

Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00 am Wednesday, 13th November, 2019

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

Contacts

Email: sarah.stirling@edinburgh.gov.uk

Tel: 0131 529 3009

1. Appointment of Convener

- 1.1 The Local Review Body is invited to appoint a Convener from its membership.

2. Order of Business

- 2.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

3. Declaration of Interests

- 3.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 2) of 2 October 2019 – 7 - 16
submitted for approval as a correct record

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 17 - 20

6. Requests for Review

- 6.1 206 Broomhouse Road, Edinburgh – Erection of dwellinghouse – 21 - 80
application no. 19/01351/PPP
- (a) Decision Notice and Report of Handling
 - (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

- 6.2** 111 Corstorphine Road, Edinburgh – Formation of new drive in hardscaped parking area, creating a 3m opening in existing wall with gate and formation of dropped kerb – application no. 19/03589/FUL 81 - 120

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.

- 6.3** 7B Redford Gardens, Edinburgh – Erection of a double storey extension to side of dwelling house – application no. 19/03104/FUL 121 - 146

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

- 6.4** 58 Ross Gardens, Edinburgh – Erection of new single storey extension to side and rear of existing house including front porch – application no. 19/01859/FUL 147 - 186

- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.

7. Extracts of Relevant Policies from the Edinburgh Local Development Plan

7.1 Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases

[Local Development Plan Online](#)

Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)

Edinburgh Local Development Plan Policy ENV 12 (Trees)

Edinburgh Local Development Plan Policy ENV 18 (Open Space Protection)

Edinburgh Local Development Plan Policy HOU 1 (Housing Development)

8. Non-Statutory Guidance

8.1 [Guidance for Householders](#)

Note: The above policy background papers are available to view on the Council's website www.edinburgh.gov.uk under Planning and Building Standards/local and strategic development plans/planning guidelines/conservation areas, or follow the links as above.

Laurence Rockey

Head of Strategy and Communications

Membership Panel

Councillor Chas Booth, Councillor Maureen Child, Councillor Rob Munn, Councillor Hal Osler and Councillor Cameron Rose

Information about the Planning Local Review Body (Panel 2)

The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local

Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations.

The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors.

It usually meets in the Dean of Guild Court Room in the City Chambers, High Street, Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

Members of the LRB may appoint a substitute from the pool of trained members of the Planning Committee. No other member of the Council may substitute for a substantive member. Members appointing a substitute are asked to notify Committee Services (as detailed below) as soon as possible

If you have any questions about the agenda or meeting arrangements, please contact Blair Ritchie, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4085, email blair.ritchie@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

Unless otherwise indicated on the agenda, no elected members of the Council, applicant, agent or other member of the public may address the meeting.

This page is intentionally left blank

Minutes

The City of Edinburgh Planning Local Review Body (Panel 2)

10.00am, Wednesday 2 October 2019

Present: Councillors Booth, Child, Mitchell (substituting for Councillor Rose) and Osler.

1. Appointment of Convener

Councillor Mitchell was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 7 August 2019 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 1 Freelands Farm (48m Southwest of), Newbridge, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the erection of two semi-detached dwellings at 1 Freelands Farm (48m Southwest of), Newbridge, Edinburgh. Application no 18/04354/FUL.

Assessment

At the meeting on 2 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents and a hearing session. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 1-6, Scheme 1, being the drawings shown under the application reference number 18/04354/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to 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 Local Development Plan
 - Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)
 - Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy ENV 10 (Development in the Green Belt and Countryside)
 - Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy HOU 1 (Housing Development)
 - Edinburgh Local Development Plan Policy HOU 3 (Private Green Space in Housing Development)
 - Edinburgh Local Development Plan Policy HOU 4 (Housing Density)
 - Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy TRA 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
 - 'Edinburgh Design Guidance'
 - 'Development in the Countryside and Green Belt'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether the classification of the site within the Green Belt was greenfield or brownfield.
- The previously consented scheme for the steading conversion in 2002.
- The impact on the area of converting the steading to residential use.
- Whether planning permission would be required for the erection of an agricultural building in this location.
- That there was sympathy for the application but that the Local Development Plan guidance was clear under policy Env 10 and that the proposed use did not meet the stated criteria.

Conclusion

Having taken all the above matters into consideration, 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 Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The proposal did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. The proposal was contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt; and was not acceptable in principle.

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

5. Request for Review – 3 Johnston Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the change of use from retail to restaurant and new ventilation system (in retrospect) at 3 Johnston Terrace, Edinburgh. Application no 18/02227/FUL.

Assessment

At the meeting on 2 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 Chief Planning Officer.

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

The plans used to determine the application were numbered 01 - 02, Scheme 1, being the drawings shown under the application reference number 18/02227/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to 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 Local Development Plan
 - Edinburgh Local Development Plan Policy DEL 1 (Developer Contributions and Infrastructure Delivery)
 - Edinburgh Local Development Plan Policy ENV 4 (Listed Buildings – Alterations and Extensions)
 - Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy RET 10 (Alternative Use of Shop Units in Other Locations)

Edinburgh Local Development Plan Policy RET 11 (Food and Drink Establishments)

- 2) Relevant Non-Statutory Guidelines.
'Guidance for Businesses'
'The Old Town Conservation Area Character Appraisal'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The period of time that would need to have elapsed before deemed consent would be applicable, for commercial use.
- The rationale for applying a Tram Contribution to the premises.
- That a similar application for the same premises had been considered by LRB Panel 1, and that the determination reached was to uphold the decision of the Chief Planning Officer, due to non-payment of Tram Contribution.
- That ventilation issues associated with the previous related application had been resolved.
- The rationale for why premises of a comparable nature were exempt from the Tram Contribution.
- That there was sympathy for the applicant but that the Developer Contributions and Infrastructure Guidance was clear on the requirements to pay a contribution.

Conclusion

Having taken all the above matters into consideration, 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 Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The proposal was contrary to the Local Development Plan Policy Del 1 in respect of Developer Contributions, as the applicant had not concluded a legal agreement to provide the necessary tram contribution, as required by Council transport strategy.

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

6. Request for Review – 86 Orchard Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the building of a boundary wall out of brick or stone alongside south boundary of property with a height of 170cm, 13 metres long, to join up two existing fences at 86 Orchard Road, Edinburgh. Application no 19/02002/FUL.

Assessment

At the meeting on 2 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 Chief Planning Officer.

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

The plans used to determine the application were numbered 01, 03, 04, 05, 06, Scheme 1, being the drawings shown under the application reference number 19/02002/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to 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 Local Development Plan
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The current height of the fence and what height would be deemed Permitted Development.
- Whether it was appropriate to apply Local Development Plan Policy Des 12 in considering this application.
- That permission had already been granted for the wall in a previous application.
- That there were several high walls in the area and so the application would be in keeping with the area.
- Whether the use of materials could be conditioned.

Conclusion

Having taken all the above matters into consideration, the LRB finally determined that the proposals would be acceptable as the applicant had already been granted permission for the 1.7m wall in a previous application.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission subject to the additional condition.

Decision

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

1. The following conditions:

- (a) A detailed specification of all the proposed materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Note: samples of the materials may be required.

Reason:

In order to enable the planning authority to consider this matter in detail.

2. The following informatives:

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- (b) 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.
- (c) 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)

7. Request for Review – 45 Oxgangs Brae, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the change of use from open space / amenity land to garden use at 45 Oxgangs Brae, Edinburgh. Application no 19/02353/FUL.

Assessment

At the meeting on 2 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 Chief Planning Officer.

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

The plans used to determine the application were numbered 01, Scheme 1, being the drawings shown under the application reference number 19/02353/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to 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 Local Development Plan
Edinburgh Local Development Plan Policy ENV 18 (Open Space Protection)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether a site visit was required in order to obtain a better understanding of the area.
- Whether there was more that could be done to clarify how the open space was used and whether its loss would affect the amenity of surrounding residents.
- That it would contravene Local Development Plan Policy Env 18 which was clear on the permitted use of a public space.
- A contrary opinion was that the land was not being utilised and so it would not have a detrimental impact on the amenity of other residents.
- Whether the applicant could be requested to submit evidence relating to the biodiversity characteristics of the land and that the area had no amenity or leisure value. It was determined that this would be difficult to evidence.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to Local Development Plan Policy Env 18 as the use of the site would not result in a significant impact on the quality of open space or amenity of the surrounding area.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

Decision

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

The following informatives:

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- (b) 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.
- (c) 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)

8. Request for Review – 2 and 4 Piersfield Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the Section 42 planning application to 'not comply' with restrictive conditions for servicing at the Morrisons Supermarket, at 2 and 4 Piersfield Terrace, Edinburgh. Application no 18/09849/FUL.

Assessment

At the meeting on 2 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents and a hearing session. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 01, Scheme 1, being the drawings shown under the application reference number 18/09849/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to 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 Local Development Plan
 - Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy RET 5 (Local Centres)
- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That the members were concerned by the repeated breaches of planning conditions.
- That the applicant had not shown any evidence that they had put in measures to alleviate the noise.
- That activity undertaken to date had not respected the needs of neighbouring properties.

Conclusion

Having taken all the above matters into consideration, 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 Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed extended servicing hours would have a materially detrimental effect on the living conditions of nearby residents.
2. The proposal was contrary to the non-statutory Guidance for Businesses as it would lead to an increase in noise and disturbance to the detriment of the living conditions of nearby residents.

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

9. Request for Review – 2 South Gyle Crescent

Details were submitted of a request for a review for the refusal of planning permission for the relocation of existing office car park with associated works, boundary treatments and structures (as amended), at 2 South Gyle Crescent, Edinburgh. Application no 19/01641/FUL.

Assessment

At the meeting on 2 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 Chief Planning Officer.

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

The plans used to determine the application were numbered 01 – 02, 03A, Scheme 1, being the drawings shown under the application reference number 19/01641/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to 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 Local Development Plan
Edinburgh Local Development Plan Policy DEL 4 (Edinburgh Park/South Gyle)
Edinburgh Local Development Plan Policy DES 2 (Co-ordinated Development)
Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
- 2) Relevant Non-Statutory Guidelines.
'Edinburgh Design Guidance'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether there had been any communication between planning officers and the applicants with regards to a co-ordinated approach to development of the wider site that considered permeability and encouraged active travel.
- That the only advantage of the application was that there was a slight reduction in the number of parking spaces.
- That the application was contrary to policy and had not been fully thought out.

Conclusion

Having taken all the above matters into consideration, 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 Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The proposal did not comply with the development principles for South Gyle and policies Tra 2, Des 2 or Del 4 part a) and g) of the Edinburgh Local Development Plan or the Edinburgh Design Guidance. A large expanse of surface car parking close to the perimeter of the site would exceed the maximum parking standards of the EDG, detrimental to the visual amenity of the area and failing to make a positive contribution to the changing character of this area. There were no material considerations that outweighed the conclusion.

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

City of Edinburgh Planning Local Review Body (the LRB)

General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB will only accept new information where there are exceptional circumstances as to why it was not available at the time of the planning application. The LRB will formally decide whether this new information should be taken into account in the review.

The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.

5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it. The LRB may decide it has insufficient information at any stage prior to the formal decision being taken.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used:
 - further written submissions;
 - the holding of one or more hearing sessions; and/or
 - an accompanied or unaccompanied inspection of the land to which the review relates.
8. Whichever option the LRB selects, it shall comply with legislation set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Chief Planning Officer and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 11 and 12 below.

9. The LRB may adjourn any meeting to such time and date as it may then or later decide.

Considering the Request for Review

10. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any un-adopted development plan does not have the same weight but will be a material consideration. The LRB is making a new decision on the application and must take the 'de novo' approach.
11. The LRB will:
 - Identify the relevant policies of the Development Plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the Development Plan;
 - identify all other material planning considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the Development Plan should not be given priority;
 - take into account only those issues which are relevant planning considerations;
 - ensure that the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are assessed when the review relates to a listed building and/or conservation area; and
 - in coming to a determination, only review the information presented in the Notice of Review or that from further procedure.
12. The LRB will then determine the review. It may:
 - uphold the officer's determination;
 - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
 - grant planning permission, in full or in part;
 - impose conditions, or vary conditions imposed in the original determination;
 - determine the review in cases of non-determination.

Procedure after determination

13. The Clerk will record the LRB's decision.
14. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
15. The Decision Notice will comply with the requirements of regulation 22.
16. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.

This page is intentionally left blank

Geddes Consulting
FAO: Stuart Salter
Quadrant
17 Bernard Street
Edinburgh
UK
EH6 6PW

Mr Taimur Malik
206 Broomhouse Road
Edinburgh
UK
EH12 9AD

Decision date: 23 July 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erection of dwellinghouse.
At 206 Broomhouse Road Edinburgh EH12 9AD

Application No: 19/01351/PPP

DECISION NOTICE

With reference to your application for Planning Permission in Principle registered on 15 March 2019, this has been decided by **Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reason for Refusal:-

1. The proposal is contrary to policies Hou1, Env 12 and Env 18 of the adopted Edinburgh Local Development Plan (LDP). The proposal is not acceptable as it will have a detrimental impact on the trees adjacent to the site and will result in the loss of public open space.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-04, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lesley Porteous directly on 0131 529 3203.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission in Principle 19/01351/PPP

At 206 Broomhouse Road, Edinburgh, EH12 9AD
Erection of dwellinghouse.

Item	Delegated Decision
Application number	19/01351/PPP
Wards	B03 - Drum Brae/Gyle

Summary

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

Links

Policies and guidance for this application	LDPP, LHOU01, LEN12, LEN18,
--	-----------------------------

Report of handling

Recommendations

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

Background

2.1 Site description

The application site is to the west of Broomhouse Road and is located at the east end of two semi detached houses. There is an access road and cul-de-sac to the north of the site. A wide footpath/cycleway skirts the southern edge of the site. The application site comprises part garden ground of number 206 and the remainder is Council-owned open space which is planted with trees.

2.2 Site History

17 July 2012 - Permission refused for change of use of dwelling house to pre-school children's day nursery (application number 12/01152/FUL).

Main report

3.1 Description Of The Proposal

Planning permission in principle is sought for the erection of a single dwellinghouse on the site.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal is acceptable in principle;
- b) Transport matters are addressed;
- c) The proposal raises any issues in respect of equalities and human rights; and
- d) Any issues raised in objections have been addressed.

a) Principle of the development

Policy Hou 1 of the adopted Local Development Plan (LDP) allows for the delivery of housing sites within the urban area, provided proposals are compatible with other policies in the plan. The application site is partly within an area of open space and partly within an area of private garden ground. The proposal does not comply with the following policies in the Plan.

Policy Env 12 of the LDP sets out the circumstances where planning permission is granted where there are existing trees. The trees which would be affected by this proposal are not covered by a tree preservation order. However, they are exceptional in the landscape and the loss of any trees, or the extent of crown works required to accommodate the development, will injure the landscape character of the area. The applicant is proposing to plant four smaller sized native trees along the southern boundary of the site. The newly planted trees however would take a while to mature and would not offer as effective screening and landscape amenity.

The proposal does not comply with Policy Env 12.

Policy Env 18 of the adopted Local Development Plan sets out the criteria where development will be permitted on open space. Support of the proposals cannot be justified in terms of criteria d) and e) of this policy. There is no local benefit in allowing the development nor is the development for a community purpose where the loss of the open space is outweighed by the benefits to the local community.

The proposal does not comply with Policy Env 18.

b) Transport matters

An objection has been raised concerning the provision of parking outside the new house. Transport has no objection to the application. Sufficient parking is available immediately adjacent to the new dwelling.

c) Equalities and Human Rights

The proposal has been assessed and does not raise any issues in respect of equalities and human rights.

d) Public comments

One letter of representation was received objecting to the proposal. The objection covered the following:-

material

- Insufficient parking. Addressed in 3.3 (b).
- Loss of mature trees. Addressed in 3.3 (a).
- Loss of mature trees acting as a barrier for traffic noise. Addressed in 3.3 (a).

non-material

- Future maintenance responsibility of the private access road.

Conclusion

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to policies Hou1, Env 12 and Env 18 of the adopted Edinburgh Local Development Plan (LDP). The proposal is not acceptable as it will have a detrimental impact on the trees adjacent to the site and will result in the loss of public open space.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

One letter of representation has been received.

Background reading / external references

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

Statutory Development

Plan Provision

Part of site is located within an area identified as open space in the adopted Local Development Plan. Part of the site is within private garden ground.

Date registered

15 March 2019

Drawing numbers/Scheme

01-04

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning officer
E-mail:lesley.porteous@edinburgh.gov.uk Tel:0131 529 3203

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

Appendix 1

Consultations

Transport Response

No objections to the application.

Note:

- o The applicant should note that the proposed development is accessed from a private access and not a 'road'. The applicant should satisfy themselves that they have sufficient rights and authority to use this access.
- o Zero off-street parking is proposed with parking available immediately adjacent.

Archaeology Response

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of dwelling house.

The site formed part of the grounds of the former Broom House first recorded in 1599 (Harris, Place Names of Edinburgh). The 19th century OS maps of the site (see Fig. 1) show the site as forming part of the house's gardens between it and its farm-steading to the north. The site is therefore regarded as occurring within an area of archaeological potential, in terms of our understanding of the development of this former post-medieval house.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposed scheme will also require significant ground-breaking works relating to construction. Such works may disturb significant archaeological remains relating to the development of the post-medieval Broom House. Therefore, it is recommended that a programme of archaeological excavation is undertaken prior to development in order to fully excavate, record and analysis any significant remains that may be affected by construction.

It is recommended that the following condition is attached to ensure that undertaking of the above archaeological work;

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis

and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

END

Comments for Planning Application 19/01351/PPP

Application Summary

Application Number: 19/01351/PPP

Address: 206 Broomhouse Road Edinburgh EH12 9AD

Proposal: Erection of dwellinghouse.

Case Officer: Lesley Porteous

Customer Details

Name: Ms Sarah Small

Address: 204 Broomhouse Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. There are not 7 car parking spaces, the deeds show this area as a turning circle for residents/utility/emergency vehicles. The applicant will lose their driveway and will be forced to park outside the new house. Where will construction vehicles, skips, building materials etc be stored/parked? In the turning circle?

2. The mature well established trees offer wildlife habitat and would further reduce the green area surrounding the properties.

3. The mature trees also offer privacy from the main road and also act noise deafening of both pass traffic and the traffic lights/crossing. Newly planted trees will take a number of years to establish and it will be a number of years before they will be of benefit to the environment.

4. Currently the upkeep of the private road is split between the residents 60% (30% each) and the council 40%. During construction would this fall solely to the applicant? Or would we be expected to pay a proportion for any damage? After construction would the 60%liability be split equally between the 3 households? If so deeds would need to be changed and lodged with the assistance of solicitors - would the applicant be willing to share the associated costs or would we need to pay?

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100156835-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Geddes Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Quadrant
Last Name: *	Marshall	Building Number:	17
Telephone Number: *		Address 1 (Street): *	Bernard Street
Extension Number:		Address 2:	Leith
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH6 6PW
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Taimur"/>	Building Number:	<input type="text" value="206"/>
Last Name: *	<input type="text" value="Malik"/>	Address 1 (Street): *	<input type="text" value="Broomhouse Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Eh12 9AD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="206 BROOMHOUSE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH12 9AD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671859"/>	Easting	<input type="text" value="319603"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Statement of Appeal

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to Appeal Document List

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01351/PPP

What date was the application submitted to the planning authority? *

15/03/2019

What date was the decision issued by the planning authority? *

23/07/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stuart Salter

Declaration Date: 14/10/2019

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100156835-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Geddes Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Quadrant
Last Name: *	Salter	Building Number:	17
Telephone Number: *	0131 553 3639	Address 1 (Street): *	Bernard Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH6 6PW
Email Address: *	stuart@geddesconsulting.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Taimur	Building Number:	206
Last Name: *	Malik	Address 1 (Street): *	Broomhouse Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH12 9AD
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

206 BROOMHOUSE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 9AD

Please identify/describe the location of the site or sites

Northing

671859

Easting

319603

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

201.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Curtilage of 206 Broomhouse Road and adjacent informal open space

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Ms Frances Maddicott

Address:

City of Edinburgh Council Business Centre 1/4, 4, East Market Street, Edinburgh, UK, EH8 8BG

Date of Service of Notice: *

14/03/2019

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stuart Salter

On behalf of: Mr Taimur Malik

Date: 14/03/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stuart Salter

Declaration Date: 14/03/2019

Payment Details

Online payment: 7470749877

Payment date: 14/03/2019 16:13:00

Created: 14/03/2019 16:13

Proposal Details

Proposal Name	100156835
Proposal Description	206 Broomhouse Road
Address	206 BROOMHOUSE ROAD, EDINBURGH, EH12 9AD
Local Authority	City of Edinburgh Council
Application Online Reference	100156835-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Statement of Appeal _ 206 Broomhouse Road Edinburgh	Attached	A4
Appeal Document List 206 Broomhouse Road Edinburgh	Attached	A4
0_01 Application Form	Attached	A4
0_02 Location Plan	Attached	A3
0_03 17012_Broomhouse_MPDF_P101	Attached	A3
Indicative Site Layout 0_04 17012_Broomhouse_STEX_P102 Site Boundary	Attached	A3
0_05 17012_Broomhouse_STEX- P103 Tree Locations	Attached	A3
0_06 Report on Tree Condition	Attached	A4
0_07 Planning Statement	Attached	A4
1_01 Consultation Response from Archaeology	Attached	A4
2_01 Decision Notice	Attached	A4
2_02 Report of Handling	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

206 Broomhouse Road, Edinburgh

Statement of Appeal

1.1 This *Statement of Appeal* (the Statement) has been prepared on behalf of Mr Taimur Malik (the Appellant) in support of an appeal against the City of Edinburgh Council's decision to refuse planning permission in principle for the erection of a dwellinghouse on land at 206 Broomhouse Road, Edinburgh (Planning Ref: 19/01351/PPP).

1.2 The reason set out in the Decision Notice for the refusal of planning permission is as follows:

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

1.3 The reasoning for the refusal relates to two matters:

- The loss of open space to the community; and
- The loss of trees which are worthy of retention.

1.4 This Statement seeks to address these matters only. The Council has not raised any other concerns with the proposal. A full assessment of the proposal's compliance with the relevant development plan policy is set out in the *Planning Statement* submitted with the Application.

Council Ownership and Conditional Offer

1.5 The site is situated within the wider grounds of Forrester and St Augustine's High Schools (Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*). The site is situated to the immediate east of the existing dwellinghouse at 206 Broomhouse Road, with Broomhouse Road itself situated beyond. The site is accessed via the existing vehicular access from Broomhouse Road to the south.

1.6 The site is currently under the ownership of the Council. The Appellant has submitted a conditional offer to purchase the land subject to securing planning permission. The Council's Heads of Terms notes that *...Having carried out a consultation with the school in question, **Planning**, Elected Members, Local Office, and Roads we can confirm that no objections have been received [our emphasis].*

1.7 The sale of the site will result in a capital receipt for the Council for land that has been confirmed by the Schools to be surplus to requirements.

Loss of Open Space

1.8 The reason for refusal states that the proposal would *...reduce the amount of open space enjoyed by the community*. There is no explanation of how this area of land specifically contributes to or is *...enjoyed by the community*.

1.9 The Open Space designation has a total area of 11.36 hectares and mainly comprises of the campus of the two secondary schools, with some areas of surrounding land included as well. The site is only 201sq.m (0.02 hectares), which represents 0.18% of the total area of designated Open Space. The scale of the site in relation to the Open Space designation is shown in Appendix 1.

- 1.10 The site has no amenity or leisure value to either School, which have a clearly defined perimeter fence with private open space within. Pupils do not access the Schools through the site.
- 1.11 The site is a small area of rough grass situated between the gable of the existing house at 206 Broomhouse and Broomhouse Road itself. There is no evidence to suggest that this area of grass is of any notable use to the local community. While there are general amenity benefits from open space when considered as a whole, the impact of the loss of open space in this instance would be trivial given the site's size and location. A visual open space buffer would be retained between the existing housing and Broomhouse Road.
- 1.12 The reason for refusal also states that ...*The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.* As outlined above, the site is currently of limited (if any) local benefit. The proposal would deliver substantial benefit to the community in the form of a new dwellinghouse in a highly sustainable location.
- 1.13 A detailed appraisal of the proposal's compliance with LDP Policy Env 18: *Open Space Protection* is set out in paragraphs 2.13 to 2.47 of the *Planning Statement*.

Loss of Trees

- 1.14 The reason for refusal states that ...*The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area.* There is no explanation of how these trees have a *significant* contribution to landscape amenity.
- 1.15 The proposal will result in the need to remove a limited number of existing trees within and immediately adjacent to the site as shown in Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*. The *Report on Tree Condition* also highlights that a further tree (Ref: 724) may require to be removed. These four trees are summarised as follows:

Tree Ref	Species	Category	Statutory Protection	Comments
723	Cherry-flowering	C	No	Physical damage to buttress. Bark exudation. Minor dead wood
725	Lime-common	B	No	Epicormic growth. Quite upright. Few defects. Close proximity to existing property.
728	Horse chestnut	B	No	Minor decay in buttress. Minor cavity/decay in stem. Physical damage to bark. Close proximity to existing property.
724	Sycamore	B	No	Minor decay in buttress. Minor cavity/decay in main scaffold limb. Crown slightly suppressed

- 1.16 None of the trees requiring removal are subject to a Tree Preservation Order (TPO) or situated within a conservation area. Removal of the trees would not require planning permission or a felling licence as the trees are situated within public open space. Removal of the trees (subject to agreement) is covered in the Council's Heads of Terms for the sale of the land as follows:

Upon any development being carried out in the area forming part of the property, you will, with agreement, remove any trees which remain on the school's land as required for the development to take place, at your sole expense...

- 1.17 None of the trees requiring removal are category A, and all are subject to some level of decay and defect. A number of these trees are within close proximity of the existing dwellings and are a potential danger if they fell. Other trees between the site and Broomhouse Road would be retained. There would be no impact on the large group of trees beyond the footpath to the south of the site.

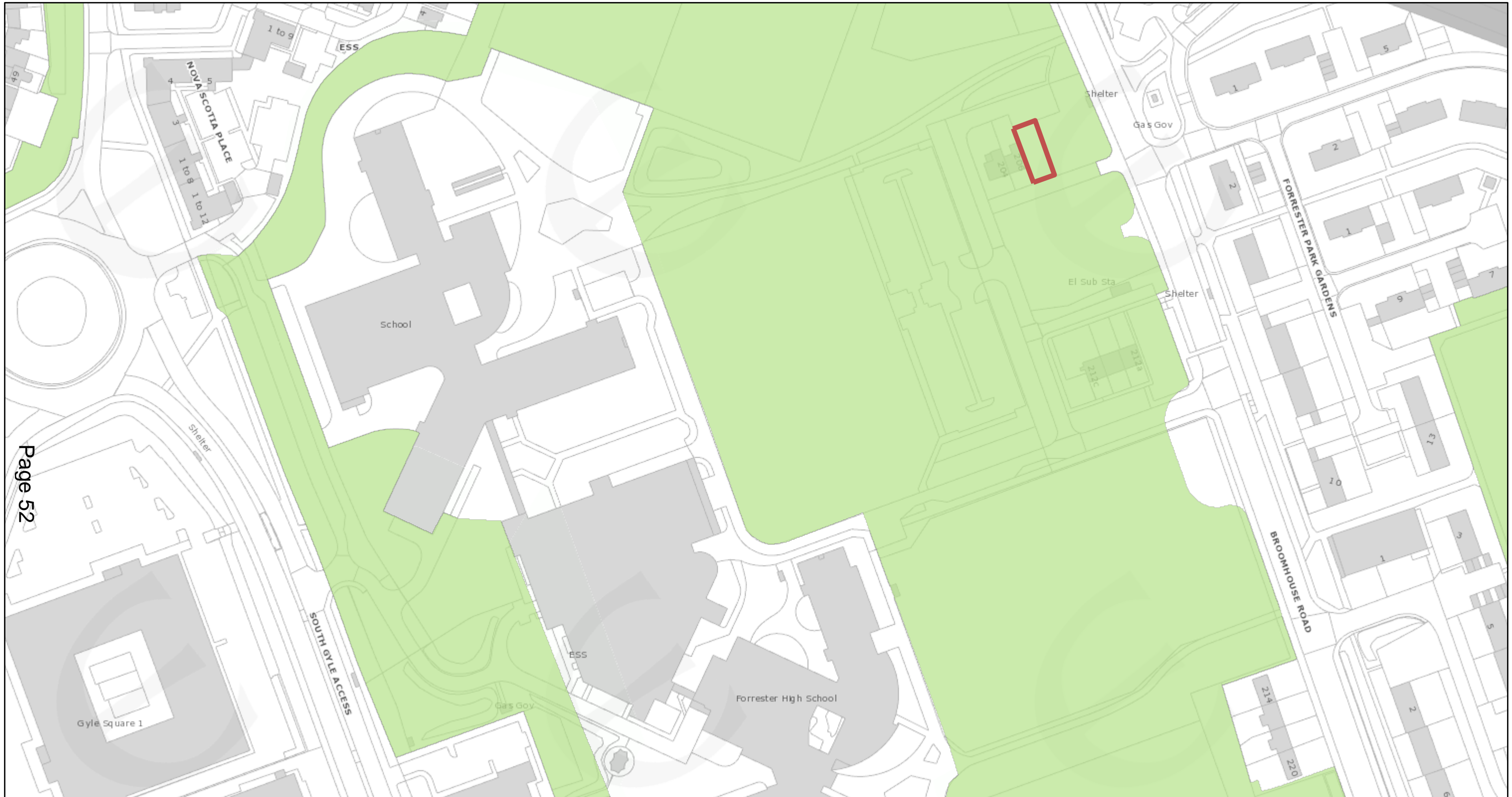
- 1.18 The proposal will include compensatory tree planting with more appropriate native species which can be conditioned as part of the grant of planning permission in principle. A more detailed assessment of the proposal's compliance with LDP Policy 12: *Trees* is set out in paragraphs 2.50 to 2.55 of the *Planning Statement*.

Conclusions

- 1.19 The Appellant considers that a disproportionate amount of weight has been attached to the loss of a small area of designated Open Space and a limited number of un-protected trees in the refusal of this Application. The Decision Notice and Report of Handling do not sufficiently justify the reasons for refusal.
- 1.20 The Appellant considers that sufficient information has been provided, including a *Planning Statement* and *Report on Tree Condition*, to demonstrate that any loss of Open Space and trees would have a trivial (if any) impact on the surrounding area. It is not considered that due regard has been given to the benefits of delivering a new home in a highly sustainable location, which is relatively free from constraints. The benefits of the proposal significantly out weight the impact of the proposal on Open Space and un-protected trees.
- 1.21 The Appellant considers that the proposal complies with the relevant policies of the LDP, as demonstrated by the *Planning Statement* submitted with the Application, and planning permission in principle should be granted.

Appendix 1 Extract of LDP Open Space Designation

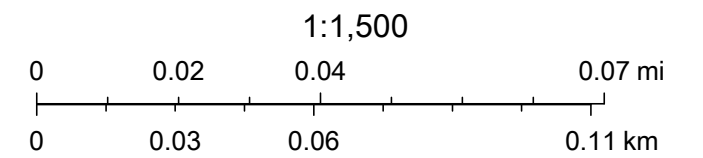
Edinburgh Local Development Plan



Page 52

09/10/2019 11:29:16

- Approximate Appeal Site Boundary
- Greenspace Proposal (GS7)
- ▨ Greenspace Proposal (GS1-11)
- Open Space



206 Broomhouse Road, Edinburgh Appeal Document List

Reference	Planning Application as Lodged
0.01	Application for Planning Permission in Principle
0.02	Location Plan
0.03	17012-Broomhouse-MPDF-P101 Indicative Site Layout
0.04	17012-Broomhouse-STEX-P102 Site Boundary
0.05	17012-Broomhouse-STEX-P103 Tree Locations
0.06	Report on Tree Condition
0.07	Planning Statement
Reference	Consultation Responses
1.01	Consultation Response from Archaeology
Reference	Determination
2.01	Decision Notice
2.02	Report of Handling
Reference	Additional Appeal Documents
3.01	Statement of Appeal

Memorandum

To Head of Planning
City of Edinburgh Council
Planning and Transport
Place
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

F.A.O. Lesley Porteous

From John A Lawson

Your 19/01351/PPP
ref

Date 17th April 2019

Our ref 19/01351/PPP

Dear Lesley,

206 Broomhouse Road

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of dwelling house.

The site formed part of the grounds of the former Broom House first recorded in 1599 (Harris, Place Names of Edinburgh). The 19th century OS maps of the site (see Fig. 1) show the site as forming part of the house's gardens between it and its farm-steading to the north. The site is therefore regarded as occurring within an area of archaeological potential, in terms of our understanding of the development of this former post-medieval house.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposed scheme will also require significant ground-breaking works relating to construction. Such works may disturb significant archaeological remains relating to the development of the post-medieval Broom House. Therefore, it is recommended that a programme of archaeological excavation is undertaken prior to development in order to fully excavate, record and analysis any significant remains that may be affected by construction.

Lynne Halfpenny, Director of Culture, Cultural Services, Place

City of Edinburgh Council Archaeology Service, Museum of Edinburgh, 142 Canongate, Edinburgh, EH8 8DD

Tel 0131 558 1040

john.lawson@edinburgh.gov.uk

It is recommended that the following condition is attached to ensure that undertaking of the above archaeological work;

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

Please contact me if you require any further information.

Yours faithfully



John A Lawson
Archaeology Officer



Fig.1 1890's 25'' OS map of Broom House Estate superimposed on modern Google Image.

**206 Broomhouse Road, Edinburgh
Planning Statement**

On behalf of

Mr Taimur Malik

July 2019

Prepared by:



The Quadrant
17 Bernard Street
Leith
Edinburgh
EH6 6PW

[t] 0131 553 3639

[f] 0131 554 1850

[e] info@geddesconsulting.com

[w] www.geddesconsulting.com

Document Control and Approval

Status	Prepared	Approved	Date
Draft for Comment	Alastair Bledowski	Andrew Marshall	5 th July 2019
Final	Phil McLean	Andrew Marshall	8 th July 2019

z:\projects\17012 - montgomery real estate\+ application - broomhouse road\reports\19 07 08 - planning statement - broomhouse road edinburgh.doc

Contents

1.0	Introduction	1
2.0	Compliance with Development Plan	2
3.0	Conclusions	8

1.0 Introduction

- 1.1 This *Planning Statement* (the Statement) has been prepared on behalf of Mr Taimur Malik (the Applicant) in support of an Application for Planning Permission in Principle (PPP) for the erection of a dwellinghouse on land adjacent to 206 Broomhouse Road, Edinburgh (the proposal) (Application Reference: 19/01351/PPP).
- 1.2 The site is located in the west of Edinburgh, adjacent to Broomhouse Road. It is within the *Urban Area*, as defined in the City of Edinburgh Council's (the Council) *Local Development Plan (LDP) Proposals Maps*.
- 1.3 The Application was submitted to the Council and registered as valid on 15th March 2019. The Application is supported by the following documents to provide the Council with sufficient information to make a decision:
- Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*;
 - Dwg No. 17012-Broomhouse-MPDF-P101: *Indicative Site Layout*;
 - Dwg No. 17012-Broomhouse-STEX-P102: *Site Boundary*;
 - Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*; and
 - *Report on Tree Condition at 206 Broomhouse Road, Edinburgh*
- 1.4 The Case Officer has subsequently requested the Applicant provides an additional statement outlining how the proposal accords with the relevant development plan policies.
- 1.5 In particular, the Case Officer has requested the Applicant demonstrates how the proposal meets the requirements of LDP Policy Env 18: *Open Space Protection*.
- 1.6 This Statement therefore highlights the relevant development plan policies and material considerations that need to be taken into account by the Council in the determination of this Application.
- 1.7 The proposal's compliance with the development plan is set out in Section 2.
- 1.8 Conclusions are set out in Section 3.

2.0 Compliance with Development Plan

2.1 In accord with the provisions of Section 25 and 37(2) of the *Town and Country Planning (Scotland) Act 1997* (as amended), this Application must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

2.2 The development plan comprises the approved Strategic Development Plan (SDP) for Edinburgh and South East Scotland (SESplan) (2013) and the adopted Edinburgh LDP (2016).

SESplan SDP (2013)

2.3 SESplan's Spatial Strategy sets out locational priorities for development up to 2024 and gives a broad indication of the scale and direction of growth in the city region up to 2032.

2.4 The proposal is a 'local' development under the terms of the *Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009*. Due to the scale of the proposal, the SDP has limited direct relevance to the determination of the Application.

Edinburgh Local Development Plan (2016)

Principle of Development

2.5 The Application seeks PPP for the erection of a new dwellinghouse. The site is not within an area specifically allocated in the LDP for housing, as set out in Part 1, Section 5 of the LDP.

2.6 However, the site is within the *Urban Area* designation. Paragraph 133 of the LDP states, with regard to ...*development elsewhere across the LDP area...* that:

...The LDP directs the planned growth of the city to specified sites and generally supports development within the urban area subject to relevant policy considerations...

2.7 The LDP therefore supports the principle of residential development on unallocated sites within the defined *Urban Area*, where the proposed development is in accord with other relevant policies in the LDP.

Housing Policies

2.8 LDP Policy Hou 1: *Housing Development* supports the principle of residential development as outlined in LDP paragraph 133 (detailed above). It sets out the following circumstances where proposals for new housing will be supported:

- a) *[on] sites allocated in this plan through tables 3 and 4 and as shown on the proposals map*
- b) *as part of business led mixed use proposal at Edinburgh Park/South Gyle*
- c) *as part of the mixed use regeneration proposals at Edinburgh Waterfront (Proposals EW1a-EW1c and EW2a-2d and in the City Centre)*
- d) ***on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan*** [emphasis added]

2.9 The proposal is situated on a suitable site in the *Urban Area*, as it located adjacent to existing housing at 204 and 206 Broomhouse Road. There are no conflicting land uses on the site with the proposed residential use.

2.10 The site is also in a sustainable location. The site is within close proximity of the existing bus stop on Broomhouse Road, providing accessibility to public transport. Tram and train links are also available within walking distance. The site is also less than 1.6km to shops, publicly accessible parks and primary and secondary schools. This is within the recommended requirement for walking distances (1,600m or 20 minutes) as set out in Planning Advice Note (PAN) 75: *Planning for Transport*.

2.11 The site is therefore a highly suitable site in the *Urban Area* and the principle of development is in accord with Policy Hou 1 criterion d).

2.12 The following paragraphs assess the proposal's compliance with other relevant policies of the LDP.

Open Space

2.13 The site is within an area of land designated as *Open Space* on the LDP's *Proposals Map*, which is safeguarded under Policy Env 18: *Open Space Protection*. Five existing residential properties at 204, 206 and 212a-212c Broomhouse Road are also within the *Open Space* designation.

2.14 The supporting text for the policy (LDP paragraph 194) outlines that the purpose of Policy Env 18 is to safeguard all open spaces that *...contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character and its biodiversity*.

2.15 Paragraph 194 goes on to state that:

...The Council will only support development on open space in exceptional circumstances, where the loss would not result in detriment to the overall network and to open space provision in the locality. Such circumstances tend to exist where large areas of residential amenity space have been provided without a clear purpose of sense of ownership...

2.16 The Policy states:

Proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment and*
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and*
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value and either*
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or*
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.*

2.17 The following paragraphs outline how the proposal accords with these criteria, with reference to the Council's *Open Space Strategy* (2016) and *Open Space Audit* (2016). The *North West Locality Open Space Action Plan* (2017) does not identify the site as being within an area with a shortfall of greenspace.

Compliance with Policy Env 18 criterion a)

- 2.18 The site is part of the larger Open Space designation of the St Augustine's Roman Catholic High School and Forrester High School campus. It is included in the Council's *Open Space Audit* (2016) as site reference SCH56.
- 2.19 The land here slopes down to the west from Broomhouse Road with an embankment with tree planting and grass immediately adjacent to the site. Views of the proposal from Broomhouse Road will therefore be filtered through the existing landscaping on the periphery, maintaining the visual quality of the *Open Space*.
- 2.20 The proposal will be seen within the context of the existing residential dwellinghouses. The Application site is immediately adjoining the semi-detached residential properties at 204 and 206 Broomhouse Road. There are also another three residential properties to the south of the site at 212a-212c Broomhouse Road.
- 2.21 The character of the immediately surrounding area is therefore established as featuring residential development, with the school campus set further back from Broomhouse Road and fenced off from public access. The proposal is also for residential use and so will be in keeping with the established residential character of the area.
- 2.22 The proposal will not set a precedent for residential development encroaching into the wider area of designated *Open Space*, which does contribute to the quality of the designated area, as the Application site is naturally confined between the existing residential properties to the west and Broomhouse Road to the east. The site plays a very limited role, if any, in the overall quality of the *Open Space* designation.
- 2.23 The site comprises of grass with two non-native trees. The trees' root protection areas and crowns are encroaching onto the existing property at 206 Broomhouse Road, and may lead to future damage to this property. As demonstrated on Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*, these trees will need to be removed. A further ornamental cherry tree will also need to be removed to facilitate the proposal.
- 2.24 It is therefore proposed to fell these trees and replace them with appropriate native species. The introduction of native species will lead to improved visual amenity on the site. The immediate surroundings of the site will retain the existing mature tree planting. The replacement of these trees will therefore have no significant impact on the quality and character of the *Open Space*.
- 2.25 Detailed landscaping and layout of the proposal will be reserved matters to be determined in a later *Approval of Matters Specified in Conditions* (AMSC) application. This will allow further detailed consideration of the visual and character impacts and any required landscape mitigation at that later stage.
- 2.26 The proposal will not have any significant impact on the visual quality or character of the area and is therefore in accord with criterion a) of Policy Env 18.

Compliance with Policy Env 18 criterion b)

- 2.27 The *Open Space* designation has a total area of 11.36ha and mainly comprises of the campus of the two secondary schools, with some areas of surrounding land included as well. The Application site is only 201sq.m (0.02ha), which is significantly less than 1% (0.18%) of the total area of designated *Open Space*.
- 2.28 It is understood that the campus comprises of the following areas of recreational open space:

- 3G pitch and synthetic pitch;
- 2 all-weather pitches;
- 3 multi-purpose pitches;
- 2 small pitches; and
- Rugby pitch with rugby practice pitch.

2.29 In addition, the campus includes other informal areas of open space for use by staff and pupils, as well as a large staff and visitor car park.

2.30 As shown on the submitted location plan (Dwg. No 17012-Broomhouse-STEX-P101: *Site Location*), the Application site is located on the eastern edge of the school campus designation. The site is not within the boundary of the Schools, as denoted by the perimeter fence surrounding the campus.

2.31 The Application site therefore has no amenity or leisure value to the Schools. There is already a significant area of open space in use by the Schools. The development of the site will therefore not lead to a loss of leisure or amenity value for the Schools.

2.32 For the purposes of the *Open Space Audit*, school grounds are not considered to be publicly accessible space (paragraph 3.10) and so any perceived loss of leisure or amenity value for the general public should not be a relevant factor in the determination. In any case, the Application site is comprised of existing private curtilage with a small area of immediately adjacent informal open space and so offers little amenity or leisure value to the general public.

2.33 The proposal will therefore not lead to the loss of amenity or leisure value of the designated open space and is thus in accord with criterion b) of Policy Env 18.

Compliance with Policy Env 18 criterion c)

2.34 The Application site is a small area of a much larger *Open Space* designation. It is surrounded on all sides by the *Open Space* designation, which washes over several existing dwellinghouses nearby. The proposal will not be detrimental to the wider network, as a substantial area (11.34ha) of the designation will be unaffected and will remain connected and continuous.

2.35 There are no roads, footpaths or cyclepaths running through the site that will be affected by the proposal.

2.36 The site comprises of grass with two non-native species trees, which will need to be felled. A further non-native cherry tree will also need to be felled. Any further loss of trees will be considered as part of the detailed design stage. These trees will be replaced by native species planting. Other trees in the vicinity of the proposal will be unaffected.

2.37 The introduction of new landscaping in the curtilage of the proposal, including domestic garden ground, will lead to biodiversity benefits compared with the existing grass. Details of the proposed landscaping will be brought forward at the AMSC application stage.

2.38 There is therefore no impact from the proposal on the biodiversity or continuity of the *Open Space* and the proposal is therefore in accord with Policy Env 18 criterion c).

Compliance with Policy Env 18 criteria d) and e)

2.39 Criteria d) and e) require development to either:

- d) Result in a local benefit in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space; or

e) Be for a community purpose where the benefits to the local community outweigh the loss.

- 2.40 The proposal is a local development for a single dwelling and so provides benefits on an appropriate scale. The improvements to the existing *Open Space* designation are through the replacement of the existing non-native trees with appropriate native species. Additional domestic garden ground will also provide improvements for biodiversity compared with the existing grass area.
- 2.41 Further visual improvements through landscaping can be secured in discussion with Council officers during the AMSC application stage.
- 2.42 The proposal will also provide additional housing, helping to meet local demand for new housing in this location for the local community.
- 2.43 The proposal is therefore in accord with criterion d) of Policy Env 18.

Conclusion on Compliance with Policy Env 18

- 2.44 As demonstrated above, the proposal is in accord with criteria a) to d) of LDP Policy Env 18.
- 2.45 The site is a small and insignificant part of a much larger *Open Space* designation that safeguards the campus and playing fields of St Augustine's Roman Catholic High School and Forrester High School. The site is outside of the school boundary (as indicated by the perimeter fence) and so is not required as part of the school campus.
- 2.46 The Application site is therefore not in use by the School and thus has no amenity or leisure value to the School. The land also has limited value to the public for amenity or leisure, and is not considered publicly accessible for audit purposes.
- 2.47 As the proposal is fully in accord with criteria a) to d) of Policy Env 18, the proposal for a single dwelling in the designated *Open Space* is acceptable in these circumstances.

Sports Pitches

- 2.48 LDP Policy Env 19 *Protection of Outdoor Sports Facilities* sets out circumstances in which the Council will accept the loss of some or all of a sports pitch or playing field.
- 2.49 As demonstrated on the submitted location plan (Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*), the site is not located within any of the school sport pitches. The proposal will therefore not lead to the loss of any sport pitch or playing fields. Policy Env 19 therefore is not relevant to the determination of the Application.

Trees

- 2.50 LDP Policy Env 12 *Trees* states that:
- ...Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.*
- 2.51 The trees within and adjacent to the site are not subject to any statutory protection, as confirmed on the Council's interactive mapping.
- 2.52 The Application is supported by a *Report on Tree Condition at 206 Broomhouse Road, Edinburgh*. The Report has assessed all trees within 12m of the Application site. A total of 14 trees were

identified and surveyed. The surveyed trees were all given a *Retention Category* in accord with agreed standards.

- 2.53 The Report highlights that, depending on the detailed layout of the proposal, between one to four trees may need to be removed. Drawing reference 17012-Broomhouse-STEX-P103 *Tree Locations* indicates that trees reference 723, 725 and 728 are proposed for removal as part of the Application.
- 2.54 Tree 723 is categorised as having a low retention value. Trees 725 and 728 have moderate retention value but are at risk of causing damage to the existing dwelling at 206 Broomhouse Road and so will need to be removed. This is a ...*good arboricultural reason...* for removal, in accord with Policy Env 12.
- 2.55 Compensatory planting of appropriate native species will be provided, in accord with Policy Env 12. The benefits of the house with compensatory planting outweigh the loss of non-protected trees. The proposal is therefore in accordance with Policy Env 12.

Parking

- 2.56 LDP Policy Tra: 2 *Private Car Parking* states that planning permission will be granted ...*where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.*
- 2.57 Section 2.4 of the Council's *Edinburgh Design Guidance* indicates that the site is located within an area considered to have ...*good public transport accessibility.* Within such areas, an allowance is made for 1 car parking space per residential unit proposed.
- 2.58 There is a substantial area of on-street parking situated immediately adjacent to the north of the site which is more than sufficient to accommodate the demands of the proposal and the existing two dwellings adjacent to the site. Arrangements for on-site parking (if required) will be determined during the AMSC application, in accord with Policy Tra 2.
- 2.59 Cycle parking provision will be provided on-site and in accord with the requirements of Policy Tra 3: *Private Cycle Parking.*

Design

- 2.60 The Application is seeking to confirm the principle of the erection of a residential dwellinghouse in this location only. Accordingly, no indicative layout, elevations or landscaping has been submitted.
- 2.61 All matters relating to design, layout, landscaping and the positioning of the replacement trees are to be reserved until the AMSC application stage. An assessment of the detailed proposal's compliance with the relevant policies will be made at that stage. Detailed design will be informed by the *Edinburgh Design Guidance* and supported by a *Design Statement.*
- 2.62 It is not anticipated that the proposal will have any adverse impact on the amenity of the existing adjacent dwellings. Matters such as daylight, shadowing, privacy and overlooking will be addressed in the detailed design of the proposal.
- 2.63 There is no reason why development on the site would not be capable of meeting the Council's policies with regard to design quality, amenity and landscape.

Conclusion

- 2.64 The appraisal set out in this Section confirms the proposal is in accord with all relevant provisions of the development plan.

3.0 Conclusions

- 3.1 The Applicant is seeking PPP for the erection of a dwellinghouse on land adjacent to 206 Broomhouse Road, Edinburgh.
- 3.2 Under Section 25 and 37(2) of the *Town and Country Planning (Scotland) Act 1997* (as amended), this Application must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 3.3 The appraisal presented in this Statement demonstrates that the Proposal is in accord with the relevant policies of the adopted LDP, including Policy Env 18: *Open Space Protection*.
- 3.4 The site is in a sustainable location and the principle of development is supported by the LDP. There are no material considerations that would justify a departure from the support given to the proposal by the policies of the adopted LDP.
- 3.5 Accordingly, the Application should be approved by the Council, and PPP granted.

Report on tree condition at 206 Broomhouse Road, Edinburgh

Prepared for Mr Taimur Malik

By Keith Logie MICFor

2 May 2019



**Keith Logie MICFor BSc (Hons)
Chartered Forester
38/4 Temple Park Crescent
Edinburgh
EH11 1HU**

1. General introduction and summary

This tree survey has been carried out for Mr Taimur Malik in relation to land adjacent to 206 Broomhouse Road, Edinburgh. It relates to trees in and around the site shown on the plans supplied. The survey has been commissioned because a proposal to purchase land and redevelop the site is being drawn up. If development were to proceed, it is likely that one or more trees would have to be removed, and the impact in arboricultural and landscape terms would be moderate. It is proposed to plant 4 replacement trees. The report consists of: this written section; the schedule; and drawings showing the tree positions, root protection areas and shading arcs in relation to the proposed building.

2. Site description

The site is the immediate area surrounding a domestic residence. It is bounded to the north by a hard standing parking area, to east by green space with some trees and young woodland and to the west by the garden and building of 204 Broomhouse Road. To the south is a young woodland, separated from the domestic properties by a wide tarmac path and a metal fence. Broomhouse Road proper runs about 35m to the east.

3. The Tree Survey

The trees which were assessed in detail have been tagged with a numbered disc at about 1.8m from ground level, so as to be visible. Trees smaller than 10 cm DBH (diameter at breast height), hedges and shrubs were not tagged or recorded. Fieldwork was done on 1 May 2019.

The approximate location of each tree has been plotted. Information on each numbered tree is provided in the attached Tree Survey Schedule. The position of the trees is shown on the attached drawing. Tree positions have been estimated using hand-held GPS which has an accuracy of 1- 2 m. Before drawing up construction plans the tree positions should be checked against the topographic survey.

All trees within the site have been ascribed a Retention Category. In line with the recommendations contained within BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations", this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value. The retention category for each tree is shown in the Tree Survey Schedule which records relevant data and comments on condition.

- A** – High category: trees whose retention is most desirable
- B** – Moderate category; trees where retention is desirable
- C** – Low category; trees which could be retained
- U** – Unsuitable for retention; trees which should be removed

Recommendations are made, where appropriate, on appropriate remedial action as regards tree surgery or felling works. These are specified where there is a significant current risk to public safety or tree health and are consistent with sound arboricultural practice. All recommendations are in line with BS 3998: 2010 "Tree work recommendations."

It is understood that the trees in the area are not covered by Tree Preservation Order or Conservation area status but this aspect has not been checked with the local authority.

4. Survey results and discussion

14 trees within the site were tagged and plotted. Tags run consecutively from 723 to 736. Further trees forming a young woodland to the east were assessed and their positions roughly plotted. The survey assessed all trees that are within 12m of potential development as indicated on the plans supplied.

To the east of 206 Broomhouse Road there are 6 trees in the green space closest to the house: no 713 a flowering cherry (probably *Prunus* “Kanzan”), no 724 a large sycamore, no 725 a large lime, no 726 a multi-stemmed holly, no 727 a large sycamore with 3 stems, and no 728, a large horse chestnut. These are the trees closest to the proposed building, some or all of which would need to be removed if the proposal is to proceed. 724, 725 and 728 have each been classified “B”, appropriate for trees whose retention would normally be desirable. Drawing 1 shows the tree positions together with a sketch of the proposed building. Drawing 2 shows the same data but with the Root Protection Areas shown. Drawing 3 shows shading arcs for each tree created as per BS 5837: 2012.

723 is very close to the boundary and it is hard to see how it could be retained should development proceed. It is not a tree of stature and there are many such trees in the area. Cherry trees of this type tend to have surface root systems which would be difficult to manage close to a property.

725 and 728 stand within the ground proposed for acquisition. In theory they could be retained, but the crowns of both trees would be close to the building, even if pruned, and to protect the roots a piled foundation would need to be used. 724 is outside the plot but again if retained would be close to the building and its root protection area is even larger. 724, 725 and 728 currently have a significant shading impact on the existing property and would have a very pronounced shading effect on the property if retained. 726 and 727 could be retained and would provide screening between the property and the road. 724, 725 and 728 are relatively large trees, whose estimated safe useful life expectancy is 20 to 40 years. However there is a significant amount of tree and woodland cover in the immediate locality, much of it young, and it could be expected to grow relatively quickly in coming years.

Trees in the northern edge of the woodland south of the site were tagged and assessed in detail. This woodland is 15 – 20 years old, and of mixed species including ash, beech, Scots pine and larch. There also some older trees here. This woodland will be unaffected by the proposals as they lie south of a broad tarmac path and a metal fence, and no special protection or works are necessary. This woodland will increase in height over time and contributes significantly to the leafy nature of the location.

To the east of the site is a group of young trees of mixed species including gean (wild cherry) (shown on the drawing) at the edge of a roadside bank. This group may require temporary protective fencing to be erected during the period of demolition and construction, depending on the detailed plans. This group already provides effective screening of the site from Broomhouse Road and will increase in height and stature in years to come.

Details of the trees are shown in the Schedule below. Note that the Schedule is a summary of the data gathered and assessments made

5. Constraints posed by existing trees - considerations

Clearly the site as it stands is very constrained by existing tree cover. The main options appear to be either to remove trees 723, 724, 725 and 728 or to reposition the building to the north so that 724, 725 and 728 might be retained, with care. 723 would still have to be removed in this case. It is certainly possible for 724, 725 and 728 to be retained safely with a new build in the fall zone, but there would be a highly significant shading effect. Or 725 and 728 could be removed and 724 retained, or other combinations.

When trees are to be retained because they are of higher quality and/or importance, the impact of proposed designs must be assessed against the biological requirements of the tree, taking into account the need to protect tree roots and all other relevant factors.

Trees can be badly damaged or killed by construction operations, and particular care is required to protect them from damage. The ability of trees to recover from damage to roots is often very limited. Root systems can be damaged by ground excavations, soil compaction, contamination or spillages of e.g. diesel or cement, and changes in soil moisture content (both drying and waterlogging).

Constraints may also include tree height and canopy spread which will affect availability of daylight to any proposed structures and will be a lasting physical presence. The characteristics of individual tree species will also have an influence on the development potential of the site. Other issues such as road safety and visibility splays, underground and above-ground plant and the proposed end use of space around retained trees also need to be considered.

6. Tree protection plan

In general terms, where trees are recommended for retention they must be protected by barriers and/or ground protection prior to commencement of any development works, including demolition. There should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the RPA of trees to be retained throughout the duration of the construction works, except where detailed in a method statement. A detailed tree protection plan will be required if development proceeds, its nature will be dependant on the final position of the building, tree removals and construction methods, factors which remain to be decided upon at his stage.

STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Unless otherwise stated in the report, inspection has been carried in accordance with Visual Tree Assessment (VTA) Stage 1.
2. The survey has been carried out in accordance with the recommendations of BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations",
3. Recommendations for tree works assume that they will be carried out in accordance with BS 3998: 2010 "Tree work recommendations."
4. Unless otherwise stated, tree surveys are undertaken from ground level using established visual assessment methodology. The inspection is designed to determine the following:
 - a. The presence of fungal disease in the root, stem, or branch structure that may give rise to a risk of structural failure of part or all of the tree;
 - b. The presence of structural defects, such as root heave, cavities, weak forks, hazard beams, included bark, cracks, and the like, that may give rise to a risk of structural failure of part or all of the tree;
 - c. The presence of soil disturbance, excavations, infilling, compaction, or other changes in the surrounding environment, such as adjacent tree removal or erection of new structures, that may give rise to a risk of structural failure of part or all of the tree;
 - d. The presence of any of the above or another factor not specifically referred to, which may give rise to a decline or death of the tree.
4. Where further investigation is recommended, either by climbing, the use of specialised decay detection equipment or exposure of roots, this is identified in the report.
5. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change and it is strongly recommended that they are inspected at regular intervals for reasons of safety.
6. The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.
7. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees. In particular caution must be exercised if inferring or assuming matters relating to tree roots in the case where they cannot be visually assessed, as is normal and likely. It should be assumed that underground roots cannot be seen unless otherwise stated.
8. This report in no way constitutes a professional opinion on the integrity or status of buildings. Its primary purpose is to report on the status of trees. The status of built structures, if in doubt, should be reviewed by a suitably qualified person.

9. This report has been prepared for the sole use of Taimur Malik and his appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

Explanation of terms used in the schedule

Tag no.	Identification number of tree
Species	Common name of species.
DBH	Trunk diameter measured at 1.5m.
Crown	Radial tree crown spread in metres.
Ht	Height of tree in metres.
Age	Age class category. Y Young, E-M Early Mature, M Mature, M-A Advanced mature, Vet Veteran.
Stems	Single stemmed or multi-stemmed
Condition	Condition category (Good, Fair, Poor, or Dead).
SULE	The tree's safe useful life expectancy, estimated in years.
BS Cat	BS 5837 Retention category (A, B, C or U – see explanation above)
Comments	General comments on tree health, condition and form, highlighting any defects or areas of concern and any recommendations .

Tree condition categories

- Good**
- (1) Healthy trees with no major defects
 - (2) Trees with a considerable life expectancy
 - (3) Trees of good shape and form
- Fair**
- (1) Healthy trees with small or easily remedied defects
 - (2) Trees with a shorter life expectancy
 - (3) Trees of reasonable shape and form
- Poor**
- (1) Trees with significant structural defects and/or decay
 - (2) Trees of low vigour and under stress
 - (3) Trees with a limited life expectancy
 - (4) Trees of inferior shape and form
- Dead**
- (1) Dead, dying and dangerous trees
 - (2) Trees of very low vigour and with a severely limited life expectancy
 - (3) Trees with serious structural defects and/or decay
 - (4) Trees of exceptionally poor shape and form.

206 Broomhouse Road - Tree Schedule

Tag	Species	DBH	Crown	Ht	BSCat	Condition	Age	Stems	SULE	Comments
723	Cherry-flowering	0.4	5	9	C1	Fair	M	1	10 to 20	Physical damage to buttress. Bark exudation. Minor dead wood
724	Sycamore	0.8	6	17	B2	Good	M	1	20 to 40	Minor decay in buttress.Minor cavity/decay in main scaffold limb.Crown slightly suppressed
725	Lime-common	0.7	5	19	B2	Good	M	1	20 to 40	Epicormic growth.Quite upright. Few defects
726	Holly	0.3	2	8	C2	Fair	M	5	10 to 20	Physical damage to bark.Self seeded. 5 stems up to 25cm
727	Sycamore	0.4	5	15	C2	Fair	M	3	10 to 20	Coppice stems from old stump. Canopy 1-sided.3 stems up to 40cm
728	Horse chestnut	0.5	4	15	B2	Fair	M	1	20 to 40	Minor decay in buttress.Minor cavity/decay in stem.Physical damage to bark.
729	Lime-common	0.7	5	16	B2	Good	M	1	20 to 40	Spreading crown
730	Birch-silver	0.3	2	10	C2	Good	E-M	1	10 to 20	Stem lean.Canopy 1-sided.
731	Ash	0.2	1	9	C2	Good	E-M	3	10 to 20	Clump of 3 small s/s beech ash
732	Beech	0.2	2	10	C2	Good	E-M	1	10 to 20	Included bark, compression fork.Edge tree
733	Pine-Scots	0.3	4	10	C2	Good	E-M	1	10 to 20	Edge tree
734	Maple-Norway	0.3	4	9	C2	Fair	E-M	1	10 to 20	Included bark, compression fork.
735	Larch	0.3	4	14	B2	Good	E-M	1	20 to 40	Vigorous
736	Rowan	0.3	4	6	C2	Fair	M	1	10 to 20	Physical damage to bark at ground level.

Keith Logie MICFor

Chartered Forester

206 Broomhouse Rd - trees

SCALE : 1 : 350 @ A4 DATE : 5/2/2019

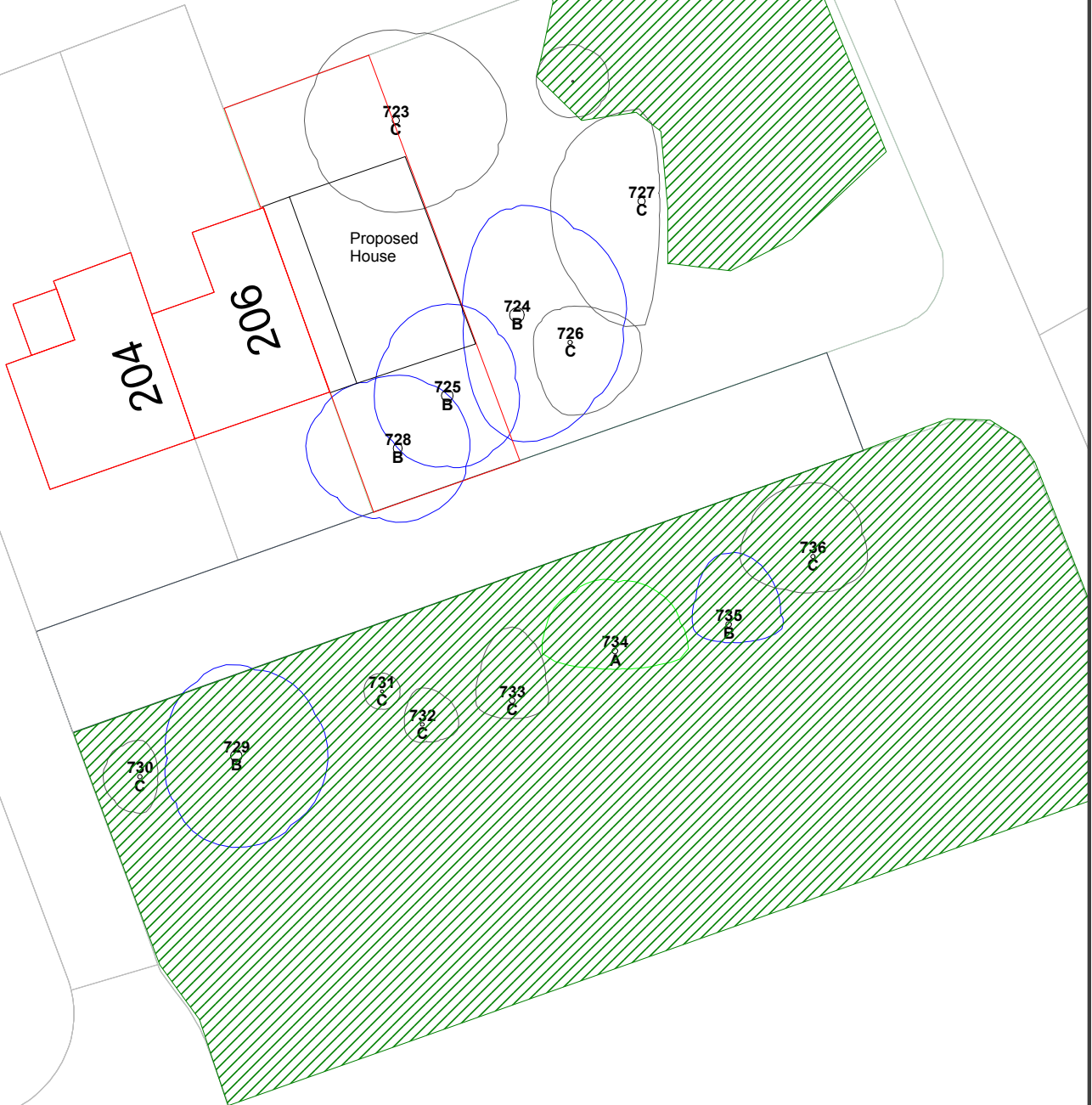


MAP FILENAME : 206 detail

Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd; Email: info@peartechology.co.uk © Crown Copyright and database rights from date shown above Ordnance Survey © licence number 100023148



Shelter



Keith Logie MICFor

Chartered Forester

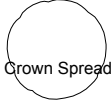
206 Broomhouse Rd - trees plus Root Protection Areas

SCALE : 1 : 350 @ A4 DATE : 5/2/2019



MAP FILENAME : 206 detail+RPA

Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd; Email: info@peartechology.co.uk © Crown Copyright and database rights from date shown above Ordnance Survey © licence number 100023148



Crown Spread



Root Protection Area



Woodland cover



Category 'A'



Category 'B'



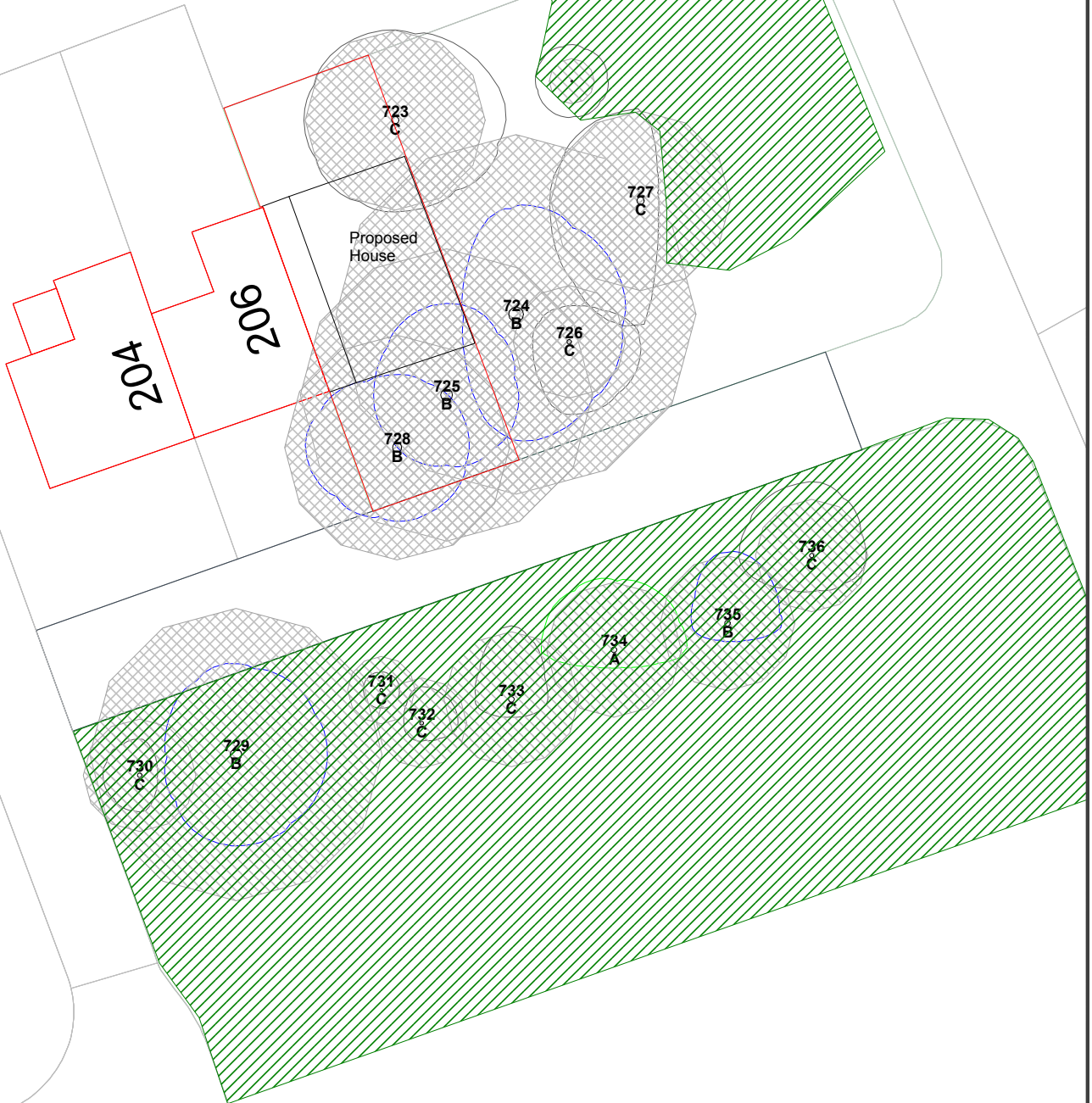
Category 'C'



Category 'U'

0 20m

Shelter



Keith Logie MICFor

Chartered Forester

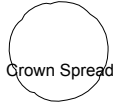
206 Broomhouse Rd - shade

SCALE : 1 : 350 @ A4 DATE : 5/3/2019



MAP FILENAME : 206 detail+shade

Map data shown may contain Ordnance Survey © products supplied by Pear Technology Services Ltd; Email: info@peartechology.co.uk © Crown Copyright and database rights from date shown above Ordnance Survey © licence number 100023148



Crown Spread



Shading Arc (BS5837)



Woodland cover



Category 'A'



Category 'B'



Category 'C'

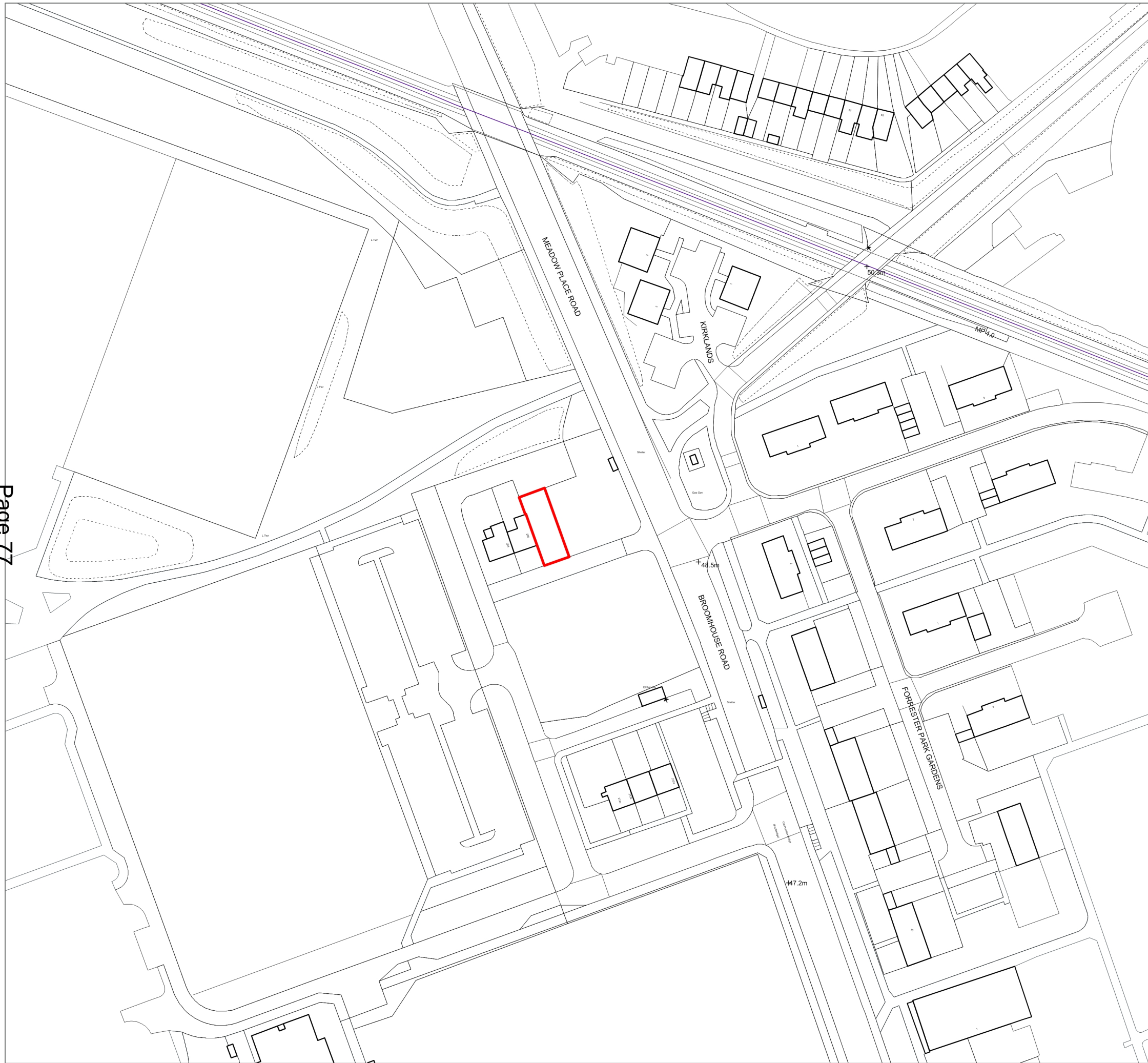


Category 'U'

0 20m

Shelter





**Land adjacent 206
Broomhouse Road, Edinburgh**

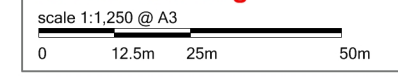


**Drawing No.
17012-Broomhouse-STEX-P101
Site Location**

 Application boundary

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning




The logo for geddesconsulting, with the company name in a lowercase sans-serif font and a green leaf icon above the 'e' in 'geddes'.

The Quadrant, 17 Bernard St., Edinburgh, EH6 6PW | Tel: 0131 5533639 | info@geddesconsulting.com

Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vwx



Land adjacent 206 Broomhouse Road, Edinburgh



Drawing No. 17012-Broomhouse-MPDF-P101
Indicative Site Layout

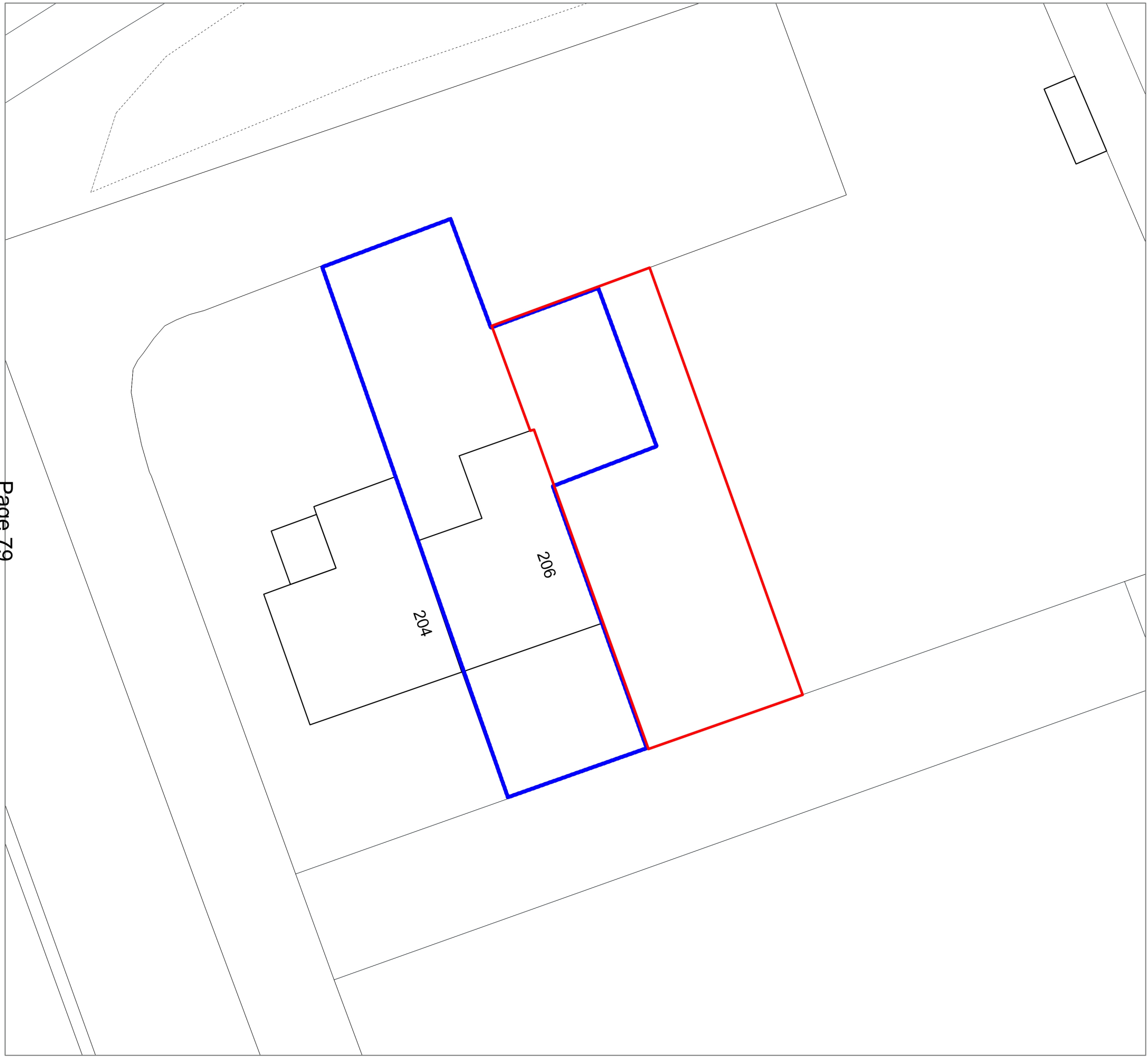
- Application boundary
- Land owned by applicant
- Area of existing curtilage to form part of new plot
- Indicative footprint for new dwelling (74m²)
- Existing area of on-street parking
- Proposed native species tree planting
- Existing tree to be removed as per purchase agreement with Council
- Root protection area of tree to be removed

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning
 scale 1:200 @ A3
 0 1m 2m 5m 10m N



Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vwx



Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vwx

Land adjacent 206 Broomhouse Road, Edinburgh



Drawing No.
17012-Broomhouse-STEX-P102
Site Boundary

- Application boundary (201m²)
- Land owned by applicant

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM




Status: Planning
 scale 1:200 @ A3
 0 1m 2m 5m 10m

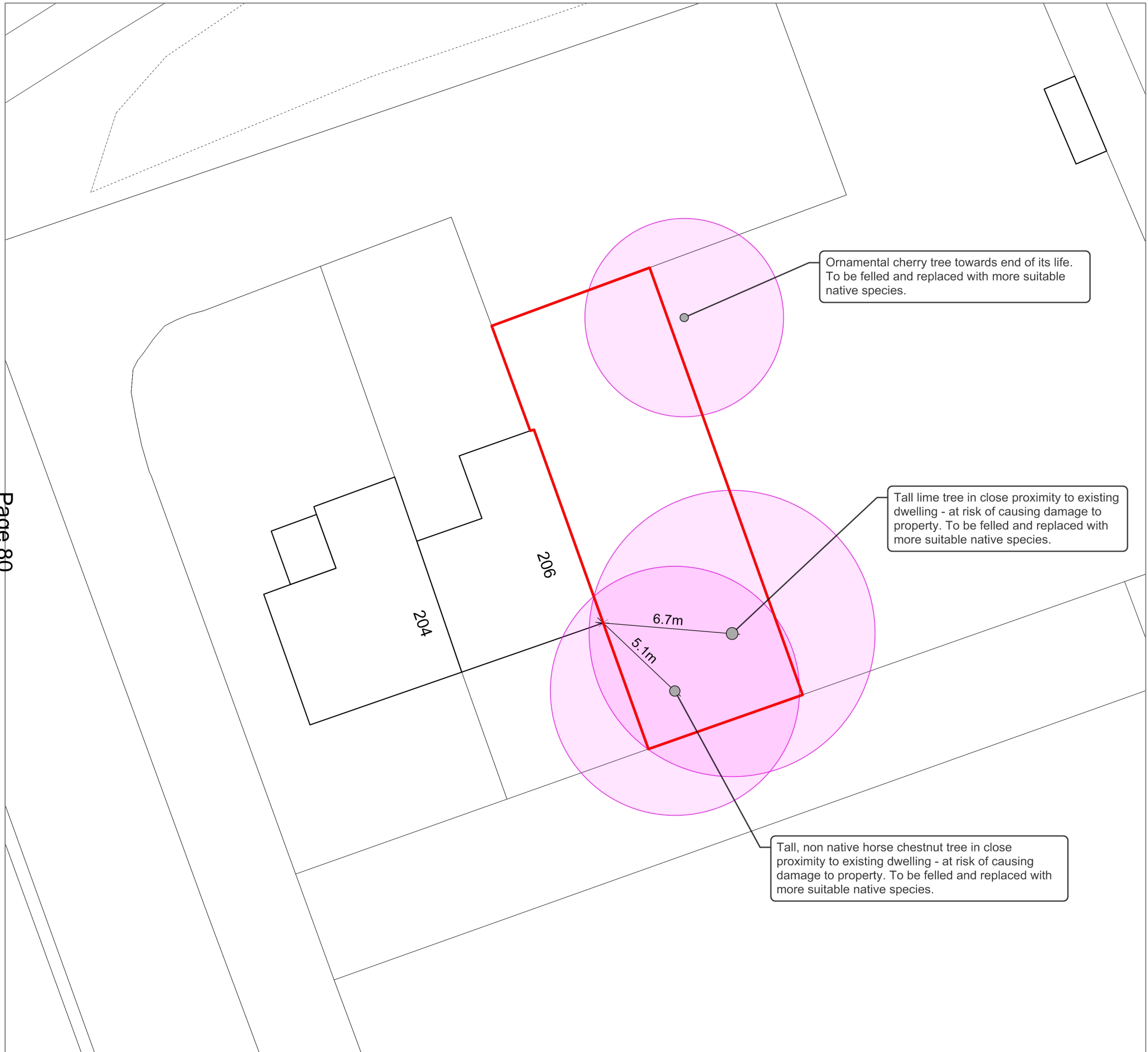
geddesconsulting
 The Quadrant, 17 Bernard St., Edinburgh, EH6 6PW | Tel: 0131 5533639 | info@geddesconsulting.com

Land adjacent 206 Broomhouse Road, Edinburgh



Drawing No.
17012-Broomhouse-STEX-P103
Tree Locations

-  Application boundary
-  Tree location
-  Root protection area of tree

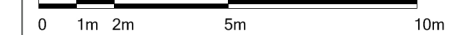


Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vwx

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning

scale 1:200 @ A3



The Quadrant, 17 Bernard St., Edinburgh, EH6 6PW | Tel: 0131 5533639 | info@geddesconsulting.com

Andrew Megginson Architecture (Jamaica Mews).
 Andrew Megginson
 29 Jamaica Mews
 New Town
 Edinburgh
 Scotland
 EH3 6HL

Mr Steven Smith-Hay.
 111 Corstorphine Road
 Edinburgh
 Scotland
 EH12 5PZ

Decision date: 28 August 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
 DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Form new drive in hardscaped parking area, creating a 3m opening in existing wall with gate and formation of dropped kerb.
 At 111 Corstorphine Road Edinburgh EH12 5PZ

Application No: 19/03589/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 29 July 2019, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposed creation of a driveway is unacceptable.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposed creation of a driveway in the primary curtilage of the host property represents an incongruous addition to the principal elevation of the host property. The proposal is contrary to Local Development Plan Des 12 and the non-statutory Guidance for Householders.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Conor MacGreevy directly on 0131 469 3743.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission 19/03589/FUL
At 111 Corstorphine Road, Edinburgh, EH12 5PZ
Form new drive in hardscaped parking area, creating a 3m
opening in existing wall with gate and formation of dropped
kerb.**

Item	Local Delegated Decision
Application number	19/03589/FUL
Wards	B06 - Corstorphine/Murrayfield

Summary

The proposed creation of a driveway in the primary curtilage of the host property represents an incongruous addition to the principal elevation of the host property. The proposal is contrary to Local Development Plan Des 12 and the non-statutory Guidance for Householders.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSHOU,
---	----------------------

Report of handling

Recommendations

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

Background

2.1 Site description

The site is a ground floor flat with ground to the front, side and rear. It is within a three storey block of flats on the south side of Corstorphine Road adjacent to the small local shopping parade of Western Corner.

2.2 Site History

12.10.2018 - Application refused to form new drive in hardscaped parking area, creating a 3m opening in existing wall with new natural stone piers and inward opening wrought iron electric gates and formation of dropped kerb (as amended) (18/04356/FUL).

16.01.2019 - Appeal decision for; Form new drive in hardscaped parking area, creating a 3m opening in existing wall with new natural stone piers and inward opening wrought iron electric gates and formation of dropped kerb (as amended) - (18/00201/REVREF)

Main report

3.1 Description Of The Proposal

The proposal is for the creation of a driveway and form of access.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal is of an acceptable scale, form and design, compatible with neighbourhood character and will, where appropriate, preserve the character and the appearance of the conservation area;
- b) The proposal does not result in an unreasonable loss of neighbouring residential amenity;
- c) The proposal has been assessed in terms of traffic safety;
- d) Any impacts on equalities or human rights are acceptable;
- e) Any comments raised have been addressed.

a) The boundary treatments along the northern section of Costorphine Road are characterised by low level stone boundary walls with healthy hedgerows. In terms of the existing openings along this section of the road, these are generally pedestrian access points bordered with metal railings. Driveways themselves do not generally feature along this streetscape. On Corstorphine Road, there are two driveways but these open out onto the junction with the side streets. There are no driveways directly facing onto Corstorphine Road. The relationship of garden, boundary wall and hedge remains intact. Driveways are not characteristic.

In relation to assessing the driveway itself, this satisfies the dimensions set out in non-statutory guidance in that it is three metres wide and six metres in depth. The creation of a new pedestrian access point would be in-keeping with the character and appearance of the immediate area. However, driveways are not characteristic of the boundary treatments within the surrounding streetscape and the creation of one would represent an incongruous addition. This would damage the aesthetic of the primary elevation of the tenement property and the streetscape in turn. By virtue of this, the proposal would have a detrimental impact upon the tenement building and the character and appearance of the surrounding area.

In relation to this section of the assessment, the proposal is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders.

b) The proposal was assessed in terms of neighbouring residential amenity. The proposal would not have a detrimental impact in terms of neighbouring residential amenity.

In relation to this section of the assessment, the proposal satisfies the ELDP Policy Des 12 and the non-statutory Guidance for Householders.

- c) The application was assessed in terms of traffic safety and no issues were identified.
- d) The application was assessed in terms of equalities and human rights. No impacts were identified.
- e) Three comments were received:

Material Representation:

The proposal would increase traffic; this is addressed in section c).
The proposal would impact upon traffic safety; this is addressed in section c).

Non-Material Representations:

Other examples within the area; this has been addressed in section a).

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed creation of a driveway is unacceptable.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

Three representations were received from members of the public.

Background reading / external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

29 July 2019

Drawing numbers/Scheme

01-07,

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer
E-mail:conor.macgreevy@edinburgh.gov.uk Tel:0131 469 3743

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Consultations

ROADS AUTHORITY ISSUES

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

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2017

http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:

- a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
- b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- d. Any gate or doors must open inwards onto the property;
- e. Any hard-standing outside should be porous;
- f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits.
http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

END

Comments for Planning Application 19/03589/FUL

Application Summary

Application Number: 19/03589/FUL

Address: 111 Corstorphine Road Edinburgh EH12 5PZ

Proposal: Form new drive in hardscaped parking area, creating a 3m opening in existing wall with gate and formation of dropped kerb.

Case Officer: Conor MacGreevy

Customer Details

Name: Miss Vesela Dimitrova

Address: 121/1 Corstorphine Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We want to object to the creation of this driveway because this would mean that there will be 2 loading bays taken away from the area. The loading bays are usually very busy during the day, with delivery vehicles, and we use them quite often as well. This would also affect the businesses at the front as the customers would struggle to find parking spaces in the area.

Comments for Planning Application 19/03589/FUL

Application Summary

Application Number: 19/03589/FUL

Address: 111 Corstorphine Road Edinburgh EH12 5PZ

Proposal: Form new drive in hardscaped parking area, creating a 3m opening in existing wall with gate and formation of dropped kerb.

Case Officer: Conor MacGreevy

Customer Details

Name: Ms Karen Ritchie

Address: 121/4 Corstorphine Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This planning application would have direct implications to the amount of loading/parking space outside our flat. Given the volume of commercial vehicles and visitors to the shops we already struggle to use this area when necessary. Any reduction would be unacceptable. I also believe the promimity of this dwelling to the junction creates a direct safety issue due to the volume of traffic, parked vehicles and pedestrians passing through.

Comments for Planning Application 19/03589/FUL

Application Summary

Application Number: 19/03589/FUL

Address: 111 Corstorphine Road Edinburgh EH12 5PZ

Proposal: Form new drive in hardscaped parking area, creating a 3m opening in existing wall with gate and formation of dropped kerb.

Case Officer: Conor MacGreevy

Customer Details

Name: Mr William Barbero

Address: 121/2 Corstorphine Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the proposed application for the following reasons:

1. The planned driveway access onto Corstorphine Road would significantly reduce the space available for on street parking to other residents and commercial premises alike, in an area where parking space is already at a premium. The area concerned already suffers from drivers parking on the double red lines immediately in front of the traffic lights when the loading bay and parking area is full. The planned application will restrict the area for public parking/loading from 4 spaces to 2 which will exacerbate the already existent problem with illegal parking which directly effects the safety of both pedestrians and road users in the area. Drivers parking on the red lines inevitably causes more drivers stopping at the traffic lights to encroach into the cyclists' safety box.

2. Western corner is one of the busiest junctions in Edinburgh and the proposed driveway would have access directly onto the main road. Manoeuvring onto and off the driveway to and from the main road would cause a significant safety risk. The driveway would be less than 40 metres away from the junction, an area where traffic is already restricted by a greenway, double red lines and a bus stop directly opposite the proposed site . If Edinburgh City Council grant permission for this application it would be, in my view, wholly irresponsible towards road safety and traffic management.

3. It is mentioned in the application notes by Andrew Megginson Architecture that there are other driveways already existent in the neighbourhood. I would like to point out that those are very different from the one proposed in this application, as they gain access not directly from the main road, but after turning the corner, for example, at Western Place and therefore not affecting the

flow of traffic on Corstorphine Road. I note that the driveway will be accessed by electric gates which means that the driver will require to sit on the main road, obstructing the flow of already congested traffic, whilst the gates open.

I would strongly encourage a member of The Council's Road Safety and Traffic Management teams to observe the junction, not just at peak traffic times but at any time of the day to see for themselves just how busy this junction is and how irresponsible it would be to grant this application. The primary concern here should not be whether the driveway is in keeping with the characteristics of the area but about how potentially dangerous the proposal is to both pedestrians and road users and the certain detrimental impact it will have on the flow of traffic in the area.

From: William Barbero
Sent: 25 Oct 2019 13:41:44 +0100
To: Local Review Body
Subject: Local Review No 19/03589/FUL

Dear Sir/Madam

I write with reference to Local Review 19/03589/FUL

As you're probably aware, I have already made comments on the 2 previous applications (both refused) in support of my objections to the proposed plan.

I note that in both occasions Edinburgh City Council's reason for refusal has been "an incongruous addition to the principal elevation of the host property".

Whilst I appreciate this is a very valid reason, I am somewhat disappointed that other reasons that would have a far greater impact on the residents of Western Corner haven't been taken into account, such as road safety, flow of traffic and availability of parking spaces to other residents and commercial properties alike.

I submit to you my comments once again, as previously mentioned in my consultation comments.

I sincerely hope that consideration for safety, traffic and impact on local residents and businesses are taken into account, and not just matters of stylistic incongruity.

> 1. The planned driveway access onto Corstorphine Road would significantly reduce the space available for on street parking to other residents and commercial premises alike, in an area where parking space is already at a premium. The area concerned already suffers from drivers parking on the double red lines immediately in front of the traffic lights when the loading bay and parking area is full. The planned application will restrict the area for public parking/loading from 4 spaces to 2 which will exacerbate the already existent problem with illegal parking which directly effects the safety of both pedestrians and road users in the area. Drivers parking on the red lines inevitably causes more drivers stopping at the traffic lights to encroach into the cyclists' safety box.

>

> 2. Western corner is one of the busiest junctions in Edinburgh and the proposed driveway would have access directly onto the main road. Manoeuvring onto and off the driveway to and from the main road would cause a significant safety risk. The driveway would be less than 40 metres away from the junction, an area where traffic is already restricted by a greenway, double red lines and a bus stop directly opposite the proposed site. If Edinburgh City Council grant permission for this application it would be, in my view, wholly irresponsible towards road safety and traffic management.

>

> 3. It is mentioned in the application notes by Andrew Megginson Architecture that there are other driveways already existent in the neighbourhood. I would like to point out that those are very different from the one proposed in this application, as they gain access not directly from the main road, but after turning the corner, for example, at Western Place and therefore not affecting the flow of traffic on Corstorphine Road. I note that the driveway will be accessed by electric gates which means that the driver will require to sit on the main road, obstructing the flow of

already congested traffic, whilst the gates open.

I would strongly encourage a member of The Council's Road Safety and Traffic Management teams to observe the junction, not just at peak traffic times but at any time of the day to see for themselves just how busy this junction is and how irresponsible it would be to grant this application. The primary concern here should not be whether the driveway is in keeping with the characteristics of the area but about how potentially dangerous the proposal is to both pedestrians and road users and the certain detrimental impact it will have on the flow of traffic in the area.

Thank you for your time and attention.

Kind regards

William Barbero
121/2 Corstorphine road
EH12 5PZ

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100189153-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Steven"/>	Building Number:	<input type="text" value="111"/>
Last Name: *	<input type="text" value="Smith-Hay"/>	Address 1 (Street): *	<input type="text" value="Corstorphine Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH12 5PZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="111 CORSTORPHINE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH12 5PZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673112"/>	Easting	<input type="text" value="322022"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

The application seeks the formation of a driveway in hardscape parking area at 111 Corstorphine Road Edinburgh by creating a 3m opening in existing wall and forming a dropped kerb. The application seeks review of a refusal of Planning Permission.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

P Off says that (1) proposal is con DES 12 and NStG'ce, but (2) that driveways are not characteristic, and this wd be "incongruous", and (c) that it wd damage the "aesthetic of the property and the streetscape." The application does NONE of these. This driveway is said to have a "detrimental effect on the tenement and the character and appearance of the area." The only just'n is that it is "unacceptable". The design now changed so that the entrance does not have the appearance of a driveway.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Location Plan Site Plan Elevation drawings (2) Street frontage drawing Western Gardens Driveway photo Western Place driveway - photo No 111 Corstorphine Road - photo Design and Access Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/03589/FUL

What date was the application submitted to the planning authority? *

29/07/2019

What date was the decision issued by the planning authority? *

28/08/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The LRB should inspect the site to satisfy itself that the proposed driveway does no harm to the "aesthetic", "the tenement", or the streetscape. Inspection would take a maximum of 15 minutes.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Campbell

Declaration Date: 18/10/2019

Proposal Details

Proposal Name	100189153
Proposal Description	Review of decision in case 18/03589/FUL, being an application for planning permission at 111 Corstorphine Road, Edinburgh, EH12 5PZ to form a 3m opening in an existing wall, a new driveway, with new stone piers and electric gates, and a dropped kerb.
Address	111 CORSTORPHINE ROAD, EDINBURGH, EH12 5PZ
Local Authority	City of Edinburgh Council
Application Online Reference	100189153-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Proposal Location Plan	Attached	A3
Site plan	Attached	A3
Elevation drawings	Attached	A3
Western Gardens driveway	Attached	A4
Western Place driveway	Attached	A4
111 Corstorphine Road	Attached	A4
Design and Access Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

111 Corstorphine Road, Edinburgh EH12 5PZ

Mr. Steven Smith-Hay

Proposed driveway at 111 Corstorphine Road, Edinburgh EH12 5PZ

Date: July 2019



Contents

Section

1. Introduction
2. The Site and Context
3. The Proposed Works
4. Conclusion



1. Introduction

- 1.1 This Design Statement has been prepared on behalf of Mr. Steven Smith-Hay in support of a planning application to form a driveway at 111 Corstorphine Road, Edinburgh.
- 1.2 A previous planning application was submitted on the 6th of August 2018, validated on the 16th of August and refused on the 15th of October for the following reason;
 - “The proposal is not characteristic of the three storey block of flats that it forms part of or the immediate surrounding area. The proposal is therefore contrary to Policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'.”
- 1.3 The applicant later requested for the decision on the application to be reviewed by the Local Review Body (LRB). The review took place on the 16th of January 2019 where the decision was made to uphold the decision by the planning officer for the reason stated above. It was also stated in the decision notice that “Having taken all the above matters into consideration, although there was sympathy for the proposal, 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 Chief Planning Officer.” We are of the understanding that the vote was two to three and that, although requested, a site inspection was not carried out.
- 1.4 This design statement has been prepared by Andrew Megginson Architecture (AMA) on behalf of Mr. Steven Smith-Hay (hereafter referred to as the ‘applicant’). The application site comprises the building and curtilage at 111 Corstorphine Road (hereafter referred to as either the ‘site’ or ‘property’). This document is structured as follows;
 - Section 2 describes the site and context,
 - Section 3 provides a summary of the proposed works and appraises material considerations against which the proposals should be judged.
 - Section 4 reaches conclusions in relation to the acceptability of the planning application in the context of material considerations.
- 1.5 Since the refusal of the planning application and upholding of the decision by the LRB, we have made changes to the proposals which will be discussed in the later sections. We are however still of the same opinion that driveways are characteristic of the three storey block of flats that forms the immediate surrounding area and it should be noted that some information from the review statement will be repeated within this design statement and in relevant areas elaborated upon.



2. The Site and Context

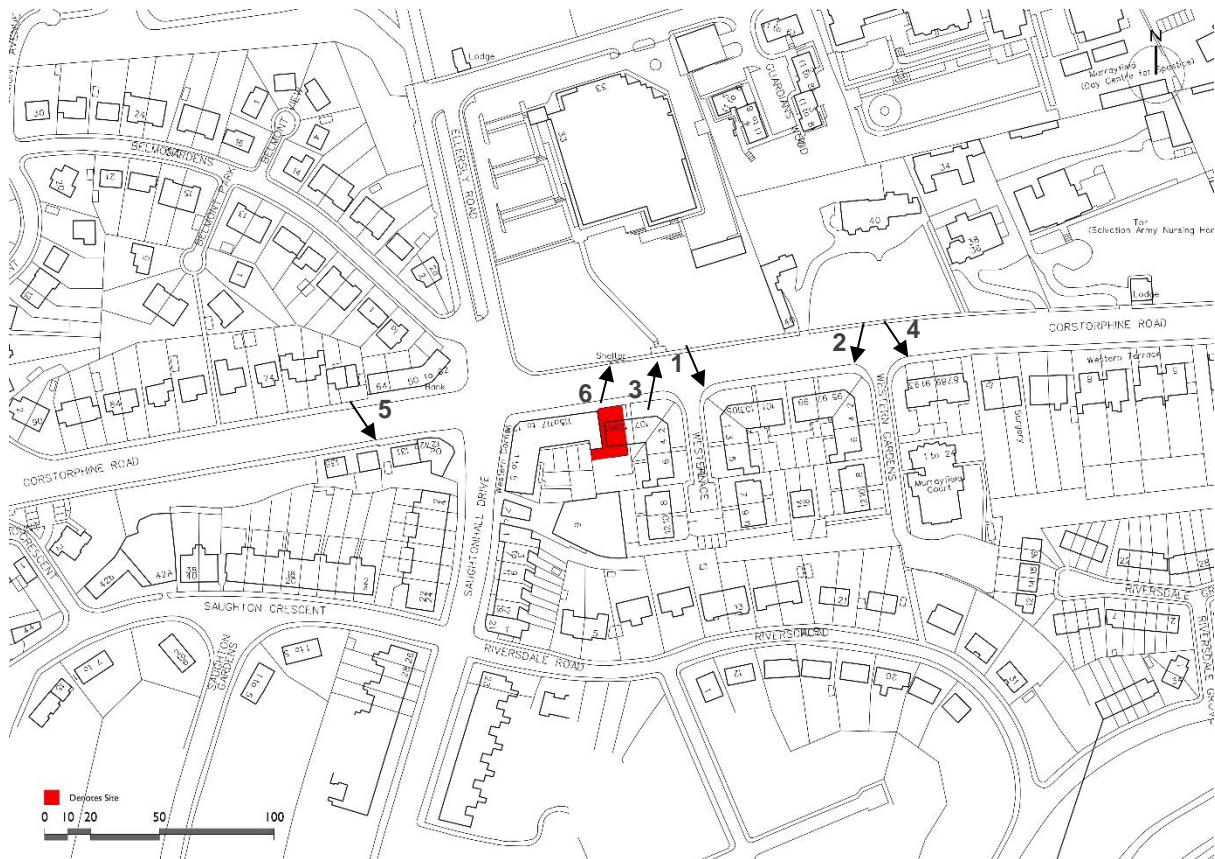


Figure 2.1 – Location plan with context indicated.

- 2.1 The property is a ground floor flat in a three-storey tenement block, on the South side of Corstorphine Road approximately 40 metres East of the junction with Saughtonhall Drive and Ellersly Road. It is adjacent to a local centre specified as Western Corner. The building is not listed and is not located within a Conservation Area, the nearest conservation area is Northwards of the site (West Murrayfield).
- 2.2 The character of the area, basically Corstorphine Road, in which the property lies can be described as a route that is more or less continuously built up, which is especially apparent on the South side with its regularly spaced villas and tenements set back behind small gardens or parking areas. We believe that as Corstorphine Road is a major vehicular access route to and from the city, the way in which it is normally viewed and interpreted is at moderate speed, meaning that Corstorphine Road should be understood and evaluated as a larger element than that to the immediate site.
- 2.3 As described above, the area is significantly built up in character and, locally to the site, comprises a mixture of uses. All buildings along Corstorphine Road vary in height and form.
- 2.4 Below in figure 2.2, photos express some of the different styles and forms of properties along Corstorphine Road.





Figure 2.2 – Photos showing various styles of buildings and features in the area of the property. As can be seen from these specific photos a lot of the properties have openings and parking areas that front onto or can be interpreted from Corstorphine Road. There is also notably an opening in the wall where a sculpture is located across from the site.



3. The Proposed Works

3.1 The planning application seeks consent for forming a driveway through means of a new opening in an existing wall and hedged area.

3.2 The works are a revised scheme from the previously refused planning application. The works are designed to not take on the look of a conventional driveway opening in any way but to blend into the immediate street frontage taking cognisance of elements that form the said street frontage. The works will not affect the character or appearance of the area, rather they will fit in.

3.3 The main principles of the development include;

- Form a new opening to the existing wall to the minimum dimensions required by the Roads Authority to keep the proposed entranceway as small as possible,
- Form a new driveway to an area which is already predominantly hard landscaped,
- Make sure the opening design is simple and that the driveway gate is not read as a gate but part of the low level wall and hedging that forms large parts of the street frontage in the area. Note that the gate will be electric and shall have a setting that automatically closes the gate after being opened.
- Form a new pedestrian entranceway gate next to the new driveway gate, build up the wall to the previous pedestrian gate position and enhance the hedging where missing.



Figure 3.1 – A precedent showing how a planter can be incorporated onto a gate, displaying a sleek design.



- 3.4 As can be seen in the area (figure 2.2), and namely in the immediate area with regards to properties 95 and 105 of Corstorphine Road (figure 3.3), driveways are evident and form a characteristic of the area. The driveways vary from a simple opening in the fronting wall to having piers and an iron gate.
- 3.5 It was stated by the planner that “driveways are not characteristic of the three blocks of flats on the south side of Corstorphine Road addressed 95 - 105 and 107 - 111.” As aforementioned we discussed the driveways at 95 and 105 Corstorphine Road to which he has noted in his report that “Whilst there are some driveways within these blocks, namely 105 Corstorphine Road on the corner of Corstorphine Road and Western Place and 95 Corstorphine Road on the corner of Corstorphine Road and Western Gardens, the driveways are positioned such that they exit onto the side streets rather than directly onto Corstorphine Road. No planning consents have been found in relation to these driveways, although each of them have existed for over four years and are time barred from enforcement action.”. As can be seen from the images in this statement and at the site, although the driveways may exit onto the side streets, they do still form part of the Corstorphine Road frontage which can be interpreted easily and from distance whilst being on Corstorphine Road, meaning they form part of the character of the area. The fact that they have not received planning permission and have existed for over four years shows that no one, including Edinburgh City Council, has objected or raised issue with the driveways fronting onto Corstorphine Road showing that they have been accepted as part of the character of the area.
- 3.6 The planner has also stated “Driveways are more typically found to the front of the two storey buildings on Corstorphine Road to the east of Western Gardens or within the small streets off Corstorphine Road. However, these driveways are characteristic of the type of properties they belong to and cannot be considered as setting a precedent for allowing a driveway at this location.”. As noted before because Corstorphine Road is a large major route to and from the city, we believe that it should be considered holistically as the same area. It can be seen that the West Murrayfield Conservation Area is shown to incorporate an extensive amount of area. It actually has a boundary to Corstorphine Road which runs from the site along Corstorphine Road to Roversdale Crescent. We believe that this whole strip of Corstorphine Road should be considered as providing precedent for characteristics of the area. Again, as a main vehicular route it reinforces that this length of Corstorphine Road will be read holistically. It is not uncommon for a route in a specified area to be made up of varying properties. It should also be noted that there are a number of driveways to the West of the site across the junction.
- 3.7 Going down the side streets, in the immediate locality of the site, it can be seen that a large number of the 3 storey tenement buildings have driveways. This fact we feel carries weight to the general character of the 3 storey tenements of this area to which turn the corner onto Corstorphine Road and form part of these tenement blocks as a whole part of the urban fabric.
- 3.8 Across the road to the North side of Corstorphine Road there exists a driveway with a large opening and gates. There is also an opening in the wall to make way for a sculpture which provides further precedent of the Corstorphine Road edge being broken.





Figure 3.2 – The above shows the Murrayfield West Conservation Area hatched in red, the Western Corner local centre outlined in purple and the site marked in block red.

3.9 It was frustrating for the applicant and ourselves that the LRB did not carry out a site inspection as they would have understood that the above said driveways (95 and 105), although not accessing directly onto Corstorphine Road, form part of the overall street frontage to Corstorphine Road. Please see submitted with this application drawing 1094-PL-02. This displays a photo merge where the photos have been taken perpendicular to the centreline of the road (which thus forms the direct elevation of the tenement blocks to the South side of Corstorphine Road). As can be easily seen the driveways of 95 and 105 do form part of the elevation and thus make driveways characteristic to the street frontage and the area as a whole. We have displayed the driveways from the photo merge in the figure below for clarification. We believe that this now succinctly displays a material consideration as looked for by the LRB, and which could have been understood from the site inspection, that should lead to an overturn in the determination of the initial planning application by the planning officer.

3.10 Although the evidence above shows that driveways are characteristic of the three storey block of flats that forms part of the immediate surrounding area, the applicant has also revised the proposals so that they do not look like a driveway, which further allows the proposals to be acceptable to planning policy and other material considerations.





Figure 3.3 – Photos taken perpendicularly to the centreline of the road, which forms the direct elevation of the tenement blocks to the South side of Corstorphine Road



4. Conclusion

4.1 Planning consent is sought by Mr. Steven Smith-Hay for the formation of a driveway at 111 Corstorphine Road, Edinburgh.

4.2 Planning permission has previously been refused for the following reason;

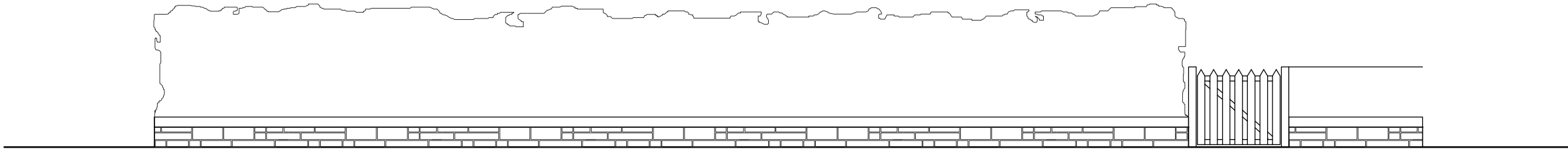
- *“The proposal is not characteristic of the three storey block of flats that it forms part of or the immediate surrounding area. The proposal is therefore contrary to Policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'.”*
- It has been proven that driveways are evident in both the immediate and general area. Two driveways, which are mainly interpreted from Corstorphine Road exist at nearby tenement properties with more driveways formed to the same tenement properties on the side streets. As discussed Corstorphine Road should be considered in a more holistic manner where driveways form a repetitive element.
- The proposals comply with Policy Des 12 in that the revised design and form, choice of materials and positioning are put forward to tie in with the character of the area, where the driveway gate will not at all look like a driveway gate but shall fit in to the street frontage and thus will not be detrimental to the neighbourhood amenity and character.
- The non-statutory guidance advises that driveways are not **normally** acceptable on tenement buildings. The word 'normally' is key here, we feel that in this circumstance there is adequate justification for a driveway to the site as discussed above.

4.3 The proposal is for a driveway via a small entrance point designed in a way to not look like a driveway, although driveways form part of the area, that ties in with the elements of Corstorphine Road and will not affect the character or appearance of area.

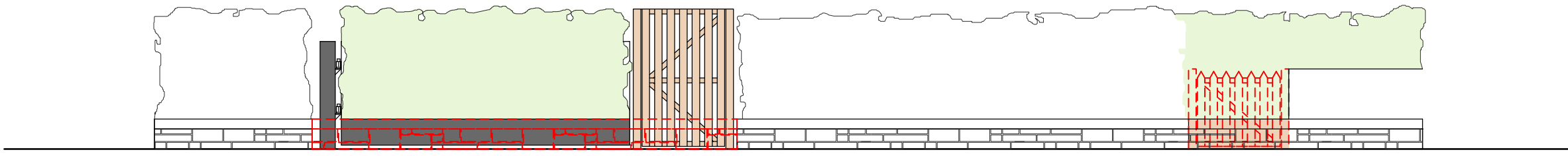
4.4 The applicant therefore respectfully requests that planning consent is granted for the reasons stated above.







Existing Elevation



Proposed Elevation

New driveway gate with low level planter to same proportions and level of existing low level wall and new hedge planting replicating that of existing

New pedestrian gate replicating style of existing

Existing pedestrian gate removed new wall built replicating style of existing and new hedge planting replicating that of existing

Page 115



- Denotes removals
- Planting (Using native hedge to surrounding area)
- Metal (black)

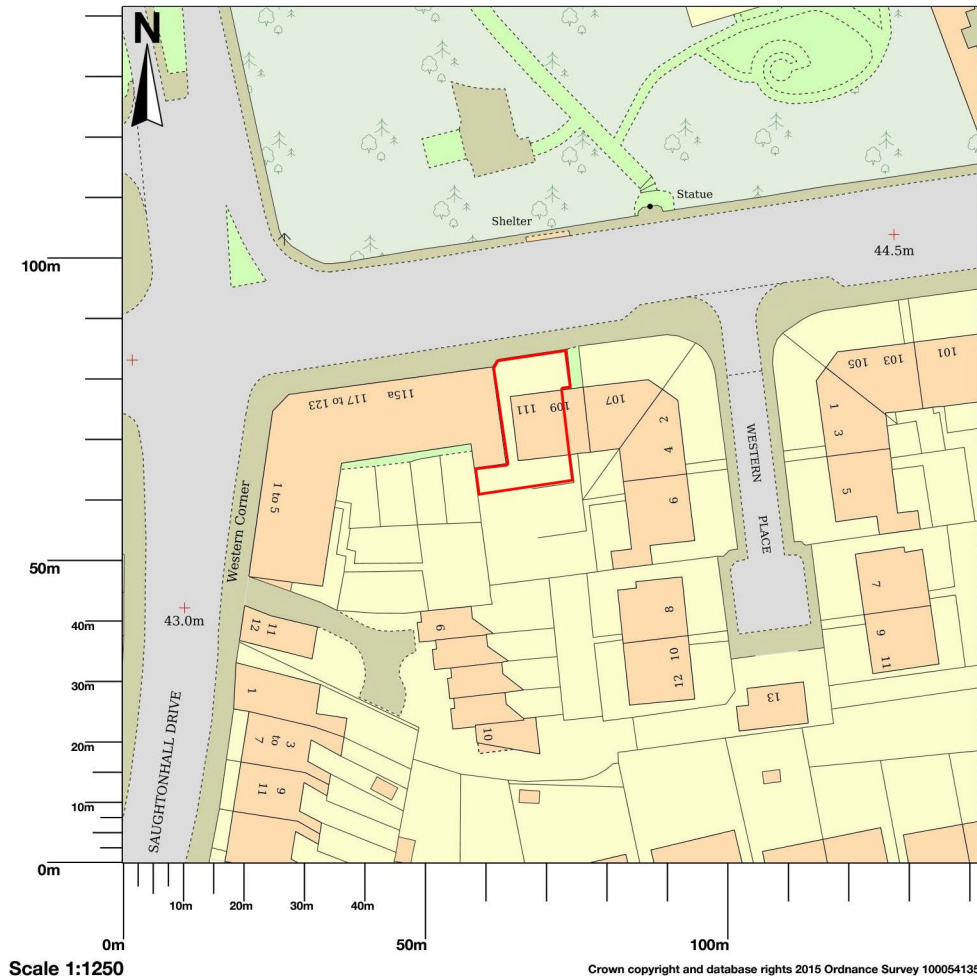
CLIENT	Mr S Smith-Hay				
PROJECT	Proposed Driveway to 111 Corstorphine Road, Edinburgh				
DRAWING	Wall Drawings				
STATUS	PLANNING				
DRAWN	AM	DATE	JULY 19	DRG NO	1094-PL-01
				JOB	1094
				REV	/
				SCALE	1:50 @ A3
<small>Do not scale from this drawing.</small>					

This drawing and its data are property of AMA and should not be reproduced without written consent. All dimensions to be checked on site prior to any works and ordering of materials, with any discrepancies reported immediately. Drawings should be read in conjunction with all other relevant building consultants drawings and information. This drawing was prepared to obtain planning and/or building standards permission and can only be used as a working drawing. AMA's liability ends upon receipt of a decision from the planning department and/or the building standards department. AMA accepts no responsibility for any inaccuracy in printing of this drawing by any parties.

No. 1
29 Jamaica Mews
New Town
Edinburgh
EH3 6HL
Tel: 0131 467 5951
Email: info@andrewmegginsarchitecture.com



111 Corstorphine Road, Edinburgh, EH12 5PZ



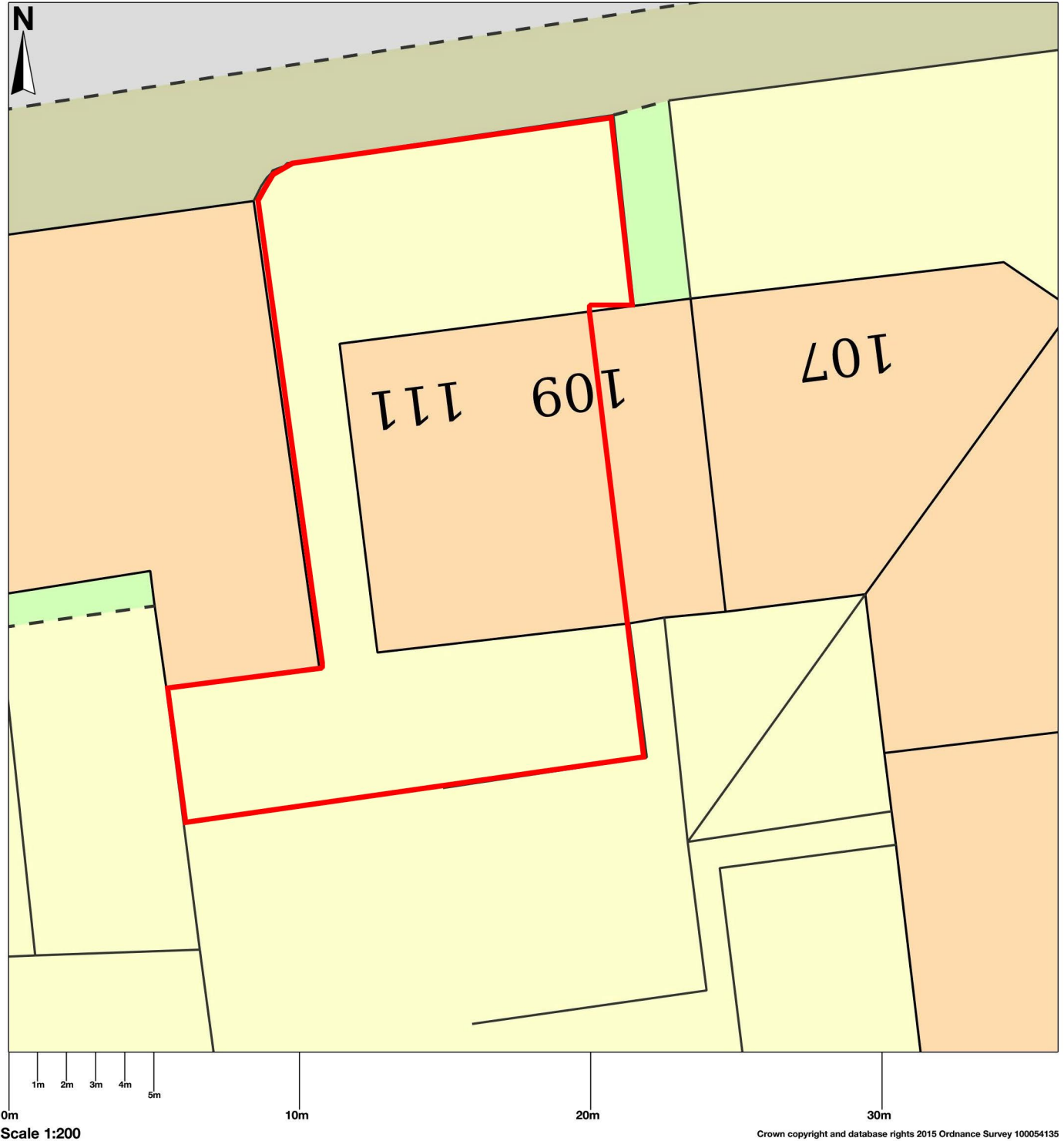
Map shows area bounded by: 321951.28,673041.3,322092.72,673182.7 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 25 May 2016 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2016. Supplied by UKPlanningMaps.com a licensed Ordnance Survey partner (100054135). Unique plan reference: p2b/94980/131544

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. UKPlanningMaps logo and other designs are Copyright © copla ltd 2016



111 Corstorphine Road, Edinburgh, EH12 5PZ



Map area bounded by: 322004.0,673094.0,322040.0,673130.0. Produced on 25 May 2016 from the OS National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2016. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: b36b/94980/131541



Mon - Fri
7.30 - 9.30 am
4.00 - 6.30 pm





RESIDENTIAL

T

T

WESTERN PLACE

This page is intentionally left blank

F.E.M Building Design.
FAO: Douglas Mack
8 Plantain Grove
Lenzie
Glasgow
Scotland
G66 3NE

Mr Tabassum & Mrs Francesca
Sharif.
7B Redford Gardens
Edinburgh
Scotland
EH13 0AR

Decision date: 16 August 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erect a double storey extension to side of dwelling house.
At 7B Redford Gardens Edinburgh EH13 0AR

Application No: 19/03104/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 27 June 2019, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to Edinburgh Local Development Plan Policy Des 12 because its scale, form and design are unacceptable and would not accord with the character and appearance of the host property or the surrounding area.

2. The proposal is contrary to non-statutory Guidance for Householders which states side extensions should be set behind the front line of the host property, unless this fits in with the character of the street. The proposal will breach the current building line. This is not characteristic of the current streetscape and represents over-development of the site.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. The proposal would be unacceptable by virtue of the breach of the current building line of the application site by the proposed two storey extension, which would unbalance the property, and would have a detrimental impact on the existing character of the street. The proposal is contrary to ELDP Policy Des 12 and the non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Christopher Sillick directly on 0131 529 3522.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 19/03104/FUL At 7B Redford Gardens, Edinburgh, EH13 0AR Erect a double storey extension to side of dwelling house.

Item	Local Delegated Decision
Application number	19/03104/FUL
Wards	B08 - Colinton/Fairmilehead

Summary

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. The proposal would be unacceptable by virtue of the breach of the current building line of the application site by the proposed two storey extension, which would unbalance the property, and would have a detrimental impact on the existing character of the street. The proposal is contrary to ELDP Policy Des 12 and the non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSHOU,
---	---------------------------

Report of handling

Recommendations

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

Background

2.1 Site description

The application site is a two-storey, detached, property located on a corner plot on the north side of Redford Gardens.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Convert existing garage into habitable room and erect two storey side extension.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal is of an acceptable scale, form and design and will not be detrimental to neighbourhood character;
- b) The proposal will result in an unreasonable loss of neighbouring amenity.

a) The proposal is for the existing garage to be converted into a family living space, with a two storey extension to accommodate a new garage on the ground floor, and additional bedrooms on the first floor. Due to the shape of the plot of land the application site occupies, the proposed two storey extension will breach the current building line of the property by approximately 1.2 metres.

The shape of the plot to be developed prevents further development to the rear of the property, and in order to find space for the proposed new garage and extra bedrooms the design solution has been to build forward of the current property. The current proposal would increase the footprint of the property by 58 square metres. In this case the applicant was advised that a more modest scheme, which did not breach the current building line of the property could in principle be acceptable. The plot may accommodate a more modest scheme, but the current design, set forward of the existing house, would unbalance the property, and would represent over-development of the site.

Council guidance on the design and location of side extensions states that in achieving an extension that will fit in with the original building and respect its neighbours, the extension should be set behind the front line of the existing dwelling to give a clear definition

between the new design and the existing building. Guidance for Householders further states that extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street. The proposed breach of the current building line would not be in keeping with the character of the street and would not comply with Council guidance.

In the case of Redford Gardens, the street is characterised by a row of modest, two storey, terraced houses, with attractive front gardens, driveways, hedge planting and trees lining the street. A handful of small single storey garages are also located to the side of some houses. The application site itself is unusual in the context of the street. It is a large, detached, two storey property, occupying a corner plot on the south-west end of Redford Gardens, where the street meets Redford Walk.

The application site already breaches the building line set by the terraced properties which run north-east along the street. Despite this, the view looking north-east along Redford Gardens from where it meets Redford Walk is characterised by a view of attractive gardens, a range of planting and small driveways. A further breach of the building line by the proposed two storey extension would block existing views. The view would instead be entirely dominated by the large, two storey extension. Likewise the proposed extension would dominate the foreground of the street, whilst looking south-west. Although some of the smaller single storey garages in the street sit slightly forward of the properties they adjoin, a breach of the nature proposed would be incongruous with the current streetscape.

The proposed two storey extension is unacceptable. It would breach the building line of the existing property and represents overdevelopment of the site. It would not fit in with the existing character of the street, and as such would not comply with Local Policy Des 12 or the Council's non-statutory Guidance for Householders.

b) The proposal fully accords with the criteria in the 'Guidance for Householders' in relation to the protection of neighbouring amenity.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh Local Development Plan Policy Des 12 because its scale, form and design are unacceptable and would not accord with the character and appearance of the host property or the surrounding area.
2. The proposal is contrary to non-statutory Guidance for Householders which states side extensions should be set behind the front line of the host property, unless this fits in with the character of the street. The proposal will breach the current building line. This is not characteristic of the current streetscape and represents over-development of the site.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading / external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

27 June 2019

Drawing numbers/Scheme

01-03

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail:christopher.sillick@edinburgh.gov.uk Tel:0131 529 3522

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Consultations

No Consultations received.

END

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100171607-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation: F.E.M Building Design

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Tabassum & Francesca"/>	Building Number:	<input type="text" value="7B"/>
Last Name: *	<input type="text" value="Sharif"/>	Address 1 (Street): *	<input type="text" value="Redford Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH13 0AR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="7B REDFORD GARDENS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH13 0AR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668869"/>	Easting	<input type="text" value="322476"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erect a double storey extension to side of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The reason we are seeking a review of the refusal of Planning Permission at 7B Redford Gardens, Edinburgh, is that the reasons for refusal, are in our opinion unsubstantiated. The reason provided that 'the proposal in its scale, form and design is unacceptable and would not accord with the character and appearance of the host property or it's surrounding area' is unjustified in this particular circumstance.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Matters which were not highlighted in the original application have now been raised to allow a greater depth of information on the particular property in question

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal Statement Aerial photo 7no. photographs

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/03104/FUL

What date was the application submitted to the planning authority? *

27/06/2019

What date was the decision issued by the planning authority? *

16/08/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Douglas Mack

Declaration Date: 09/10/2019

Proposal Details

Proposal Name	100171607
Proposal Description	Extend dwellinghouse
Address	7B REDFORD GARDENS, EDINBURGH, EH13
0AR	
Local Authority	City of Edinburgh Council
Application Online Reference	100171607-002

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Planning Appeal Statement	Attached	Not Applicable
Aerial photo	Attached	Not Applicable
9 and 11 Redford Gardens looking North East	Attached	Not Applicable
11 Redford Gardens indicating garage extension	Attached	Not Applicable
Building line of Redford Gardens looking North East at Junction with Redford Walk	Attached	Not Applicable
Corner image of 7B redford Gardens looking south west	Attached	Not Applicable
Front elevation 11 Redford Gardens	Attached	Not Applicable
Front elevation 9 Redford Gardens	Attached	Not Applicable
Redford Gardens looking south west from 11 Redford Gardens	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

The reason we are seeking a review of the refusal of Planning Permission at 7B Redford Gardens, Edinburgh, is that the reasons for refusal, are in our opinion unsubstantiated. The reason provided that 'the proposal in its scale, form and design is unacceptable and would not accord with the character and appearance of the host property or it's surrounding area' is unjustified in this particular circumstance. We would also suggest that a precedence has been set by the host property in that it does not follow any particular building line in the current streetscape. It is our opinion that our proposal will not have any greater impact on the immediate area than that which the existing property at 7B Redford Gardens, a corner plot suggests at present. We would therefore request that the Local Review Body share the opinion that the proposal will not have a detrimental effect on the existing site and property area or it's surrounding environment. The existing dwellinghouse was built approximately 2530 years ago and was a 'stand alone' build in a street of red brick semi detached properties built circa 1960's.

In the Planning refusal it is indicated that ~~the fact~~ the proposal will impact on the existing streetscape and building lines. It would appear from the 1:1250 Location plan that the front of the property at 7B Redford Gardens is in fact forward of the building line created along the frontage of numbers 9 & 11 Redford Gardens. This, however is slightly misleading due to the fact that it would appear that both o-f these properties have had the front of the ir garages extended out towards the front of the properties, one can only assume with formal Planning Permission in place. As a result, the building line of the properties at number 9 & 11 is at odds with the remaining properties in the street. It is difficult to be clear on what the building line is in the street or indeed whether there actually is a building line. All of ~~T~~his suggests that when the Planning approval was agreed for the erection of the house at 7B Redford Gardens, that the front line of this new dwellinghouse did not follow any particular front building line in the streetscape. It is our opinion that the by allowing the two storey side extension to project forward of the front of the existing house that this will in no way affect any 'historic' front building line by any greater degree than that which exists presently. The fact that the house is a 'corner plot' allows itself to contrast with the older semi detached properties further along the street but in no way impacts the streetscape by any greater degree than the existing site.

As mentioned above, we would reiterate that ~~T~~the reason for refusal (no.1), states being that 'the proposal in its scale, form and design is unacceptable and would not accord with the character and appearance of the host property or it's surrounding area' is in our opinion not substantiated. The existing dwellinghouse is a 'one off' building in the street, perhaps even in the whole of the Redford area and does not appear to accord with the surrounding area as it stands. We would suggest that the design of the proposed extension, although slightly forward of the front elevation of the original house is not detrimental to what is a bespoke property in the locale and in no ways causes any greater impact upon the host property or it's surrounding area. The existing front garden will be not be impacted as a result of the proposed extension and 2 car parking spaces in addition to the garage can be provided. A substantial rear garden would also be retained, over 115m² in area providing a high level of amenity to the property.

To summarise, it is our opinion that the proposed extension will not have a negative impact on the amenity of the surrounding area and the wider street scene and will not cause any greater impact to the building lines than that exists at present. We would also suggest that the proposal does not impact upon the character and appearance of the host property, it's immediate neighbours and the wider street scene. We would, therefore request that you consider our appeal in a manner which leads to a favourable outcome for my client.

We thought it would be useful to provide photographic evidence to assist with this appeal – of which is attached.





STOP!
Don't use this bin for
Food waste
Recycling
For more information visit
www.waste.gov.uk

Waste Systems











LIB EVA



Dave Sinclair
 40 Corstorphine Hill Gardens
 Edinburgh
 EH12 6LA

Mr And Mrs John Taylor
 58 Ross Gardens
 Edinburgh
 EH9 3BR

Decision date: 15 July 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
 DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erect new single storey extension to side and rear of existing house including front porch.
 At 58 Ross Gardens Edinburgh EH9 3BR

Application No: 19/01859/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 April 2019, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02, 03, 04, 10, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Alexander Calderwood directly on 0131 469 3824.

D R Leehie

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission 19/01859/FUL
At 58 Ross Gardens, Edinburgh, EH9 3BR
Erect new single storey extension to side and rear of
existing house including front porch.**

Item	Local Delegated Decision
Application number	19/01859/FUL
Wards	B15 - Southside/Newington

Summary

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSHOU,
---	---------------------------

Report of handling

Recommendations

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

Background

2.1 Site description

This application relates to a 2 storey, end-terrace residential property. The surrounding area is primarily residential with neighbouring properties immediately to the north, east, south and west. Macdowall Road lies to the north of the property and Lussielaw Road to the south.

2.2 Site History

05/02291/FUL - This application was refused. It sought an extension to the side and front of the dwellinghouse but was refused on the basis that it was of an inappropriate scale and that it intruded into the corner plot to the detriment of the character of the area.

Main report

3.1 Description Of The Proposal

This application seeks full planning permission to extend the residential property. The extension will wrap around the building and extend to the front, side and rear. The proposed materials are as follows:

- Roof: Tiles to match existing roof.
- Walls: Smooth off white render.
- Windows: UPVC tilt and turn windows
- Doors: UPVC sliding doors.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal is of an acceptable scale, form and design and fits in with the character of the neighbourhood.
- b) The proposal does not result in an unreasonable loss of neighbouring residential amenity.
- c) Public comments have been addressed.

a) The property in question is a two storey end terrace and is situated on a corner plot. It is therefore particularly visible within the vicinity. Whilst there are a mix of housing types, the immediate neighbouring properties along Ross Gardens are of the same, terraced housing type. The consideration is whether the extent of the proposal is acceptable for this particular property and is acceptable within the context of the area given the visibility of the property due to its corner location.

The non-statutory 'Guidance for Householders', highlights that corner plots can present a particular problem where the majority of the house's garden space is in front of the building line. It states that where corner plots contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground. In the instance, the corner plot is in a particularly prominent location. The property will be extended to the front, side and rear. The proposed extension is unacceptable because it significantly intrudes into the corner ground which in turn has an adverse impact on the character of the area. Therefore, the proposal does not comply with guidance.

Additionally, the proportions of the extension are such that they do not integrate well with the existing proportions of the building.

b) The proposal was assessed in terms of neighbouring residential amenity. It has been established that it does not comply with guidance in relation to daylighting and sunlight. With the extension being sited to the west of the neighbouring dwelling, it will have negligible implications for overshadowing. However, the adjacent dwelling immediately to the east has a window on its rear elevation. The extension would have an unacceptable impact in terms of overshadowing as the centre of the window would be within the 45 degree line measured from its eaves.

c) The following material planning considerations were raised through public comments on the application and were addressed in (a) and (b):

- Adverse implications for the character of the area.
- Over reduction of the associated garden ground.
- Adverse implications for neighbouring amenity in terms of overshadowing, loss of daylight and privacy.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

2 letters of representation have been received from 2 members of the public (both in objection) ; this is summarised and addressed in the Assessment Section of this Report.

Background reading / external references

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

Statutory Development

Plan Provision

Located within the urban area as defined by the Edinburgh Local Development Plan 2016.

Date registered

18 April 2019

Drawing numbers/Scheme

01, 02, 03, 04, 10

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Alexander Calderwood, Planning Officer
E-mail:alexander.calderwood@edinburgh.gov.uk Tel:0131 469 3824

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Consultations

No consultations undertaken.

END

NEIRES/O/REPLET

AMR SM 5/6

Mr Imran Ali
56 Ross Gardens
Edinburgh
EH9 3BR

ACALD
ENF
EOST

Planning &

12/05/2019

16 MAY 2019

Building Standards

Objection : Extension application 19/01859/FUL for 58 Ross Gardens, Edinburgh, EH9 3BR

Dear Sir/Madam,

I would like to raise my objection to the proposed extension application **19/01859/FUL** made by Mr and Mrs John Taylor for **58 Ross Gardens, Edinburgh, EH9 3BR**.

My first knowledge of the extension application came through your neighbour notification letter which arrived on Thursday 9th May. On the Council website the neighbour notification list was published on 2nd May. This delay means I had already lost some time to put forward my objection.

My concerns are listed below. I have tried to make each point as clear as possible and supported with photographic evidence. I feel strongly about this extension and hope this is represented in time I have taken to collate information and present this in my objection letter.

Overshadowing/ Loss of Daylight

The lower bedroom at the rear of the property is my study. It like the garden depends on the clear unobstructed view to the left of the garden to receive direct light when the Sun moved to West of the building.

The room has a decent size window, but the close proximity of the proposed extension would block light to this window. This would mean this diminished light to the window and less likely to illuminate the inside of the room. I may have to resort to artificial light which is not suitable or healthy.

The images below show the current unobstructed view and how it would look with the extension in place.

CURRENT GARDEN OUTLOOK



OUTLOOK AFTER EXTENSION

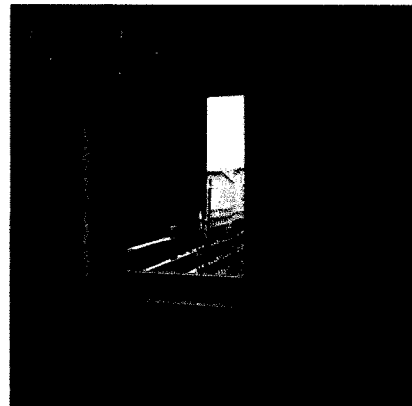


This is the current view out of the study window. Totally dependent on light from the left side coming in. With the extension in place the room would be significantly darker.

CURRENT OUTLOOK



OUTLOOK AFTER EXTENSION4



The picture below is from my garden looking at the house. As you can see the property 54 Ross Gardens already have an extension in place. If the proposed extension by 58 Ross Gardens was to be built, I would be left feeling boxed in and claustrophobic. Walls on both sides would be like being in a prison in my own garden.

For the length of the new extension, I would be left mostly in the shade, which would be quite depressing. I require left side of the garden to be free of obstruction to allow me access to direct sunlight. During last summer Number 58 enjoyed their garden with company enjoying the sunlight fully. Number 58 has a pleasant eating area right in front of their kitchen door. I would not be able to enjoy the same experience if blocked by the proposed extension.

The proposed extension for 58 Ross gardens will reduce sunlight quality I would have in the garden as this side provides direct access to sunlight for me.



Privacy

Further my concerns about the loss of daylight and constant shade, if I wanted to sit in the sunlight I would have to move further down my garden past the extension. This would mean that if I wanted to enjoy the sunlight, I would have to give up some of my privacy as I would now be forward of the extension windows.

At the end of the garden I have a garden shed sitting on the far side (next to 54 Ross gardens). This limits my ability to sit away from the extension. The shed was situated on this far side so as not to block the Sun from the direction of Number 58.

I do feel I should not need to be able to choose between sunlight and privacy. The kitchen of number 58 Ross Gardens is next to my Study (ground floor room facing garden). This would suggest that this side of the extension would probably be for increasing kitchen area and used for the preparation and consumption of meals. Maybe as currently an eating area outside the kitchen is planned. Quite possibly also then when sitting in the Sun forward of the extension, I would more likely be experience cooking odours.

My clothesline is situated halfway down my garden, which would also mean that when hanging up or taking down my washing, again in view of neighbours window.

Traffic Safety

I also have concerns over the proposed extension on the side of the property of 58 Ross Gardens.

Langton road is a sloping road which rises when meeting the corner of Ross Gardens. Ross Gardens also slopes up to the junction. This means neither road has a superior view of the other road or on coming vehicles. Both drivers become fully aware of the other vehicle closer to the junction, at times when on the junction. Early morning vehicles often meet at this junction and have to back out when they realise the road is not clear.

From the photo below you also see that usually one side of the road will have a line of stationary vehicles. The road width being what it is, means road then much narrower when coming to the junction.

Junction of Langton Road and Ross Gardens

FROM ROSS GARDENS



FROM LANGTON ROAD



When approaching the junction from Langton road, currently the open space on the side of the building of Number 58 allows for some visibility of the top of cars coming up from Ross Gardens. Factoring in the proposed extension and the open space it would that it would occupy, the line of sight is greatly reduced. This means drivers have less visible indication that a vehicle maybe approaching.

This situation is mirrored on Ross Gardens also, with proposed side extension blocking visibility of oncoming traffic.

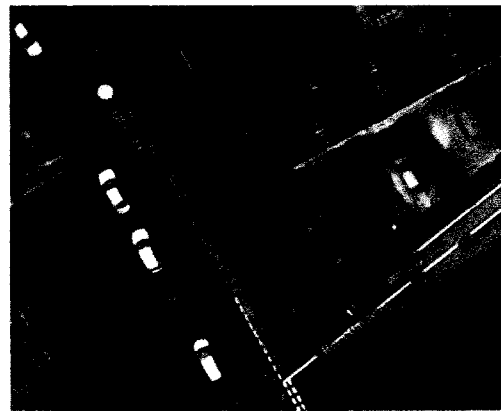
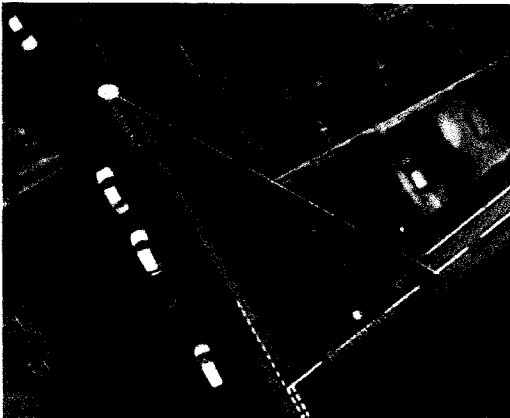
CURRENT VIEW



POTENTIAL VIEW



The images below show the length of up to two cars worth of difference can be blocked when approaching the junction.



It is not uncommon for some vehicles to be parked on Ross Gardens near the junction on the hedge side. The image below shows two vehicles, but there can be at times three vehicles. These stationary vehicles then force any vehicle that comes up Ross Gardens to the junction to swap lanes and end up on the wrong side of the road.

On number of occasions vehicle continue to stay in the wrong lane when at the junction. When vehicles turn into Ross Gardens from Langton Road then they are confronted with oncoming vehicles.



The reduction in visibility (forewarning) of vehicle approaching from Ross Gardens, and vehicles requiring to cross the lane near the junction has the potential for an accident. There is an increase in delivery vehicles in the area which needs to be considered as they are usually in more of a hurry.

The hedge behind the silver parked car has previously caved in and is now recovering (but still visible of the incident. My understanding of this is, a vehicle came around the corner from Langton road on to Ross gardens. The driver realised a car was parked on the road on the left (house side) and quickly pulled right and ended up in the hedge. This happened before Number 58 created a paved the driveway and hedge extended across the front of the house. Luckily at that time no cars were parked on the other side of the road. This highlights existing safety issues on this corner.

I feel this point should be highlighted and considered with due concern as a side extension alters the nature of the corner and safety for vehicles.

Wellbeing

As a student I am currently doing my Higher exams. This period is very stressful for me and important for my future.

Currently I enjoy having the garden area to relax in. The openness and bright natural light is very calming and relaxing. An enjoyable garden experience can greatly contribute to good mental and physical health. I feel this would be taken from me should the extension be built. I feel this point should be made as I understand that Mental Awareness week has just started.

I would welcome full use of this area without obstruction of sunlight. I find the idea that my garden space may be in perpetual shade quite worrying. I feel anxious that I must defend my open space at short notice.

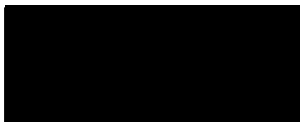
I am quite surprised to see this proposal was submitted and there was no indication from my neighbour that changes may be coming. This especially as Mr Taylor is quite chatty and often outside washing cars or gardening. He had plenty of opportunity to mention this but has so far kept quite on the matter. He has not brought up the conversation at all, as I suspect he would clearly appreciate this situation is clearly not ideal for me. Had my neighbour presented the idea earlier to me I would have been able to contribute my input earlier in the process.

I would like to thank you for the opportunity to present my objection. I hope that I have covered my objection points in a clearly and concise manner. I hope that you appreciate my concern and that they are relatable.

I hope that I am successful in my objection as this application proposal affects me greatly, both in my enjoyment of my property and benefits for my mental health.

Your sincerely

Mr Imran Ali



NEIRES/O/REPLET

ACR 8M 615

ALAD

ENF

OS

Planning

16 MAY 2019

Mr and Mrs Shafaqat Ali
54 Ross Gardens
Edinburgh
EH9 3BR

15/May/2019

Building Standards

Objection : Extension application 19/01859/FUL for 58 Ross Gardens, Edinburgh, EH9 3BR

Dear Sir/Madam,

We are writing this letter to raise our concerns regarding the proposed extension application **19/01859/FUL** made by Mr and Mrs John Taylor who reside at 58 Ross Gardens, EDINBURGH, EH9 3BR.

We would have written the letter earlier, but there seems to have been a delay in receiving the letter from the council as I only received the proposed extension letter on Thursday, 9 May 2019, which means we have lost almost a week in considering the extension proposed and how it would affect our family and home.

First, we would like to highlight that the proposed extension would look very out of place with the rest of the street. Along the street the dwellings have been broken up into groups of four, which make the street look consistent. Some houses on the street have been extended on the side but have kept a consistent look because they are two story extensions to the property. The extension suggested by Mr Taylor would break the uniformity of the street as this is out of character with the existing style of the street. Instead of keeping the consistency of the street, this extension wraps around the building looking like an add-on.

Out of necessity to accommodate our family some years earlier we built our own extension. We are pleased to say there were no objections from Mr Taylor. As such we now have a small garden. We enjoy that there is open space on either side. The new extension would lose that by closing off the space on one side.

Second, the proposed extension is also quite dangerous because of where the property sits at the top of Ross Gardens and traffic is almost at a blind spot when at the top of the road trying to turn either left into Ross Gardens or right into Langton Road. Many cars have found themselves stuck when they get to the junction visibility is very limited prior to getting to the junction. Anyone travelling to the top of Ross Gardens trying to go left or right must be very aware because the road is packed with parked cars and it is very hard to see traffic coming along. Having an extension at the side and back of the house, would block off visibility and make it very hard to see any cars or vans coming along.

Even as a driver coming along Langton Road (from West Saville Terrace side), when approaching Ross Gardens and coming closer to home, turning left at Mr and Mrs Taylor's house to get to our own property, there is always consideration to drive with extreme caution because the visibility turning left is so low and cars being parked on the top of Ross Gardens has become the norm, so this may increase the chances of accidents.

We hope that you would take our concerns and issues raised when making a decision on the proposed extension for 58 Ross Gardens as we feel very strongly about it.

I would like to express my thanks on the time in taking to read my letter and consider all the issues raised and hope to hear from you as soon as possible.

Many thanks.



Mr and Mrs Ali.

Planning &

14 OCT 2019

Building Standards

Mrs H Ali
54 Ross Gardens
EDINBURGH
EH9 3BR
Mobile : 07788854851

10 October 2019

Objection : Extension application reference 19/00141/REVREF for 58 Ross Gardens, EH9 3BR

Planning Application : 19/01859/FUL

Dear Sir/Madam,

I am writing again to voice my concerns regarding the proposed extension plans for 58 Ross Gardens (EH9 3BR).

My neighbours have already applied to the City of Edinburgh Council for their extension plans and has been refused but are now appealing for the revised consideration of their proposed extension.

According to the letter I received from the City of Edinburgh Council on 1 October 2019, the appeal will take place by the Local Review Body on 13 November 2019 at 10.00 AM at the City Chambers.

I feel very strongly about this extension going ahead and have already highlighted this in my original letter (dated 15 May 2019) to the City of Edinburgh Council. The drawings of the extension seem to be considerably large in comparison to the size of the house itself and the footprint of the garden. I feel that the extension seems to be taking a considerable amount of the garden space and doesn't seem to meet guidelines in this respect.

I am very concerned about the street safety, if the extension was to be granted. We have many cars in our area and the residents from Langton road use the top of Ross Gardens to park their cars when Langton road is crowded. Sometimes we have two to three cars parked on Ross Gardens near the junction of Langton Road. These cars are normally parked on other side of the road to as not to block our driveway. When this is the case, cars coming up Ross Gardens towards Langton Road junction cross on to the right lane (oncoming traffic) to avoid stationary vehicles get to the junction itself. Sometimes there is traffic coming into Ross Garden as this causes issues. Pedestrian and vehicle sight lines will be affected and it may be very difficult to see any cars, cycles or pedestrians until nearer the junction when the proposed extension is on the corner blocking vision at the give way of Ross Gardens (top end, outside 58 Ross Gardens). I already find it very hard as a careful driver to see much when I'm at the top of Ross Gardens trying to turn either right or left to go onto Langton Road. People park on both sides of the road (usually residents that are living in the blocks of flats in Langton Road or the surrounding streets). It is very hard to see anything when trying

to turn and putting an extension on the corner will make it even harder. This will have a huge impact on safety in the area.

The scale of the extension itself is considerably large and does not seem to be in proportion to the existing house itself. It will be a big building that wraps itself all the way round the existing house and will have much of open space taken away. I believe the open space something to be protected as it creates a better environment to live.

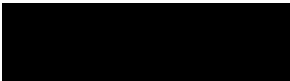
I don't feel that the extension has been well thought out and planned. When we had rear extension done, we were made aware of guideline from our architect and we worked with him to find a suitable workable solution. I feel that the drawings have been done as best-case scenario, but not a lot of thought and consideration has gone into thinking about the safety aspects of the extension and how it will impact the area. It will look completely out of place to the area, especially as it is an end terraced house located at the top of Ross Gardens itself.

I feel I have been put in a position to highlight these issues when they should have already been considered. This is quite a stressful position to be in.

I really hope that you take my concerns and worries into consideration when deciding and hope that you will take the time to perhaps visit the area and see the problem we face with parking and overcrowding.

Many thanks for taking the time and patience to read this letter and please feel free to contact me if you would like to speak in person or on the phone.

Yours faithfully,

A black rectangular box redacting the signature of Mrs. Ali.

Mrs Ali.

Planning &

14 OCT 2019

Building Standards

Mr Imran Ali
56 Ross Gardens
Edinburgh
EH9 3BR

Appeal to Planning Application: 19/01859/FUL

Dear Sir/Madam,

Thank you for the opportunity to allow me to further address my concerns for the proposed extension to 58 Ross Gardens.

As indicated in my original objection letter, the proposed extension will have an adverse effect on me and the property, I reside should it go ahead.

I would like to re-iterate the points I made in my initial objection.

When the appeal was brought to my attention, I sought to further explore guidelines provided by the City of Edinburgh Council.

My feedback is based on the document titled 'Planning Guidance for Householders' at the following location on the City of Edinburgh Council website.

http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines

I feel the proposed extension does not adequately follow these guidelines.

My main concern is the **Over-Shadowing and Loss of Daylight** as this affects me significantly.

Secondary to this I have some concerns regarding the corner plot and the character of the street.

I've tried my best to lay out each point separately in a clear and concise format.

I have created diagrams and taken photographic evidence to support my case as this is very important to me.

Additionally, I used Google Maps (3D View) online to see clearly how an extension of this size and manner would affect the street and me directly to ensure my points have validity.

It is my hope that you will look on the points below and see them favourably.

Yours sincerely



Imran Ali

Section 'Daylight and Sunlight' on page 12 of the titled 'Planning Guidance for Householders' document contains the following text.

"Daylight and sunlight are important to health and well being. Lack of daylight contributes to depression (SAD), and sunlight helps synthesise Vitamin D which is important for bone health.

Adequate daylight can also reduce the energy requirements of development through lessening the need for electric lighting.

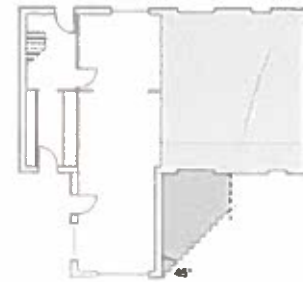
All extensions and alterations will be required to ensure adequate daylighting, privacy and sunlight both for themselves and to their neighbours."

The document further describes rear extensions on Terraces or semi-detached houses.

For rear extensions on terraced or semi-detached houses, adequate daylight will be maintained to the neighbouring property if 45 degree lines drawn from both the plan and section of the new extension do not enclose the centre of the neighbour's window.



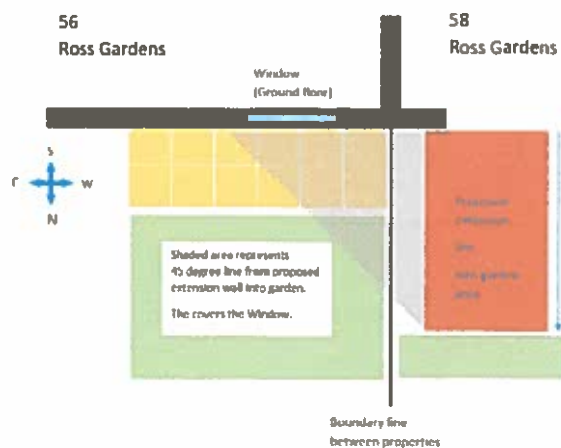
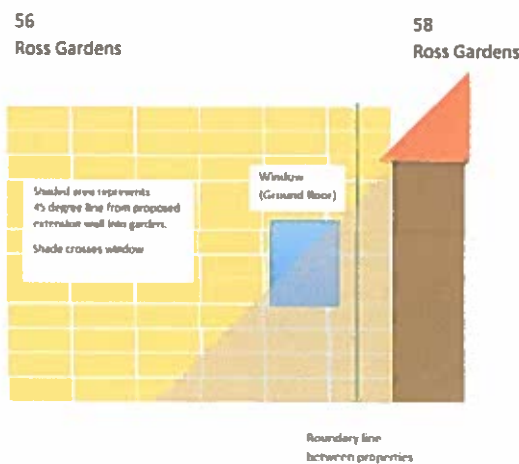
Not acceptable because the centre of the window is within the 45° lines



In the following sections I have laid out how this affects me directly and the consideration I feel need to be addressed regarding corner plot development.

Over-shadowing Issues

The size of the garden extension wall means the centre of my garden widow is enclosed in both 45 lines drawn from both plan and section of the extension.



This will affect the amount of sunlight I will be able to receive through the ground floor window as shown below



This is the resulting change in view looking out of the garden window at the direction light normally falls into it.



In the document titled 'LRB FORM AND SUPPORTING DOCUMENTS' on page 8, it has been acknowledged that proposed garden extension was too close to the boundary line. A suggestion has been made to move the gable wall 1m from the extension to accommodate the overshadowing guidelines for the eaves.

It does not cover the guidelines regarding distances as indicated in the Guidelines for Householders. This does not fully solve the over shadowing/daylight issue as the window still lies in the 45 degree section line as indicated in the Guidelines for Householders.

To have adequate light according to guidelines for householders the wall should start roughly 1.9m away from the boundary line. This being calculated as 3m (wall length) – (mid point of window to boundary line).

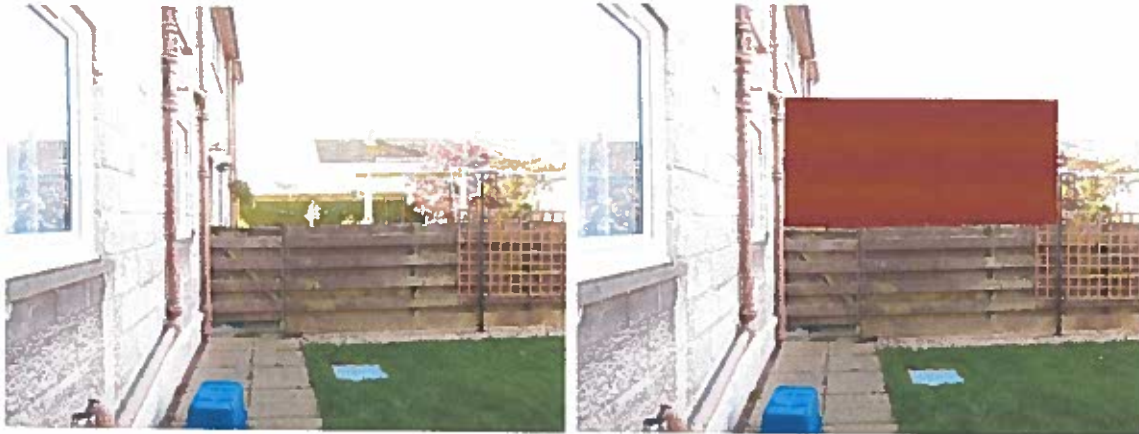
Using the garden extension at No 54 Ross Gardens for comparison, it does not build out into the garden until after 2.15m from the boundary line from their neighbour at No 52 Ross Gardens.

No 52 Ross Gardens have full length glass doors in the location where I have a normal size window. This distance still affords the residents much light to their garden and for the dining area being the glass doors.



Loss of Daylight issues

The extension being 3m deep into the garden will block much of the direct sunlight coming on my garden at No 56 immediately outside my kitchen doorway.



The immediate area outside my kitchen door, 3m x 6.7m (width of my property) will be in shade continually when the Sun is not high enough to shine over the extension. This will be the case most of the time.

This will include the slabbed area where I sit (with friends/family) outside the kitchen and large section of grass as shown below.



This whole section of grass will become problematic as indicated on the Royal Horticultural Society website.

"Grass grown in shade often becomes sparse from lack of sunlight"

"Most turf grasses require four to six hours of full sun each day. Without this turf can deteriorate, becoming less resilient and prone to disease."

Corner Plot Considerations

Number 58 is a corner plot and as such the openness of the corner area contributes to the character of the area.

Page 11 of the document 'Planning Guidance for Householders' indicates.

"Extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street."

"Where they contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground."

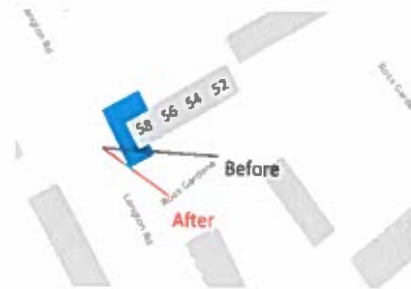
The size of the extension is significantly larger than main building. Using the measurements in the 'ground floor plan' document, estimating the main building floor size generously, the extension floor space appears to be over 120% larger.

The large side extension takes up much of the space between the building and the hedges. This will mean that the side extension will go almost all the way to the hedges.



The proposed porch at the front of the building, connects directly to the side extension of the building to make a continuous wall. This results in a new prominent corner.

The diagram on the right shows the affect of the prominent corner has on the sight line. This especially important for traffic approaching the junction, if there are stationary cars parked on the far side of Ross gardens, causing approaching traffic to cross lanes at the junction.



The size of the extension breaks the established building lines as defined the buildings on the street. Given that the hedge height on the property will remain as it is there will be an extensive building behind it and close to the hedges.

Most other extensions highlighted in the area are sitting along the building line or are hidden behind existing boundaries (wall, hedges etc.).

This proposed front/side combined extension breaks the overall openness of the junction we enjoy today and mirrored on the next junction to the North.



Other Consideration Specific to this Application

The document titled 'LRB FORM AND SUPPORTING DOCUMENTS' on page 8 contains the following.

"We would therefore ask that you review this refusal as there is precedent of houses being granted Planning consent for side extensions all over the area. I would also ask the review panel to visit the site and the surrounding streets to see the number of extensions that have been granted consent in the area."

Page 11 of the documents shows a map of the area where extensions have been granted. I reviewed the map which 17 properties identified on the map supporting the statement.

None of the properties listed are the on the South-West corner plot of the road, with an immediate neighbour on the east of the property.

Four properties have a combined extension where of front/side or side/rear.

- #6, #8 Have a road on the east side and no neighbour.
- #14 Has a front porch and a side extension, so no impact on the neighbour to the east.
- #3 Still in construction, east facing porch, and side extension to north

Two properties (#1 and #5) have distinct porch/side extension, the line of sight is not hampered by a prominent corner as proposed at No 58 Ross Gardens. Both of these properties of corner plot locations.

The remainder of the properties have a single extension, Inside the building line or are concealed behind a wall, tall hedge so does not impact the surrounding area.

Having lived in the area for a long time I have not considered any extensions to be out of place and affect the overall character of the street. I feel that the consent for the 17 other properties has been approved because their nature differs from that of the proposal for No 58 Ross Gardens.

No 58 Ross Gardens is unique in that

- it is the first to apply for an extension on a South-West corner plot, with a neighbour on the east side of the property.
- the proposed extension occupies front, side and rear of the property.

This being the case No 58 Ross Gardens is the only property where the application directly impacts a neighbour on the East side such as myself and changes the character of the street.

As there is no similar extensions on the properties listed the sheet, I feel this may be either because this is the first of its case, or previous proposals have been refused on similar grounds that they affect a neighbouring property and/or affect the street.

If the review panel were to visit the site and surrounding area as requested in the appeal letter, I am sure you would agree that it will significantly affect me and the character of the street.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100176588-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

David

Building Name:

Last Name: *

Sinclair

Building Number:

40

Telephone Number: *

Address 1 (Street): *

Corstorphine Hill Gardens

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Edinburgh

Fax Number:

Country: *

Scotland

Postcode: *

EH126LA

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text" value="58"/>
Last Name: *	<input type="text" value="Taylor"/>	Address 1 (Street): *	<input type="text" value="Ross Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="40, Corstorphine Hill Gardens"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 3BR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="58 ROSS GARDENS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 3BR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671078"/>	Easting	<input type="text" value="326422"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Extension to side and rear of existing end terraced house including new front porch

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

A document stating reasons for review and some additional information is attached to this application form.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Reference to applications were given to the Planning officer regarding similar consents in the area. The additional information shows photos of these consents in the area along with a number of additional photos of extensions that have been granted consent and are similar to our proposals that have been refused consent.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement drawings 010 0111 012 013

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01859/FUL

What date was the application submitted to the planning authority? *

18/04/2019

What date was the decision issued by the planning authority? *

15/07/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A walk around the area will show the variety of corner sites that have been granted consent in the area

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr David Sinclair

Declaration Date: 01/10/2019

Proposal Details

Proposal Name	100176588
Proposal Description	Extension to side and rear of existing end terraced house including new front porch
Address	58 ROSS GARDENS, EDINBURGH, EH9 3BR
Local Authority	City of Edinburgh Council
Application Online Reference	100176588-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Statement	Attached	A4
Site Plan 010	Attached	A3
Photos 011	Attached	A3
Photos 012	Attached	A3
Photos 013	Attached	A3
Proposed Elevations as refused	Attached	A3
Proposed Ground floor plan as refused	Attached	A3
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

19/01859/FUL

Erect new single storey extension to side and rear of existing house including front porch.

58 Ross Gardens Edinburgh EH9 3BR

Statement for Planning review of the above application refusal.

The applicant wishes the council to review the refusal as he feels that the decision of the Planning officer is unfair in that there have been a large number of houses in the adjoining streets that have been granted Planning consent for extension that are build on the side of the existing property and in a number of cases extend beyond the rear of the exiting house and return around the rear of the existing house. There are various different styles which can clearly be seen on the ordinance map and photos attached.

The Planning officer stated the following in his correspondence to me

- There are few examples of properties being extended to the front or side in the area and so the extension would have an adverse impact on the character of the area. There is no precedent for the property to be extended either to the front or the side.

His statement regarding there being few examples is I would suggest not entirely accurate as the attached photos confirm and would suggest that a number of precedents have been set for this type of extension. The existing house sits low in the garden and a side extension would have minimal impact on the corner and would only be partially seen when walking along Langton Road due to the existing levels and the existing hedge that borders the garden. Having walked around the area I have taken photos of a number of corner extensions in the area and these were forwarded to the officer by way of a list of Planning consents that have been granted. See list below as sent.

Photo No 7 is a 2 storey extension which is built within 2 metres of the existing boundary extends beyond the rear of the house and has a front porch.

Photo No 9 shows an extension to the side of the block of flats which has been granted permission to build hard onto the boundary if the site.

Photo No 10 shows a extension to the side that is again 2 metres from the boundary and extend beyond the line of the existing house

These three house are all on the same corner of an existing road junction at Rankin Drive/Langton Road within 200m of the applicants site.

Numerous other extension are shown on the map and photos

The Planning officer stated

- The proportions of the extension are such that they do not integrate well with the existing proportions of the building.

There are numerous different types of extensions again shown on the photos and I cannot agree that the proposed extension does not integrate well with the existing building. A recent extension

has just started at 29 Lussielaw Road which is on a raised corner site and has been granted a side extension very similar in look to our proposal attached to a lower ground floor flat. See drawing attached. The proposed extension to 58 Ross gardens sits down from the road and is much less prominent. A more modern extension could be designed but our feeling is that would be even more out of keeping with anything built recently in the area.

There are numerous porch extension in the surrounding streets.

- The proposal will have adverse implications for the neighbouring property to the east in terms of the level of daylight received.

The proposed rear extension sits 600mm away from the boundary with No 56. By moving the proposed gable wall of the extension away from the boundary to 1m we then change the extension to permitted development to the rear of the house as it then falls within all the guidelines regarding distances from the boundary 1.0m and with an eaves height of less than 3.0m thus solving the problem of overshadowing.

The planning officer was not forthcoming with any suggestions as to what may be acceptable. We could reduce the side extension to line through with the front of the existing house and build the porch as a separate small addition similar to that of No 56 and many other houses in the area. From many years of experience of dealing with the Department it would appear that Planners have moved away from giving advice on planning matters to stating city wide policy without consideration to what has gone before in the area where the application is applied for.

We would therefore ask that you review this refusal as there is precedent of houses being granted Planning consent for side extensions all over the area. I would also ask the review panel to visit the site and the surrounding streets to see the number of extensions that have been granted consent in the area.

Dave Sinclair

09.08.2019

List of side applications granted permission that were sent to Planning officer

44 MacDowall Road

33 Ross Gardens

2 Ross Place Corner of Ross gardens (looks like someone has added a caravan to the side of the house

26 Ross gardens

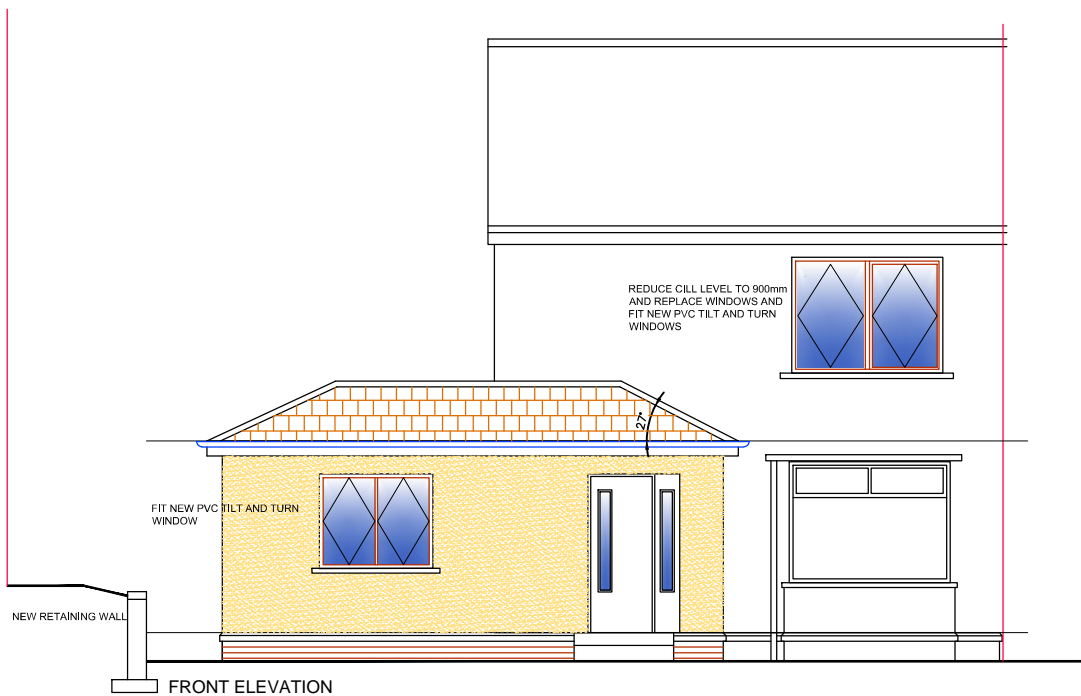
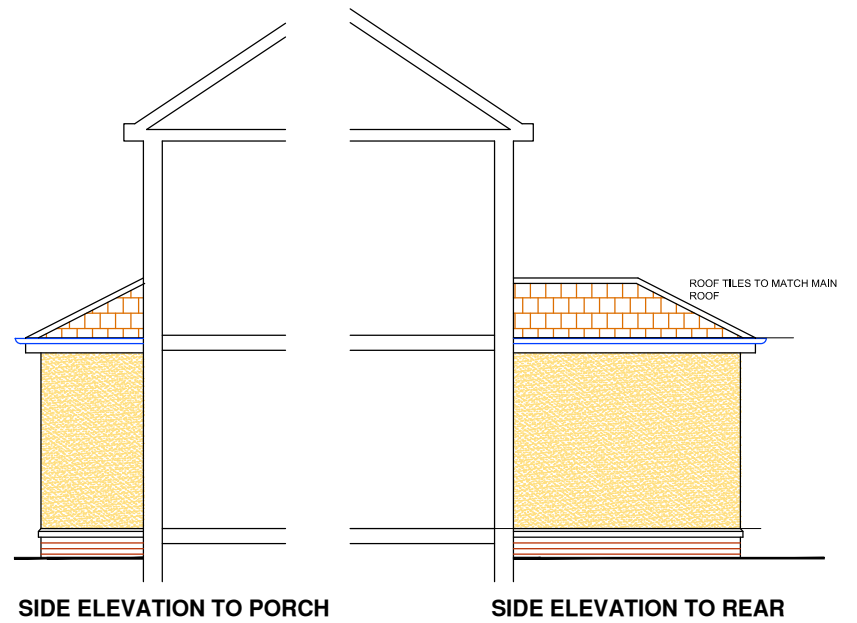
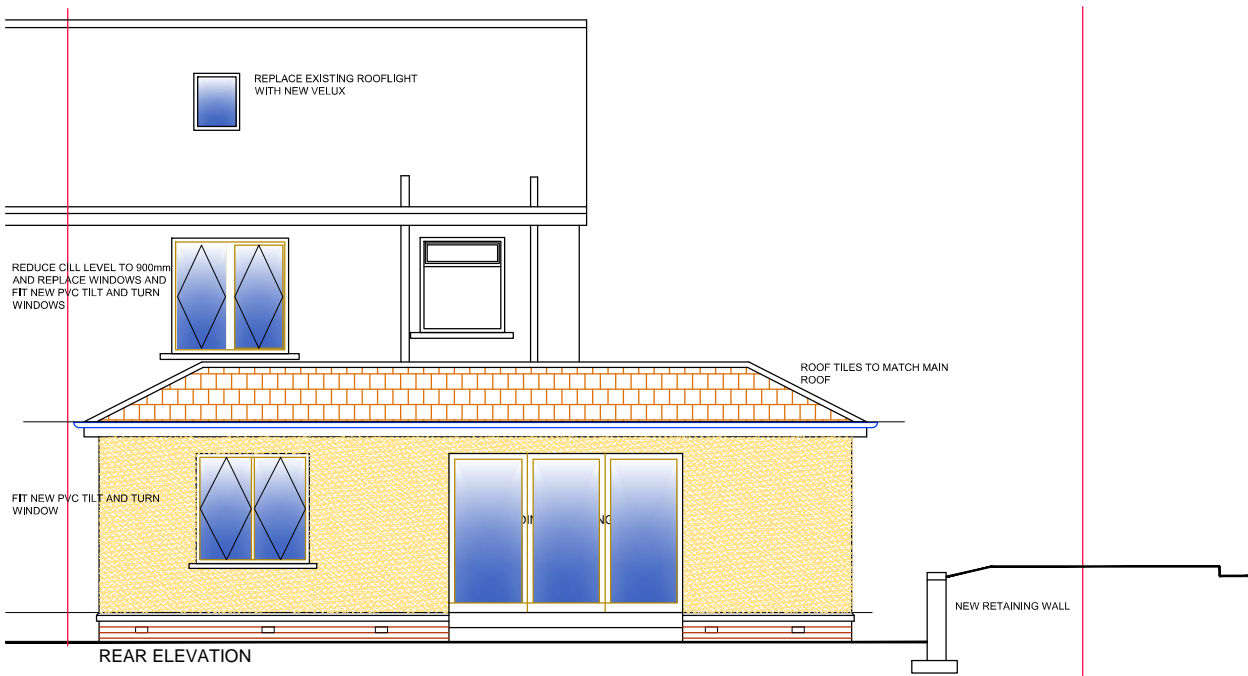
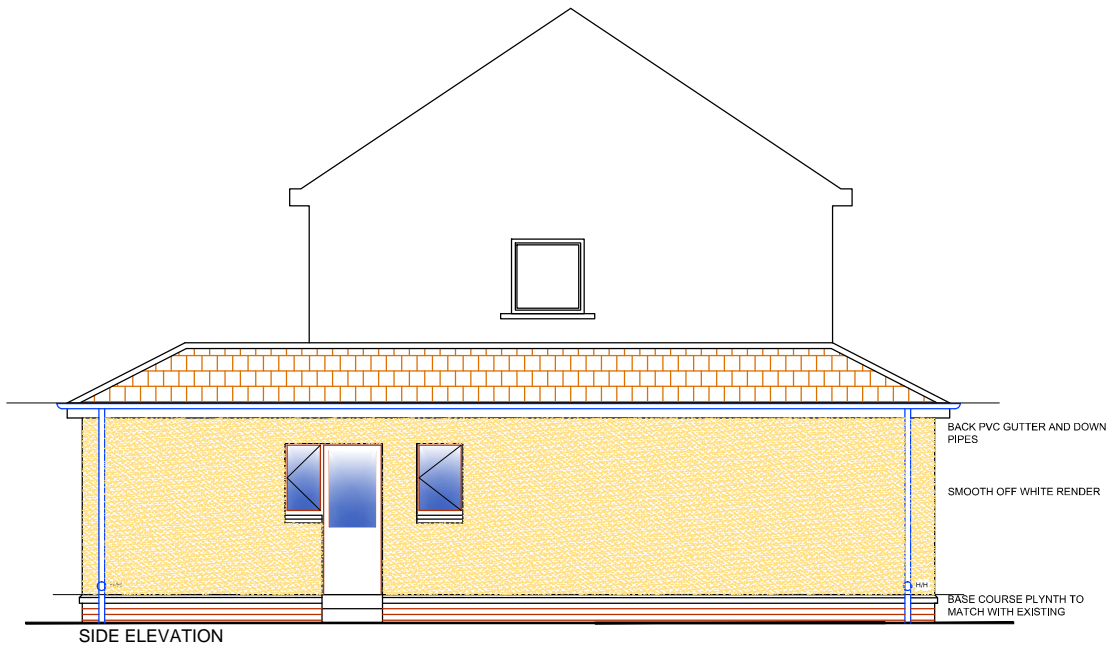
42 Rankin Drive

63 Rankin Drive

65 Rankin Drive - 2 Storey

90 W Savile Terrace

102 W Savile Terrace



RevA SIDE ELEVATIONS ADDED 17.04.2019

SINCLAIR
ARCHITECTURAL
SERVICES
07565 527 555
dave@sinclairarc.co.uk

PROPOSED ALTERATIONS AND EXTENSION
58 ROSS GARDENS EDINBURGH

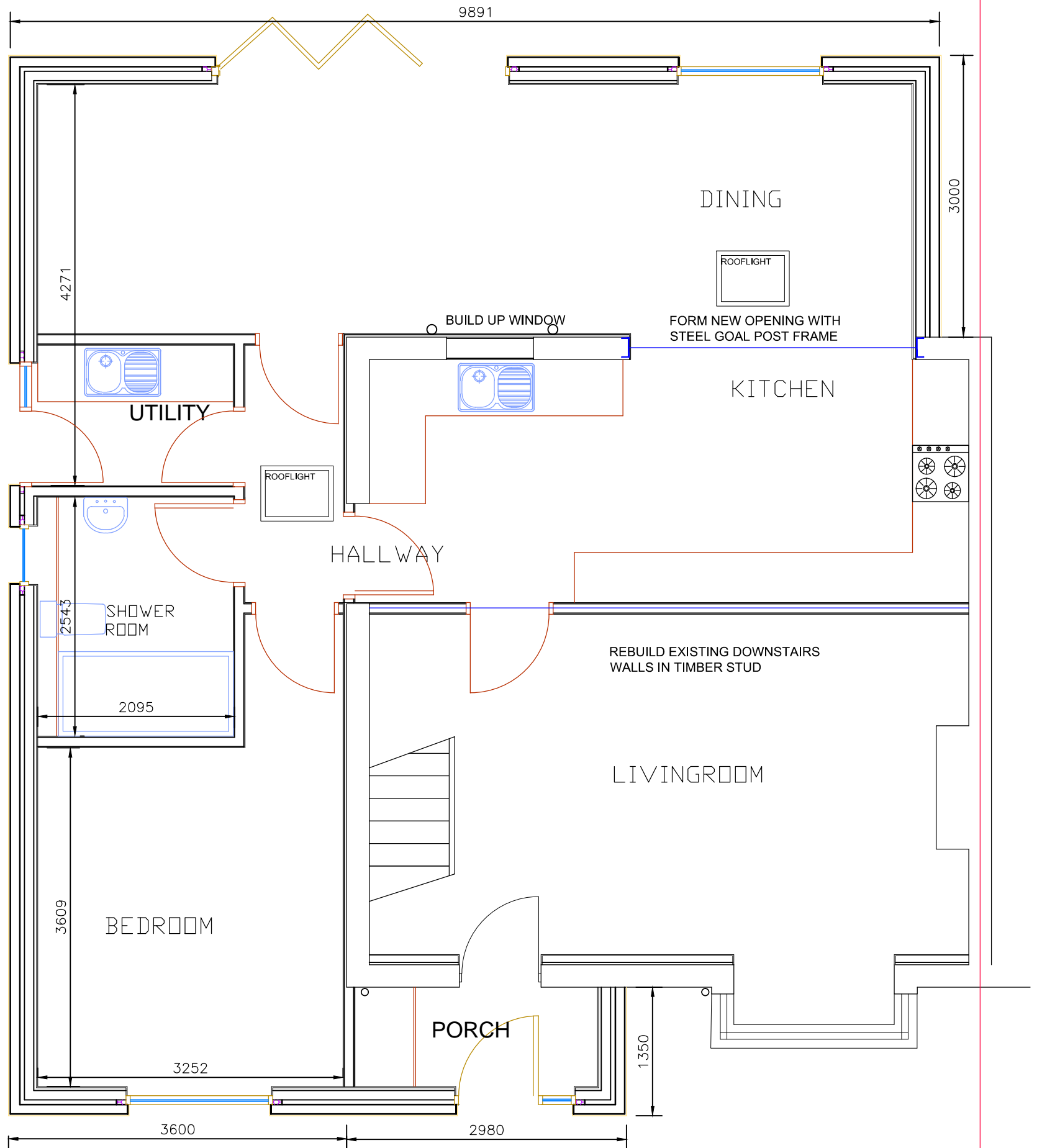
PROPOSED ELEVATIONS
Page 180

Drg No 004A

SCALE 1:100@A3

APRIL 2019

NEW RETAINING WALL



PROPOSED GROUND FLOOR PLAN

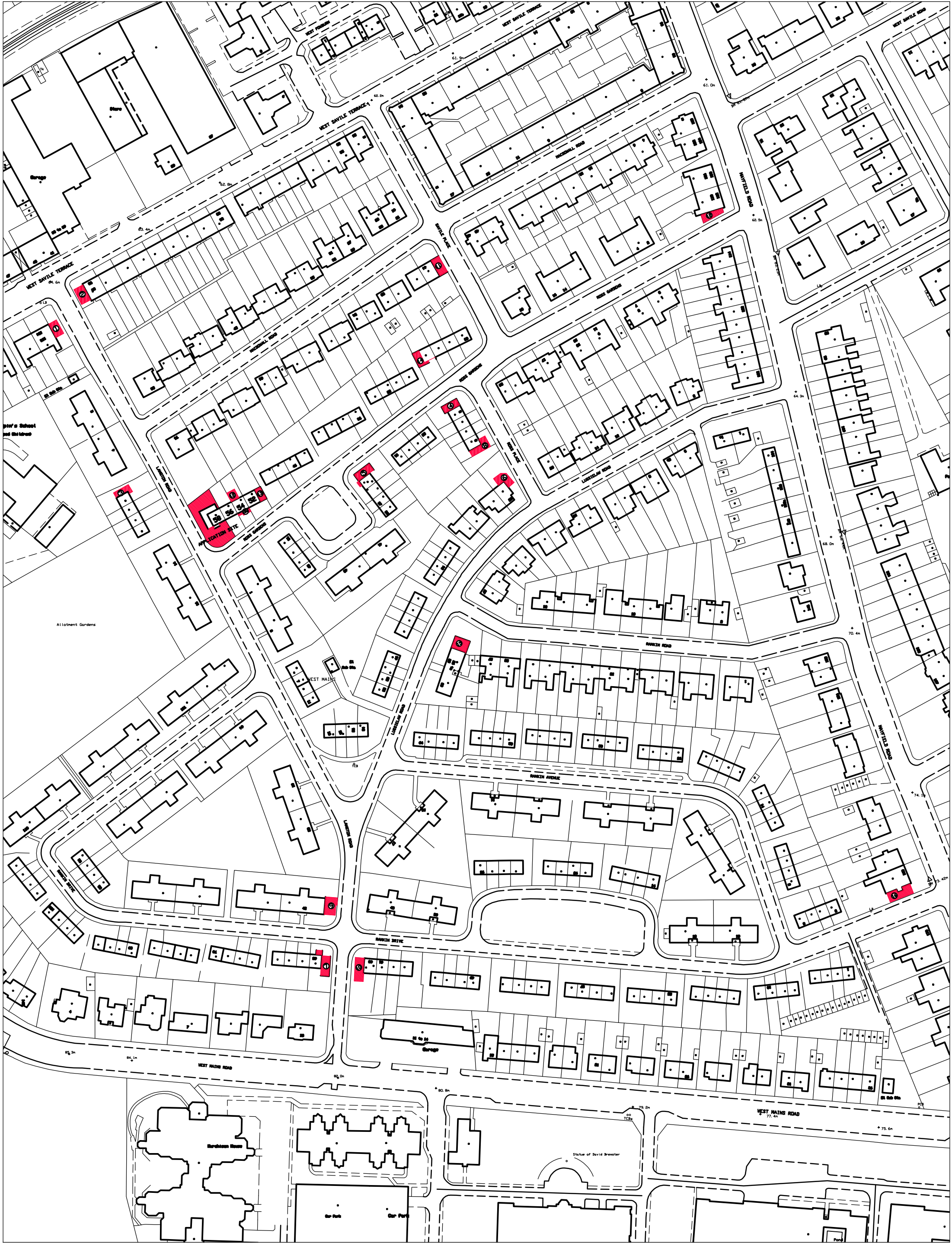




PHOTO 1



PHOTO 2



PHOTO 5



PHOTO 5a



PHOTO 9



PHOTO 9a



PHOTO 7



PHOTO 14



PHOTO 3



PHOTO 4



PHOTO 6



PHOTO 10



PHOTO 15



PHOTO 8



PHOTO No 58 FRONT CORNER



PHOTO No 58 REAR CORNER



PHOTO 15
29 LUSSIELAW ROAD



PHOTO 16

EXTEND GROUND FLOOR FLAT
29 LUSSIELAW ROAD
M. HUNTER
SCALE 1:50

LOCATION PLAN 1:1250

PROPOSED REAR (EAST) ELEVATION

PROPOSED SIDE (NORTH) ELEVATION

PROPOSED FRONT (WEST) ELEVATION 17.8.1

platform roof finished with single ply membrane
form flashing and secret gutter where new pitched section of roof abuts existing gable wall
pitched section of roof finished in tiles
pvc f.w gutter on timber fascia
pvc f.w downpipe with handhole at base
upvc window with double glazed unit on concrete sill
external walls finished in harling to match existing property and taken down to s/s bel least piece
form opening in e/w rear wall and fit new upvc window on concrete sill
provide base course of facing brick to match and align with e/w

OWNER OF FLAT ABOVE APPLICANT'S FLAT WAS CONSULTED ON PROPOSED EXTENSION AND SUPPORTS THIS APPLICATION

form 150mm min upstand flashing from new roof where abutting e/w
platform roof finished with single ply membrane lead to surf manufacturer's spec
pitched roof finished in tiles to match existing roof of property
pvc f.w gutter on timber fascia painted to surf clients requirements
external walls finished in harling to match existing property
upvc windows with double glazed units on concrete sills with dpc under and behind
upvc french doors and fanlight over with double glazed units
form concrete platform and steps in way of french doors

29 LUSSIELAW ROAD

This page is intentionally left blank