

The City of Edinburgh Planning Local Review Body

10.00 am, Wednesday, 7 May 2014

Present

Councillors Brock, Perry, Rose and Ross.

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 – 261 Canongate, Edinburgh EH8 8BQ

Details were provided of a request for a review of the refusal of planning permission to remove cooking condition on original planning application to allow full Class 3 cooking facilities, alterations to the front elevation to form sliding, folding doors and the erection of two flue pipes to the rear to simulate downpipes, coloured black to match traditional downpipes at 261 Canongate, Edinburgh (Application No. 13/05000/FUL).

Assessment

At the meeting on 7 May 2014, 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, 2A Scheme 2, being the drawings shown under the application reference number 13/05000/FUL 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 Des 11 (Alterations and Extensions)
Policy Des 12 (Shopfronts)
Policy Env 3 (Listed Buildings - Setting)
Policy Env 6 (Conservation Areas Development)
- 2) The Non-Statutory Guidelines on 'Guidance for Businesses and '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 took into consideration the applicant's arguments that the flue pipes would resemble downpipes when painted black, be to the rear of the property and would be hidden from view following the erection of new buildings which had recently been granted planning approval. The applicant provided a report from a ventilation expert to demonstrate that the proposed extraction system would be more than adequate to satisfy the requirements for this proposal.

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 proposal to erect two flue pipes to the rear would not be to the detriment of the character and appearance of the conservation area or form an incongruous addition to the building to the detriment of visual amenity.

However, the LRB did consider that the loss of the shop front would contribute to the detriment of the character and appearance of the conservation area.

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 issue a mixed decision to part grant and part refuse planning permission:

Decision

- (A) To not uphold the decision of the Acting Head of Planning and Building Standards and to grant planning permission to allow full Class 3 cooking facilities and the erection of two flue pipes to the rear to simulate downpipes, coloured black to match traditional downpipes, subject to standard conditions and the following additional conditions:

- (i) That the flue pipes follow the line of the roof and to be located behind the coping on gable wall.
- (ii) A ventilation system capable of 30 air changes per hour be installed and fully operational prior to the use hereby approved being taken up
- (iii) The materials used to construct the flue pipes are to be agreed by the Acting Head of Planning and Building Standards prior to the commencement of development.

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.
- (B)** To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for alterations to the front elevation to form sliding, folding doors.

Reason for Refusal

The application is contrary to policy Env 6 and Des 12 of the Edinburgh City Local Plan, the non-statutory 'Guidance for Businesses and the non-stutory guidance 'Listed Buildings and Conservation Areas' as the physical alterations would result in the loss of a shop front which forms part of a set of three similar frontages and contributes to the character and appearance of the conservation area.

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

Councillor Rose wished his dissent to be noted in respect of part (b) of the decision.

4. Request for Review – 40 Cockburn Street, Edinburgh EH1 1PB

Details were provided of a request for a review of the refusal of planning permission for change of use from Class 1 retail to a mixed use cafe and delicatessen at 40 Cockburn Street, Edinburgh (Application No13/04308/FUL)

Assessment

At the meeting on 7 May 2014, 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 (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.

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 & Extensions)
Policy Env 6	(Conservation Areas Development)
Policy Ret 11	(Alternative Use of Shop Units in Other Locations)
Policy Ret 12	(Food and Drink Establishments)
- 2) The Non-Statutory Guidelines on 'Guidance for Businesses' and 'Listed Buildings and Conservation Areas'.
- 3) The Old 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 planning application.

The LRB took into account the applicant's argument that the delicatessen and café in this location would not have any detrimental effect on the special shopping character, and that in fact it would introduce a specialist unit. There would be no external changes to the shop.

The LRB also considered that there were currently two units which had remained vacant in this location and were mindful that they wished to maintain the streets vitality and viability.

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 was of the opinion that the material considerations that had been presented in the request for a review would lead it to overturn the determination by the Acting Head of Planning and Building Standards.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for change of use from Class 1 retail to a mixed use café and delicatessen at 40 Cockburn Street, Edinburgh (Application No. 13/04308/FUL), subject to standard conditions and informatives, and an additional condition:

- (i) That a ventilation system capable of 30 air changes per hour shall be installed and fully operational prior to the use hereby approved being taken up.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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 further representations, submitted.)

5. Request for Review – 46 Dreghorn Loan, Edinburgh EH13 0DD

Details were provided of a request for a review of the refusal of planning permission to demolish a chimney to the side of dwelling house at 46 Dreghorn Loan, Edinburgh (Application 13/00066/FUL).

Assessment

At the meeting on 7 May 2014, 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, (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)
Policy Env 6 (Conservation Areas Development)
- 2) The Non-Statutory Guidelines on 'Listed Buildings and Conservation Areas'.
- 3) The Colinton 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 took into consideration the applicant's argument that within the same group of 4 similar buildings, the same chimney stack had been removed and a side facing dormer which extends above the ridge of the original dwelling had been formed. There were 3 chimneys to the property, and that it was the chimney to the rear on the side elevation which it was proposed should be removed to prevent further damage to the interior of the property and prevent future damage through water ingress to the main house.

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 was of the opinion that the material considerations that had been presented in the request for a review had lead it to overturn the determination by the Acting Head of Planning and Building Standards as they did not feel that the removal of the chimney would be to the detriment of the character and appearance of the conservation area.

Motion

To uphold the decision of the Acting Head of Planning and Building Standards and refuse planning permission

Moved by Councillor Perry, seconded by Councillor Brock

Amendment

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission to demolish chimney to side of dwelling house at 46 Dreghorn Loan.

Moved by Councillor Rose, seconded by Councillor Ros

Voting

For the Motion 2

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

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission to demolish the chimney to the side of dwelling house at 46 Dreghorn Loan, Edinburgh (Application No: 13/00066/FUL), subject to standard planning 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.

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

6. Request for Review – 176 Greendykes Road, Edinburgh EH2 1DR

Details were provided of a request for a review of the refusal of planning permission for a proposed attic conversion and dormer extension to rear of the property. Horizontal timber lining with stain finish as external cladding, rwp and gutter to be upvc, colour black, windows to be double glazed upvc – white, leadwork to junction of dormer and existing roof at 176 Greendykes Road, Edinburgh (Application13/00476/FUL).

Assessment

At the meeting on 7 May 2014, 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 – 04, 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.

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 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 of the Acting Head of Planning and Building Standards to refuse planning permission.

Reasons for Refusal

The property is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as it introduces an addition that dominates the roof plane and is not compatible with the existing building. The proposal is also detrimental to neighbourhood character because of its bulky form and degree of visibility from public viewpoints.

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

7. Request for Review – 106 Hanover Street, Edinburgh EH2 1DR

Details were provided of a request for a review of the refusal of planning permission for change of use from Class 4 Office to Class 7 Guest House at 106 Hanover Street, Edinburgh (Application No. 13/05111/FUL).

Decision

To continue consideration of the matter to a future meeting of the Planning Local Review Body for:

- (i) The satisfactory inspection of a Completed Noise Impact Assessment as provided by the applicant.
- (ii) Clarification on the level of access provided by the residents of the property above to allow the required Noise Impact Assessment to be undertaken.

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

8. Request for Review – 32 Learmonth Avenue, Edinburgh EH4 1DB

Details were provided of a request for a review of the refusal of planning permission to alter and extend existing ground floor flat into private garden at 32 Learmonth Avenue, Edinburgh EH4 1DB (Application No. 13/04924/FUL).

Decision

To continue consideration of the matter to a future meeting of the Planning Local Review Body to allow the LRB members to undertake a site inspection.

(References – Decision Notice, Report of Handling and Notice of Review, further representations, circulated)

City of Edinburgh Local Review Body

10.00 am, Wednesday, 21 May 2014

Present

Councillors Bagshaw, Dixon, Heslop and Milligan.

1. Chair

Councillor Heslop 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 – 17 Argyll Crescent, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for planning permission for the proposed access for car parking space at 71 Argyll Crescent, Edinburgh (Application No. 13/05244/FUL).

Assessment

At the meeting on 21 May 2014, 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 being the drawings shown under the application reference number (13/05244/FUL) on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, did not require to hold a site inspection, 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 Env 6 (Conservation Areas Development)
Policy Des 11 (Alterations and Extensions)
- 2) The Non-Statutory Guidelines on 'Guidance for Householders'.
- 3) The Portobello 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 for the proposed access for car parking space at 71 Argyle Crescent, Edinburgh (Application No 13/05244/FUL).

Reasons for Refusal

1. The proposal was contrary to 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 Portobello Conservation Area and was not consistent with the Portobello Conservation Area Character Appraisal. This was contrary to the Council's guidelines as it would alter the visual appearance of the street to the detriment of the essential character of the Conservation Area.

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

4. Request for Review – 37 Barony Street, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for the proposal to alter window to French doors with new garden access stair at 37 Barony Street, Edinburgh (Application No. 13/04811/FUL).

Assessment

At the meeting on 21 May 2014, 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 01 to 03 (Scheme 1) being the drawings shown under the application reference number 13/04811/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, did not require to hold a site inspection, 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 Env 4 (Listed Buildings – Alterations and Extensions)
Policy Env 6 (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 took into consideration the applicant's arguments that the French doors within a window opening, was not uncommon on Listed Buildings. The steps, French doors and shutters were in keeping with local plan policy Env 4 and Policy Env 6 on the basis of enhancing a high quality, sustainable living environment, reinforcing a sense of place within an ever evolving residential 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 the proposed alterations would not diminish the buildings interest and would not be out of keeping with the building; additionally, the proposal preserved and enhanced the special character and appearance of the conservation area.

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 uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the proposal to alter window to French doors with new garden access stair at 37 Barony Street, Edinburgh (Application No. 13/04811/FUL).

Reasons for Refusal

- 1) The proposal was contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings, Alterations and Extensions, as the proposed alterations would diminish the buildings interest and would be out of keeping with the building.
 - 2) The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas – Development, as neither preserves nor enhances the special character or appearance of the conservation area.
 - 3) The proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as there was a presumption against access stairs and rear French doors above garden level.
- moved by Councillor Milligan, seconded by Councillor Bagshaw.

Amendment

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposal to alter window to French doors with new garden access stair at 37 Barony Street, Edinburgh (Application No. 13/04811/FUL) subject to standard conditions and informatives:

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
 2. No development should take place on the site until a Notice of Initiation of Development had 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.
- moved by Councillor Dixon, seconded by Councillor Heslop.

Voting

For the motion 2 votes

For the amendment 2 votes

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

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposal to alter window to French doors with new garden access stair at 37 Barony Street, Edinburgh (Application No. 13/04811/FUL) subject to standard conditions and informatives:

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
2. No development should take place on the site until a Notice of Initiation of Development had 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.

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

5. Request for Review – 17 Greenhill Gardens, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for the proposal to enlarge existing south window to form French windows at 17 Greenhill Gardens, Edinburgh (Application No. 13/04716/FUL).

Assessment

At the meeting on 21 May 2014, 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 to 02 (Scheme 1) being the drawings shown under the application reference number 13/04716/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that a site inspection would be required before determining 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 Env 4 (Listed Buildings – Alterations and Extensions)
Policy Env 6 (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 a 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 window enlargement was not an extension to the original house, which had no actual architectural merits and which the proposal would provide. Therefore the whole refusal argument was disputed.

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 proposal was not inappropriate or was to the detriment of the architectural integrity and character of the building and the character and appearance of the conservation area.

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 proposal to enlarge existing south window to form French windows at 17 Greenhill Gardens, Edinburgh (Application No. 13/04716/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.)

6. Request for Review – 7 Jeffrey Avenue, Edinburgh

Details were provided of a review of the refusal of planning permission for the proposed two storey extension to side, single storey extension to rear, alterations to garage to form double garage with additional storey at 5 Jeffrey Avenue, Edinburgh (Application No. 14/00410/FUL).

Assessment

At the meeting on 21 May 2014, 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 representations. The LRB had also been provided with copies of the decision notice, the report of handling and further representations 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 to 05 (Scheme 2) being the drawings shown under the application reference number 14/00410/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, did not require to hold a site inspection, 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 3 (Development Design)
 - 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 a request for a review.

Conclusion

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

The application had been determined on the basis of a mixed decision, the proposed garage had been approved, however the main part of the application with regard to the two storey extension to side and rear and single storey extension to side and single storey extension to the rear had been refused.

The LRB took into consideration the applicant's arguments that the proposal would have a positive impact on the visual amenity of the area as it would have a pitched roof finish and an improved side/front elevation to Gardiner Road. The trees would not be affected and the proposal would result in a minimal change to visual impact to what was currently there.

The proposals complied with Policy Des 1, Design Quality and Context as the development would be of a high standard of design. It also complied with Policy Des 3 – Development Design, as the proposal would have a positive impact on its setting, having regard to the positioning of the buildings on the site with their height, scale form, materials and detailing and the wider townscape and landscape of the area. The amenity of the area would not be materially harmed by the effect on privacy, daylight or sunlight or immediate overlooking.

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 scale of the two storey extension would not erode the corner plot to the detriment of the spatial character of the area; additionally, the single storey extension did not fail to meet the daylighting criteria which would result in the failure to provide adequate daylight to the neighbouring property at number 7 Jeffrey Avenue.

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 proposed two storey extension to side, single storey extension to rear, alterations to garage to form double garage with additional storey at 5 Jeffrey Avenue, Edinburgh (Application No. 13/00410/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, Notice of Review and further representations, submitted.)

Dissent

Councillor Bagshaw requested that his dissent be recorded in respect of the decision for the above item.

7. Request for Review – 30 Orchard Road, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for the proposal to erect extension to side of house and to include new velux window to new shower room at 30 Orchard Road, Edinburgh (Application No. 13/00572/FUL).

Assessment

At the meeting on 21 May 2014, 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 01 to 05 (Scheme 1) being the drawings shown under the application reference number 13/00572/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, did not require to hold a site inspection, 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 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 a 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 line of the extension should have been shown set back from the line of the front elevation of the existing building perhaps by 500 mm and the clients' intention to reinstate screen planting on the boundary might have been made clear. However, the approach taken and the end result was not intended as a dismissal of planning guidelines, but rather as what would, hopefully, be viewed as a genuine and sensitive response and solution to a difficult brief.

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 proposal did not develop the corner garden plot to the detriment of the spatial character of the area and the projection beyond the building line would not disrupt the character and appearance of the street.

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 proposal to erect an extension to side of house and to include new velux window to new shower room at 30 Orchard Road, Edinburgh (Application No. 13/00572/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.)