

# Development Management Sub-Committee Report

**Wednesday 25 January 2023**

**Application for Planning Permission  
Lock Up 5, 2G Park Road, Edinburgh**

**Proposal: Existing single storey flat roof adjoining garages to be removed. New two storey single dwelling erected using the existing footprint of the garages (as amended).**

**Item – Committee Decision  
Application Number – 22/04557/FUL  
Ward – B04 - Forth**

## **Reasons for Referral to Committee**

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to approve planning permission.

### **Recommendation**

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

### **Summary**

The application is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It preserves the special character and appearance of the conservation area and has no adverse impact on neighbouring residential amenity. The application complies with the relevant policies contained within the Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a single storey double vehicular garage within a walled area (2.7m in height) on the north side of Park Road. It sits at the end of a terrace row of one and two storey houses. The surrounding area is residential in nature, with one and two storey dwellings and three to four storey tenements within the vicinity.

The property is in the Newhaven Conservation Area.

## **Description of the Proposal**

The application is for the erection of a two storey, one bedroom dwelling (40 sqm approximately), with amenity space located at the front of the building.

The amended scheme introduces sandstone to the external facade of the property in place of brick and timber and soft landscaping and porous materials to the courtyard (37sqm approximately).

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant planning history.

### **Pre-Application process**

### **Consultation Engagement**

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 29 September 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 7 October 2022

**Site Notices Date(s):** 4 October 2022

**Number of Contributors:** 8

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then 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 harm the character or appearance of the conservation area.**

The following HES guidance is relevant in the determination of this application:

- Managing Change - Conservation Areas.

The Newhaven Conservation Area Character Appraisal emphasises the importance of the harbour area, the historic alignment and traditional character of the buildings, the prominent views to Fife across the Firth of Forth, and the predominant use of traditional materials.

The application site is a single storey double car garage with a small drive-in section to the front situated on the corner of Park Road and Newhaven Road. The site commands a prominent position within the conservation area due to its corner location. However, the scale and form of the structures on site lack integration with their surroundings and do not reflect or relate to the conservation area as a whole.

The proposal would create a development that would sit comfortably within the context of the architectural styles of the surrounding buildings. It would respond positively to the scale of the buildings to the north and west of the site. The use of natural stone would form a high-quality design solution, creating a visually stimulating addition within a relatively enclosed site

As part of the amended scheme, the proposed materials were changed to reflect the character and quality of the surrounding area. The eastern site boundary is formed of a large stone wall and the use of natural stone as a finish, particularly on the eastern gable of the property, would help create a more harmonious and sympathetic addition to the streetscape.

The proposed house would represent a suitable addition to the application site and the surrounding area. It would create a high-quality development, having regard to the built character of the streetscape and would not have a detrimental impact on the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would preserve the character and appearance of the conservation area.

### **b) 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 Environment Policy Env 6
- LDP Design Policies Des 1, Des 4, Des 5 Des 7 and Des 12.
- LDP Housing Policies Hou 1, Hou 2, Hou 4 and Hou 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering the aforementioned LDP Policies.

### Principle

The proposed development would be acceptable in principle as it would be a compatible use and built form with the character of the surrounding area and would be in compliance with the other policies within the LDP.

This proposal complies with LDP Policy Hou 1.

### Size, Scale and Design

The proposed new dwelling would be a sympathetic design that would sit comfortably within the footprint of the site. The size and scale of the proposal would be subordinate and subservient in its design and would be set back from the building line of the street, reflecting the predominate building line of the street. The amended scheme would represent harmonious additions to the application site and street scene forming a sympathetic relationship with the adjacent residential dwellings.

It would not have a detrimental impact on the character and appearance of the surrounding conservation area. This has been addressed in section a).

The application complies with LDP Policies Hou 4, Des 1, Des 4, Des 6 and Des 7.

### Amenity

The application was assessed in terms of its impact on amenity, specifically against the criteria in the Edinburgh Design Guidance.

In relation to privacy, the visual splay from the proposed gable window (south-east facing) falls upon Newhaven Road and this is an area that is not protected in terms of amenity. The proposed rear windows (north facing) would be 18 metres approximately away from the closest neighbouring property's windows and this would represent an acceptable distance in terms of amenity. In addition, the visual splay from these windows would mirror that of the 2 Park Road and no additional privacy concerns would be created by virtue of this. In relation to the primary elevation windows, the visual splay from these would mainly fall upon the application site's courtyard and Park Road itself. Any side splay on to 2 Park Road would not be detrimental as this is an area that is already overlooked by 4 Park Road, 1 Derby Street and is also widely visible to the public realm.

In terms of daylighting, the proposal would comply with the 25- and 45-degree criteria in relation to the adjacent neighbouring properties.

In relation to overshadowing, the proposal would not have a detrimental impact on the curtilages of the adjacent neighbouring properties.

The proposed internal layout complies with criterion within the Edinburgh Design Guidance. In relation to the external amenity space, the application proposes amenity space to the front of the site. Whilst situated to the front, the site is relatively enclosed in nature and the garden ground would still provide useable space for future occupiers.

In addition to this, the application site is within close proximity to a number of parks and walkways: Hawthornvale Path, Victoria Park, Starbank Park and North Fort Street Park. These parks and walkways would offer further external amenity space in addition to that of the application site.

The proposal complies with LDP Policies Des 5 and the aforementioned Guidance.

### Surface Water

The surface of the existing site is currently concrete hard standing. As part of the amended scheme, the front garden will have an area of lawn and the remaining hard surface will be formed in porous materials, thereby ensuring the introduction of the building would not increase the rate of surface water run off or have a detrimental impact on the water environment.

This proposal is in compliance with LDP Policy Des 6.

### **Conclusion in relation to the Development Plan**

The proposal complies with the development plan and non-statutory Guidance.

### **c) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

## Emerging policy context

The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023 to proceed to adoption. On adoption the Revised Draft NPF 4 (2022) will form part of the Council's Development Plan, but at present it remains a material consideration. As adoption of the Revised Draft NPF 4 (2022) is understood to be imminent, and it is now the settled position of Scottish Ministers and the Scottish Parliament, it requires to be given significant weight. Revised Draft NPF 4 (2022) lists various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

Policy 1 of the Draft NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The application addresses this through:

- Soft landscaping and surface water management.

The proposed development is considered to broadly comply with the provisions of NPF 4 and there is not considered to be any significant issues of conflict.

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. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

## Public representations

Eight comments were received (Objections).

Material Representation -

Character and appearance; this is addressed through the amended scheme and in sections a) and b).

Internal size: this is addressed in section b).

Sunlight: this is addressed in section b).

Privacy: this is addressed in section b).

## **Conclusion in relation to identified material considerations**

These have been identified.

### **Overall conclusion**

The application is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It preserves the special character and appearance of the conservation area and has no adverse impact on neighbouring residential amenity. The application complies with the relevant policies contained within the Edinburgh Local 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.

### **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 these matters in detail.

### **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.

### **Background Reading/External References**

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

**Further Information - Local Development Plan**

**Date Registered: 12 September 2022**

**Drawing Numbers/Scheme**

01-03c

Scheme 3

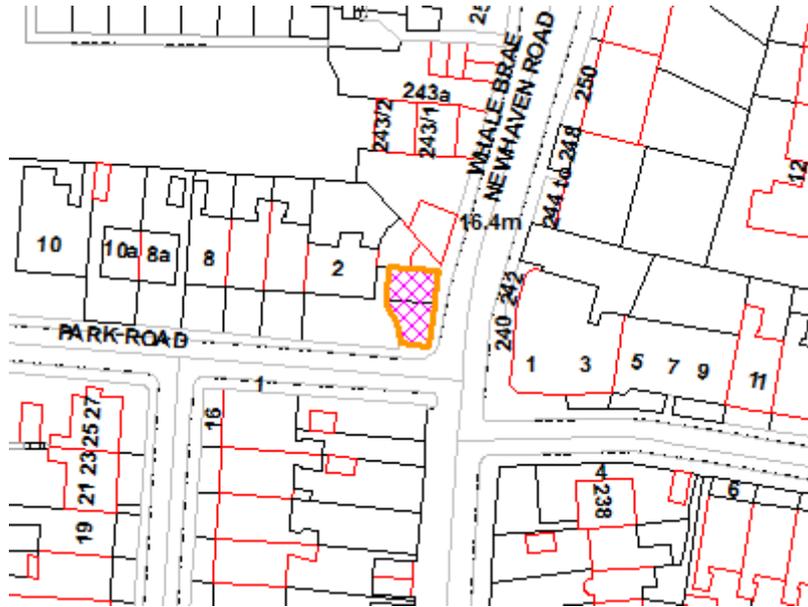
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## Summary of Consultation Responses

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

### Location Plan



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