource use.

Supporting paragraph 156 states this policy applies to all development involving one or more new buildings.

Paragraph 158 states that to meet criteria a) proposals for new development must accord with current carbon dioxide emissions reduction target (as set out by Scottish Building Standards).

There is no requirement as part of this policy for information to be submitted on the production of embodied carbon from the demolition of the existing bungalow.

In regard to the new dwelling and criteria a), there are minimum standards in relation to energy and sustainability that have to be met and assessed through submission of any subsequent Building Warrant.

In regard to b), the design of the new dwelling has a focus on sustainability. The supporting statement references the new dwelling's high thermal performance and inclusion of integrated solar PV panels to generate renewable energy. A sedum roof has been included on the projecting flat-roof, cycle storage provision and air source heat pumps. In addition, large glazed openings are included to the rear increasing natural light.

In this regard, the design of the building aims to produce a highly sustainable, modern building which complies with objectives of policy Des 6.

In relation to the demolition, the applicant has submitted justification for why permission is sought to demolish the existing bungalow instead of its alteration and extension. Key objectives for the applicant include upscaling, sustainability and improved accessibility.

The justification states that in order to achieve these aims by retrofitting; effectively a deconstruction of the existing property and rebuilding beyond the current size and footprint would be required. Amongst other considerations, it is stated this would be a costly option for the applicant and would limit the level of sustainability achieved for the altered dwelling.

It is stated that the new design has scope to ensure a greater level of sustainability due to the fabric first approach and material specifications to provide a longer lasting solution.

Transport

Cycle Parking

Policy Tra 3 (Cycle Parking) states permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance.

Policy Tra 4 (Design of Off-Street Car and Cycle Parking) refers to design considerations for cycle parking including its location nearer to building entrances than car parking and considerations of council guidance.

The EDG states new dwellings with four or more habitable rooms should have a minimum cycle provision of three spaces. Long-stay provision will be required in residential development with focus on location, security and weather protection.

The cycle parking factsheet provides further guidance for cycle parking in houses. It states that where a house has a garage this should accommodate a cycle parking area. Otherwise, this may be provided externally in private rear gardens.

The proposal includes a designated cycle storage for four spaces near the building entrance (two at ground floor and two wall mounted spaced) under the covered car port. In addition, a further Sheffield cycle hoop is provided in this space.

This provision complies with Tra 3, the EDG and cycle parking factsheet.

Car Parking

Policy Tra 2 (Private Car Parking) states permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in council guidance. Lower provision will be pursued subject to consideration of various factors.

Policy Tra 4 (Design of Off-Street Car and Cycle Parking) gives design considerations for car parking. These include a preference basement level parking, and not at street level where at the expense of an active frontage onto private open space. In addition, that the design should not compromise pedestrian safety.

The driveway will be repositioned and widened by 1 metre with the existing the integral garage replaced with a car port. As per the current arrangement, this will allow for parking of more than one car parking space on-site which does not comply with Tra 2.

However, these works can be carried out under the provision of householder permitted development rights. In addition, whilst the car parking is at street level the layout allows a proportionate amount of the property frontage to be retained as soft landscape. This greenspace will continue to contribute to the amenity of the street. Driveways of varying scale are evident on the street and the proposed arrangement will not adversely impact on the character of the area.

In these circumstances, non-compliance with these policies is acceptable in this context.

Furthermore, the driveway arrangement will not materially alter the existing vehicular access point to and from the site and does not raise any specific road or pedestrian safety issues.

Limited detail has been provided in regard to the hard surface material and appearance of pedestrian gates. A condition has therefore been recommended for full detail of these aspects prior to works starting.

In addition, provision of cycle storage on-site promotes use of sustainable transport and in turn helps to reduce a reliance on car usage. This is in line with the overarching policy objective of supporting travel by sustainable means.

Ecology

Policy Env 12 (Trees) refers to development not damaging trees worthy of retention and mitigation sought where appropriate.

The proposal will result in loss of low-lying shrubs and hedging to accommodate the garden room at the rear. There is no planning control over loss of these specimens and no trees worthy of retention will be removed.

Policy Env 16 (Species Protection) refers to development not being to the detriment of protected species.

A bat activity survey has been submitted. No evidence of bat roosts were identified therefore bats are not currently a constraint to the development.

Updated surveys would be required should work not commence within 18 months of this survey and the applicant should be mindful of this.

In addition, garden works have the potential to impact on nesting birds. An informative has therefore been recommended for a nesting bird check to be carried out by a suitably qualified ecologist before work is carried out to minimise ecological impacts.

In light of the above, the proposal complies with policy Env 12 and Env 16.

Flooding

Policy Env 21 (Flood Protection) states permission will not be granted for development that would increase flood risk.

As identified in the SEPA online flood maps, the site is located in an area with a high surface water flood risk and no specific river or coastal flood risk.

A flood risk assessment and surface water management plan have been submitted.

It is stated that existing surface water connections to Scottish Water will be maintained and the proposal includes on-site attenuation through the inclusion of a green roof.

Further, the proposal has been designed to mitigate against flood risk to account for the 1 in 200 year and climate change level. The applicant has confirmed the finished floor levels have been determined as per the recommendations of the submitted flood risk assessment.

This information has been reviewed by Flood Planning and no objections have been received.

The proposal has been designed to mitigate against the risk of future flood risk and complies with policy Env 21.

Conclusion in relation to the Development Plan

Overall, the proposal is in accordance with the development plan.

Residential use is established on-site and is compatible with the character of the area.

It will continue to help support local facilities and sustainable transport modes nearby.

Overall, the proposal is in accordance with the development plan.

A satisfactory residential environment will be created and there will be no unreasonable impact on the amenity of neighbouring residents.

Sustainable modes of transport are incorporated through appropriately designed cycle provision and exceedance of the car parking standards is acceptable given the existing parking provision on-site.

No specific road or pedestrian safety issues will occur as a result.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal is a sustainable land use located near to bus services and local facilities.

It supports climate change mitigation through low-carbon technologies, cycle provision and accounts for flood risk.

Over-development is avoided, and it protects the amenity of new and existing development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

The design statement refers to the future adaptability of the house being considered in the layout. It is detailed that there is potential for the lounge at ground floor to be converted to a bedroom with an en-suite in the future to provide all living accommodation on one level.

Public representations

Fourteen objections have been received.

A summary of these representations is provided below:

material objections

- Adverse impact on character and appearance of area : Addressed in section a) Design
- Adverse impact on privacy : Addressed in section a) Amenity
- Adverse impact on daylight and sunlight : Addressed in section a) Amenity
- Road and pedestrian safety issues : Addressed in section a) Transport
- Environmental impact of demolition : Addressed in section a) Sustainability
- Flooding concerns : Addressed in section a) Flooding

non-material considerations

- Adverse impacts from construction activities
- Fire risk
- Impact on house prices

Conclusion in relation to identified material considerations

The material considerations support the presumption to grant planning permission.

Overall conclusion

Residential use is established on-site and this use is compatible with the character of the area. The scale, form and design will not have a damaging impact on the character and appearance of the townscape. The proposal will continue to help support local facilities and has near access to sustainable transport modes. A satisfactory residential environment will be created and there will be no adverse impact on the amenity of neighbouring residents. Appropriately designed cycle provision is incorporated and exceedance of the car parking standards is acceptable given the existing parking provision on-site. No specific road or pedestrian safety issues will occur as a result. Sustainable features are incorporated.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

The proposal is in accordance with the development plan. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

2. 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.
3. Prior to the commencement of development, full detail of all hard and soft surface and boundary treatments, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. Prior to the commencement of development, details of the privacy screen shown on approved plans reference 03 and 04 B, shall be submitted and approved by the Planning Authority.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. For the planning authority to consider this matter in detail.
4. In the interests of neighbour's amenity.

Informatives

It should be noted that:

1. 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.
2. 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.
3. Works should be undertaken between October to February outwith the nesting bird season. If this is not possible, a nesting bird check should be undertaken by a suitable qualified ecologist and declared clear of nesting birds before work starts.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 27 April 2022

Drawing Numbers/Scheme

01-03, 04 B - 05 B, 06 A, 07 A, 08-10

Scheme 3

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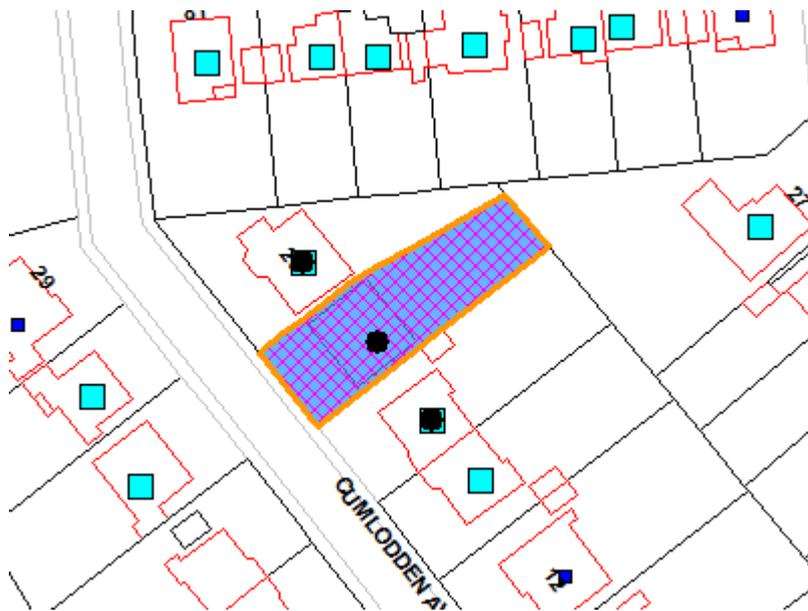
Appendix 1

Summary of Consultation Responses

NAME: Flood Planning
COMMENT: No objections.
DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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