



APPLICATION FOR PLANNING PERMISSION 12/00516/DPP, ERECTION OF DECKING, FENCING AND SHED (RETROSPECTIVE) AT 28 WOODBURN VIEW, DALKEITH

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of decking, fencing and a shed at 28 Woodburn View, Dalkeith. There have been four letters of representations and no consultations were required. The relevant development plan policy is RP20 of the Midlothian Local Plan and the recommendation is to grant planning permission.**

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site comprises a modern two storey semi-detached dwellinghouse. The walls of the house are finished with sand coloured dry dash render. The roof is finished with red profiled concrete roof tiles. The house has brown painted timber windows. The front garden is predominantly grassed and at the side of the house there is a driveway formed from paving slabs. At the rear of the house there is a slabbed area closest to the house and to the rear of this there was formerly a retaining wall of approximately 1m in height with an area of grass sloping upwards from the wall to the fence at the rear of the garden.
- 2.2** The property is situated within the Woodburn area of Dalkeith. The surrounding properties are residential properties originally built as Local Authority Housing. Woodburn View predominantly comprises two storey semi-detached houses with some single storey detached houses.

3 PROPOSAL

- 3.1** An area of decking has been formed at the rear of the back garden over the area that formerly consisted of a grassed slope; the decking is surrounded by fencing and has a shed erected on it.
- 3.2** The decking occupies the full width of the garden and is 7.9m wide at its front edge (closest to the house) and 7.6m wide at the rear. The decking is 6m in length along the boundary with no.30 Woodburn View and 4.8m in length along the boundary with no.26. The floor level of the decking is 1.65m above the ground level of the slabbed area at the rear

of the house. The front edge of the decking is supported on a 1.55m high blockwork retaining wall, parts of which are new and parts of which have been formed as an extension to an existing 1m high brick retaining wall. The decking is accessed from the slabbed area via seven concrete and three timber steps.

- 3.3 The two side boundaries and the rear boundary of the decking are enclosed by a 1.8m high close boarded timber fence that has been erected on the decking. The front edge of the decking has been clad with decking floor panels to cover the retaining wall structure. The cladding extends above the floor level of the decking by 1m to form a fence along the front of the decking.
- 3.4 A timber shed has been erected on the decking along the boundary with no.30. The shed is 4.75m long and 2.8m wide. The eaves of the shed are 1.5m high and the ridge of the roof is 2.1m high. The shed has windows on the south west elevation looking towards the boundary with no.26.

4 BACKGROUND

- 4.1 There have been no previous planning applications for the application site.
- 4.2 The property is Council owned and the applicant is a Council tenant. Regulation 3 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 requires applications which relate to land in the ownership of the Planning Authority to be considered by the Planning Committee.

5 CONSULTATIONS

- 5.2 No consultations were required.

6 REPRESENTATIONS

- 6.1 Four representations have been received in connection with this application. The representations are from the occupants of nos.24, 26, 30 and 32 Woodburn View. The grounds for objection are as follows:
- Loss of privacy due to overlooking;
 - The structure is overbearing due to its height;
 - Noise disturbance caused by use of the decking for parties;
 - Parties carrying on until 5am; and
 - Lack of soundproofing in the shed (which is used as a bar).

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:

- 7.2 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area;

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations received are a material consideration.
- 8.2 The decking is visible from the street, primarily through the space between nos.28 and 26, however views from the street are relatively limited and the decking is seen in the context of other fences and sheds. As such the decking does not have a detrimental impact on the character of the surrounding area when viewed from the street.
- 8.3 When viewed from the garden of the application site and from neighbouring properties the decking is a significant presence by virtue of its height and the shed and fencing erected on it. The decking cladding on the front elevation of the decking emphasises the height of the decking, however it does create a unified appearance for the structure as a whole and helps screen what would otherwise be an unsightly blockwork retaining wall. Although both have been erected at a raised level the scale, design and materials of the shed and fencing are of a type commonly found in gardens throughout Midlothian. While a slightly unusual combination, the design and finish of the decking, fencing and shed are not detrimental to the character and amenity of the application site or the neighbouring properties.
- 8.4 The structure is a significant presence by virtue of its height; however in considering whether or not the structure is overbearing it is important to consider the existing level changes within gardens in this area. While the front of the decking is 1.65m above the adjacent slabbed area it should be noted that the decking floor is 0.7m above what would appear to have been the original ground level behind the retaining wall. At the rear of the garden the decking sits 0.3m above the existing ground level. The neighbouring properties to either side also have similar level changes in their rear gardens. The fencing along the boundaries is viewed in the context of sloping garden ground and as such does not appear as an overbearing feature. The space between nos. 28 and 26 ensures that the decking is not overbearing to the garden of no.26. The prominence of the shed when viewed from the garden of no.30 is emphasised by alterations to the levels in no.30's garden which have created a larger level area than that at no.28; on balance the width of no.30's garden ensures that the decking and shed are not overbearing to no.30.

- 8.5 While the height of the decking does offer some potential for an increase in overlooking of the neighbouring properties to either side, the fencing along the sides of the decking does provide a significant level of screening. Some views are available from the lower fencing level at the front edge of the decking; however when seated at this point the views are minimal. Given the sloping nature of the existing garden there would previously have been potential for views of neighbouring gardens and as such the increase in overlooking is not significant enough to warrant refusal of the application. It should be noted that decking with a floor height of 0.5m above existing ground levels could have been erected without the need for planning permission.
- 8.6 With regard to the other issues raised by the objectors; the use of the decking and shed are not material planning considerations provided that they are used for purposes incidental to the enjoyment of the dwellinghouse. Any noise disturbance caused by parties should be dealt with via Anti-Social Behaviour legislation rather than planning legislation; the Council's Housing section have been provided with a copy of this report. Whether or not the shed has sound proofing is not a material planning consideration.
- 8.5 The development is of a type and scale commonly found at residential properties. The siting, form and scale of the development will not have a materially detrimental impact on the amenity of neighbouring residential properties and other land users. The development is therefore in compliance with policy RP20 of the Midlothian Local Plan.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

The proposed development by means of its scale, form and design will not detract materially from the existing character or amenity of the built-up area; and therefore does not conflict with Midlothian Local Plan Policy RP20.

Ian Johnson
Head of Planning and Development

Date: 12 November 2012

Application No:	12/00516/DPP (Available online)
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Validation Date:	28th September 2012
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