



APPLICATION FOR PLANNING PERMISSION 12/00340/DPP ERECTION OF GARAGE, WORKSHOP AND STUDIO AT LAND ADJACENT TO NO. 3 ESKVIEW VILLAS, ESKBANK, DALKEITH

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the erection of a garage, workshop and studio in garden grounds opposite Eskbank House, 14 Glenesk Crescent. There have been six letters of representation and a consultation response from the Policy and Road Safety Manager. The relevant development plan policies are RP20 and RP22 of the Midlothian Local Plan. The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1** The site lies on the southern corner of the junction of Eskview Villas and Glenesk Crescent, just north of Eskbank Road. It is an area of grassed open space with hedge, shrub and tree planting. There is a 1 metre high fence and planting along the boundary of Eskview Villas and hedging along Glenesk Crescent and the property at 3 Eskview Villas, to the west of the site.
- 2.2** The surroundings are largely residential, comprising terraced, semi-detached and detached period houses in stone and slate. The property at 3 Eskview Villas is a relatively modern brick built former dwellinghouse which changed use to a children's nursery around 1997. There is a residential care home at the end of Eskview Villas, to the northwest of the site. The building height in the area is generally two storeys. The site forms part of the Eskbank and Ironmills Conservation Area.

3 PROPOSAL

- 3.1** The proposal is for the erection of a garage, workshop and studio for use in association with Eskbank House, which is the corner plot to the north on the opposite side of Eskview Villas. The proposed building is of modern design with a flat roof and with a stone wall erected along the site boundaries. The wall is to measure 2 metres along the 17.3 metres of the boundary to Glenesk Crescent and for the first 5 metres along Eskview Villas, then 2.75 metres high for 16.7 metres, then

reducing back down to 2 metres high for the remaining 4 metres. The wall is to be natural stone along the boundaries to Eskview Villas and Glenesk Crescent. This stone is to match the stone of the boundary wall at Eskbank House. The wall on the south west elevation facing onto 3 Eskview Villas is to be 23.3 metres long. The majority of the wall is to be 2.75 metres high, with 1.7 metres to one end and 7.8 metres to the other at 2 metres high. The northwest elevation wall is to be 2 metres high. The plans indicate that these walls are to be off white smooth render with areas of stone at each end.

- 3.2 The building itself is to be 2.8 metres high, with rooflights in an L-shaped pattern that project a further 0.5 metres. The building is largely screened by the wall from public view along Eskview Villas. It has a rendered front elevation which is partially visible from Glenesk Crescent, over the wall. The elevation is set back from the wall by between 4.7 metres to 7.5 metres at different points. The roof is to be covered in gravel. Towards the rear, northwest, of the site there is a small terrace area accessed from the building and from a door set into the wall running along Eskview Villas.

4 BACKGROUND

- 4.1 Planning permission 08/00297/FUL was granted in 2008 for a similar proposal in broadly the same application site. The proposal was for a garage, workshop and studio of a similar modern design set behind a boundary wall as currently proposed. This planning permission was not implemented.
- 4.2 In 2007, planning application 07/00337/FUL for a garage, workshop and studio was submitted. This was for a 'coach house' style building which was one and a half storeys high. The application was subsequently withdrawn.
- 4.3 In 2004, planning application 04/00396/FUL was submitted for the erection of a two storey outhouse for use as a garage, workshop and art studio. This application was refused because of the scale of the proposed building and its potential impact on Eskbank House (an A listed building) and on highway safety.
- 4.4 One of the two applicants is a Midlothian Council Member. Regulation 3 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 requires applications which are submitted by a member of the Planning Authority to be considered by the Planning Committee.

5 CONSULTATIONS

- 5.1 The Policy and Road Safety Manager was consulted. As the application is similar to the previously approved scheme at the site he recommends that the same transportation conditions are attached to

the current proposal; these being; for the boundary wall along Glenesk Crescent to be set back to allow for a visibility splay for traffic emerging from Eskview Villas; for a standard dropped kerb crossing to be constructed and that the first 2 metres of driveway should be surfaced in non-loose material.

6 REPRESENTATIONS

6.1 Six letters of representation have been submitted regarding the proposal from the occupiers of neighbouring and nearby properties. Objection is on the following grounds:

- The design and finish of the building will diminish the character of the Conservation Area and will be not disguised by the high wall;
- There are no features of the building which preserve or enhance the Conservation Area;
- The proposed wall on Eskview Villas is out of proportion with the street and the height will give an oppressive feel;
- The street is not similar to the character at Park Road where there are similar walls – Eskview Villas is on a smaller scale;
- The site is within a conservation area and should be protected as such;
- The wall will create a blind corner at Eskview Villas creating a road safety issue;
- There are already road safety issues in the area as a result of the existing nursery and Garvald-Glenesk Care Home;
- The erection of the wall will reduce parking in an already congested area as it will not be possible to open car doors against the wall;
- The building will infill one of the few remaining green spaces which is not a natural position or shape for such development;
- The proposed development would result in the loss of vegetation;
- There is a tree on site which should be protected;
- The proposal is not for residential use and so there is no motivation for the Council to grant consent for a proposal which is contrary to the aims of the Council; and
- There are no dimensions on the plans which means the extent of development is not clear.

6.2 One representor stated that they were recently refused permission to increase roof windows on Eskview Villas and the same standards must apply to everyone.

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 **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter;
- 7.3 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;
- 7.4 Midlothian Local Plan Policy **RP22: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas;

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 and consultation response received are material considerations.
- 8.2 The design of the proposed building has taken regard to the existing stone wall at the boundary of Eskbank House, opposite the site. The screening of the proposed building reflects the wall opposite the site and reflects the materials in the surrounding area which comprise natural stone. Although slightly higher than the existing wall, Eskview Villas road is 10 metres wide and in proportion to this and the building heights in the area, the impact of the height of the wall will not be unduly imposing to pedestrians or on the outlook of nearby properties. The effect will be to reinforce the character of high walls forming a hard edge in the streetscene which is characteristic of much of the Georgian and Victorian domestic buildings in Eskbank.
- 8.3 The rendered wall facing to the adjacent nursery will form a harder boundary than the existing hedge. This wall is 2 metres high at each end, with the middle section at 2.75 metres high. Given the variation in wall height and the large garden area attached to the nursery, the wall will not be overly imposing.
- 8.4 A modern design approach to building in a Conservation Area can be appropriate. The key issues are the quality of the design and materials, and the relationship of the proposal to its surroundings. The entrance to the site will be gated providing additional screening of the building. The building is subservient to the existing surroundings and is of a simple contemporary style which allows the wall feature and the existing character of the area to be unaffected. Subject to conditions requiring the submission of material samples, the design of the proposal is acceptable for the context of the Conservation Area.

- 8.5 The development will result in the loss of a relatively small area of open space which is private garden ground. The prominent open corner site is not characteristic of Eskbank and the impact of the proposed development will not be detrimental to the character or appearance of the Conservation Area. A line of hedging and trees maintains a strong green edge along the front of the nursery grounds on both Eskview Villas and Glenesk Crescent. Whilst the Conservation Area designation protects trees, this does not apply to shrubs or hedging, and the existing vegetation could be removed from the site without approval from the Council.
- 8.6 Although the proposal would result in the loss of the tree at the corner of Eskview Villas and Glenesk Crescent, this would not significantly affect the character and amenity of the surrounding area. There are a number of mature trees in the immediate area which would retain the green and landscaped character of the area. The submitted plans show a tree to be planted to the north of the site. Details of the type of tree should be submitted should planning permission be granted.
- 8.7 There is a mature sycamore outwith the site but in close proximity to the proposed driveway at Glenesk Crescent. This is regarded as significant to the local amenity. This should be surveyed and details of construction of the wall submitted to ensure that there is no impact on this tree as a result of development.
- 8.8 In relation to transportation issues, the proposal is seen as being acceptable in principle, however in detail there is a requirement for the provision of an appropriate visibility splay to Glenesk Crescent. This would entail setting the front part of the wall back by approximately 1.4 metres. This would have the beneficial effect of aligning the wall more closely with the building line of the wall at Eskbank House, which is set back from the road by a 1.4 metre wide footpath. The line of the wall should remain parallel to the road in order to respect the character of the area. A condition can be used to secure this change.
- 8.9 In regard to representations made and not addressed above, the submitted plans are at a recognisable scale and the dimensions of the proposal can be taken from these plans.
- 8.10 One representor stated that they were recently refused planning permission to increase the size of their roof windows and said that the same standards must apply to everyone. The installation of rooflights on an existing building is assessed in regard to the impact of these on the building and the subsequent impact on the surrounding Conservation Area. Each application is considered on its own merits and policies must be applied in regard to the specifics of each proposal.

9 RECOMMENDATION

9.1 That planning permission be granted for the following reason:

The proposal is of a simple modern design which uses the screen wall to relate to the character and visual appearance of the Conservation Area. As such it complies with Midlothian Local Plan policies RP20 and RP22 and there are no other material planning considerations which would outweigh the presumption in favour of development.

Subject to the following conditions:

1. The garage, workshop and studio hereby permitted shall be used solely for domestic purposes incidental to the use of the dwellinghouse to which it relates.

Reason: *For the avoidance of doubt as to the extent of this permission and to safeguard the residential amenity of adjoining dwellings.*

2. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) revised plans showing the southern boundary wall and access of the development set back 1.4 metres from the kerb line of Glenesk Crescent;
 - b) a tree survey showing the true location of the mature sycamore tree outwith the site in relation to the proposed development, details of construction of this area of the site and a method statement in relation to protecting this tree;
 - c) samples of all external materials to be used on the development;
 - d) details of the colour of the window frames;
 - e) details of the colour of the doors;
 - f) details of the colour of the gates;
 - g) details of the fascias of the building; and
 - h) a scheme of landscaping, including all hard surfaces and the position and species of all existing and proposed planting on site.

Development shall thereafter be carried out in accordance with the details approved or such alternatives as may be agreed in writing with the planning authority.

Reason: *In order to ensure that an adequate visibility splay is provided for traffic emerging from Eskview Villas, in the interests of road safety; in order to protect the mature tree adjacent to the site, in the interests visual amenity; and in order to ensure that the development is in keeping with the character and appearance of the conservation area.*

3. The boundary wall shall be constructed using natural stone to match the colour, texture and coursing of the stone of the boundary wall at Eskbank House, 14 Glenesk Crescent. The approved boundary wall shall be constructed prior to the approved building being brought into use.

Reason: *In order to ensure that the appearance of the boundary wall does not detract from the character and appearance of the conservation area.*

4. The scheme of landscaping approved in accordance with condition 2h) shall be carried out and completed within six months of the date on which work on the development is begun. Any trees or shrubs removed, dying, severely damaged or seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required.

Reason: *To ensure that the landscaping is carried out and is successfully established.*

5. A minimum of the first 2 metres of driveway at the vehicle entrance shall be surfaced in non-loose material.

Reason: *To prevent loose material being carried onto the public highway in the interest of public safety.*

6. Prior to the driveway being brought into use a dropped kerb footway crossing shall be constructed at the vehicular entrance.

Reason: *In the interest of road safety and the free flow of traffic.*

7. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

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Application No: 12/00340/DPP (Available online)
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Validation Date: 1st June 2012
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Background Papers: