

City of Edinburgh Local Review Body

10.00 am, Wednesday, 18 September 2013

Present

Councillors Bagshaw, Brock, Child, Heslop and Howat

1. Chair

Councillor Howat was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request for Review – 88 Bruntsfield Place

Details were provided of a request for a review of the refusal of planning permission for the proposed Change of Use from Class 1 (shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh, which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No: 13/01968/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01- 06 Scheme 1, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:

Policy Ret 9 (Alternative Use of Shop Units – Primary Frontages in the City Centre and Town Centres); Policy Ret 12 (Food and Drink Establishments)
- 2) Non Statutory Guideline - “Guidance for Businesses”
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of nearby properties being granted similar changes of use and the general vitality of the area. It noted that the premises could return to a class one use in the future, and that although the development would increase the number of units in non-retail use, the benefits to the area justified the departure from policy.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission.

Motion

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed Change of Use from Class 1 (shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh. Application No 13/01968/FUL, subject to the following conditions and informatives.

Conditions

- 1 The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring residential property.
- 2 The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible within any neighbouring living apartment.

Reasons

- 1 In order to safeguard the amenity of neighbouring residents.
- 2 In order to safeguard the amenity of neighbouring residents.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

- moved by Councillor Howat, seconded by Councillor Heslop.

Amendment

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission the proposed Change of Use from Class 1(shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh. Application No 13/01968/FUL.

- moved by Councillor Bagshaw, seconded by Councillor Child.

Voting

For the Motion 3 votes

For the Amendment 2 votes

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed Change of Use from Class 1(shop) to Class 3 (food and drink establishment) at 88 Bruntsfield Place, Edinburgh. Application No 13/01968/FUL, subject to the following conditions and informatives.

Conditions

- 1 The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odours escape or are exhausted into any neighbouring residential property.
- 2 The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible within any neighbouring living apartment.

Reasons

- 1 In order to safeguard the amenity of neighbouring residents.
- 2 In order to safeguard the amenity of neighbouring residents.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted.)

4. Request for Review – 442 Lanark Road, Edinburgh

Details were provided of a request for a review of the decision to refuse planning permission to proposed replacement of 19 windows to front, side and rear of the property at 442 Lanark Road, Edinburgh, which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01058/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plan used to determine the application was numbered 01, Scheme 1, being the drawing shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Des 11 (Alterations and Extensions); Policy Env 6 (Conservation Area Developments)
- 2) Non Statutory Guidelines:
“Guidance for Householders”
“Listed buildings and Conservation Areas”
“The Colinton Conservation Area Character Appraisal”.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the argument that there were numerous examples of UPVC replacement windows in the street and that the design proposed would closely match the existing window. The LRB also took into account arguments regarding improvements in safety and the economic, environmental and sustainability benefits of UPVC.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and concluded that the proposal would adversely affect the building’s architectural integrity to the detriment of the character and appearance of the conservation area, contrary to Policy Env 6 and the Council’s Guidelines on Listed Buildings and Conservation Areas.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the proposed replacement of 19 windows to front, side and rear of the property at 442 Lanark Road, Edinburgh which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01058/FUL.

Reason for Refusal

The proposed use of UPVC as a material for replacement windows on this traditional house would adversely affect its architectural integrity to the detriment of the character

and appearance of the conservation area, contrary to Policy Env 6 and the Council's Guidelines on Listed Buildings and Conservation Areas.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

5. Request for Review – 11 Old Farm Road, Edinburgh

Details were provided of a request for a review of the decision to part grant and part refuse planning permission for the proposed single storey flat roof extension to the rear of the house and a single storey flat roof extension to the rear of the garage dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/00611/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01- 07 Scheme1, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 11 (Alterations and Extensions);
 - Policy Env 12 (Trees)
- 2) Non Statutory Guidelines – “Guidance for Householders”
- 3) The procedure used to determine the application.
- 4) The further representation received in respect of the review.
- 5) The reasons for refusal and the arguments put forward in the request for review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the argument that the trees were poorly maintained had structural defects and potentially unsafe and not worthy of retention.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal would have a damaging impact on a tree or trees worthy of retention around the proposed development site to the detriment of the character of the area. The LRB also agreed that they considered the design to be acceptable, but were of the opinion that any future application should be reduced in scale so it was not invasive to the existing trees.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to issue a mixed decision to part grant and part refuse planning permission for the proposed single storey flat roof extension to the rear of the garage and a single storey flat roof extension to the rear of the house in accordance with the particulars given in the application at 11 Old Farm Avenue, Edinburgh which was dealt with by the Acting Head of Planning and Building Standards under delegated powers, Application No 13/00611/FUL.

To grant planning permission for the proposed garage extension subject to:

Informatives:-

The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

To refuse planning permission for the proposed rear extension..

Reason for Refusal:-

The proposal is contrary to Policy Env 12 of the Edinburgh City Local Plan and Edinburgh Design Guidance as it would be likely to have a damaging impact on a tree or trees worthy of retention around the proposed development site to the detriment of the character of the area.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

6. Request for Review – 42 Pilrig Street, Edinburgh

Details were provided of a request for a review of the decision to refuse planning permission for the proposed installation of replacement windows at 42 Pilrig Street, Edinburgh, dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01565/FUL.

Assessment

At the meeting on 18 September 2013, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01, 02, 03, Scheme 1, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Env6 (Conservation Area Development)
- 2) Non Statutory Guidelines :
"Listed Buildings and Conservation Areas",
"The Leith Conservation Character Appraisal",
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the arguments regarding the improvements that could be achieved in the thermal and noise insulation of the property and the problems of maintaining the existing windows. The LRB further considered the arguments on the visibility of the windows from other property and public view, and that the change of material from wood sash windows to PVC windows of the same dimensions would have no discernable impact on the integrity of the Conservation Area.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal was not acceptable, having special regard to the character and appearance of the conservation area, as the predominant character of this part of the conservation area was the use of timber and the use of UPVC could not be considered an enhancement in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to allow for the proposed installation of replacement windows of 42 Pilrig Street, Edinburgh, which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/01565/FUL.

Reason for Refusal

The proposal is contrary to Policy Env 6 and Policy Des 11 Edinburgh City Local Plan and the Council's Non-Statutory Guidelines on Listed Buildings and Conservation Areas. The proposals will result in the loss of traditional timber sash and case windows, while the introduction of uPVC windows will further erode the character and appearance of the Conservation Area.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

Minutes

City of Edinburgh Local Review Body

10.00 am, Wednesday, 2 October 2013

Present

Councillors Mowat, Perry and McVey (substituting for Councillor Cairns) (all for items 1-8), and Councillor Brock (substituting for Councillor Dixon) (for items 5-8)..

1. Chair

Councillor Mowat was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request For Review – 7 Bramble Drive, Edinburgh

The request had been considered by the Local Review Body on 21 August 2013, when consideration had been continued for a site visit and to seek further information from the Planning Adviser as to area sizes of the rear garden and the proposed rear extension.

The further information on the specified matter was now submitted, together with the response to this information by the applicant. The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-02, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Des 11 (Alterations and Extensions) which sets criteria for assessing development design.
- 2) Non Statutory Guidelines: "Guidance for Householders".
- 3) The reasons for refusal and the arguments put forward in the notice of review.

- 4) The further information requested by the Local Review Body in relation to the area of the rear garden and the area of the proposed rear extension, and the applicant's response to this further information.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The main issue, they considered, was the size and design of rear extension and the likely effect on the character and appearance of the house. It was noted that the extension would not result in any detrimental overlooking of neighbouring properties nor result in over-shadowing. The LRB were also aware that, in style, an attempt had been made to design an extension to blend with the original house. They also noted the applicant's arguments that there were already a variety of size and styles of house extensions in the area.

The additional information had been requested in order to try to assist with assessment as to whether the proposals were in accord with the Council's guidance on extensions, as regards overall area in comparison with the house and rear garden. The LRB noted the figures provided. However a judgement required to be made as to whether or not the scale and proportions of the rear extension were compatible with the existing house and garden.

On balance, the LRB felt that although the extension was large, against the configuration of the garden it would not adversely affect the character and appearance of the house, and was not likely to affect overall character of the area. In conclusion, the LRB considered that the proposals were allowable and that the material circumstances they had identified were sufficient to over-turn the Planning Officer's decision and therefore to allow planning permission.

Decision

To not uphold the decision by the Head of Planning and Building Standards and to grant planning permission for a single storey extension to rear of property at 7 Bramble Drive, Edinburgh, with informatives, as follows :-.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

(Reference –notice of review; decision notice and report of handling, and further information from Planning Adviser and applicant's response, submitted.)

4. Request For Review – 124 Trinity Road, Edinburgh

The Local Review Body had considered the review on 21 August 2013 when consideration had been continued for further information from the applicant as to the materials to be used on the roof of the proposed extension. The LRB now considered the matter further, the applicants having provided further information of the materials to be used for the roof and including a sample of the material.

Assessment

The LRB had been provided with copies of the notice of review and the report of handling by the Acting Head of Planning and Building Standards. The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-03, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions); policy Env 6 (Conservation Areas Development), and policy Des 11 (Alterations and Extensions).
- 2) Non Statutory Guidelines: "Guidance for Householders" and Edinburgh Design Guidance.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.
- 4) The further information submitted relative to the materials to be used for the roof of the extension.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The main issue in this case was considered to be whether the rear extension in scale and design was appropriate to the character and appearance of the house which itself was a listed building in a conservation area.

The LRB had noted that the Planning Officer, in his determination, had stated his view that the extension had little or no public impact and that there were similarly sized extensions on neighbouring properties. The proposed extension was not likely to affect the character of the area nor impact on the character and appearance of the Trinity Conservation Area. The LRB considered that the key issue was whether in its design and materials for the extension were compatible with the existing listed building.

On further consideration of the materials for the roof, the LRB was satisfied that the appearance of the house would not be compromised and that character of the conservation area would not be adversely affected. They had noted that there were a number of extensions to rear of most of buildings in the terrace, and that it would

not affect the amenity of neighbours. Neither was it visible to front of building, and was screened by a boundary wall to rear. They noted also that, externally, the development could improve the existing unsympathetic and non-complaint works and retain period features in the house.

In conclusion, they considered that the material circumstances identified to allow the planning officers decision to be over-turned and for planning permission to be granted.

Decision

To not uphold the decision by the Head of Planning and Building Standards and to grant planning permission for internal alterations and new extension to rear of property at 124 Trinity Road, Edinburgh, subject to informatives, as follows:-.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

(Reference –notice of review and decision notice and report of handling, submitted)

5. Request For Review – 45 Buckstone Crescent, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for the above application at 45 Buckstone Crescent, Edinburgh (application no. 13/01617/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and further written information. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-11 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

It was noted that in the notice of review, the applicant had included amended drawings (from the original drawings as submitted with the planning application); on this, the LRB considered this to be new information that had not been available to

the Planning Officer at the time of determination and as such was not allowable in determination of the matter. The LRB therefore determined the case on the basis of the original drawings as numbered 01-11.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan i.e. policy Des 11 (Alterations and Extensions) which set criteria for assessing alterations and extensions to existing buildings.
- 2) The non-statutory guidelines on 'Guidance for Householders'.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.

Conclusion

The LRB noted the applicant's arguments that there were a great variety of house styles and design within Buckstone Crescent, that the house did not sit within a row of similar house types, and that these houses had no significant architectural merit nor fell within a conservation area. A number of houses were of one and a half storeys in height. The applicants considered that the alterations proposed could be viewed as a natural development and that there was little evidence that the proposals would be likely to harm the character of the surrounding area.

The LRB were not persuaded by the applicant's arguments: essentially the proposals involved a three metre increase in height of the house which at present was a chalet style bungalow with mono-pitched roof and situated in a street of single storey houses. They concurred with the Planning Officer's assessment that it would disrupt the rhythm of design in the street to an unacceptable degree. They also had concerns over the impact on the outlook of the adjacent property to the east.

In conclusion, they found no material circumstances raised in the notice of review of sufficient weight to overturn the Planning Officer's decision and therefore upheld the Planning Officer's decision to refuse planning permission.

Decision

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission for removal of existing roof and to form one and a half storey pitched roof extension to house at 45 Buckstone Crescent, Edinburgh (Application no. 13/01617/FUL).

Reasons

The proposals would result in a development that harmed the character of the existing house, was not in keeping with the character of this side of the street and compromised the immediate outlook of the adjacent property to the east. The proposals were contrary to the City of Edinburgh City Local Plan policy DES 11 (Alterations and Extensions) and to non-statutory Guidance for Householders.

(Note: An amendment by Councillor McVey that the Planning Officer's decision be over-turned and planning permission granted, on grounds that the applicant's

arguments be accepted insofar as the design was acceptable and not inconsistent with the varied house styles existing in the area and therefore unlikely to affect overall character, was not seconded and therefore fell.)

(Reference –notice of review and decision notice and report of handling, submitted)

6. Request For Review – 13 East Hermitage Place, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning for proposed alterations and extension to existing kitchen to form new kitchen at rear of property at 13 East Hermitage Place, Edinburgh.

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-03 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan i.e. policy Des 11 (Alterations and Extensions) and policy Env 6 (Conservation Area Development).
- 2) The non-statutory guidelines on 'Guidance for Householders' and 'Listed Buildings in Conservation Areas'.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.

Conclusion

The LRB noted the applicant's arguments that there were a variety of house styles and design within the street, providing photographs of relevant examples, and arguing essentially that the proposal to replace an existing extension with the new extension was not likely to impact on the character of the house or on the conservation area.

The LRB considered that the key issue was whether the proposals, in particular the alterations involving a flat roof, were out of character with the street-scene, within a conservation area. On this they considered that although a number of such roofs could be seen in the area, the established character of the area did not support this feature, the street-scene being characterised by slate pitched roofs. The application site was on a corner and as such the development was likely to be conspicuous. The LRB considered on balance that if approved the development was likely to have an adverse effect on the overall character of the street, within the conservation area.

In conclusion, they found no material circumstances raised in the notice of review of sufficient weight to overturn the Planning Officer's decision and therefore upheld the Planning Officer's decision to refuse planning permission.

Decision

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission for proposed alterations and extension to existing kitchen to form new kitchen at rear of property at 13 East Hermitage Place, Edinburgh (application no 13/01049/FUL).

Reasons

The proposal was contrary to Edinburgh City Local Plan policy Env 6 in respect of Conservation Areas – Development as it would result in a feature not in keeping with the over-riding and established character of this part of the conservation area and, in appearance, would represent an incongruous feature within the streetscape, thus neither maintaining nor enhancing the character or appearance of the conservation area.

(Reference –notice of review and decision notice and report of handling, submitted)

7. Request For Review – 2F Lanark Road, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning for erection of a new house at 2F Lanark Road, Edinburgh. The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01d, 02d, being the drawings shown under the application reference number on the Council's Planning and Building Standards online services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The reasons for refusal and the arguments put forward by the applicant in the notice of review.
- 3) The further representations received in respect of the notice of review.

Conclusion

The LRB in considering the application noted the one objection and further representation which was relative to the stability of the ground or banking on which

the proposed house was to be built. The LRB considered the representations raised to be non material relative to their consideration of the notice of review.

The LRB considered that the key issue was the question of whether the design, scale, use of materials, and massing of the proposals was appropriate for the sensitive site. They noted that consent had already been granted for two houses of smaller size on the site and that the principle of development had been established. The new proposal was to substitute for the earlier approvals and was on the site of the partially demolished warehouse.

On this question, they were persuaded of the merits of the design in its context, considering that it was a good modern design, befitting of the location, and respecting the lines of the neighbouring aqueduct and the recently erected Water of Leith visitor centre. Overall they were satisfied that the development could be allowed and that the Planning Officer's earlier decision be over-turned and allow planning permission to be given.

Decision

To not uphold the decision by the Head of Planning and Building Standards and to grant planning permission for the erection of a new house at 2F Lanark Road, Edinburgh (application no. 12/01125/FUL), with informatives as follows:-

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

(Reference –notice of review and decision notice and report of handling, submitted)

8. Request For Review – 2 The Steils, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning for the erection of double garage with pitched slate roof at 2 The Steils, Edinburgh (application no. 13/00894/FUL). The Local Review Body had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents, further written information and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the

application were numbered 1, 2A-3A, and 4 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan i.e. policy ENV3 (Listed buildings – setting), Env6 (conservation area development), Des1 (design quality and context), Des 11 (alterations and extensions).
- 2) The non-statutory guidelines on 'Listed buildings and conservation areas', 'Guidance for householders' and 'Edinburgh design guidance'.
- 3) The reasons for refusal and the arguments put forward by the applicant in the notice of review.
- 4) The objection to the application and further representations on the notice of review.

Conclusion

The LRB noted the applicant's arguments that they considered the garage to be of an appropriate size for the property and was to be discreetly located in the north-west corner of the site and was subservient in scale to the main house and to the cottage to the west. They also argued that it was set behind the rear building line of the house and did not distort the views of the house or the cottages from the principal vantage points. The design had also attempted to reflect aspects and features of the main house.

The LRB agreed to adjourn the meeting to visit the site. On resuming consideration, they expressed concern at the overall scale and design of the proposals. Whilst the attempt to provide the most suitable situation within the grounds was appreciated, the LRB considered that, in the scale proposed, and having regard to the area of the grounds and distance from the main building, the new building would be excessive and likely to impact on the appearance and setting of the main house which was a listed building. The overall height was considered excessive, relative to its situation, and the design solution did not respond adequately to the sensitive location and proximity to listed buildings. If approved, it was likely to detract from the setting of the listed buildings and overall character of the conservation area. The LRB also noted that there had been one objection to the application from a neighbouring property.

In conclusion, the LRB found no material circumstances raised in the notice of review of sufficient weight to overturn the Planning Officer's decision and therefore upheld the Planning Officer's decision to refuse planning permission.

Decision

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission for erection of double garage with pitched slate roof at 2 The Steils, Edinburgh (application no. 13/00894/FUL).

Reasons

The proposed size and bulk of the garage, its situation in relation to adjacent listed buildings, architectural detailing and material treatments, would result in a detrimental impact to the setting of the listed buildings and the character of the conservation area. The application would be contrary to Local Plan policies ENV3, ENV6, DES1, DES11 and Council non-statutory guidance.

(Reference –notice of review and decision notice and report of handling, submitted)

Minutes

City of Edinburgh Local Review Body

10.00 am, Wednesday, 30 October 2013

Present

Councillors Blacklock, McVey, Milligan and Rose.

1. Chair

Councillor Rose was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request For Review – 65 Candlemaker's Park, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for a proposed two storey extension on side of property at 65 Candlemaker's Park, Edinburgh (application no. 13/02488/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1 -2A, Scheme 2 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan – Urban Area, Policy Des 11 (Alterations and Extensions)
- 2) The non-statutory guidelines on ‘Guidance for Householders’
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed application.

The LRB took into consideration the applicant’s argument that there were numerous examples of semi detached properties that had been extended on one side, the lack of any building line, extending over numerous houses within the estate and also that other properties had been built outwith the building lines within the estate. The LRB also noted that there had been no neighbour objections to the proposed work.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer’s report and concluded that the proposal would not unbalance the appearance of the semi-detached property and would not have a detrimental impact upon the character and appearance of the streetscape.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission on a division.

Motion

Motion by Councillor Milligan.
Seconded by Councillor Blacklock

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the reasons contained in his report.

Amendment

Amendment by Councillor McVey
Seconded by Councillor Rose

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a proposed two storey extension on side of property with informative as follows:

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

Voting

For the Motion	2
For the Amendment	2

The votes being equal, the Convener used his casting vote for the amendment.

Decision

To approve the amendment.

(Reference –notice of review and decision notice and report of handling, submitted)

4. Request For Review – 222 Easter Road, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for change of use from retail unit, Class 1 to form two studio apartments, Class 9 at 222 Easter Road, Edinburgh (application no. 13/02390/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-08, Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 12 (Shopfronts)
 - Policy Hou 5 (Conversion to Housing)
 - Policy EMP 4 (Employment Sites and Premises)
 - Policy Ret 11 (Alternative Use of Shop Units in Other Locations)
 - Policy Tra 4 (Private Car Parking)
- 2) Non-Statutory Guidelines on 'Edinburgh Design Guidance' 'Guidance for Businesses' and 'Parking Standards'.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the applicants assertion that they felt that they had complied with all of the Council's guidelines and policies or had at least reached the same level of compliance as those applications adjacent to the proposed site and that although the proposal did not strictly comply with ADF to the kitchen unit of the basement they felt that this was a minor detail.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal did not comply with the development plan and non statutory guidelines and would adversely affect the character and appearance of the property and surrounding area and would not provide the minimum level of accommodation with the necessary levels of residential amenity.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for change of use from retail unit, Class 1 to form two studio apartments, Class 9 at 222 Easter Road which was dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/02390/FUL.

Reasons for Refusal

1. The proposal was contrary to Edinburgh City Local Plan Policy Hou 5 in respect of Conversion to Housing and to non statutory guidelines, as the basement flat provides only 'single aspect' living accommodation with inadequate floor space and average daylight factor within those habitable rooms, and the ground floor flat provides living accommodation with inadequate floor space. Resulting in an inadequate level of residential accommodation to the detriment of the residential amenities of future occupants of those properties.
2. The proposal was contrary to Edinburgh City Local Plan Policy Des 12 in respect of shop fronts and to 'Guidance for Businesses' as the proposal would result in a replacement shop frontage of an inappropriate form and size of glazing that would appear heavy and cumbersome, extending down almost to pavement level, resulting in an inappropriate form of replacement shop front to the detriment of, and out of character with, the neighbouring properties and this part of the street scene.

(Reference –notice of review and decision notice and report of handling, submitted)

5. Request For Review – 50 Liberton Gardens, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for a proposed new detached house on vacant land at land 14 metres south of 50 Liberton Gardens, Edinburgh (application no. 13/01961/FUL).

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards and a further representation objecting to the application.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01, 02, 03a, Scheme 2 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 1 (Design Quality and Context)
 - Policy Des 3 (Development Design)
 - Policy Env12 (Trees)

- Policy Hou1 (Housing Development);
 - Policy Hou 3 (Private Open Space)
 - Policy Hou4 (Density).
- 2) The non-statutory guidelines on 'Edinburgh Design Guidance'.
 - 3) The procedure used to determine the application.
 - 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed application.

The LRB took into consideration the applicant's arguments that the proposal complied with the relevant statutory and non statutory planning policies and guidance, and that furthermore the plot had been vacant for more than 60 years with existing dropped kerb and vehicle access.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer's report and concluded that the proposal would not have an adverse effect on the character and appearance of the area and would not adversely affect the amenity levels available to future occupiers of the development.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission on a division.

Motion

Motion by	Councillor Milligan
Seconded by	Councillor McVey

To up hold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the reasons contained in his report.

Amendment

Amendment by	Councillor Blacklock
Seconded by	Councillor Rose

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a proposed new detached house on vacant land at land 14 metres south of 50 Liberton Gardens, Edinburgh with informatives as follows:

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

Voting

For the Motion	2
For the Amendment	2

The votes being equal, the Convener used his casting vote for the amendment.

Decision

To approve the amendment.

(Reference –notice of review and decision notice and report of handling, submitted)

6. Request For Review – 10 Ravencroft Street, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission to convert existing double garage into a dwelling house at 10 Ravencroft Street, Edinburgh. Application No 13/01666/FUL.

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1-3, 4a, 5a, Scheme 2 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan
 - Policy Des 11 (Alterations and Extensions)
 - Policy Hou5 (Conversion to Housing)
 - Policy Env 6 (Conservation Areas Development).

- 2) The non-statutory guidelines on 'Guidance for Householders and 'Edinburgh Design Guidance'.
- 3) The Gilmerton Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed application.

The LRB took into consideration the applicant's arguments that the proposal provided adequate amenity space to both the existing house and the proposed house and that the design and materials had been considered carefully to preserve the character and appearance of the conservation area.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer's report and concluded that the proposal would provide a satisfactory residential environment and an adequate amenity space for the converted property and the existing property, and that the scale and design would not dominate the original house to its detriment.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission to convert existing double garage into dwelling house, with informatives as follows: .

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

(Reference –notice of review and decision notice and report of handling, submitted)

7. Request For Review – 46 St Clair Terrace, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission to demolish approximately 3 metres of wall to provide easier access to a new drive at 46 St Clair Terrace, Lock Up 1, 126 Comiston Drive, Edinburgh, Application No13/01098/FUL.

The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01, 02, Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards online services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information that had been circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: Policy Env 6 (Conservation Areas Development).
- 2) Non-Statutory Guidelines on 'Guidance for Householders'.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. The LRB also took into account the applicants arguments that the extent of the wall removal is only in front of the garage and not the side wall of the soft landscaping, that this area cannot be seen from the public footpath and that the side wall beside this area would not be touched apart from some repointing and furthermore that it was intended that the stone be reused to build a low retaining wall round two sides of the proposed drive, in keeping with the character of the Conservation Area.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and concluded that the proposal would adversely affect the character and appearance of the property, and the character of the conservation area.

The LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to demolish approximately 3 metres of wall to provide easier access to a new drive at 46 St Clair Terrace, Lock Up 1, 126 Comiston Drive, Edinburgh. Application No 13/01098/FUL.

Reasons for Refusal

- 1) The proposal was contrary to the non statutory guidelines on 'Guidance for Householders' in terms of road safety (additional pavement crossings).
- 2) The proposed works were contrary to Policy Env 6 of the Edinburgh City Local Plan, this policy sought to preserve boundary walls and areas of soft landscaping which made up the character of the area. The proposal required the partial removal of the original stone wall. This was contrary to the Council's guidelines as it would alter the visual appearance of the street which further detracted from the essential character of the Conservation Area.

(Reference –notice of review and decision notice and report of handling, submitted)

Minutes

City of Edinburgh Local Review Body

10.00 am, Wednesday, 13 November 2013

Present

Councillors Bagshaw, Brock, Child, Heslop and Howat.

1. Chair

Councillor Bagshaw was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request For Review – 2 Lee Crescent, Portobello, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for proposed replacement of existing windows with new double glazed uPVC windows at 1F1, 2 Lee Crescent, Edinburgh (application No: 13/01093/FUL).

Assessment

The Local Review Body had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Des 11 (Alterations and Extensions), and policy Env 6 (Conservation Areas Development).
- 2) Non Statutory Guidelines: “Guidance for Householders” and ‘Listed Buildings and Conservation Areas’
- 3) The Portobello Conservation Area Character Appraisal.
- 4) The representations on the application.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicants’ arguments that there were examples of non-timber windows in Lee Crescent and nearby Brighton Place and that, in the design of the sash and case replacement windows, they had had regard to the traditional style and would intend to keep the general appearance of the windows similar to the existing style for the area; also, in construction, to use a product that simulated traditional timber profiles. In these circumstances the applicants did not feel the proposed replacements were likely to compromise the appearance of the listed building or of the wider conservation area.

The LRB took these factors into account but remained of the view that the conservation area policies and guidance to householders were clear on the type of window and material that would be allowed and although there were examples of non-conforming windows in existence the predominance of such was not of such a level that it had altered the character of the area or that the policy requirement could be set aside. Approval of these proposals was considered likely to have an adverse effect on the character of the area.

In conclusion, the LRB considered that the Planning Officer’s assessment was fair and balanced and that no material considerations had arisen in the review to cause them to over-turn the officer’s decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for proposed replacement of existing windows with new double glazed uPVC windows at 1F1, 2 Lee Crescent, Edinburgh (Application No: 13/01093/FUL).

Reasons for Refusal

The proposal is contrary to policy Env 6 and policy Des 11 of the Edinburgh City Local Plan and the Council’s non-statutory guidelines in respect of listed buildings and conservation areas. The proposal will result in the loss of traditional timber sash

and case windows and the introduction of uPVC windows will further erode the character and appearance of the Conservation Area.

(Reference – decision notice and report of handling by Head of Planning, and notice of review submitted by applicants, submitted)

4. Request For Review – 11 Belleview Crescent, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for formation of 2 openings in boundary wall at lane, erect 2 garages, form 2 crossovers from lane, at 11 Bellevue Crescent, Edinburgh (Application no.13/01202/FUL).

Assessment

The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01 and 02 being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated. (The LRB considered the applicants' request that consideration of the review be delayed pending the outcome of the applicants' appeal to Scottish Ministers in relation to listed building consent but took a view that the processes for each were independent and that they should proceed to consider the review this day.)

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions), Des 11 (Alterations and Extensions), Env 6 (Conservation Areas Development) and policy Env 3 (Listed Buildings – Setting).
- 2) Non-statutory guidelines: Guidance for Householders; Listed Buildings and Conservation Areas; Parking Standards; and Movement and Development.
- 3) The New Town Conservation Area Character Appraisal.

- 4) The representations on the application and the further representations to the notice of review.

Conclusion

The LRB carefully considered all the arguments put before it by the applicants, including their view that the operations to the boundary walls were not likely to affect the setting of the main house as a listed building and that the listed categorisation did not specifically refer to either garden ground or boundary walls and that, on road safety, given the limited number of car movements, there were not likely to be any significant effects on safety. They also felt that the character of the boundary wall had been significantly altered over recent years, with many interruptions and alterations, and that these particular proposals were unlikely to impact on the overall character of the area.

The Local Review Body however was not persuaded by the applicants' arguments and remained concerned in particular at the possible impact on the setting of the listed buildings and the effect on the character of East Scotland Street Lane. They felt that the proposals were likely to have a significant effect on listed buildings and settings and on the overall appearance and character of the conservation area. They also accepted the Transportation view that the proposals would adversely affect road safety. They noted that there had been objections to the original application and further representations on the notice of review.

In conclusion, the LRB considered that the Planning Officer's assessment was fair and balanced and that no material considerations had arisen in the review to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for formation of 2 openings in boundary wall at lane, erect 2 garages, form 2 crossovers from lane, at 11 Bellevue Crescent, Edinburgh (Application no.13/01202/FUL).

Reasons for Refusal

The proposal is contrary to the Edinburgh City Local Plan policies Env 3, Env 4, Env 6 and to the Council's non-statutory guidelines in respect of 'Listed Buildings and Conservation Areas' and 'Movement and Design' as the garages will prejudice the unique architectural and historic interest of the listed buildings and their setting, and adversely affect the special character and appearance of the New Town Conservation Area, and prejudice road safety.

(Reference - decision notice and report of handling by the Acting Head of Planning, notice of review submitted by applicants, and further representations on the notice of review, submitted)

5. Request For Review – 16 Queen Street, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for formation of front elevation dormer at 16 Queen Street, Edinburgh (application No: 13/02275//FUL).

Assessment

The LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1, 2, 3b and 4, being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services. The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated.

The LRB in their further deliberations on the matter considered the following :

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions), policy Des 11 (Alterations and Extensions), and policy Env 6 (Conservation Areas Development).
- 2) Non Statutory Guidelines on Listed Buildings and Conservation Areas.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicants' argument that the existing dormer was not original to the house and was not in keeping with the building. The proposed replacement was intended to be a well proportioned addition and more in keeping with the alterations made to the house over the years and acknowledging the generally Victorian style of the front elevation. The design was an attempt to conform to the same parameters as set out by other Victorian dormers along Queen Street and to seek to minimise any impact on the front elevation.

The Local Review Body accepted much of this argument in regard to the proposals being an attempt to improve on the existing dormer on the roof plane and they noted that the building had been heavily altered in relation to its original Georgian form, including the bay window on the lower three floors. However, and taking account of the situation of the B listed building within an A listed terrace of houses, the Local

Review Body considered that the material circumstances were not sufficient to outweigh the policy presumptions in policy ENV 4 on alterations or extensions to listed buildings. In this case, and against some finely balanced considerations, they came to a view that the proposals would constitute a further erosion of character to the roof plane of the house and that development plan policy considerations should prevail over some otherwise reasonable considerations put forward by the applicants.

In conclusion, the LRB considered that the Planning Officer's assessment had been fair and balanced and that other material considerations raised in the review were not of sufficient weight to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for front elevation dormer at 16 Queen Street, Edinburgh (application no. 13/02275/FUL).

Reasons for Refusal

- 1) The proposals are contrary to the Edinburgh City Local Plan policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the alteration would represent a further erosion of character to the roof plane of the listed building.
- 2) The proposals are contrary to the Council's non-statutory guidelines in respect of Listed Buildings and Conservation Areas, as the alteration would represent a further erosion of character to the roof plane of the listed building.

(Reference - decision notice and report of handling by the Acting Head of Planning, and notice of review submitted by applicants, submitted)

6. Request For Review – 207 High Street, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for installation of new ATM within existing glazed shop front at 207 High Street, Edinburgh (application no: 13/02152/FUL).

Assessment

The LRB had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents. The LRB had also been provided with copies

of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 1-3, being the drawings shown under the application reference number on the Council's Planning and Building Standards online services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Env 4 (Listed Buildings – Alterations and Extensions), and policy Env 6 (Development in Conservation Areas.
- 2) Non Statutory Guidelines: 'Listed Buildings and Conservation Areas' and 'Guidance For Businesses'.

Conclusion

The Local Review Body considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicant's arguments that there would be no external alterations to the frontage; that there was no other place within the shop to locate the ATM and with a commercial need for an ATM for the business; and was within a street-scene with commercial properties where the modern design would not be viewed as out of character.

The Local Review Body, having considered the applicant's submission, was not persuaded of an over-riding need for an ATM in this location. The location on the High Street was considered to be sensitive and important in terms of the conservation area. There were other ATMs located in the High Street or close to the site. The ATM was likely to be intrusive in terms of appearance and have an adverse impact on the listed building and its setting within an important area in the Old Town Conservation Area. The proposal was contrary to the Guidance for Businesses on installation of ATMs.

They considered that the Planning Officer's assessment had been fair and balanced and that no material considerations of sufficient weight had arisen in the review to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for installation of new ATM within existing glazed shop front at 207 High Street, Edinburgh (application no. 13/02152/FUL).

Reasons for Refusal

- 1) The proposals are contrary to the Edinburgh City Local Plan policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the proposed ATM would impact on the proportions of the shop-front to the detriment of the listed building.
- 2) The proposals are contrary to the Edinburgh City Local Plan policy Env 6 in respect of Conservation Areas - Development, as the proposed ATM would have an adverse impact on the character and appearance of the conservation area.
- 3) The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas, as the ATM would impact on the proportions of the frontage to the detriment of the area and the listed building.
- 4) The proposals are contrary to development plan policy as interpreted using the non-statutory Guidance for Businesses, as the proposed ATM would be intrusive and would have an adverse impact on the area and the listed building.

(Reference - decision notice and report of handling by Acting Head of Planning, and notice of review submitted by applicants, submitted)

7. Request For Review – 50 Wester Drylaw Place, Edinburgh

The Local Review Body considered a request for a review of the refusal of planning permission for a review of the refusal of planning permission for elements of proposals in application and involving boundary treatments, including walls, fencing and access gates, area of hard standing and storage shed, at 50 Wester Drylaw Place (9 metres west of), Edinburgh (application No: 13/02125/FUL).

Assessment

The Local Review Body (LRB) had been provided with copies of the notice of review submitted by the applicant including the request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. The plans used to determine the application were numbered 01-02, being the drawings shown under the application reference number on the Council's Planning and Building Standards online services. The LRB, having considered the documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated.

The LRB in their further deliberations on the matter considered the following points:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan: policy Des 1 (Design Quality and Context), policy Des 3 (Development Design) and policy Hou 8 (Inappropriate Uses in Residential Areas);
- 2) Non Statutory Guidelines: "Edinburgh Design Guidance".
- 3) The representations on the application.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application. In particular, the LRB took account of the applicant's arguments that the boundary treatments were required in the interests of security of the garden and its tools and furniture and that attempts had been made in design to soften the effect and had had regard to use of similar finishes to adjoining houses in order to try to bring about a sympathetic development. It was noted that there were also a number of letters of support for the development from local residents.

The Local Review Body, having considered the information submitted, was not persuaded of any material circumstances to out-weigh the Planning Officer's assessment that the proposals were inappropriate in design, form and choice of materials. They considered that the proposals would have a detrimental impact on residential amenity and character of the area. Whilst the earlier approval of the subdivision of the garden ground was acceptable, the LRB remained concerned at the proposals for the operational development which was unacceptable in the residential area.

In conclusion, the LRB considered that the Planning Officer's assessment had been fair and balanced and that no material considerations had arisen in the review to cause them to over-turn the officer's decision to refuse planning permission.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the boundary treatments, including walls, fencing and access gates, the area of hard standing and the storage shed, on ground adjacent to 50 Wester Drylaw Place, Edinburgh (application no. 13/02125/FUL).

Reasons for Refusal

The proposals were contrary to Local Plan policies Des 1 and Des 3 and if approved would have a detrimental impact on neighbourhood character and amenity.

(Note: The refusal of planning permission, as above, did not affect the earlier planning consent, dated 31 July 2013, which related only to the sub-division of the garden ground at 50 Wester Drylaw Place, creating a new planning unit and the use of the new unit as private outdoor amenity space, independent of any other property.)

(Reference - decision notice and report of handling by the Acting Head of Planning, and notice of review submitted by applicants, submitted)