

# Report of Handling

## Application for Planning Permission 20/04517/FUL At 34 Blackford Avenue, Edinburgh, EH9 2PP Demolition of existing house and erection of new Passivhaus dwelling.

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	20/04517/FUL
<b>Wards</b>	B15 - Southside/Newington

### Summary

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The proposed building will result in a dominant feature which will detract from the existing sense of place and will fail to offer a suitable alternative to the existing attractive site features.

The application does not comply with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

### Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LHOU01, LHOU03, LDES01, LDES03, LDES04, LDES05, LDES06, LTRA02, LTRA03, LEN21, NSG, NSGD02,
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# Report of handling

## Recommendations

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**1.1** It is recommended that this application be Refused for the reasons below.

## Background

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### 2.1 Site description

The application site is a detached house consisting of a single storey 19th century building along with later additions. The 19th century building is considered to be associated with the former Blackford Hill rail station. The building immediately adjoins the pavement of Blackford Avenue.

The length of Blackford Avenue contains a wide range of residential properties of varying ages, scales and design. This includes Victorian villas to the north of the site and 20th century flatted blocks to the west.

This part of Blackford Avenue sits in a slightly elevated position where it crosses the South Suburban Railway line to the south east. Blackford and Braid hills are evident in longer views to the south.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description Of The Proposal

It is proposed to demolish the existing buildings and build a two storey dwelling to Passivehaus principles. The building would occupy a similar position within the site along Blackford Avenue extending into the rear sloping garden ground.

The building would be two storeys with an offset roof structure with solar panel arrays. Materials would include standing seam metal cladding to the roof, lime render and Natura cladding. Windows would be triple glazed with composite timber aluminium frames. The proposal would have a footprint of approximately 164 square metres.

The applicant has submitted the following in support of the application:

- Design Statement, including visual analysis
- Existing Dwelling Condition Report

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, it needs to be considered whether:

- a) the principle of housing is acceptable;
- b) the scale, form and design are appropriate;
- c) the impact on amenity is acceptable;
- d) the proposal will have any parking, traffic or road safety issues;
- e) other matters have been addressed; and
- f) any public comments have been addressed.

#### a) Principle of Housing

Policy Hou 1 (Housing Development) of the Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply on suitable sites in the urban area provided the proposals are compatible with other policies in the plan.

The site is within the urban area and already contains a residential dwelling, as such a replacement residential dwelling would be acceptable in principle.

#### b) Scale, form and design

Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions,

including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The application site forms part of a small node along Blackford Avenue containing single storey local shops and a vet. Though the building is not listed or of any significant historic or architectural interest, it contributes to a sense of place in this location and provides a feature of local interest.

The applicant has submitted a statement and survey which describes the building as being of a poor quality construction with issues relating to its foundations and damp. The damp is also evident from the most recent site photos. The applicant states that it would not be practical or desirable to retain the building.

Whilst it is noted that the building plays a role in the local streetscene in this area, the loss of the building could be acceptable should the replacement building offer be of a suitable scale to maintain the area's sense of place and make a positive contribution through its design.

The proposed replacement building is of a striking contemporary design and is described as being led in part by the requirements of the passivehaus design as well as drawing in the massing scale and alignment of adjacent dwellings within the area.

To the front of the site, immediately adjoining Blackford Avenue, there would be a single storey element with the rear consisting of a 'modern mansard' style roof, angled away from the front building line and finished in standing seam metal.

The building's scale and design, combined with the site's topography and location, will mean that the development will be visually prominent in the area. In particular, its contrast will be most conspicuous within the context of the Victorian villa and the single storey commercial units adjoining the plot.

Whilst the area is clearly mixed in architectural character, it is desirable to retain the existing sense of place. The proposed building, whilst not expected to replicate the mixed surrounding architecture, does not suitably take account of the surrounding scale and form, leading to it being a dominant feature.

Through the course of the application, the applicant has sought to reduce the overall height of the dwelling by 0.5 metres along with a reduction in the mass of the roof and simplification of the front element of the building adjoining Blackford Avenue along with improvements to the boundary treatment. However, these changes would still result in a building which would be out of step with its surroundings.

The proposal fails to contribute to the existing sense of place and offer a suitable alternative to the existing attractive site features. The proposal does not accord with policies Des 1, Des 3 and Des 4 of the Local Development Plan.

### c) Amenity

#### Neighbouring amenity

Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The Edinburgh Design Guidance (EDG) states - *The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.*

The nearest residential property is number 32 Blackford Avenue which sits on the corner with Mortonhall Road. The proposed dwelling will site in a broadly similar position to the existing dwelling proposed for demolition. To the rear the separation distance between the proposed dwelling and Glenisla Terrace will be reduced slightly. However, an acceptable distance and screening will remain in place. The alignment of the proposed building and position of windows would further reduce potential for overlooking. Overall, it is not anticipated that the proposed dwelling would lead to a significant increase of overlooking or loss of privacy over that which is already in place.

The design statement uses the 25% method to demonstrate that there would not be an inappropriate loss of daylight or sunlight to the neighbouring dwellings and gardens.

#### Amenity for future occupiers

The Edinburgh Design Guidance provides detail on the minimum internal floor areas for family homes of three or more bedrooms. The minimum internal floor area for a three bedroom plus house is 91m<sup>2</sup> with enhanced storage.

The proposed dwelling has an internal floor area considerably in excess of minimum requirements with a suitable amount of storage. The property will have good levels of daylighting from large frame windows.

Environmental Protection have commented that the site may suffer from excessive noise as a result of the proximity to the road, bus stop and commercial premises. The proposed dwelling as a highly insulated building with triple glazed windows, will prevent significant noise from entering the dwelling.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

The existing garden ground is mostly retained and will offer a suitable level of amenity space.

The proposal offers an appropriate level of amenity in accordance with Des 5 and Hou 3.

#### d) Transport

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The dwelling will provide one parking space in accordance with the standards set out in the Edinburgh Design Guidance. There will be space for cycle storage within the site.

The Roads Authority was consulted and do not object subject to a number of informatives being attached. The proposal complies with Policy Tra 2 and Policy Tra 3.

#### e) Other Planning Matters

##### *Sustainability*

Policy Des 6 (Sustainable Buildings) requires new development to meet carbon emissions targets through the use of low and zero carbon generating technology, along with requirements including measures to conserve water and not increase surface water run off.

The proposed house has been designed to Passivehaus principles in that it is designed to be highly energy efficient, maximise solar gain and reduce energy demand overall. The proposed building would include a solar panel array, areas of green roof and triple glazed windows.

The building would be highly sustainable in terms of its energy demand and use and meet or exceed the requirements of policy Des 6.

##### *Flood Protection*

Policy Env 21 (Flood Protection) seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

The flood officer has commended the use of areas of green roof. As the application is recommended for refusal further details of surface water management have not been requested further from the applicant.

##### *Protected Views*

The application site falls within protected views from Blackford Hill. There is some potential for the proposed solar panels to be visible in these long views. The applicant's design statement provides analysis and photographs, and states that the site would be approximately 500 metres away from the viewpoint. It is likely that the site would be viewed amongst the existing varied urban townscape with limited impact other than a small potential for reflection from the panels. The applicant has indicated that technical information can be provided on this aspect to demonstrate the array would not result in glare from the panels if needed.

#### f) Public comments

##### **Material comments - Objection:**

- Impact on sense of place - assessed in section 3.3 b);
- positioning of house close to road contrary to design guidance - assessed in section 3.3 b);
- Increased traffic movements, loss of parking and pedestrian safety issues - assessed in section 3.3 d).

#### **Non-Material Comments:**

- disruption during construction from site access, loss of parking and closure of pavement - these elements are not material to the determination of the planning application.
- loss of business - these elements are not material to the determination of the planning application.

#### Conclusion

The proposed building will result in a dominant feature which will detract from the existing sense of place and will fail to offer a suitable alternative to the existing attractive site features.

The application does not comply with the adopted Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

#### **3.4 Conditions/reasons/informatives**

##### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it fails to contribute to the existing sense of place.
2. The proposal is contrary to the Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as does not offer a suitable alternative to the existing attractive site features.
3. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as it will be a dominant feature.

## **Risk, Policy, compliance and governance impact**

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**4.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **5.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Consultation and engagement**

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### **6.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **6.2 Publicity summary of representations and Community Council comments**

The application received 9 objections. These are addressed in section 3.3.

## **Background reading / external references**

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- **To view details of the application go to**
- [Planning and Building Standards online services](#)

## **Statutory Development**

### **Plan Provision**

**Date registered** 19 October 2020

**Drawing numbers/Scheme** 01-11,  
Scheme 1

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

# Appendix 1

## Consultations

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### Roads

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant should be advised that as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category E - Sub divided, or converted);
2. Any off-street parking space should comply with the following:
  - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
  - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
  - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
  - d. Any gate or doors must open inwards onto the property;
  - e. Any hard-standing outside should be porous;
  - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

#### Note:

- the application proposes 1 car parking space, this complies with the current parking standards and is considered acceptable;
- No requirement for dedicated cycle parking as the proposals include a private garden area;
- The applicant should note that they will need to Contact the Councils Parking and Enforcement team to arrange the required amendments to the on-street parking. These amendments will need to be carried out at no cost to the Council;

### Flood Officer

We welcome the use of green roof and rainwater harvesting - as briefly mentioned in the Design Statement. Please confirm the details of the surface water management proposals by preparing a Surface Water Management Plan (SWMP). The SWMP

should be prepared in line with the self-certification scheme - details of which can be found at the link in my signature below.

### City Archaeologist

The house occupying the site dates to the second half of the 19th century and is recorded on the 1893 OS survey of the area. Although unlisted the structure given its age should be regarded as having local historic/archaeological interest. Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposals will see the demolition of this unlisted late 19th century building. Although there is no significant archaeological concerns over its demolition, given its date and prominent position it is recommended that it a historic building survey [photographic and written survey, phased plans and elevations (internal and external)] is undertaken prior to its demolition in order to provide a permanent record.

Accordingly, it is recommended that the following condition be attached to any permission, if granted, to ensure that this programme of archaeological works is undertaken;

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

### Environmental Protection

The applicant proposes demolishing an existing residential property and replacing it with a new modern energy efficient home. The site is located on a busy road with a bus stop located near to the front of the site. There is a small shop to the south and existing residential to the north.

As residential use is already established on the site Environmental Protection will not object to the principle of residential use. However, we would highlight that there is potential for the development to be exposed to transport noise from heavy rail and road traffic including buses at the bus stop. The applicant should ensure that the proposed development is adequately insulated to protect future occupants. The applicant has identified noise from deliveries to the shop could cause disturbance which is correct. We would also add potential noise from plant serving the shop as being a potential

issue. It is noted that most of the bedrooms are located to the rear and far side of the proposed building therefore minimising the potential impacts which is welcomed. We shall recommend noise levels as an informative.

Contaminated land is another issue that cannot be formally addressed as residential use has already been established.

Environmental Protection recommend that the applicant ensures that a 7Kw (32 AMP) type 2 electric vehicle charging point is installed to serve the driveway area.

Therefore, Environmental Protection offers no objection but would recommend the following informative;

#### Informative

1. The driveway should be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They should be installed and operational in full prior to the development being occupied.
2. The applicant should ensure that noise from neighbouring plant complies with NR25 within the nearest effected rooms in the proposed residential property (with window partially open for ventilation purposes).
3. Transport Noise - The scheme should be designed in accordance with BS8233:2014 ' Guidance on sound insulation and noise reduction for buildings - Code of Practice' to attain the following internal noise levels:

Bedrooms - 30dB LAeq, T and 45dB LAfmax  
Living Rooms - 35 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700  
D - Daytime 16 hours between 0700 - 2300

END