

Development Management Sub-Committee Report

Wednesday 18 December 2024

Application for Planning Permission
24 Cammo Crescent, Edinburgh, EH4 8DZ

Proposal: Erection of dwelling house and formation of vehicular access and driveway (as amended).

Item – Committee Decision
Application Number – 24/03099/FUL
Ward – B01 - Almond

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 37 material support comments have been received and it is recommended for refusal. 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 **Refused** subject to the details below.

Summary

The proposal would fail to create an acceptable development within the area. It would fail to respect the existing spatial pattern and would result in a cramped and low-quality addition, to the detriment of the immediate townscape. It would result in a low quality of amenity for the occupiers of the existing property, through the overshadowing of the proposed sub-divided garden. In addition, it has not been demonstrated that the building would not create the potential for instances of localised flooding. The proposal does not comply with Local Development Plan Policies Hou1, Env 1, Env 4, Env 26, Env 33, Env 35 and NPF4 Policies 14 and 22. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is the curtilage of a large dwellinghouse on the south side of Queensferry Road. The rear garden of the property is of a considerable size, with a large number of mature trees surrounding much of its perimeter. Existing access is provided on to Queensferry Road.

The immediate vicinity is characterised by housing of a broadly similar scale and plot size.

Description Of The Proposal

Planning permission is sought for the subdivision of the existing plot and the erection of a two-storey dwelling house, within the existing rear garden. A new vehicular access and driveway would be formed to allow access onto Queensferry Road.

Amended proposal.

- Reduction in size of the proposed dwelling

Supporting Information

- Planning Statement

Relevant Site History

06/01767/FUL

24 Cammo Crescent

Edinburgh

EH4 8DZ

Alterations to rear elevation, extension at front elevation to form linking hall.

Granted

4 July 2006

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Planning Transport

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 July 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 41

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & City Plan 2030 (LDP) the newer policy shall prevail.

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:

- 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 relevant policies to be considered are:

- NPF4 Sustainable Places Policies 1 and 2
- NPF4 Liveable Places Policy 14
- NPF4 Flood Risk and Water Management Policy 22
- LDP Environment and Design Policies Env 1, Env 4, Env 7, Env 8, Env 20, Env 26, Env 33 and Env 35
- LDP Housing Policy Hou 1,
- LDP Infrastructure and Transport Policy Inf 7

The non-statutory Edinburgh Design Guidance is a material consideration.

Sustainability and Climate Change

No details have been submitted to demonstrate the use of low carbon building techniques or energy solutions for the proposed property. However, any development would require to comply with Building Standards regulations, which would ensure the building would meet the most up to date energy efficiency ratings. It would be unreasonable to seek further information when the principle of the development cannot be supported.

With further information, the proposal would have the potential to comply with LDP Policies Env 7 and Env 8 and NPF 4 Policies 1 and 2.

Principle

The site lies within an urban area, as defined in the Local Development Plan. Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. The principle of the development of the site for a new house is further discussed below with regards to the detailed elements of the proposal.

The proposals do not comply with LDP Policy Hou 1.

Character and Appearance of the Area

The policies within the LDP seek to ensure that proposals would create or contribute towards a vibrant, successful place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area.

The existing house is part of an established residential area, characterised by substantial plots that provide generous spacing between neighbouring properties. The area maintains a well-defined building line, with buildings set back from the street, contributing to the area's cohesive character.

The development would create a backland development that would be uncharacteristic of this location and inconsistent with the pattern of development within the surrounding area. The addition of a new house in this setting would disrupt the area's spatial pattern and undermine its defining openness. The proposal would adversely affect the character and appearance of the surrounding area.

As part of the justification for this development, it has been argued that an incidental building of a larger scale than that proposed could be erected within the curtilage of the existing house using permitted development rights. Whilst this is acknowledged, the planning authority is entitled to have regard to the development that is subject of this application; the ability to utilise permitted development rights to erect a building that must be incidental to the existing dwelling does not justify the grant of an entirely separate dwelling that would erode the quality of space between buildings that currently exists.

The proposal is contrary to LDP Policies Env 1, Env 4 and Env 26.

Scale, Form and Design

The building would be a modest and unassuming design, with a white render finish providing some visual connection with the existing buildings.

However, as set out above, the proposal does not reflect the character of the surrounding area and would require a considerable amount of the rear garden of the main property to be sub-divided and developed. This is uncharacteristic of the area and would result in erosion of the spatial pattern of the area.

It would result in a dwelling that is compressed into insufficient garden space and would be positioned too close to the northern boundary of the existing plot. It would create a relatively cramped and unsympathetic addition.

The proposal would fail to comply with LDP Policies Env 1, Env 4 and NPF 4 Policy 14.

Amenity

Future Occupiers

The EDG states in regard to privacy that the pattern of development in an area will help to define appropriate separation distances. The distance retained between the new dwelling and neighbouring properties to the south, west, and east would provide adequate separation and a good level of privacy. To the north, a boundary screen fence would be provided by the applicant to address any privacy issues. In the event of an approval, this could be subject to a suspensive condition.

The dwelling would have an appropriate level of internal floor space, in excess of the minimum space standards. In addition, adequate levels of outlook and light would be achieved.

The house would benefit from a rear garden that would provide an acceptable level of external amenity space.

An acceptable living environment would be achieved for future occupiers.

Neighbouring Amenity

The nearest residential property is the applicant's own property at 24 Cammo Crescent. Irrespective of land ownership, it is necessary to ensure that any occupier of this property would continue to have adequate levels of residential amenity.

There would be a significant reduction of garden ground for 24 Cammo Crescent, with almost 80% of the original curtilage being given over to allow the development of the new house. Although the remaining garden size would provide an acceptable level of external amenity space, the positioning of the proposed house would overshadow approximately 15-20 sqm of the remaining garden, which would adversely affect the level of amenity enjoyed by the occupiers of the property.

The proposal would have an adverse impact on the amenity of neighbouring residents and is not acceptable with regards to LDP Policy Env 33.

Transport

A parking space would be provided, which would be in accordance with the Council's parking standards. Although the formation of an additional dwelling would have the potential to create traffic, it would be a very minor increase.

The development would not have an adverse impact on road safety and is in compliance with LDP Policy Inf 7.

Flooding

No detailed information has been submitted in respect of the potential impact on localised flooding, nor has a surface water management plan been provided. If other aspects of the proposal were considered to be acceptable, further consideration could be given to this element of the proposal. However, it would be unreasonable to seek further information when the principle of the development cannot be supported.

Without further information to demonstrate that the development would not have an adverse impact of localised flooding issues, it fails to comply with LDP Policy Env 35 and NPF4 Policy 22.

Trees

Although, the site is not located within a conservation area and the trees are not protected by a tree preservation order, they contribute significantly to the overall character of the area.

The proposal includes the removal of at least five mature conifer trees to accommodate a driveway, along with additional conifers at the rear boundary of the garden. These trees hold amenity value and contribute positively to the landscape character of the area. Their removal, which is not based on sound arboricultural reasons, conflicts with LDP Policy Env 20. However, as these trees are not afforded statutory protection, their removal is not a reason for refusal.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP Policies Hou 1, Env 1, Env 4, Env 26, Env 33, Env 35 and NPF4 Policies 14 and 22. The residential development would fail to respect the existing spatial pattern of the area and would have an unacceptable impact on existing residential amenity.

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

The following material planning considerations have been identified:

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

A summary of the representations is provided below:

The proposal received 37 letters in support and 4 objections.

Objection

material considerations

- impact on privacy - assessed in section (a)
- impact on trees - assessed in section (a)
- impact on the spatial pattern of the area - assessed in section (a)

non-material considerations

- disturbance during construction - this is not a planning material consideration.

Support

- existing garden is too large and should be made available for a new house.
- shortage of properties
- creates jobs.
- improves housing market.
- design is sympathetic.
- efficient use of available space
- increase density is welcome.
- supports local services.
- supports need of new family

Conclusion in relation to identified material considerations.

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal would fail to create an acceptable development within the area. It would fail to respect the existing spatial pattern and would result in a cramped and low-quality addition, to the detriment of the immediate townscape. It would result in a low quality of amenity for the occupiers of the existing property, through the loss of garden ground and resultant overshadowing of the remaining garden. In addition, it has not been demonstrated that the building would not create the potential for instances of localised flooding. Overall, the proposal does not comply with Local Development Plan Policies Hou 1, Env 1, Env 4, Env 26, Env 33, Env 35 and NPF4 Policies 14 and 22. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal: -

1. The proposal is contrary to LDP Policy Hou 1 (Housing Development) as it would fail to comply with other LDP policies.
2. The proposal is contrary to LDP Policy Env 26 (Housing Density), as the positioning of the building would create back-land development, resulting in an unacceptable impact on the spatial character and density of the area.
3. The proposal is contrary to LDP Policy Env 33 (Amenity) as the proposal would create overshadowing of the existing property's garden ground, to the detriment of residential amenity.
4. The proposal is contrary to the LDP Policies Env 1 (Design, Quality and Context) and Env 4 (Development Design - Impact on Setting) as it would have a detrimental impact on the character and appearance of the application site and the surrounding area.
5. It has not been demonstrated that the development would not adversely affect the potential to increase local flooding issues, contrary to LDP Policy Env 35 (Reducing Flood Risk) and NPF4 Policy 22 (Flood Risk and Water Management).
6. The proposal would be contrary to NPF4 Policy 14 (Design, Quality and Place) as it would have a detrimental impact on the character and appearance of the application site and the surrounding area.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 1 July 2024

Drawing Numbers/Scheme

01,02,06,03A,04A,05A

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
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Appendix 1

Summary of Consultation Responses

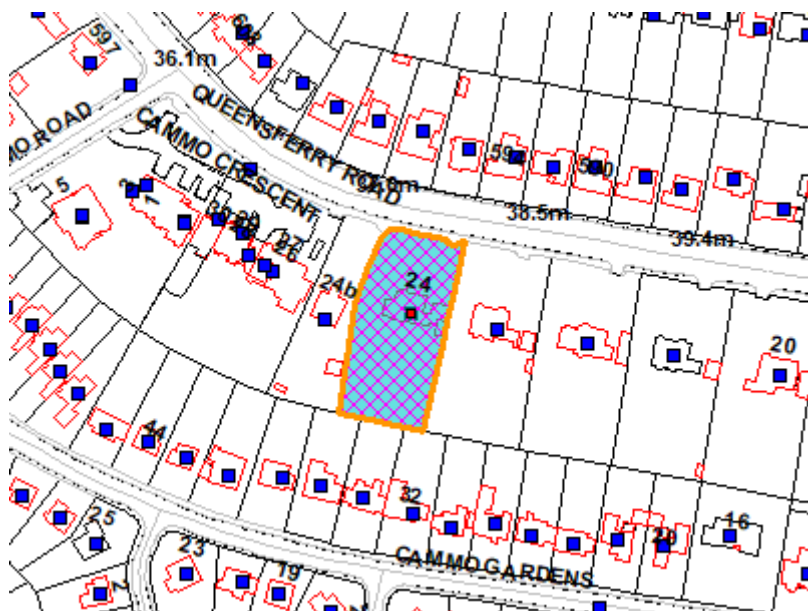
NAME: Planning Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 10 October 2024

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

Location Plan



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