

## City of Edinburgh Local Review Body

10.00 am, Wednesday, 27 November 2013

### Present

Councillors Child (substituting for Councillor Perry), Howat (substituting for Councillor Cairns), Mowat and Robson.

### 1. Chair

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Councillor Mowat was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

### 3. Request For Review – 9 Craighour Grove, Edinburgh

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The Local Review Body considered a request for a review of the refusal of planning permission for a proposed two storey side extension with pitched roof and dog grooming shop to be formed on ground floor at 9 Craighour Grove, Edinburgh, which had been dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/03841/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 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 Des 11 (Alterations and Extensions)  
Policy Hou 8 (Inappropriate Uses in Residential Areas)
- 2) Non-Statutory Guidelines on 'Guidance for Businesses' and '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 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 argument that there would only be two dogs on the premises at any time, that the hours of operation would be 10 am to 5 pm Monday to Friday and that this would only take up a minor part of the premises with the majority of the extension being used for residential. They also took into account the economic argument put forward regarding the relocation of an existing business to these premises.

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 amenity of neighbouring residents.

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 and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for a two storey side extension with pitched roof and dog grooming shop to be formed on ground floor at 9 Craighour Grove, Edinburgh, which had been dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application No 13/03841/FUL.

## **Reason for Refusal**

The proposal was contrary to Edinburgh City Local Plan Policy Hou 8 in respect of inappropriate uses in Residential Areas, as it would have a materially detrimental impact on the living conditions of neighbouring residents due to increased noise levels associated with the commercial dog grooming use.

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

## **4. Request For Review – 31 Bellvue Gardens, Edinburgh**

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The Local Review Body considered a request for a review of the refusal of planning permission for a proposed new storey-and-half side extension on the footprint of an existing garage (to be demolished); widened set of rear patio doors and some internal re-modelling which had been dealt with by the Acting Head of Planning and Building Standards under delegated powers. - Application no. 13/02432/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:
- 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 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

argument that the form of the first floor was smaller in width, breadth and height than other extensions in the area, and that as the proposal was viewed from street at an angle, this had the effect of reducing its visibility to the majority of viewers.

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.

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 a proposed new storey-and-half side extension on the footprint of an existing garage (to be demolished); widened set of rear patio doors and some internal re-modelling which had been dealt with by the Acting Head of Planning and Building Standards under delegated powers. Application no. 13/02432/FUL

### **Reasons for Refusal**

The proposal was contrary to Policy Des 11 of the Edinburgh City Local Plan and the Council's Non-Statutory Guidance for Householders, as the positioning of the upper floor side extension would introduce an obtrusive feature to the property and would significantly alter the roof form to an unacceptable degree which would adversely affect the character and appearance of this semi detached and the surrounding area.

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

## City of Edinburgh Local Review Body

10.00 am, Wednesday, 11 December 2013

### Present

Councillors Blacklock, McVey, Milligan, Rose and Ross

### 1. Chair

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Councillor McVey was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

### 3. Request for Review – 18-20 Dalry Road, Edinburgh

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Details were provided of a request for a review of the refusal of planning permission for the change of use of an existing property to a hot food takeaway including installation of a wall mounted extraction grill to accommodate a ventilation system at 18-20 Dalry Road, Edinburgh. Application No 13/02531/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 hearing. 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, 3 and 4 (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)
  - Policy Des 11 (Alterations and Extensions)
- 2) The non-statutory guidelines on ‘Guidance for Businesses’.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward by the applicant in the request for 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 proposals would not have a significant impact on residential amenity and there would be no harmful impact if the ventilation system was properly maintained. The LRB noted the applicant’s assertion that an enforceable condition requiring an agreed programme of maintenance and replacement could be attached to the planning consent.

The LRB also noted that it would not be possible to use an alternative ventilation system and that the system proposed was the best option available for the applicant and that if maintenance programme was put in place the ventilation system would be fit for purpose. The LRB was of the view that the proposals would not have a detrimental impact on residential amenity as it was sufficiently distant from the nearest residential properties.

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 proposed ventilation system was adequate to ensure the effective removal of odours from cooking effluvia and it would not be detrimental on residential amenity.

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 for the change of use of an existing property to a hot food takeaway including installation of a wall mounted extraction grill to accommodate a ventilation system subject to the following condition and with informatives:

## **Condition**

1. The use of the premises as a hot food takeaway should not start until the Airgard Type 8 Carbon Filter as specified in the applicant’s submission had been installed and was operational.

## Reason

1. 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 was to commence. Failure to do so constituted 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.
4. The Council would strongly encourage the applicant to put in place a programme of maintenance for the ventilation system in order to ensure that the optimum performance is achieved.

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

## 4. Request for Review – 12A Roseneath Place, Edinburgh

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Details were provided of a request for a review of the refusal of planning permission to erect a dormer window and french doors to the first floor roof terrace to the rear elevation, install french doors and form a new roof terrace and balustrading to front elevation at 12a Roseneath Place, Edinburgh. Application No 13/02685/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, a hearing and a site inspection. 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 1-7, (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 Env 4 (Listed Buildings – Alterations & Extensions)

Policy Env 6 (Conservation Areas Development)

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 by the applicant 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 applicant’s argument that the dormer would enhance and add continuity to the current terrace and that due to the medical centre extension the dormer would not be visible from any position.

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 Edinburgh City Local plan and non statutory guidelines as the alterations were out of keeping with the character of listed buildings and were inappropriate to the character and appearance 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 and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to erect a dormer window and french doors to the first floor roof terrace to the rear elevation, install french doors and form a new roof terrace and balustrading to front elevation at 12a Roseneath Place. Application No 13/02685/FUL.

### **Reasons for Refusal**

1. The proposal was contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings, as all proposed elements eroded and diluted the character of the existing listed building.
2. The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas – Development, as the addition of the dormer was considered to be overdevelopment of the roofspace and excessive in relation to the conservation area character.
3. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the proposed roof terrace caused loss of privacy to neighbouring properties.
4. The proposal was contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as the addition of the dormer was considered to be overdevelopment of the roofspace.



5. The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas – Development, as the addition of a balustrade to the roof of the neighbouring building was inappropriate to the character of the conservation area.

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

## **5. Request for Review – 30 (3F2) Royal Circus, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission to alter the existing dormer windows, replace windows with timber frame double glazed slim line units and lower the cill height at 30 (3F2) Royal Circus, Edinburgh. Application No 13/03198/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, a hearing and a site inspection. 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 and a consultation response from Historic Scotland.

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 1-5 (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 Env 4 (Listed Buildings – Alterations & Extensions)
  - Policy Env 6 (Conversion Areas Development)
  - Policy Des 11 (Alterations and Extensions)
- 2) The non-statutory guidelines on 'Listed Buildings and Conservation Areas'.
- 3) The New Town Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward by the applicant 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 minor alterations proposed would have minimal impact if any at all on the character or appearance of the existing roof scape and would not have an adverse effect in respect of the terrace in general and its location within the conservation area.

The LRB noted that the existing dormer windows had been in situ for a considerable time, and concluded that the proposed alterations would be an enhancement to the existing layout and would not have a detrimental impact on the street scene or 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 the alterations did not represent a further erosion of character to the roof plane of the listed building and that the alterations would not diminish the historic and architectural interest of the listed building.

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 alter the existing dormer windows , replace windows with timber frame double glazed slim line units and lower the cill height at 30 (3F2) Royal Circus, 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 would constitute 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.

(References – Decision Notice, Report of Handling and Notice of Review and consultation response from Historic Scotland, submitted.)

## 6. Request for Review – 32/3, Shore Road, South Queensferry

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Details were provided of a request for a review of the decision for the refusal of planning permission for the proposed alteration of existing loft space to a lounge/dining area and bedroom with rooflight and velux balcony window at 32/3 Shore Road, South Queensferry. Application No 13/03420/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 and a site inspection. 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 01-03 (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 Rural West Edinburgh Local Plan:
  - Policy E35
  - Policy E36
  - Policy E43
- 2) The non-statutory guidelines on 'Guidance for Householders' and 'Listed Buildings and Conservation Areas'.
- 3) The Queensferry Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

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 proposals did not protrude beyond the existing roofline and added further character to the courtyard. In addition, Velux windows had been used throughout South Queensferry for many years.

The LRB noted that the proposals were to be added to a modern development and that there were similar velux windows in the surrounding area.

## **Motion**

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed alteration of the existing loft space to a lounge/dining area and bedroom with rooflight and velux balcony window at 32/3 Shore Road, 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 would constitute 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 McVey, seconded by Councillor Ross.

### **Amendment**

To uphold the decision by the Head of Planning and Building Standards to refuse planning permission for the proposed alteration of the existing loft space to a lounge/dining area and bedroom with rooflight and velux balcony window at 32/3 Shore Road, Edinburgh.

### **Reasons for Refusal**

1. The proposed roof lights would disrupt the appearance of the existing roofscape to an unacceptable degree, and harm the character and appearance of the conservation area. The proposals were contrary to Rural West Edinburgh Local Plan Policies E35 (Conservation Areas – General), E36 (Conservation Areas – Development) and E34 (Alterations and Extensions), and to Non Statutory Guidance for Householders and Listed Buildings and Conservation Areas.

- moved by Councillor Milligan, seconded by Councillor Rose.

### **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 alteration of the existing loft space to a lounge/dining area and bedroom with rooflight and velux balcony window at 32/3 Shore Road, 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 would constitute 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.

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

## City of Edinburgh Local Review Body

10.00 am, Wednesday, 22 January 2014

### Present

Councillors Bagshaw, Brock, Howat, Mowat (Substituting for Councillor Heslop) and Perry (substituting for Councillor Child)

### 1. Chair

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Councillor Perry was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

### 3. Request for Review – 17 Coltbridge Gardens, Edinburgh

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Details were provided of a request for a review of the refusal of planning permission in principle for a proposed sustainable family home/home office on land 27 metres North West of 17 Coltbridge Gardens, Edinburgh (Application No. 13/02926/PPP).

#### 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 inspection. 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, 2a and 3 (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:

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 Env 6 (Conservation Areas Development)
  - Policy Env 12 (Trees)
  - Policy Hou 1 (Housing Development)
  - Policy Tra 4 (Private Car Parking)
  - Policy Env 16 (Species).
- 2) The Non-Statutory Guidelines on “Movement and Development”, “Listed Buildings and Conservation Areas” and “Edinburgh Design Guidance”.
- 3) The Coltbridge and Wester Coates Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward by the applicant 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, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and 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 and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission in principle for a proposed sustainable family home/home office on land 27 metres North West of 17 Coltbridge Gardens, Edinburgh (Application No 13/02926/PPP).

### **Reasons for Refusal**

1. The location of the proposal will adversely affect the spatial characteristics of the Coltbridge and Wester Coates Conservation Area and it has not been demonstrated that the proposal will preserve and enhance its special character and appearance contrary to Policies Des 3 and Env 6 of the Edinburgh City Local Plan and the Council’s Guidelines on Listed Buildings and Conservation Areas and the Edinburgh Design Guidance.
2. The proposal will have an adverse impact upon the natural vegetation and trees on the site to the detriment of the landscaped character and appearance of the Coltbridge and Wester Coates Conservation Area contrary to Policies Des 3, Env 6 and Env 12 of the Edinburgh City Local Plan and the Council’s Guidelines

on Listed Buildings and Conservation Areas and the Edinburgh Design Guidance.

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

#### **4. Request for Review – 78 Forth View Crescent, Currie**

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Details were provided of a request for a review of the refusal of planning permission for a two storey side extension with new front porch and boundary wall to the rear at 78 Forth View Crescent, Currie (Application No. 13/03949/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 further written submissions. 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, 3, 4 (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:

- 1) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan:
  - Policy E43
- 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 by the applicant 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 extension would not dominate the form of the existing house nor was it overly prominent in the street scene. In addition, the LRB noted there were a large number of similar two-storey extensions in the surrounding area.

The LRB, having taken all the above matters into consideration, did not agree with the officer's assessment and was of the view that, whilst the proposed extension would



have some impact on the character of the existing property, it would not dominate the existing house and was in a style of similar developments in the surrounding area.

The LRB was 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 for a two storey side extension with new front porch and boundary wall to the rear at 78 Forth View Crescent, Currie (Application number 13/03949/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.

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

## **5. Request for Review – 19 Heriot Row, Edinburgh**

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Details were provided of a request for a review of the mixed decision for alterations and a change of use to form two flats from offices at 19 Heriot Row, Edinburgh (Application No. 13/02668/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 inspection. 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, and having adjourned the meeting to undertake a site inspection, agreed, when it reconvened, that it now had sufficient

information before it, and would therefore determine the review using the information circulated to it and that observed on the site inspection.

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 Hou 5 (Conversion to Housing)
  - Policy Hou 8 (Inappropriate Uses in Residential Areas)
  - Policy Env 6 (Conservation Areas Development)
  - Policy Des 11 (Alterations and Extensions).
- 2) The non-statutory guidelines on “Listed Buildings and Conservation Areas” and “Parking Standards”.
- 3) The New Town Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward by the applicant 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 proposals would not adversely affect either the character of the property or the setting and character of the Conservation Area.

In addition, the LRB noted that the Scottish Government Directorate for Planning and Environment Appeals had issued its decision on the related Listed Building Consent appeal. The reporter had concluded that, as the proposals assist the continuation of the building in beneficial use, and thereby its preservation, the limited affects on the listed building and conservation area were acceptable. The LRB took the view that this was a material consideration to which they attached significant weight.

The LRB, having taken all the above matters into consideration, did not agree with the officer’s assessment and was of the view that the proposals would not adversely impact on the character and setting of the building or the character and appearance of the conservation area.

The LRB was 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 for the change of use to two flats and the alterations to the building on the Heriot Row elevation at 19 Heriot Row, Edinburgh (Application number 13/02668/FUL) , subject to the following condition and informatives:

## **Condition**

Details of the new stone, including the type of stone and its finished treatment, which is to be introduced to the basement area of the building on the Heriot Row elevation of the building, shall be submitted for written approval by the Planning Authority prior to the initiation of development.

## **Reason**

In order to safeguard the character and appearance of the conservation area.

## **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.

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

## **6. Request for Review – 512 Lanark Road West, Balerno**

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Details were provided of a review of the refusal of planning permission in principle for a proposed dwelling house within the grounds of 512 Lanark Road West, Balerno (Application No 13/03288/PPP).

### **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 inspection. 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- 4 (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:

- 1) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan:
  - Policy E15
  - Policy E41
  - Policy E42
  - Policy H3
  - Policy TRA2.
- 2) The Non-Statutory Guidelines on “Movement and Development” and “Edinburgh Design Guidance”.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward by the applicant 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, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and 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 and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission in principle for a proposed dwelling house within the grounds of 512 Lanark Road West, Balerno (Application No 13/03288/PPP).

### **Reason for Refusal**

The proposal would have an adverse impact upon the spatial character and visual amenity of the area contrary to Rural West Edinburgh Local Plan Policies E41, E42 and H3 and to the Edinburgh Design Guidance.

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

## **7. Request for Review – 28 Mansfield Road, Balerno**

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Details were provided of a request for a review of the refusal of planning permission in principle for the erection of a dwelling house with Tree Management Plan in perpetuity at 28 Mansfield Road, Balerno (Application No. 13/02559/PPP).

### **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, further written submissions, one or more hearing sessions and a site inspection. 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, 3, 4 (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:

- 1) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan:
  - Policy E15
  - Policy E16
  - Policy E20
  - Policy E22
  - Policy E41
  - Policy H3
  - Policy H6.
- 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 by you in your request for a review.

## **Conclusion**

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

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and 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 and Building Standards.

## **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission in principle for the erection of a dwelling house with Tree Management Plan in perpetuity at 28 Mansfield Road, Balerno (Application No 13/02559/PPP).

## **Reasons for Refusal**

1. The proposal will remove a significant number of trees within the site which are covered by a TPO and are valuable to the landscape and character of the area. The trees have not been accommodated in the proposed layout and there is no

proposed replacement planting. The proposal is contrary to Policy E15 and E16 of the Rural West Edinburgh Local Plan, to the detriment of trees protected by a tree preservation order and the character of the area.

2. The proposal has not demonstrated that there will be no adverse impact upon the natural environment within the site and there has been no assessment of the presence of protected species within the site, contrary to Policies E20 and E22 of the Rural West Edinburgh Local Plan.

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

# Minutes

## City of Edinburgh Local Review Body

10.00 am, Wednesday, 5 February 2014

### Present

Councillors Dixon, Mowat, Perry and Robson

### 1. Chair

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Councillor Mowat was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

### 3. Request for Review – 31 Arden Street (2F1), Edinburgh

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Details were provided of a request for a review of the refusal of planning permission to replace existing timber framed window and secondary glazing with UPVC framed double glazed units on rear elevation at 31 Arden Street, Edinburgh (Application No. 13/03188/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 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 and 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 circulated to it.

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 Des11 (Alterations and Extensions)
  - Policy Env6 (Conservation Areas Development)
- 2) The Non-Statutory Guidelines on “Listed Buildings and Conservation Areas” and “Houses in Multiple Occupation”.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward by the applicant 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, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and 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 and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to replace existing timber framed window and secondary glazing with UPVC framed double glazed units on rear elevation at 31 Arden Street, Edinburgh (Application No 13/03188/FUL).

### **Reasons for Refusal**

The replacement of the existing wooden windows with UPVC materials would have a detrimental impact on the character and appearance of the conservation area, contrary to Policy Env 6 of the Edinburgh City Local Plan and the Council’s Non-Statutory Guidance on Listed Buildings and Conservation Areas.

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

## **4. Request for Review – 5 Bangholm Terrace (1F2), Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission to replace 3 windows to the rear of the property with UPVC windows to match the existing at 5 Bangholm Terrace, Edinburgh (Application No. 13/03962/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 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, and 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:

- 1) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan:
  - Policy Des 11 (alterations and Extensions)
  - Policy Env6 (Conservation Areas Development)
- 2) The non-statutory guidelines on "Listed Buildings and Conservation Areas" and "Guidance for Householders".
- 3) The Inverleith Conservation Area character Appraisal
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward by the applicant 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 there was a predominance of windows in the area which were not timber sash and case windows, that the windows were to the rear of the elevation and that the adjoining development's windows were UPVC.

The LRB, having taken all the above matters into consideration, did not agree with the officer's assessment and was of the view that the proposed replacement windows would not have a detrimental impact on the character of the conservation area.

The LRB was 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 for the replacement of 3 windows to the rear of the property with UPVC windows to match the existing at 5 Bangholm Terrace, Edinburgh (Application No. 13/03962/FUL) subject to standard conditions and informatives:

### **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.

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

## **5. Request for Review – 16 Coillesdene Avenue, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission for a new dormer to side elevation to form new en-suite shower room at 16 Coillesdene Avenue, Edinburgh (Application No. 13/03859/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 inspection. 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- 6 (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:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
  - 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 by the applicant 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 new dormer window to the side elevation would not dominate or unbalance the appearance of the house and noted that there were other side dormer windows in nearby properties.

The LRB, having taken all the above matters into consideration, did not agree with the officer’s assessment and was of the view that whilst the proposed side dormer would have some impact on the character of the existing property, it would not dominate the existing house and was in a style of similar developments in the surrounding area.

The LRB was 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 for a new dormer to side elevation to form new en-suite shower room at 16 Coillesdene Avenue, Edinburgh (Application 13/03859/FUL, subject to informatives:

### **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.

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

## **6. Request for Review – 9 Gladstone Terrace (3F2), Edinburgh**

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Details were provided of a review of the refusal of planning permission for proposed replacement windows at 9 Gladstone Terrace, Edinburgh (Application 13/03401/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 inspection. 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 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:

- 1) The development plan, including the relevant policies of Edinburgh City Local Plan:
  - Policy Des11 (Alterations and Extensions)
  - Policy Env6 (Conservation Areas and Development)
- 2) The Non-Statutory Guidelines on "Guidelines for Householders" and "Listed Buildings and Conservation Areas".
- 3) Other relevant policy guidance: The Marchmont, Meadows and Bruntsfield Conservation Area is characterised by well proportioned victorian tenemental perimeter blocks with baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward by the applicant 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, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and 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 and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for proposed replacement windows at 9 Gladstone Terrace, Edinburgh (Application 13/03401/FUL).

### **Reason for Refusal**

1. The proposal is contrary to the Non Statutory Guidelines in respect of Listed Building and Conservation Areas as the proposed materials and opening method would not match the original property and would adversely affect the character and appearance of the Marchmont, Meadows and Bruntsfield Conservation Area.
2. The proposal is contrary to the Edinburgh City Local Plan, Policy Env6 in respect of development in conservation areas as the proposal would not preserve or enhance the special character or appearance of the Marchmont and Meadows Conservation Area Character Appraisal.

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

## **7. Request for Review – 31 Montague Street, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission to alter an existing rear kitchen sash and case window to create an outward-opening door, (with similar glazing bars/proportions) giving access to the rear garden and form new lightweight steel and timber footbridge which crosses over the existing light well at 31 Montague Street, Edinburgh, (Application No. 13/04068/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 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 1-11 (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:

- 1) The development plan, including the relevant policies of Edinburgh City Local Plan
  - Policy Env4 (Alterations and Extensions)
  - Policy Env6 (Conservation Areas Development)
- 2) The Non-Statutory Guidelines on “Listed Buildings and Conservation Areas”.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward by the applicant 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, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and 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 and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to alter an existing rear kitchen sash and case window to create an outward-opening door, (with similar glazing bars/proportions) giving access to the rear garden and form new lightweight steel and timber footbridge which crosses over the existing light well at 31 Montague Street, Edinburgh (Application No. 13/04068/FUL).

### **Reasons for Refusal**

1. The proposal is contrary to Edinburgh City Local Plan Env4 in respect of Listed Buildings, Alterations and Extensions, as the alterations are harmful to the character of the listed building.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env6 in respect of Conservation Areas – Development, as the alterations create a feature alien to the character of the conservation area.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the alteration is inappropriate on a listed building in a conservation area.

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

## **8. Request for Review – 114 The Murrays Brae, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission for the partial removal of a brick wall to be replaced by a wooden fence (in retrospect) at 114 The Murrays Brae, (Application No. 13/01498/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 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 1-3 (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:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
  - 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 by you in your request for a review.

### **Conclusion**

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

The LRB took into consideration the applicant's arguments that the new fence had received significant support from immediate neighbours and that it had improved the appearance of the corner site which was an area that had previously had overgrown shrubs and collected neighbourhood waste.

The LRB having taken all of the above matters into consideration, was of the view that the fence provided a solution to an ongoing cause of concern for residents with regard to loss of amenity due to the unsightly appearance of the corner site.

The LRB were of the opinion that the material considerations that it had identified were of significant 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 of the Acting Head of Planning and Building Standards and to grant planning permission for the partial removal of a brick wall to be replaced by a wooden fence (in retrospect) at 114 The Murrays Brae, Edinburgh (Application 13/01498/FUL).

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

## **9. Request for Review – 33 Roseburn Terrace, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission for a change of use to hot food takeaway at 33 Roseburn Terrace, (Application No. 13/02976/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 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 01-03 (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:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
  - Policy Ret 10 (Alternative Use of Shop Units)
  - Policy Ret 12 (Food and Drink Establishments)
  - Policy Env 6 (Conservation Areas Development)
- 2) The Non-Statutory Guidelines on "Guidance for Businesses".
- 3) The Coltbridge and Wester Coates Conservation Areas Character Appraisal
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward by the applicant 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, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and 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 and Building Standards.

## **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for change of use to hot food takeaway at 33 Roseburn Terrace, Edinburgh (Application No 13/02976/FUL).

## **Reasons for Refusal**

The proposal does not comply with policy Ret12 of the Edinburgh City Local Plan due to a lack of submitted information preventing an assessment of the impact on the living conditions of residents.

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