



**APPLICATION FOR PLANNING PERMISSION (12/00500/DPP) FOR
CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN
GROUND; ERECTION OF DETACHED GARAGE; AND FORMATION OF
DRIVEWAY AT 1 MAVISBANK, LOANHEAD**

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the change of use of a Council owned piece of landscaped open space at the junction of Polton Road and Mavisbank, Loanhead to private garden ground, the erection of a garage and the formation of a driveway. There have been three letters of representation and no consultations were required. The relevant development plan policies are RP5, RP20 and RP30 of the Midlothian Local Plan and the recommendation is to refuse planning permission.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site consists of an area of Council owned open space, which comprises shrubs and two trees, fronting on to the junction of Polton Road and Mavisbank, and part of the rear garden of 1 Mavisbank, Loanhead. There is a 1m high wire mesh fence along the site's frontage with Polton Road and a 1.7m high timber fence along the east boundary with nos 28/32 Polton Road. To the south west of the open space is the private garden of no 1 Mavisbank which comprises a first floor flat. This is surrounded by a 1m (approx) high timber fence. No 1 Mavisbank is finished externally in drydash render with concrete roof tiles. The buildings to the south east are stone with a slate roof.
- 2.2** The surrounding area is characterised by a mix of single storey terraced and detached houses, two storey houses and flats, and a three storey terrace with the buildings generally set back from the road with their gardens and their associated boundary fences facing on to Polton Road.

3 PROPOSAL

- 3.1** It is proposed to change the use of an area of Council owned landscaped open space measuring 37m² (approx) in to private garden ground. Two small trees are proposed to be removed from the

landscaped open space and one small tree from the garden of 1 Mavisbank. It is proposed to erect a garage measuring 6.2m deep and a maximum of 7.3m wide on this area extending in to the garden of no 1 Mavisbank. The boundary of no 1's garden is to be relocated in line with the rear of the garage. The garage is to be finished externally in white painted render with a facing brick basecourse and a pitched roof covered in Marley Modern slate grey tiles. A new 2.2m wide vehicular access is to be formed on to the visibility splay at the junction of Polton Road and Mavisbank with a 1.9m long and 2.7m wide monoblock driveway providing vehicular access to the garage. New gates are proposed at the vehicular entrance. No details of the proposed boundary treatment along the road or along the north west boundary of the site, or of the height and design of the fence to no 1's garden or of the new gates have been submitted.

- 3.2 The applicant has confirmed that he will use the proposed garage, rather than the tenant currently occupying the property

4 BACKGROUND

- 4.1 The area of open space is Council owned. Regulation 3 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 requires applications that relate to land in the ownership of the planning authority to be considered by the Planning Committee. (There is no record of the applicant applying to acquire this land from the Council.)

5 CONSULTATIONS

- 5.1 No consultations were required.

6 REPRESENTATIONS

- 6.1 Three letters of objection have been received. The objections raise the following points:
- Concern regarding loss of parking for residents as a result of the proposal;
 - The area of land involved may have originally been associated with the flats to the south and if it is for sale it should be for them rather than for someone who doesn't live there (The applicant is not resident in the area);
 - The site could be used as a garden but not a garage which would be an eyesore;
 - The development will devalue properties along Polton Road with the removal of off street parking which is essential as Polton Road is very busy and gets congested with traffic;
 - Unaware land was for sale: others should be able to bid for it too.

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;
- 7.3 Midlothian Local Plan Policy **RP30: Open space in towns and villages** which does not permit development on important areas of open space within built-up areas. Development is not permitted where it would result in the loss of a visually important open space; or an attractive landscaped area; or area important for informal recreation; and
- 7.4 Midlothian Local Plan Policy **RP5: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland or trees which have a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.
- 7.5 Scottish Government Planning Advice Note (PAN) 65 Planning and Open Space (2008), recognises that open spaces contribute to the amenity and character of an area and can help soften the impact of development.

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 material considerations.
- 8.2 The central issues in the consideration of the application are the impact of the proposal on the visual amenity of the surrounding area and road safety.
- 8.3 The two sycamore trees within the open space are prominent features in the street scene. The planted up area of open space adds interest and contributes to the visual amenity of the surrounding area and enhances the appearance of the street scene and the entrance to Mavisbank.
- 8.4 The removal of the trees and shrubs and their replacement with a garage will change the character of the area and would be detrimental to the visual amenity of the surrounding area and as such the proposal is contrary to local plan policy.

- 8.5 Albeit there are some high boundary fences and small sheds along Polton Road, but in general buildings are set back from the road. The proposed garage would come forward of the building line of the adjacent properties along Polton Road and would be a prominent incongruous feature in the street scene. There are no other garages located in a similar position within the immediate vicinity of the site along Polton Road.
- 8.6 Sufficient garden area would remain at no 1 Mavisbank if planning permission was granted for the erection of the garage. The garage will not have a significant impact on the amenity of neighbouring properties including the remaining garden of no 1 Mavisbank.
- 8.7 One of the issues raised by the objectors is the loss of resident's parking as a result of the proposal. Cars currently park on the visibility splay, parallel to the pavement, in the location of the proposed vehicular access. Whilst there are no yellow lines to prevent parking, it is questionable whether this part of the public road is suitable for such a use. As such the loss of on-street parking at this location is not considered to be a reason for refusing planning permission.
- 8.8 Access to the proposed driveway would be over part of the visibility splay at the junction of Polton Road and Mavisbank. Visibility for vehicles exiting the garage/site would be obstructed to the south by existing fences along Polton Road. The fences would also obstruct visibility of the proposed driveway for vehicles travelling north along Polton Road. As a result a car exiting the garage/site would be a potential road safety hazard. Related to this, notwithstanding the current parking on the visibility splay, a car waiting to enter the site/garage would project over the visibility splay causing a possible hazard to vehicles entering Mavisbank from the south.
- 8.9 In line with Midlothian Council standards driveways should be a minimum of 6m long by 3m wide. With the erection of the garage in its currently proposed position there would not be adequate space for a vehicle to park without obstructing the footway, detrimental to pedestrian and highway safety.
- 8.10 The other issues of impact on property value and relating to the sale of the land raised by the objectors are not material planning considerations in the assessment of the application.
- 8.11 In summary, the proposal would have an unacceptable impact on the visual amenity of the surrounding area and accordingly is contrary to development plan policies. Furthermore, the formation of a vehicular access at the proposed location and the substandard length of the driveway would pose a road safety hazard. There are no material considerations that would justify approval contrary to policy.

9 RECOMMENDATION

9.1 That planning permission be refused for the following reasons:

- 1. The proposed development would result in the loss of trees which contribute to the visual amenity of the area. The affected area of open space is of particular value in that it adds interest and enhances the appearance of the surrounding area providing an amenity for both residents and passers by. The proposed development would result in the loss of the visual benefits of the area of open space with a detrimental impact on the character and visual amenity of the surrounding area. Therefore, the proposal is contrary to policy RP5 of the adopted Midlothian Local Plan which seeks to prevent the loss of trees which are of particular amenity importance; RP20 which seeks to protect the character and amenity of the built-up area; and policy RP30 which seeks to protect valuable open spaces in towns and villages.*
- 2. The proposed garage would be located well forward of the building line of neighbouring properties on Polton Road and would be a prominent incongruous feature in the street scene with a detrimental impact on the visual amenity of the area contrary to policy RP20 of the adopted Midlothian Local Plan which seeks to protect the character and amenity of the built-up area.*
- 3. Visibility from and of the proposed vehicular access is limited which is potentially detrimental to highway safety.*
- 4. The erection of the garage in its currently proposed position would result in an inadequate space for a vehicle to park without obstructing the footway, which is potentially detrimental to pedestrian and highway safety.*

Ian Johnson
Head of Planning and Development

Date: 12 November 2012

Application No:	12/00500/DPP (Available online)
Applicant:	Mr Mark Robertson, 15 Dundas Street, Bonnyrigg
Agent:	Les McCaskey, 15 Boswall terrace, Edinburgh
Validation Date:	4 October 2012
Contact Person:	Ingrid Forteath
Tel No:	0131 271 3316