

Notice of meeting and agenda

Planning Local Review Body (Panel 1)

10.00 am Wednesday, 30th October, 2019

Dean of Guild Court Room - City Chambers

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

Contacts

Email: blair.ritchie@edinburgh.gov.uk

Tel: 0131 529 4085

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 1) of 18 September 2019 – submitted for approval as a correct record. 9 - 18

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 19 - 22

6. Continued Requests for Review

- 6.1** 13 (GF) Clarendon Crescent, Edinburgh - Proposed extension to rear at garden level to form new dining and kitchen area – application no 19/01254/FUL 23 - 104
- (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.

7. Request for Review

- 7.1** 5 (Flat 2) Dalry Gait Edinburgh - Change of use of residential flat to short term commercial let – application no 19/02382/FUL 105 - 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 and a hearing.
- 7.2** 2 Etrick Grove, Edinburgh - Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room - 19/01564/FUL 147 - 194
- (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.
- 7.3** 1 Littlejohn Road, Edinburgh - Single storey extension to rear, new off-street parking – application no 19/01966/FUL 195 - 238
- (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.

- 7.4** 15 Stenhouse Mill Crescent, Edinburgh - Change of Use of existing garages x4 and office space into studio apartments x2 including garage application no. 19/01836/FUL 239 - 284

(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.

- 7.5** 108A West Bow (Unit 1), Edinburgh - Change of Use from residential to furnished holiday let (in retrospect) - application no. 19/00691/FUL 285 - 324

(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.

- 7.6** 11 Zetland Place Edinburgh - Forming a driveway and parking space to the front of the house - application no. 19/02454/FUL 325 - 350

(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 further written submissions.

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

- 8.1** 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 4 (Listed Buildings – Alterations and Extensions)
- Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas – Development)
- Edinburgh Local Development Plan Policy Hou 1 (Housing Development)
- Edinburgh Local Development Plan Policy Hou 3 (Private Greenspace)
- Edinburgh Local Development Plan Policy Hou 5 (Conversion to Housing)
- Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
- Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

9. Non-Statutory Guidance

- 9.1** [9.1 Guidance for Householders](#)
- 9.2** [9.2 Listed Buildings and Conservation Areas Guidance](#)
- 9.3** [9.3 Merchiston and Greenhill Conservation Area Character Appraisal](#)
- 9.4** [9.3 The New Town Conservation Area Character Appraisal](#)
- 9.5** [9.5 Guidance for Businesses](#)

- 9.6 [9.6 Craiglockhart Hill Conservation Character Appraisal](#)
- 9.7 [9.7 Old Town Conservation Area Character Appraisal](#)
- 9.8 [9.8 Trinity Conservation Area Character Appraisal](#)

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillors (Convener), (Vice-Convener), Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat and Councillor Mary Campbell

Information about the Planning Local Review Body (Panel 1)

The Planning Local Review Body (Panel 1) consists of x Councillors and is appointed by the City of Edinburgh Council. The Planning Local Review Body (Panel 1) usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Sarah Stirling, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 3009, email sarah.stirling@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.

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under the General Data Protection Regulation and Data Protection Act 2018. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

This page is intentionally left blank

Minutes

The City of Edinburgh Planning Local Review Body (Panel 1)

10.00am, Wednesday 18 September 2019

Present: Councillors Mary Campbell, Gordon, Griffiths, Mowat and Rose (substituting for Mitchell).

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 21 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 – 14 Albert Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the demolition of existing garage to make way for extension to an existing home to create accessible living for family members in their old age at 14 Albert Terrace, Edinburgh. Application No. 19/00659/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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, 03, 04A, 05, 06, 07, Scheme 2, being the drawings shown under the application reference number 19/00659/FUL on the Council's Planning and Building Standards Online Services.

The LRB in their 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)
Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)
Edinburgh Local Development Plan Policy ENV 12 (Trees)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
'Listed Buildings and Conservation Areas'
'The Merchiston and Greenhill 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.

Conclusion

The LRB 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 proposed extension did not involve the removal of any trees and the applicant had gone to considerable length to protect them.
- That a report from the Tree Officer would have been beneficial and more information might be required.
- That the key tree was not adversely affected and the root area of the Sycamore Tree and Lime Tree were only affected to a small extent.
- At what stage in the process would the tree issue be addressed?
- That the trees were in a conservation area and although it was possible to seek permission to cut down trees, this might not be granted, however, neighbours might be concerned about tree branches.
- The owners of properties were obliged to manage trees.
- Whether the application should be refused on basis of small encroachment of tree roots.
- It should be possible to impose a condition to protect the viability of neighbouring trees.

Having taken all these matters into consideration, the LRB determined that the proposals would not be contrary to Edinburgh Local Development Plan policies Env 6 (Conservation Areas - Development) and Env 12 (Trees), as there would be no direct loss of trees worthy of retention, therefore, there would be no severe and adverse impact on the visual amenity of the streetscape and the character and appearance of the conservation area. However, a condition should be applied to ensure that the foundation construction methods used would not significantly adversely affect the root areas of the established trees, compromising their future viability.

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:

1) An additional condition:

Notwithstanding the approved plans, details of the foundation design should be submitted to and agreed in writing by the planning authority, before works were commenced on site. The foundation design should ensure the development would not significantly adversely affect the root areas of established trees, compromising their future viability, and should be implemented as approved by the planning authority.

2) The following informatives:

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (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)

5. Request for Review – 30 Belmont Gardens, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the permission for the proposed additional storey to previously approved side extension (14/04547/FUL) as varied (14/04547/VARY) at 30 Belmont Gardens, Edinburgh. Application No. 19/00701/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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 - 06, Scheme 1, being the drawings shown under the application reference number 19/00701/FUL on the Council's Planning and Building Standards Online Services.

The LRB in their 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.

Conclusion

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

- Where the glazed balustrade on the roof terrace would be positioned.
- Whether the proposed extension would be above the eaves line of the house and neighbouring property.
- That the proposed extension was not subservient to the existing house.
- That the proposals would be improving the dwelling house.
- That the glazed balustrade at the front of the dwelling might cause reflection.

Having taken all the above matters into consideration and although some of the members were in favour of the application, 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.

Motion

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

Reasons for Refusal:

The proposal by reason of its roof form and significant protrusion above the eaves line of the house and the neighbouring property was not subservient to the existing house and resulted in a dominant feature which was not compatible with the character of the existing buildings. Further, the contrasting materials did not match the main house and the roof terrace to the front of the property was an uncharacteristic addition to the front elevation of the house. Overall, the proposal was contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'.

- moved by Councillor Gordon, seconded by Councillor Mary Campbell.

Amendment

To not uphold the decision by the Chief Planning Officer and to grant planning permission as the proposal did not fail to comply with the development plan and non-statutory guidance as it would not result in a dominant feature and was not incompatible with the character of the existing buildings.

- moved by Councillor Rose, seconded by Councillor Mowat.

Voting

For the motion - 3 votes

(Councillors Mary Campbell Gordon and Griffiths.)

For the amendment - 2 votes

(Councillors Mowat and Rose.)

Decision

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

Reasons for Refusal:

The proposal by reason of its roof form and significant protrusion above the eaves line of the house and the neighbouring property was not subservient to the existing house and resulted in a dominant feature which was not compatible with the character of the existing buildings. Further, the contrasting materials did not match the main house and the roof terrace to the front of the property was an uncharacteristic addition to the front elevation of the house. Overall, the proposal was contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'.

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

6. Request for Review – 13 (GF) Clarendon Crescent, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed extension to rear at garden level to form new dining and kitchen area at 13(GF) Clarendon Crescent, Edinburgh. Application No. 19/01254/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 18 September 2019

Decision

To continue consideration of the matter to receive information from the DPEA, once the decision on the appeal against the part-refusal of listed building consent by the Council had been made.

The request for review would be further considered by the LRB at a future meeting, when the information had been made available.

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

7. Request for Review – 99 Drum Brae South, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed erection of a studio mews dwelling-house on land to the rear at 99 Drum Brae South, Edinburgh. Application No. 19/00798/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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 - 04, Scheme 1, being the drawings shown under the application reference number 19/00798/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
 - LDP Policy Des 1 (Design Quality and Context)
 - LDP Policy Des 5 (Development Design - Amenity)
 - LDP Policy Hou 4 (Housing Density)
 - LDP Policy Tra 2 (Private Car Parking)
 - LDP Policy Tra 3 (Private Cycle 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.

Conclusion

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

- How the partly built extension was comparable to the existing house.
- Whether the proposals represented backland development.
- There were issues with dimension of the lane that was near the proposed development.
- That the scale form and design of the proposals were not in keeping with the characteristics of the wider townscape.
- That the proposals would result in an unreasonable loss of neighbouring amenity.

Having taken all the above matters into consideration and although one of the members was in favour of the application, 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 scale, form and design of this proposal was not in keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area. The proposal was contrary to

policy Des 4 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

2. The proposal would result in an unreasonable loss of neighbouring amenity and was contrary to policy Des 5 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

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

8. Request for Review – 47 Orchard Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for internal alterations in addition to a new front porch, a side extension and a two-story rear extension at 47 Orchard Road, Edinburgh. Application No. 19/01150/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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 01-04, Scheme 1, being the drawings shown under the application reference number 19/01150/FUL on the Council's Planning and Building Standards Online Services.

The LRB in their 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.

Conclusion

The LRB 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 proposed extension was compatible with the character of the area and if it was an attractive structure.
- That the proposed extension would provide better living accommodation and was not excessive in terms of massing.
- That the proposals did not represent overdevelopment of the site and the residents had the right to use their property as they chose.

- That the proposals were not attractive, were incongruous and changed the character of the area.

Having taken all these matters into consideration, although two members voted to uphold the Chief Planning Officer's recommendations, the LRB determined that the proposed rear extension would not create an unsympathetic addition to the property and would not introduce an incongruous feature in terms of size and scale, which would have an unacceptable impact upon the host property and the character and appearance of the surrounding area.

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

Motion

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

Reasons for Refusal:

1. In order to recognise the elements of the application recommended for approval.
 2. The proposed porch would create an unsympathetic addition to the property, introducing an incongruous feature having an unacceptable impact upon the host property and the character and appearance of the surrounding area.
 3. The proposed rear extension would create an unsympathetic addition to the property, introducing an incongruous feature in terms of size and scale, having an unacceptable impact upon the host property and the character and appearance of the surrounding area.
- moved by Councillor Mary Campbell, seconded by Councillor Gordon.

Amendment

To not uphold the decision by the Chief Planning Officer and, notwithstanding the drawings referred to below, to grant planning permission for the side and rear extensions only subject to:

The following informatives:

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
 - (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
 - (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.
- moved by Councillor Mowat, seconded by Councillor Griffiths.

Voting

For the motion - 3 votes

(Councillors Mary Campbell and Gordon.)

For the amendment - 2 votes

(Councillors Mowat, Griffiths and Rose.)

Decision

To not uphold the decision by the Chief Planning Officer and, notwithstanding the drawings referred to below, to grant planning permission for the side and rear extensions only subject to:

The following informatives:

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (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)

9. Request for Review – 5(2F2) Royal Crescent, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for a request for a review for the failure of the Council to determine a proposal to form attic conversion and subdivide flat to form 2x properties; 5x new rooflights and 1x replacement rooflight at 5(2F2) Royal Crescent, Edinburgh. Application No. 19/01402/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the letters of representation and notice of review and a request that the review proceed on the basis of an assessment of the review documents only.

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, 2, 3, 4, 5, 6A, 7A, 8A and 9A, being the drawings shown under the application reference number 19/01402/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) Relevant Edinburgh Local Development Plan Policies.

- 2) Listed Buildings and Conservation Area Guidance and the New 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.

Conclusion

The LRB 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 application should be continued as there was a lack of information.
- Whether there should be a site visit.
- That the proposed attic conversion and sub-division meant transforming a good quality family flat into two lesser quality flats.
- That there were issues with the installation of the new rooflights and the replacement with one rooflight.
- That the proposals were contrary to a range of statutory development plan policies and non-statutory guidance.

Having taken all the above matters into consideration, the LRB was of the opinion that the proposals were contrary to the development plan and no material considerations had been presented in the request for a review which would lead it to approve the scheme.

Decision

To refuse the appeal against non-determination.

Reasons for Refusal:

The proposal was contrary to Edinburgh Local Development Plan policies Env 3, Env 4, Env 6, Des 1, Des 4, Des 5 and Des 12.

(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

DECISION NOTICE AND REPORT OF HANDLING

Application address - GF 13 Clarendon Crescent Edinburgh EH4 1PU

Application Ref. No - 19/01254/FUL

Review Ref No - 19/00106/REVREF

Review Lodged Date 18.07.2019

COPY

Bud Architecture
FAO: Scott Martin
10 Lochside Place
Edinburgh Park
Edinburgh
United Kingdom
EH12 9RG

Mr Triston Hickey
13 Clarendon Crescent
Edinburgh
Scotland
EH4 1PU

Date: **30 April 2019**,

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2013**

Proposed extension to rear at garden level to form new dining and kitchen area.

At GF 13 Clarendon Crescent Edinburgh EH4 1PU

Application No: 19/01254/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 11 March 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 the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the works will result in unnecessary damage to the diminution of the buildings character.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposed rear extension fails to preserve the character of the conservation area.

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

Drawings 01-06., 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 to facilitate an enlarged kitchen and dining room by extending the existing outshot will have a detrimental impact on the character of the listed building and will impact on the character of the conservation area. There are no material considerations that would outweigh this.

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 Laura Marshall directly on .

D R Leslie

David R. Leslie
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 19/01254/FUL

At GF, 13 Clarendon Crescent, Edinburgh

Proposed extension to rear at garden level to form new dining and kitchen area.

Item	Local Delegated Decision
Application number	19/01254/FUL
Wards	B05 - Inverleith

Summary

The proposal to facilitate an enlarged kitchen and dining room by extending the existing outshot will have a detrimental impact on the character of the listed building and will impact on the character of the conservation area. There are no material considerations that would outweigh this.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, LEN04, LEN06, NSG, NSHOU, NSLBCA, OTH, CRPNEW,
--	--

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 the basement property, forming part of a three storey, basement and attic townhouse. The building is of Italianate classical style located within a concave stepped crescent on the east side of Clarendon Crescent. The property has its own rear access to private garden and the garden is bounded on all sides with high walls. The rear elevation has a single storey outshot and a single store, flat roof addition.

Properties 1-22 (inclusive numbers) Clarendon Crescent and 1, 1A Oxford Terrace are category A listed (date of listing: 15/06/1965, reference: LB28544).

This application site is located within the New Town Conservation Area.

2.2 Site History

11.03.2019 - Application for listed building consent submitted for minor internal alterations to form new en suite, utility and bathroom. External extension to rear to form new open plan kitchen and dining. No alteration to principal (Clarendon Crescent) elevation nor to any original internal cornicing / features (19/01253/LBC).

Main report

3.1 Description Of The Proposal

The application seeks to alter and extend the existing outshot to the rear with a new contemporary extension. This will involve removing the south east section of the existing outshot and extending over the existing French door opening. The south east elevation will be replaced with aluminium bi-folding sliding door and the existing

slate roof will be replaced with a zinc roof at a 3 degree fall, incorporating a glazed lantern rooflight. These alterations are to facilitate an enlarged kitchen and dining area.

The existing garden wall and steps are to be reconfigured to provide new access from raised terraced to the garden area.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 proposals will harm the architectural or historic interest of the listed building;
- b) the proposals will adversely affect the special character or appearance of the conservation area;
- c) the proposals will impact on neighbouring amenity; and
- d) any issues raised in representations have been addressed.

a) Listed Building

Policy Env 4 Listed buildings- Alterations and Extensions states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Extensions, sets out the principles that apply to altering historic buildings.

The non-statutory 'Listed Buildings and Conservation Areas' advises that extensions should not normally exceed 50% the width of any elevation.

The proposed alterations to form an enlarged kitchen and dining area by extending the existing outshot to the rear is a significant intervention to the historic fabric of the building which will result in adverse harm to its character.

Whilst the existing rear outshot has been altered to some extent with the infill of its existing door opening and the replacement of non-original windows, the outshot largely retains its traditional form and design. This in turn allows the architectural and historic interests of the building to be visually appreciated at the garden level. The rear of the property also includes a non-original small single storey addition that accommodates an existing en-suite. This addition backs against a neighbouring

addition at No.12 where the rooftop of that neighbouring extension has been converted into a terrace. The existing French door to the rear of the property is not original and is an alteration from an existing window opening. However, the architectural character of the building remains largely intact with the existing raised terrace and centrally positioned steps to the garden forming part of its centrepiece.

The proposal is for a contemporary designed extension where the depth of the existing outshot would be retained. However, the proposal by virtue of removing the stone wall between the existing outshot and French doors to facilitate an enlarged opening is a significant intervention to the historic floor plan and the historic fabric of the building. The new extension would extend over the existing French doors, leaving one rear window squashed between the heights of the rear additions. The width of the extension, together with the existing en-suite extension would have the resultant effect of concealing most of the rear façade of the building on that level and will form as a visually dominating addition. This would not allow the architectural character of the building to be visually appreciated.

To minimise the impact on the listed building, it was suggested that the width of the extension be reduced to extend half the width of the existing French door and to reuse the existing stone to infill the remaining section. However, no consideration of this option was taken further.

The proposed degree of intervention and extension to the lower ground level as a result of facilitating an enlarged kitchen and dining area fails to have regards to the special interests that the building possess. The works will result in unnecessary damage to the diminution of the buildings character. These elements of the proposal are not supported.

b) Conservation Area

Policy Env 6 Conservation Areas- Development states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

Policy Des 12 Alterations and Extensions states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the building and will not be detrimental to neighbourhood amenity and character.

The site is located within the New Town Conservation Area. The character appraisal states the following:

It was not until the 1850s that the Heriot Trust, which had bought the land, commissioned John Tait to lay out Oxford Terrace, Eton Terrace, Lennox Street and Clarendon Crescent north-east of Queensferry Road, taking advantage of the views afforded by the valley location. The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. The principal building form throughout the New Town is the hollow square, residential, tenement block consisting of a sunken basement area with three to four storeys above. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs.

The rear extension will not be visible from public view and it will not impact on the appearance of the conservation area.

The application site is part of a sweeping crescent of townhouses where existing outshots have largely retained their form with some modest interventions. Whilst outshots and modest interventions are characteristic of the area, there is a coherent pattern of outshots/extensions that do not conceal the majority of their buildings rear elevation width. The proposal therefore fails to preserve that character of the conservation area.

c) Neighbouring Amenity

The proposals will not impact on neighbouring amenity in terms of loss of privacy or daylighting and it will not result in adverse overshadowing onto neighbouring gardens.

d) Comment

Material

- The extension, together with existing outshot and additions will exceed 50% the width of the buildings rear elevation - Addressed in Section 3.3 (a).
- Proposals to increase glazing will result loss of fabric - Addressed in Section 3.3 (a).
- Proposals are contrary to non-statutory 'Listed Buildings and Conservation Areas' guidance - Addressed in Section 3.3 (a) and (b).

Non Material

The following comments relate to the internal alterations which are not 'development' as defined under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended) and are not relevant to assessment of the proposals for planning permission only:

- Original plan-form should be respected in relation to the proposed removal of storey and the amalgamation of hallway into dining room; and
- No reference to the store removal retaining downstands or nibs.

CONCLUSION

In conclusion, the proposal to facilitate an enlarged kitchen and dining room by extending the existing outshot will have a detrimental impact on the character of the listed building and will impact on the character of the conservation area. There are no material considerations that would outweigh this. It is recommended that the application is refused.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the works will result in unnecessary damage to the diminution of the buildings character.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposed rear extension fails to preserve the character of the conservation area.

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

The application was advertised on 22 March 2019 and the proposal attracted one letter of objection.

Background reading / external references

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

COPY

David R. Leslie

Statutory Development

Plan Provision

The site is an urban area as designated in the Edinburgh Local Development Plan and the New Town Conservation Area.

Date registered

11 March 2019

Drawing numbers/Scheme

01-06.

Scheme 1

Acting Head of Planning and Building Standards

Contact: Laura Marshall, Planning Officer
E-mail: laura.marshall@edinburgh.gov.uk Tel:

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.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Consultations

No consultations undertaken.

COPY

END

COPY

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 100174072-001

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:	bud architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	
Last Name: *	Martin	Building Number:	10
Telephone Number: *	07816665248	Address 1 (Street): *	Lochside Place
Extension Number:		Address 2:	Edinburgh Park
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH12 9RG
Email Address: *	scott.martin@budarchitecture.co.uk		

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="Triston"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Hickey"/>	Address 1 (Street): *	<input type="text" value="Clarendon Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Scotland"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Edinburgh"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH4 1PU"/>
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="GF"/>
Address 2:	<input type="text" value="13 CLARENDON CRESCENT"/>
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="EH4 1PU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674218"/>	Easting	<input type="text" value="324234"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Proposed extension to rear at garden level to form new dining and kitchen area.

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 application relates to a Listed Building with the Listed Building Consent application being refused I understand that the planning application is, in turn, also refused. My client has appealed the Listed Building Consent decision and I understand that the full planning decision must also be appealed.

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)

L-CIC-001 Location Plan, L-CIC-002 Existing Floor Plans, L-CIC-003 Existing Elevations, L-CIC-004 Proposed Floor Plans, L-CIC-005 Proposed Elevations, L-CIC-006 Proposed Downtakings and Supporting Statement.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01254/FUL

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

11/03/2019

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

30/04/2019

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access to the rear of the property is only possible through the property.

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 Scott Martin

Declaration Date: 18/07/2019

Proposal Details

Proposal Name	100174072
Proposal Description	Appeal of Planning Refusal 19/01254/FUL
Address	GF, 13 CLARENDON CRESCENT,
EDINBURGH,	EH4 1PU
Local Authority	City of Edinburgh Council
Application Online Reference	100174072-001

Application Status

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

Attachment Details

Notice of Review	System	A4
L-CIC-001	Attached	A3
L-CIC-002	Attached	A1
L-CIC-003	Attached	A1
L-CIC-004	Attached	A1
L-CIC-005	Attached	A1
L-CIC-006	Attached	A1
Appeal Supporting Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Appeal of Mixed Decision for Application for Listed Building and Planning Consent at 13 (Ground & Garden Floors) Clarendon Crescent , Edinburgh

Listed Building Application Ref: 19/01253/LBC

Planning Application Ref: 19/01254/FUL

Supporting Appeal Statement

May 2019

Revision 00

Contents

Page

Introduction

01

Existing Information

02 - 04

Proposals as submitted

05 - 08

Application Assessment

09 - 10

Summary

11

Introduction

This document provides an overview of the planning and listed building applications (19/01254 & 19/01253/LBC respectively) registered on the 15th March 2019 for an extension to the rear of 13 Clarendon Crescent and the justification of our clients decision to appeal the decision to refuse consent.

On the 30th April 2019 the Listed Building application received a mixed decision, consenting internal alterations but refusing the external alterations.

The planning application was also therefore refused on the same date.

Our client, from the outset, had sought our professional opinion on an appropriate design approach and instructed us to prepare a sensitive design response which worked with the historical setting and character of Clarendon Crescent.

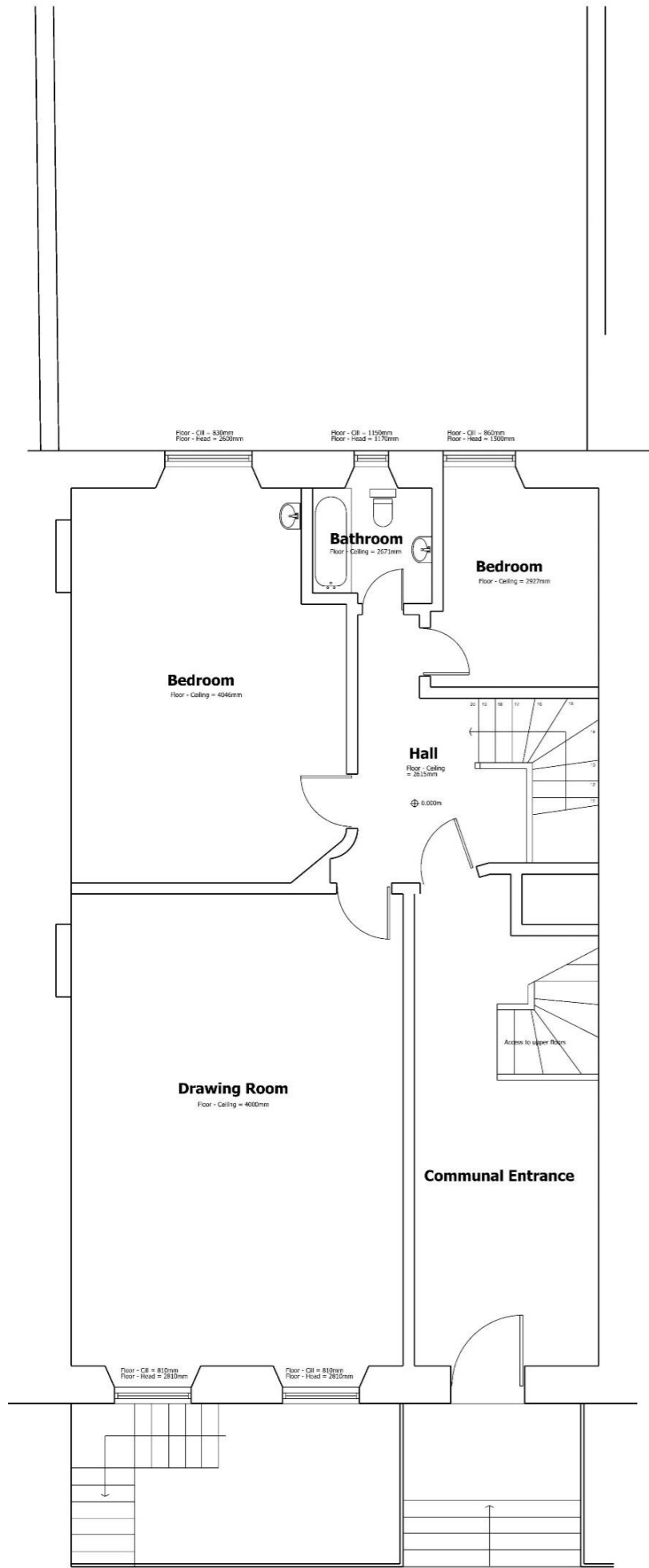
We believe we followed this brief and submitted an application which was in line with Listed Buildings and Conservation Areas guidance and for this reason wish to appeal the decision to refuse the application.

The following pages provide an overview of the existing context, proposals as submitted and of the subsequent dialogue and discussion with the planning officer during the application process.

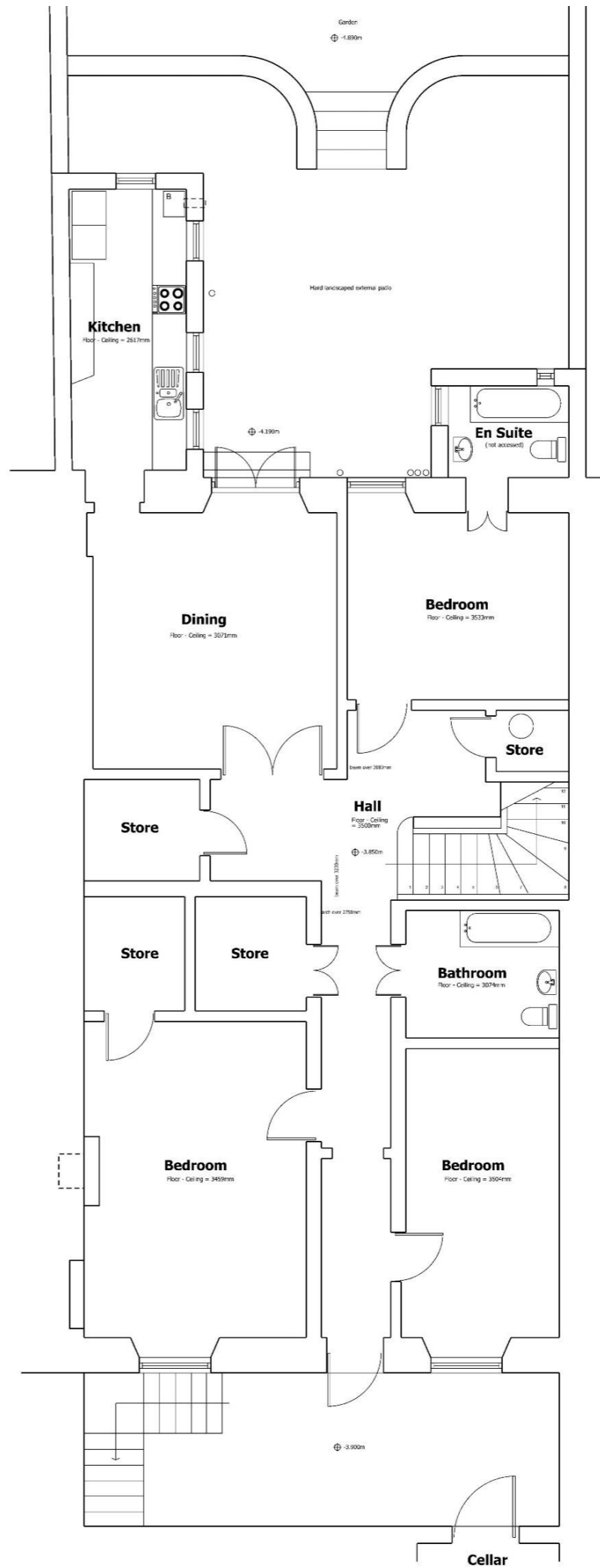


13 Clarendon Crescent: View from rear garden.

Existing Information



Existing Ground Floor Plan



Existing Garden Floor Plan



Existing North East Elevation



Existing South East Elevation



Existing Site Plan

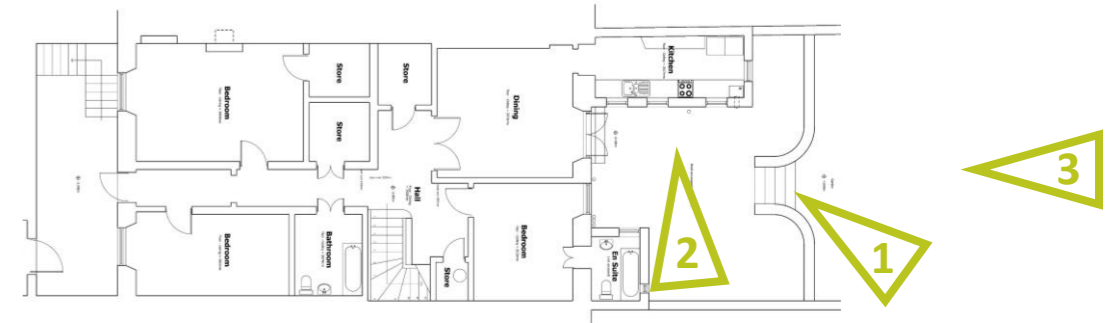
Existing External Photographs



View 1 External view from lower garden



View 2 External view from terrace.



View points



View 3 Full rear elevation from garden

Proposals as submitted

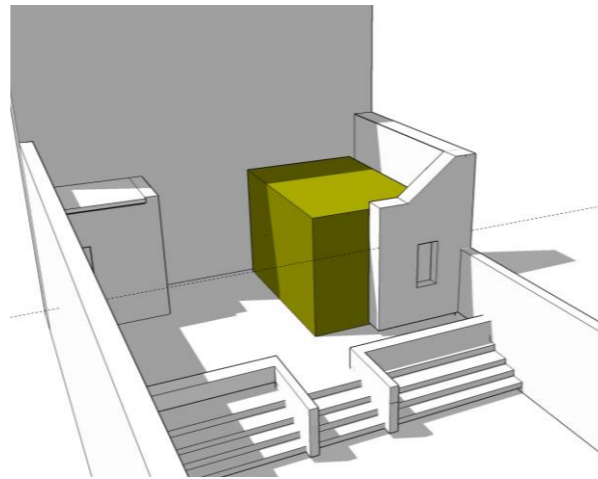
Design Concept

To the rear of 13 Clarendon Crescent at garden level (lower ground floor) the existing kitchen is located within a single storey, stone walled, mono-pitch slate roof out shoot.

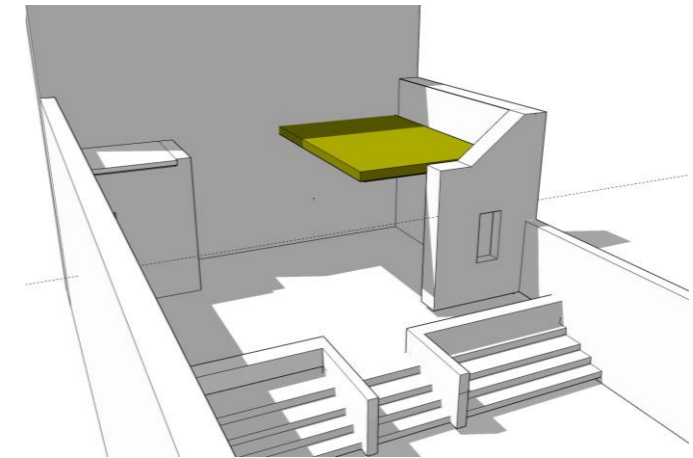
It is proposed that a new opening is formed within the rear wall of the main building and a new extension is constructed predominantly within the footprint of the existing single storey structure.

In order to make a sensitive intervention which respects the historical context the new extension has been conceived as a simple object which slides within the envelope of the existing retained stone walls. The exposed external walls of the new extension shall be glazed with a simple floating roof plan over.

The simplicity of this approach shall be carried through to the detailing of the proposals to create a clean, elegant intervention which does not compete with but compliments and enhances the rich historical character of the setting.



The new structure shall slide into the space defined by the existing stone walls. The concept of the new sitting within the old shall be carried through to the detailed design of the proposals.



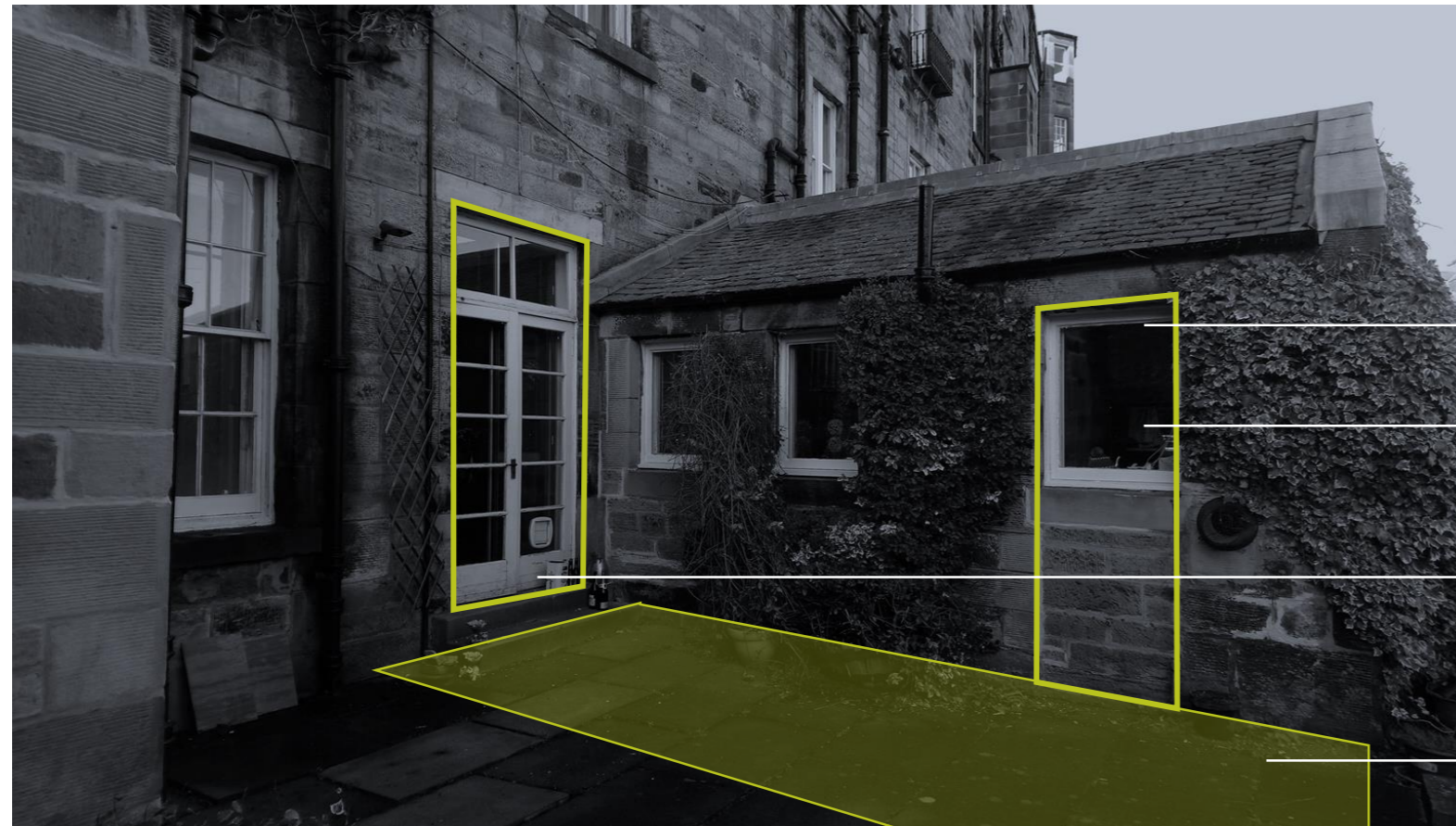
New exposed external walls shall be fully glazed providing a clear contrast which compliments rather than competes with the rich stone work.

The roof plane shall slide behind the stone wall parapet again clearly defining the junction between old and new.



External view from lower garden showing the proposed massing of the new extension within the historical foil of the existing stone walls.

Rear elevation context



Non-original windows.

Non-original later alteration to in-fill door opening to form window.

Non original later alteration to lower the cill of an existing window to form door opening to garden.

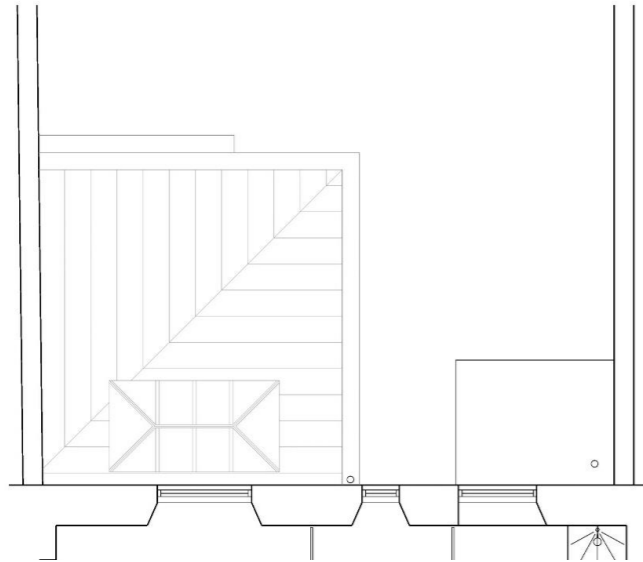
Proposed extension width is 25% of existing rear elevation.

The context of the rear elevation consists of an out-shoot which includes non original windows with later alterations to an original door opening which has been infilled to form a window opening. A later alteration to an original window opening provides access to the garden.

The building fabric, particularly in the areas of the proposed intervention, is not entirely original and has been altered over the years. The width of the proposed extension (2.2M) is approximately 25% of the full rear elevation. The proposals retain the footprint of the stone out-shoot walls with the removal of the out-shoot wall which includes the non-original windows. The only 'main' elevation window proposed to be altered has previously had the cill lowered to form a door opening and is not therefore of the original proportions.

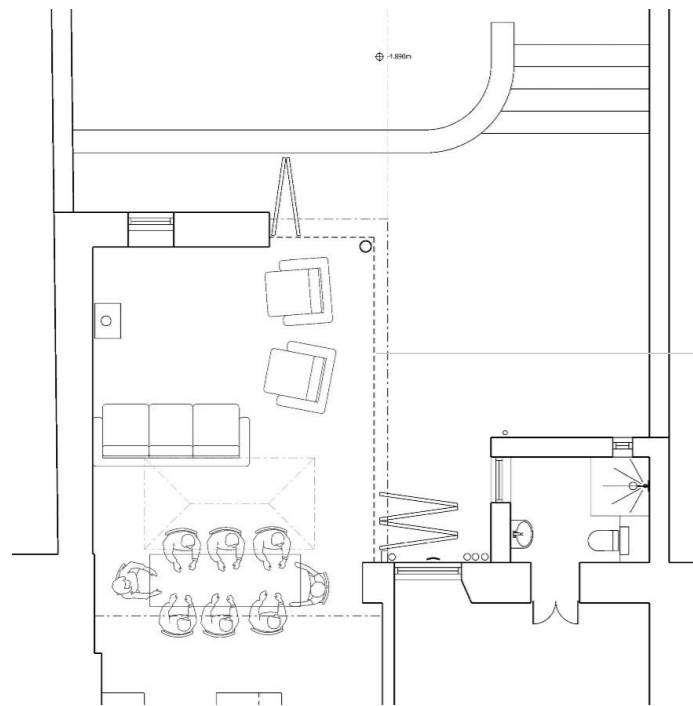
Given the above we believe that the proposals have been carefully considered in order to change only those areas which have previously been altered. The position, small scale and simplicity of design also ensures that the proposed extension retains the character of the original out-shoot and rear elevation.

Proposals as submitted

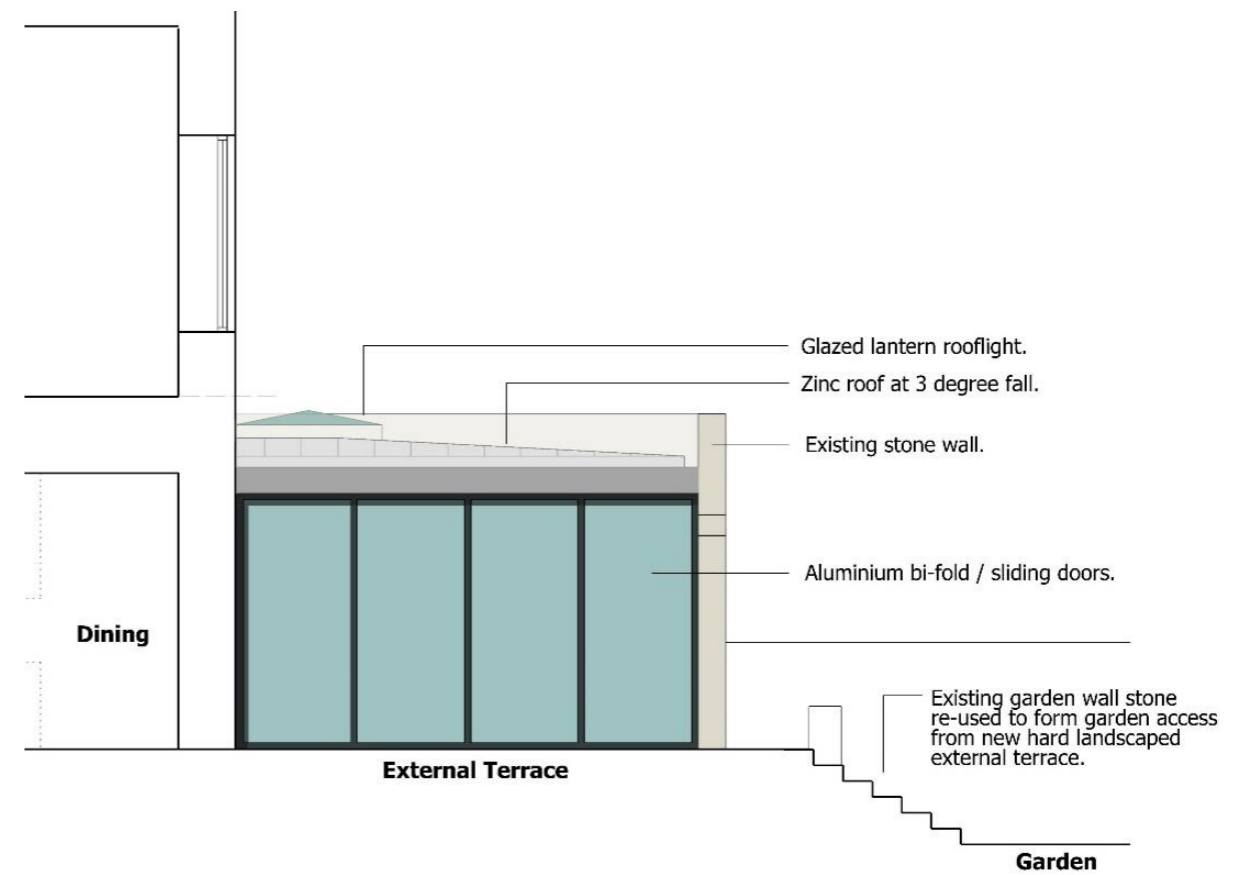


Page 57

Proposed Roof Plan



Stone wall enclosing existing single storey out-shoot retained with new single storey extension formed predominantly within the existing footprint. New opening formed in rear wall to create open plan kitchen, dining and living space.



Proposed Ground Floor Plan

Proposed visualisation

Page 58



Day view from external terrace

Application Assessment

Application Assessment

Following registration the first assessment of the application was carried out by Historic Environment Scotland with feedback provided on 28th March 2019. The HES observations were made, as far as we are aware, without the benefit of a site visit.

The following day a site visit was carried out by the planning officer. The planning officer then provided initial comments which were based entirely on the HES response.

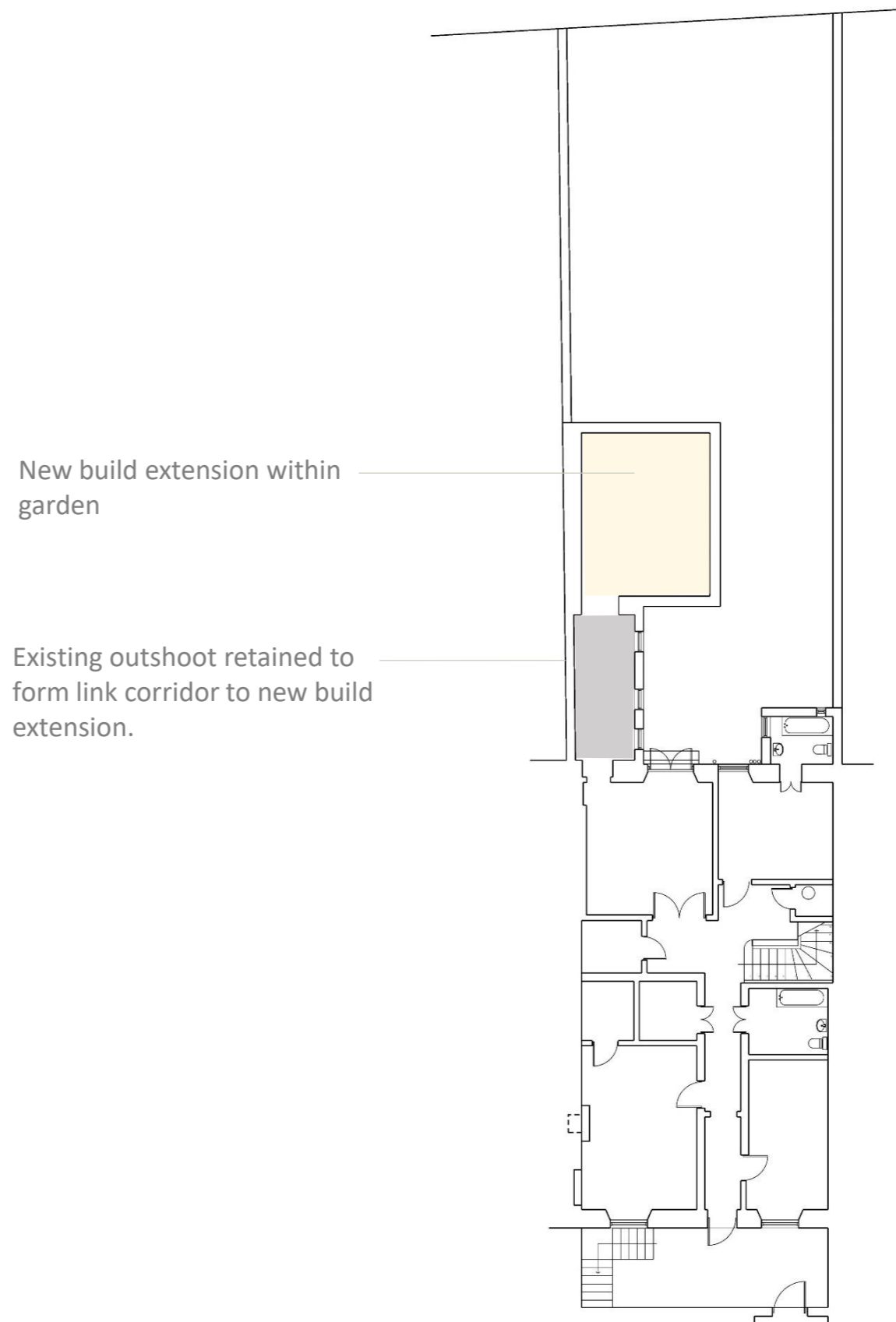
HES recommended that the impact on the historical fabric should be minimised and that any new intervention should appear to be subservient to the existing building. Our proposals had been carefully designed to achieve exactly this with the outshoot wall and footprint retained and new glazing and roof planes sliding behind the historical stone walls.

The location of any intervention was also carefully considered to ensure that as far as possible only those elements of the building fabric which had historically been altered were affected.

HES cited the increased width along the rear façade of the proposals however the proposals represent less than 25% of the rear façade width.

HES also proposed an alternative design which used the existing outshoot as a link corridor to a new build extension in the garden. However this would, although providing the additional internal space, have a far greater impact on the existing character of the rear gardens.

It appears that the initial response from HES, despite being carried out as a desktop exercise, significantly informed the planning response and resulted in a position being taken from which it was difficult to move from.



Alternative proposal suggested by Historic Environment Scotland

Application Assessment

We were grateful that, following the initial feedback, the planning officer did subsequently enter into dialogue and that through this a fuller discussion on the proposals took place.

Through these discussions the following proposals were accepted in principle;

- Removal of main façade wall between kitchen door and French doors.
- Removal of out shoot elevation to allow new glazed extension (limited in width to centre line of existing French doors part infilled with existing stone).

The above proposals would in-fill one half of the existing French doors aligning the ground floor extension with the window pattern of the upper floors. However we believe that this approach sterilises somewhat the staggered, random pattern of the ground floor outshoots in relation to the upper floors which is a strong characteristic of the existing context and which the original application retained. The resulting room created would also be narrow to the point of being unusable.

We believe that the design of the original proposals was carefully considered, minimised the impact on the historical fabric, appeared subservient and retained the character of the historical setting.

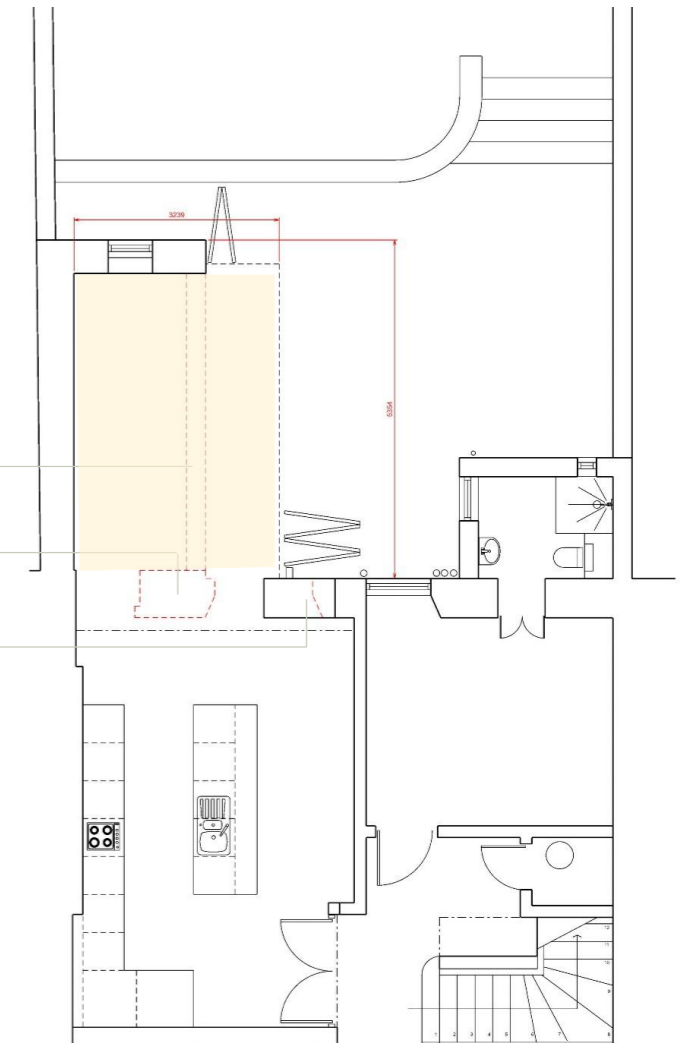
We believe that the HES comments created a difficult starting position for the planning officer and on this basis we wish to appeal the decision to refuse consent for the original proposals.

Agreed in principle

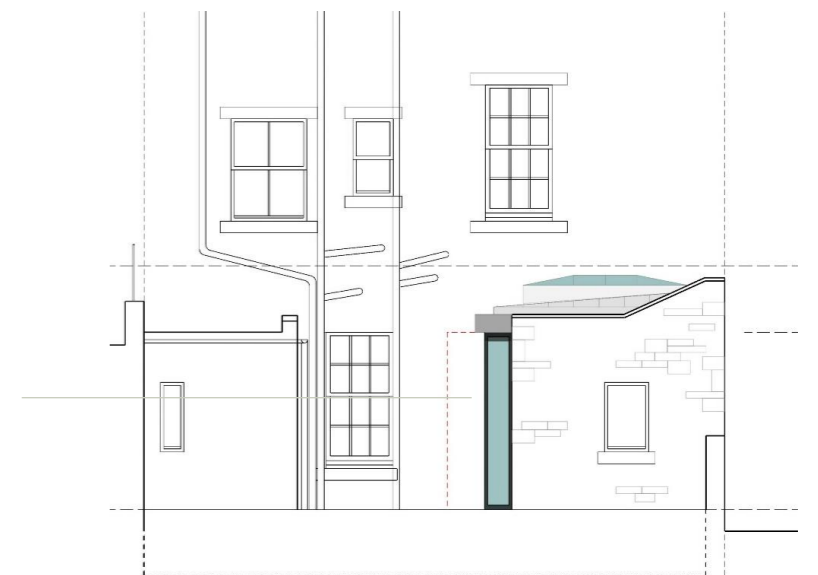
Removal of out shoot wall

Removal of main façade wall

In fill half of existing French doors



By in filling half of the existing French door opening the ground floor extension would line with the window openings of the upper floors somewhat sterilising the staggered pattern of ground floor outshoots.



Alternative plan and elevation proposal suggested by CEC Planning

Summary

Summary

In terms of design and scale we believe that the original proposals were fully in the spirit of the Listed Building and Conservation Areas guidance. The width and scale of the extension does not have any significant impact on the character of the rear elevation and gardens and sits subserviently within the existing walls of the out shoot.

In relation to the existing historical fabric proposed to be removed we acknowledge that referring to precedence can be dangerous however we would note that, in relation to a number of recently approved applications, very little of the existing building fabric is proposed to be removed.

As architects we often find ourselves in the position of tempering clients aspirations for altering listed buildings in order to protect the historical fabric of the city. However in this instance our client has, from the outset, taken a sensible and sensitive approach which we believe is evident in the proposals. We would therefore request that the decision to refuse consent is reconsidered and would welcome the opportunity to discuss the application further.



budarchitecture

10 Lochside Place

Edinburgh Park

Edinburgh

m 07816665248

m 07738301730

www.budarchitecture.com



budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

www.budarchitecture.com

PROJECT:

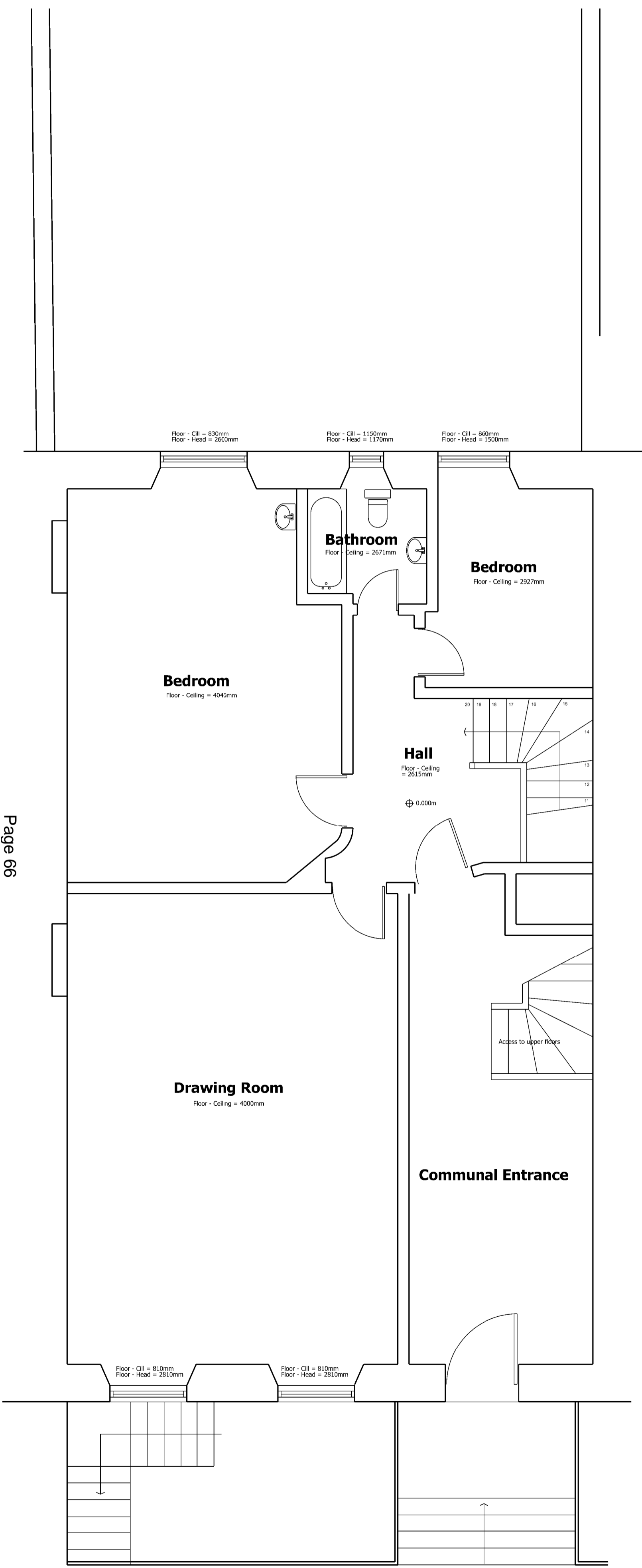
13 GF Clarendon Crescent
Edinburgh, EH4 1PU

TITLE:

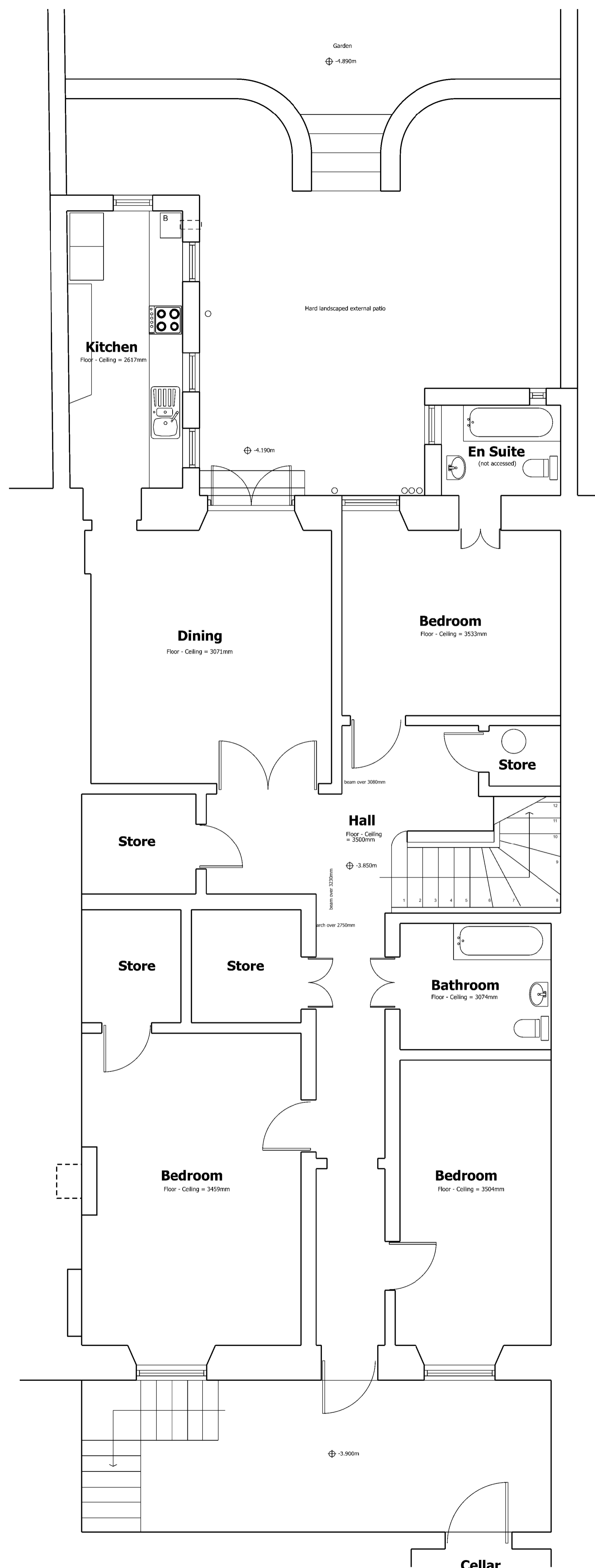
Location Plan

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A3	DRAWING No: L-CIC-001	REV: --





Ground Floor Plan (as existing) 1:50



Garden Floor Plan (as existing) 1:50



Site Plan (as existing) 1:200

Copyright bud architecture ©
 Figured dimensions only to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand IF IN DOUBT ASK.
 CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of "The Construction (Design and Management) Regulations 2015" and the "Industry Guidance for Designers".
 NOTE: All alterations to structural elements subject to confirmation by structural engineer.

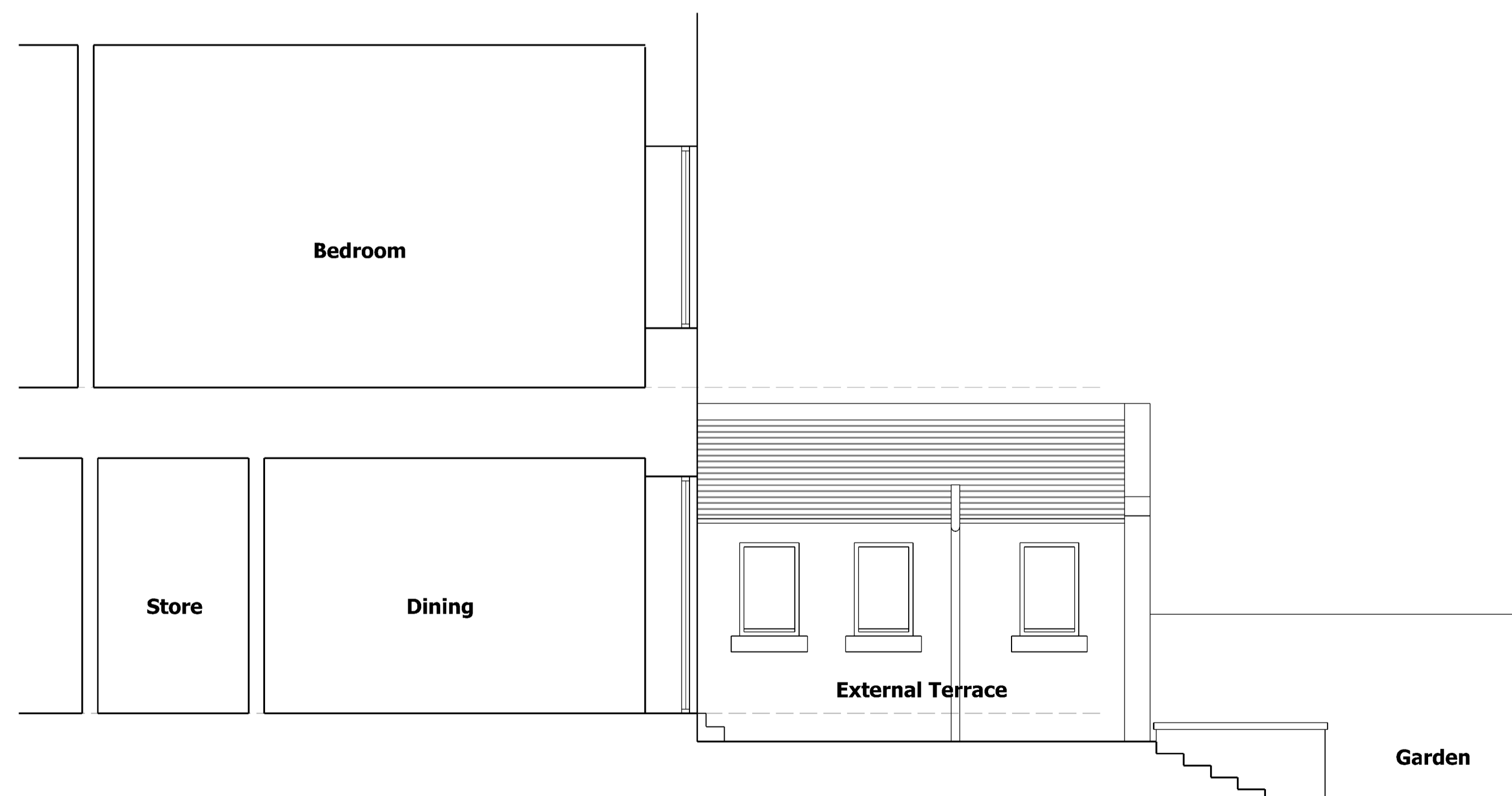
budarchitecture
 10 Lochside Place, Edinburgh Park
 Edinburgh EH12 9RG
 www.budarchitecture.com

PROJECT:
 13 GF Clarendon Crescent
 Edinburgh, EH4 1PU
 TITLE:
 Plans
 (as existing)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)002	REV: 00



North / East Elevation (as existing) 1:50



South / East Elevation (as existing) 1:50

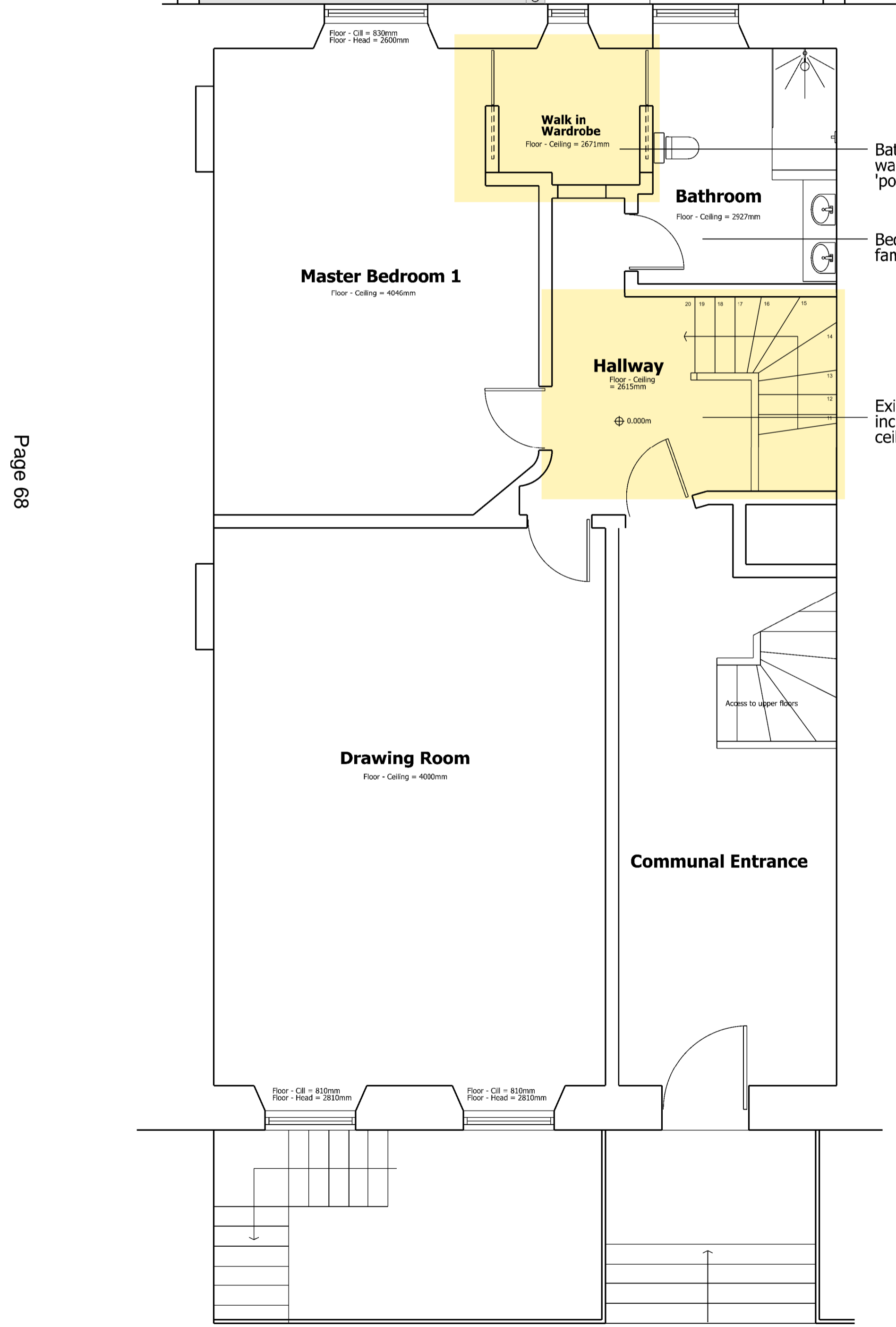
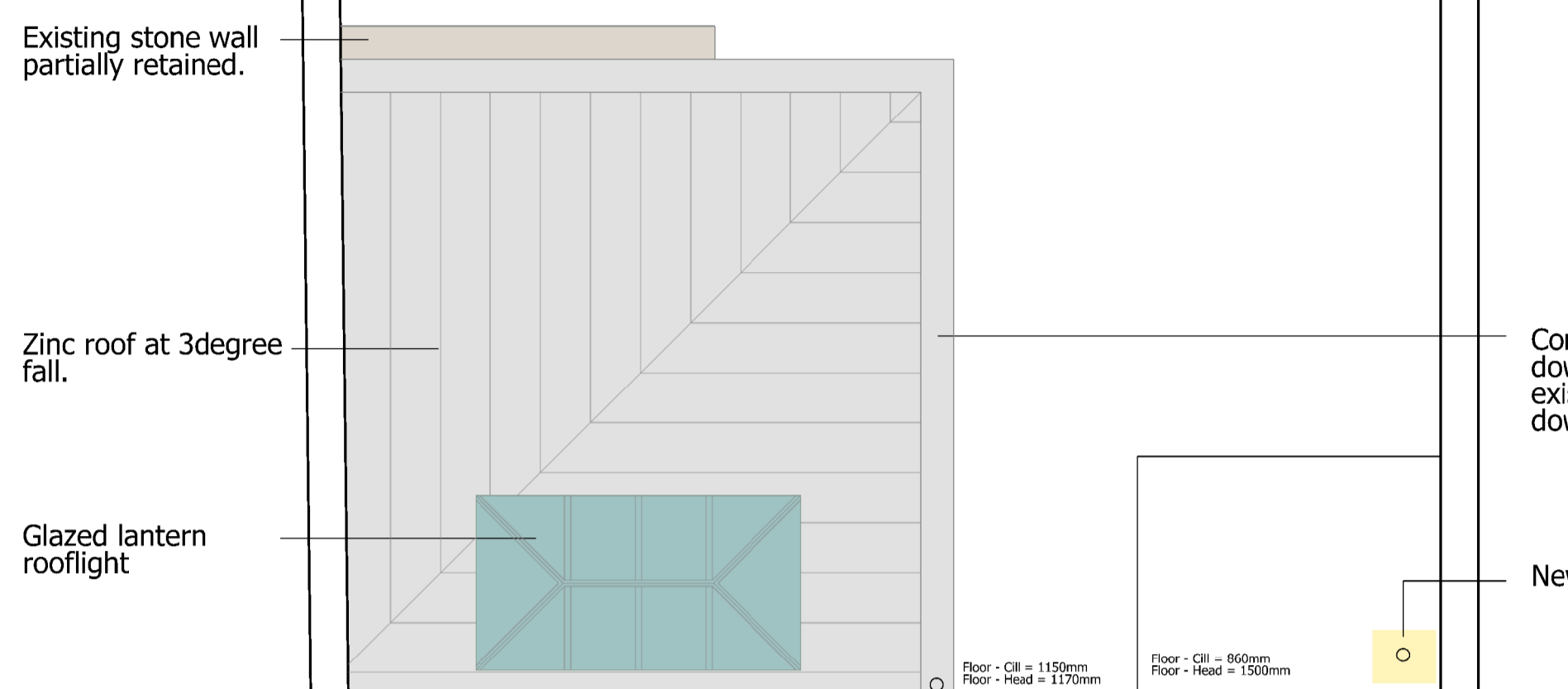
budarchitecture

10 Lochside Place, Edinburgh Park
Edinburgh EH12 9RG
www.budarchitecture.com

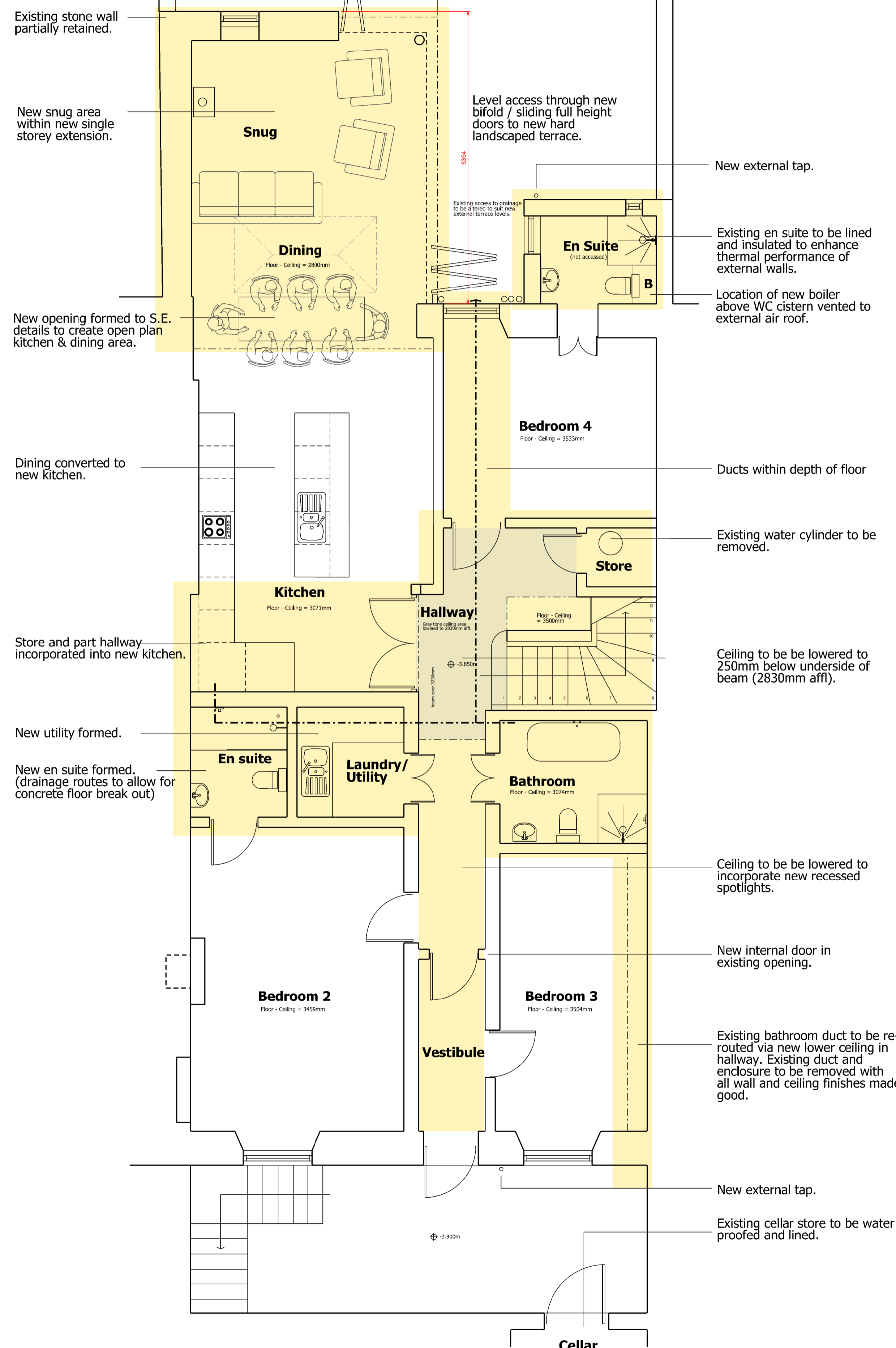
PROJECT:
13 GF Clarendon Crescent
Edinburgh, EH4 1PU
TITLE:
Elevations
(as existing)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)003	REV: 00

- Duct routes
- - - - - Downtakings
- ▨ New Walls
- ▨ Hatched area denotes extent of new works

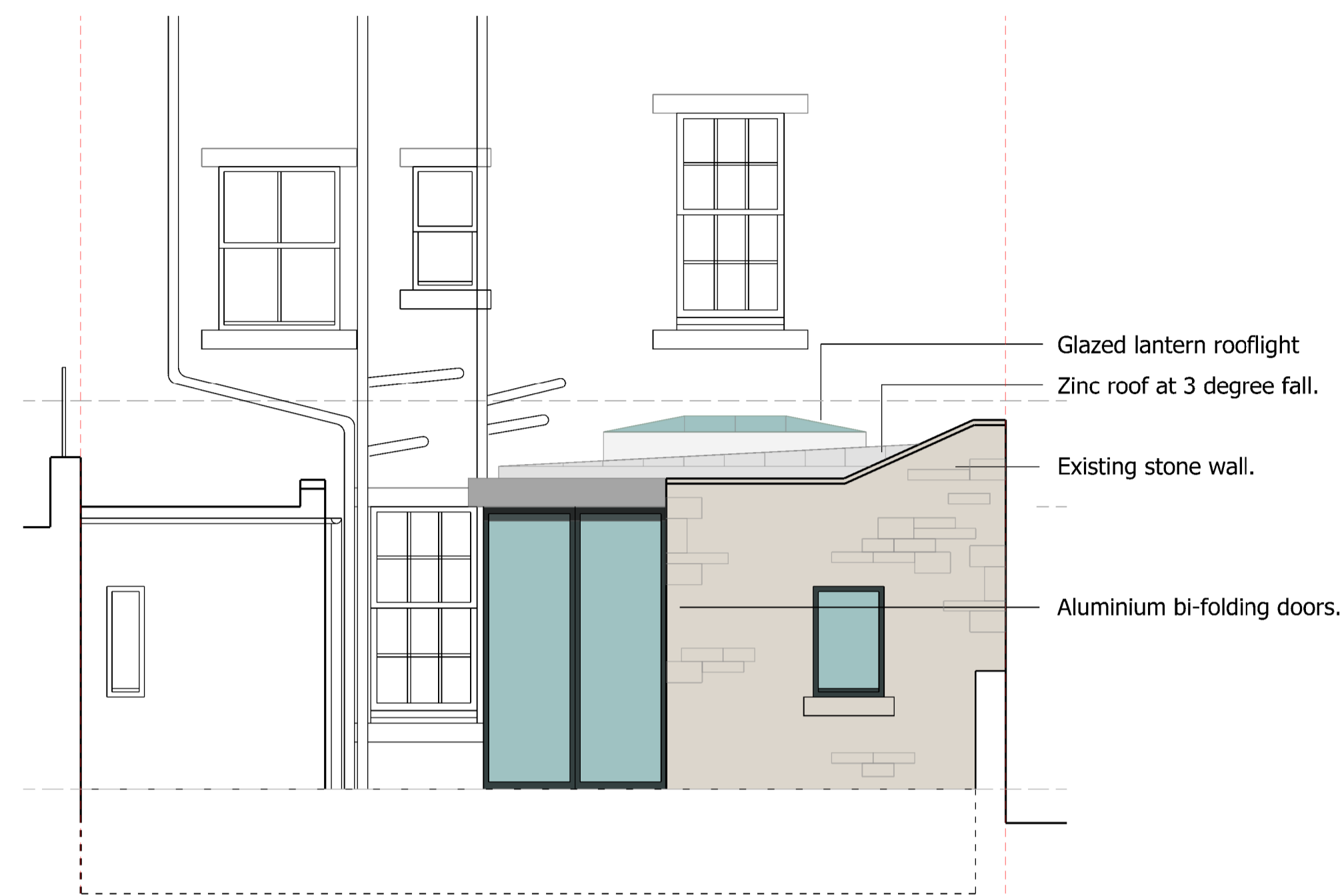


Ground Floor Plan (as proposed) 1:50



Garden Floor Plan (as proposed) 1:50

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)002	REV: 01



Glazed lantern rooflight
Zinc roof at 3 degree fall.
Existing stone wall.
Aluminium bi-folding doors.

North / East Elevation (as proposed) 1:50



Glazed lantern rooflight.
Zinc roof at 3 degree fall.
Existing stone wall.
Aluminium bi-fold / sliding doors.

Existing garden wall stone re-used to form garden access from new hard landscaped external terrace.

Garden

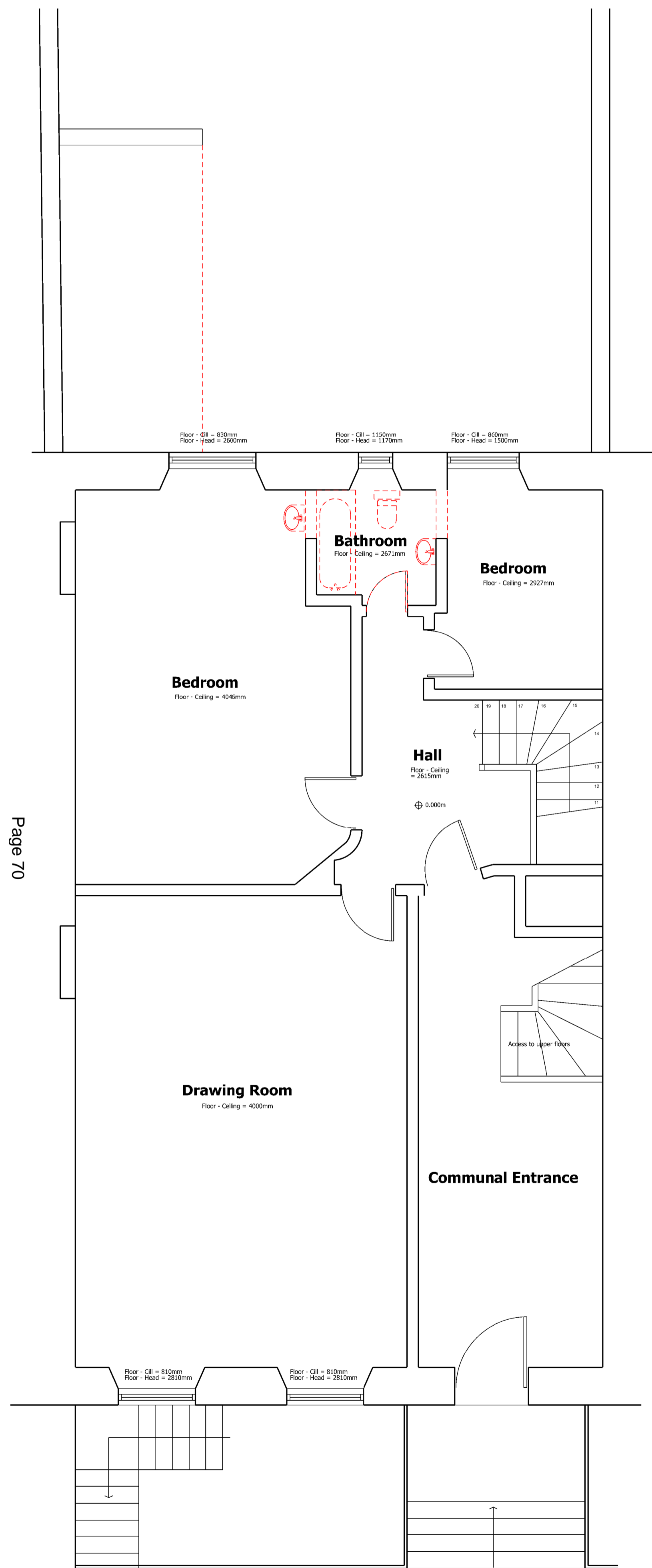
South / East Elevation (as proposed) 1:50

budarchitecture

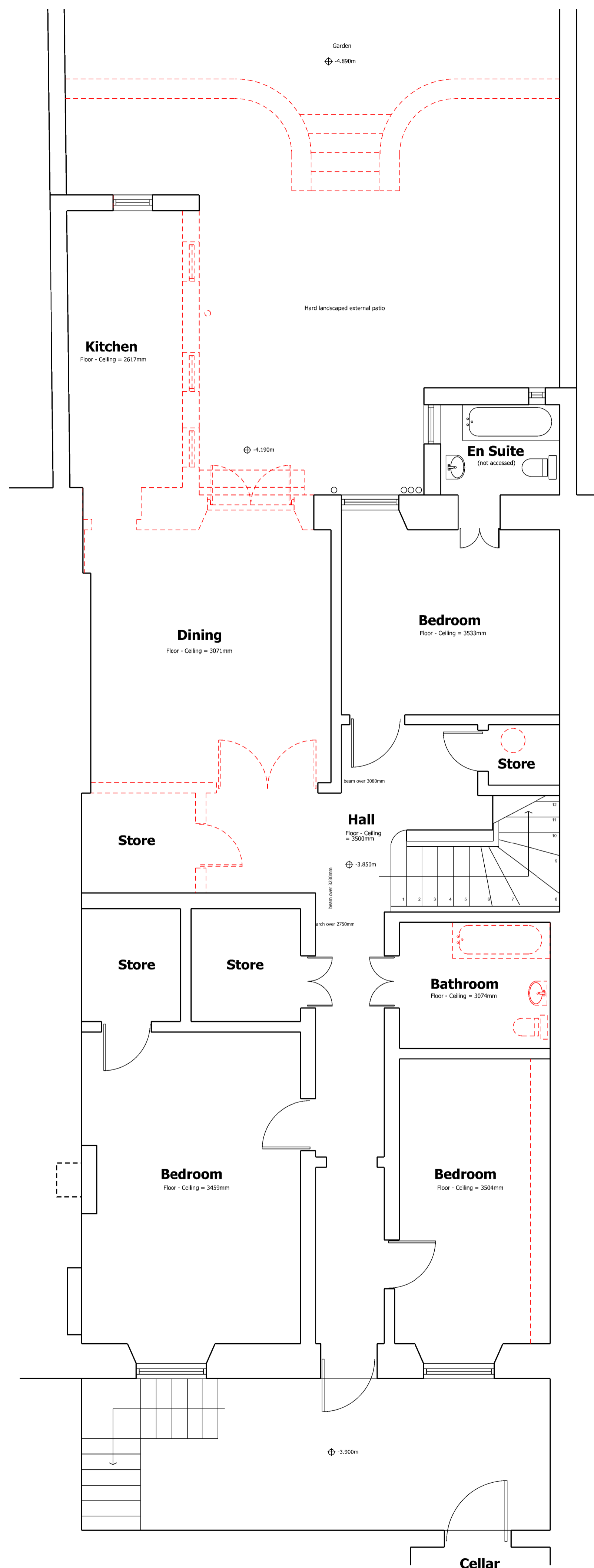
10 Lochside Place, Edinburgh Park
Edinburgh EH12 9RG
www.budarchitecture.com

PROJECT:
13 GF Clarendon Crescent
Edinburgh, EH4 1PU
TITLE:
Elevations
(as proposed)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)005	REV: 01



Ground Floor Plan 1:50



Garden Floor Plan 1:50

----- Downtakings

budarchitecture

10 Lochside Place, Edinburgh Park
Edinburgh EH12 9RG
www.budarchitecture.com

PROJECT:
13 GF Clarendon Crescent
Edinburgh, EH4 1PU
TITLE:
Downtaking Plans
(as proposed)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)006	REV: 00



Decision by Don Rankin, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-230-2176
- Site address: 13 Clarendon Crescent, Edinburgh, EH4 1PU
- Appeal by Triston Hickey against the decision by The City of Edinburgh Council
- Application for listed building consent 19/01253/LBC dated 15 March 2019 part refused in a mixed decision by notice dated 30 April 2019
- The works proposed: Minor internal alterations to form new en-suite, utility and bathroom. (granted consent). External extension to rear to form new open plan kitchen and dining (refused consent).
- Application drawings: L-CIC-002, 003, 004, 005, & 006
- Date of site visit by Reporter: 16 July 2019

Date of appeal decision: 6 August 2019

Decision

I allow the appeal and grant listed building consent. Attention is also drawn to the advisory note at the end of this notice.

Reasoning

1. The determining issues in this appeal are: (1) whether the proposed external extension adversely impacts on the special architectural and historic interest of a listed building, contrary to section 14(2) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, related government historic building policy and guidance, and policies ENV4, ENV5 and related guidance of the Edinburgh City Local Development Plan which expand on that statutory duty; (2) whether the proposal has due regard to the preservation or enhancement of the character or appearance of a conservation area as required by section 64(1) of the above act, related guidance and Policy ENV6 of the development plan; and (3) whether other material considerations warrant the grant or refusal of listed building consent.

2. The appeal property occupies the ground floor and basement/garden access floor of a category 'A' listed terrace (LB28544) in the Edinburgh New Town Conservation Area. The whole listed building comprises Nos 1-22 Clarendon Crescent and 1/1A Oxford Terrace, the corner property at the northern end of the terrace. To the front the property forms part of the particularly fine sweeping terrace of Clarendon Crescent which opens onto gardens facing Queensferry Road, one of the main thoroughfares into the city. The listing



citation concentrates on describing the key features of this façade but does make specific reference to the rear of the terrace. This is described as “*coursed square rubble with some dovetailed ashlar quoins. Rybats, cills and lintels. Roughly regular fenestration. Some full-height 3-light canted bays. Original single bay, single storey outbuilding to rear of No.10. some later single storey extensions*”.

3. The proposal is to make several minor internal alterations to improve the layout and introduce some key features of modern living. Despite some cautionary comments from Historic Scotland and one additional objection the council considered these minor internal alterations to be acceptable and in consequence issued a consent as part of a mixed decision on the 30 April 2019. I also consider that these minor internal works do not adversely impact on the key features of architectural or historic interest of the building and should be granted consent.

4. The proposal for a rear extension involves a much more substantial alteration to the building. Extending from the rear of the garden floor is a narrow outhouse in stone, with a single aspect slate roof sloping into the garden. This offshoot from the main terrace is currently used as a kitchen and accessed via a door from the dining room which is located on the garden floor of the main tenement building. The outhouse has a single window opening on its gable wall and three windows on the south wall facing into a small courtyard, hard landscaped as a patio. This courtyard is bounded by French windows on the rear wall of the tenement building, a small outhouse containing an en-suite and steps down to the remainder of the garden.

5. The boundary and gable walls of the existing stone outhouse are to be retained or replaced with similar stone. The slate, single aspect, roof is proposed to be removed and replaced with a zinc roof not extending above the height of the existing, garden, gable wall of the outhouse. It would have a 3 degree fall and incorporate a glazed lantern rooflight. The outhouse is proposed to be extended across the rear elevation by 2.2 metres across part of the existing French windows to the garden. This requires the French window aperture to be widened internally by 0.3 metres. Aluminium glass bi-fold doors open onto the internal courtyard space between the outhouse and the adjacent wash-house extension.

6. The key matters for consideration are firstly whether these alterations significantly alter the structure of the building or result in damage to the fabric of the building such as to materially affect the architectural or historic interest, and secondly whether the alteration affects its appearance to such an extent as to adversely impact on its architectural or historic interest or to significantly affect the setting of the listed building. The relevant government and local plan policy guidance has a presumption against any unnecessary loss of the original fabric of a listed building. The key statutory test of that is preservation of the key features of architectural or historic interest and in pursuit of that the guidance seeks to prevent any alteration which exceeds 50% of the width of any elevation.

7. In this case there is good reason to assume that neither the offshoots from the rear of the building or the opening for the French windows are original. I note in this context the absence of any mention of the rear outbuilding at No.13 in the listing citation. There are actually a number of rear extensions, not all single storey, which appear to be from different periods of the life of the listed terrace. Whilst these generally maintain a sympathetic use of traditional stone the scale and massing can be distinctly incongruous, like the two-storey

extension and sun terrace next door at No.12. The garden level is a lower ground floor and neither the existing extensions nor that proposed would impact on the symmetrical fenestration on the main floors above which are noted in the listing citation.

8. To the rear, the location for the proposed works, the property is located almost on the apex of the curve of the rear of the terrace. It looks across a narrow garden to the rear wall of the mews properties fronting onto Lennox Street Lane to the rear. There are no habitable room windows on the rear wall of these mews properties, overlooking the appeal property garden or the site of the proposed extension. Indeed, the two storey mews properties effectively screen the lower ground/basement of No 13 from any but the most distant view from the upper floors of the tenements opposite. These are at some considerable distance from No.13. Views into the rear garden area from the nearby public streets, Eton or Oxford Terraces, is impossible.

9. In the context of all of the above the council's acceptance of the principle of an extension, as noted in the report of handling, but limiting it to half the width of the French window to enable the architectural character of the building to be appreciated does not make any practical sense. Neither would the Historic Scotland suggestion of building a modern extension well out into the limited garden space be, in my view, beneficial in the appreciation of the architectural character of the building. The view of both the council and Historic Scotland in this instance appears more concerned with any breach of the non-statutory guidance aimed at preventing more than 50% coverage of any elevation than with the prime statutory requirement for the preservation of significant features of architectural or historic interest which are, in this case, exclusively on the upper floors unaffected by the proposal.

10. I consider that the proposed extension is a relatively minor alteration to the lower ground floor of one property, part of a substantial terrace. The proposed extension would not intrude into the garden space other than a relatively minor part of the rear courtyard adjacent to the house. On an elevation already much altered both by past extensions at No.13 and at adjacent properties it would not, to my mind, significantly obscure any key features of architectural interest on the building, that being very largely the fenestration on the upper floors. There would be no significant damage to the fabric of the listed building, only the widening of an existing modern window. The use of building materials complementary to the existing building and of a quality appropriate to both a listed building and a conservation area are proposed. I therefore conclude with respect to the listed building that the proposal does not conflict with the statutory duty, government and local plan policy and relevant guidance noted above.

11. Regarding the impact on the Edinburgh New Town Conservation Area I have considered the New Town Conservation Area Character Appraisal which outlines the planned layout, the spacious terraces, broad streets and overall classical elegance. The proposed extension however would not be seen from the surrounding streets and would be only marginally visible from surrounding properties. As I have already concluded that it would not adversely impact on the setting of the listed building, I conclude therefore that it would not have an adverse impact on the key characteristics of the conservation area noted above and would in consequence not impact adversely on its character or appearance.

12. In conclusion and having regard to all other material considerations and finding none that alter my view, I find that the proposal is not in conflict with the relevant statutes, policies and guidance noted above and that in consequence listed building consent should be granted.

Don Rankin
Reporter

Advisory note

The length of the consent: This listed building consent will last only for three years from the date of this decision notice, unless the works have been started within that period. (See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended))

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 100174072-001

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:	bud architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	
Last Name: *	Martin	Building Number:	10
Telephone Number: *	07816665248	Address 1 (Street): *	Lochside Place
Extension Number:		Address 2:	Edinburgh Park
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH12 9RG
Email Address: *	scott.martin@budarchitecture.co.uk		

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="Triston"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Hickey"/>	Address 1 (Street): *	<input type="text" value="Clarendon Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Scotland"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Edinburgh"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH4 1PU"/>
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="GF"/>
Address 2:	<input type="text" value="13 CLARENDON CRESCENT"/>
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="EH4 1PU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674218"/>	Easting	<input type="text" value="324234"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Proposed extension to rear at garden level to form new dining and kitchen area.

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 application relates to a Listed Building with the Listed Building Consent application being refused I understand that the planning application is, in turn, also refused. My client has appealed the Listed Building Consent decision and I understand that the full planning decision must also be appealed.

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)

L-CIC-001 Location Plan, L-CIC-002 Existing Floor Plans, L-CIC-003 Existing Elevations, L-CIC-004 Proposed Floor Plans, L-CIC-005 Proposed Elevations, L-CIC-006 Proposed Downtakings and Supporting Statement.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01254/FUL

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

11/03/2019

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

30/04/2019

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access to the rear of the property is only possible through the property.

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 Scott Martin

Declaration Date: 18/07/2019

Proposal Details

Proposal Name	100174072
Proposal Description	Appeal of Planning Refusal 19/01254/FUL
Address	GF, 13 CLARENDON CRESCENT,
EDINBURGH,	EH4 1PU
Local Authority	City of Edinburgh Council
Application Online Reference	100174072-001

Application Status

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

Attachment Details

Notice of Review	System	A4
L-CIC-001	Attached	A3
L-CIC-002	Attached	A1
L-CIC-003	Attached	A1
L-CIC-004	Attached	A1
L-CIC-005	Attached	A1
L-CIC-006	Attached	A1
Appeal Supporting Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Appeal of Mixed Decision for Application for Listed Building and Planning Consent at 13 (Ground & Garden Floors) Clarendon Crescent , Edinburgh

Listed Building Application Ref: 19/01253/LBC

Planning Application Ref: 19/01254/FUL

Supporting Appeal Statement

Page 81

May 2019

Revision 00

Contents

Page

Introduction

01

Existing Information

02 - 04

Proposals as submitted

05 - 08

Application Assessment

09 - 10

Summary

11

Introduction

This document provides an overview of the planning and listed building applications (19/01254 & 19/01253/LBC respectively) registered on the 15th March 2019 for an extension to the rear of 13 Clarendon Crescent and the justification of our clients decision to appeal the decision to refuse consent.

On the 30th April 2019 the Listed Building application received a mixed decision, consenting internal alterations but refusing the external alterations.

The planning application was also therefore refused on the same date.

Our client, from the outset, had sought our professional opinion on an appropriate design approach and instructed us to prepare a sensitive design response which worked with the historical setting and character of Clarendon Crescent.

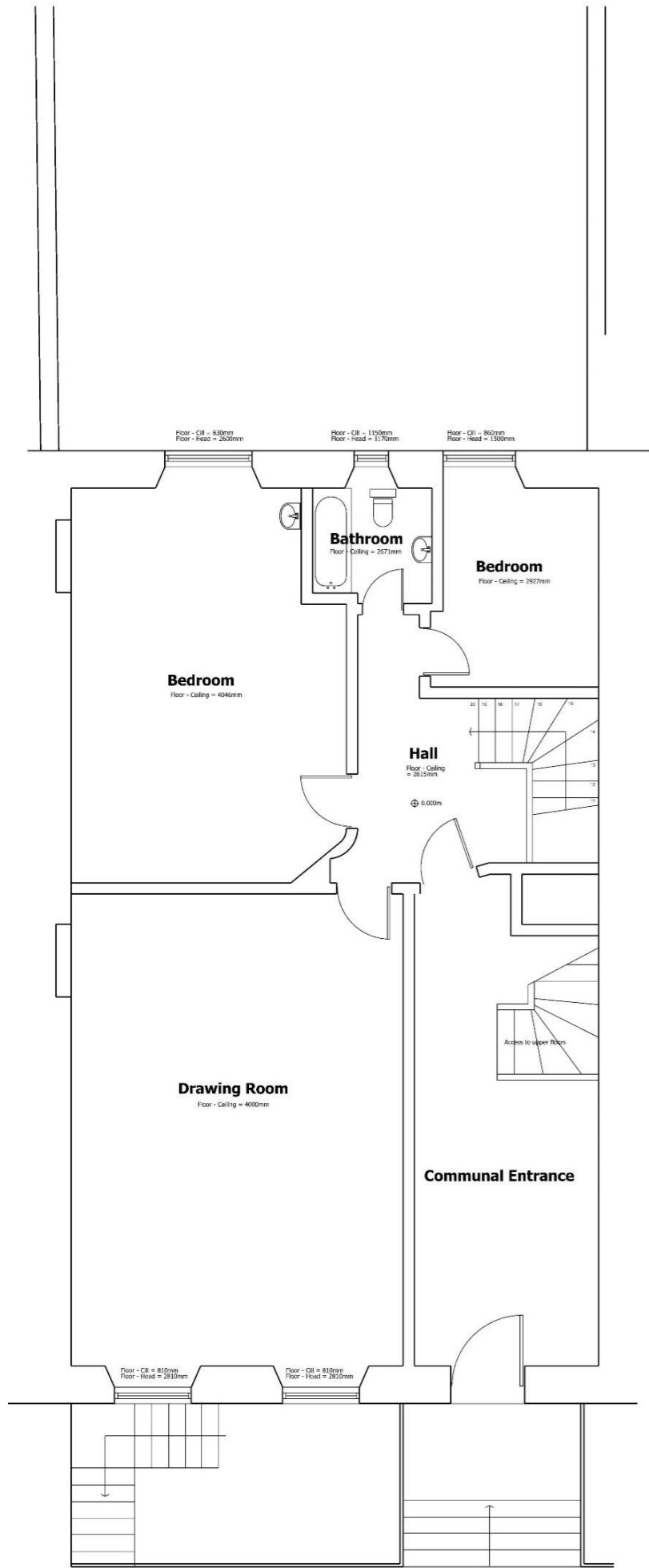
We believe we followed this brief and submitted an application which was in line with Listed Buildings and Conservation Areas guidance and for this reason wish to appeal the decision to refuse the application.

The following pages provide an overview of the existing context, proposals as submitted and of the subsequent dialogue and discussion with the planning officer during the application process.

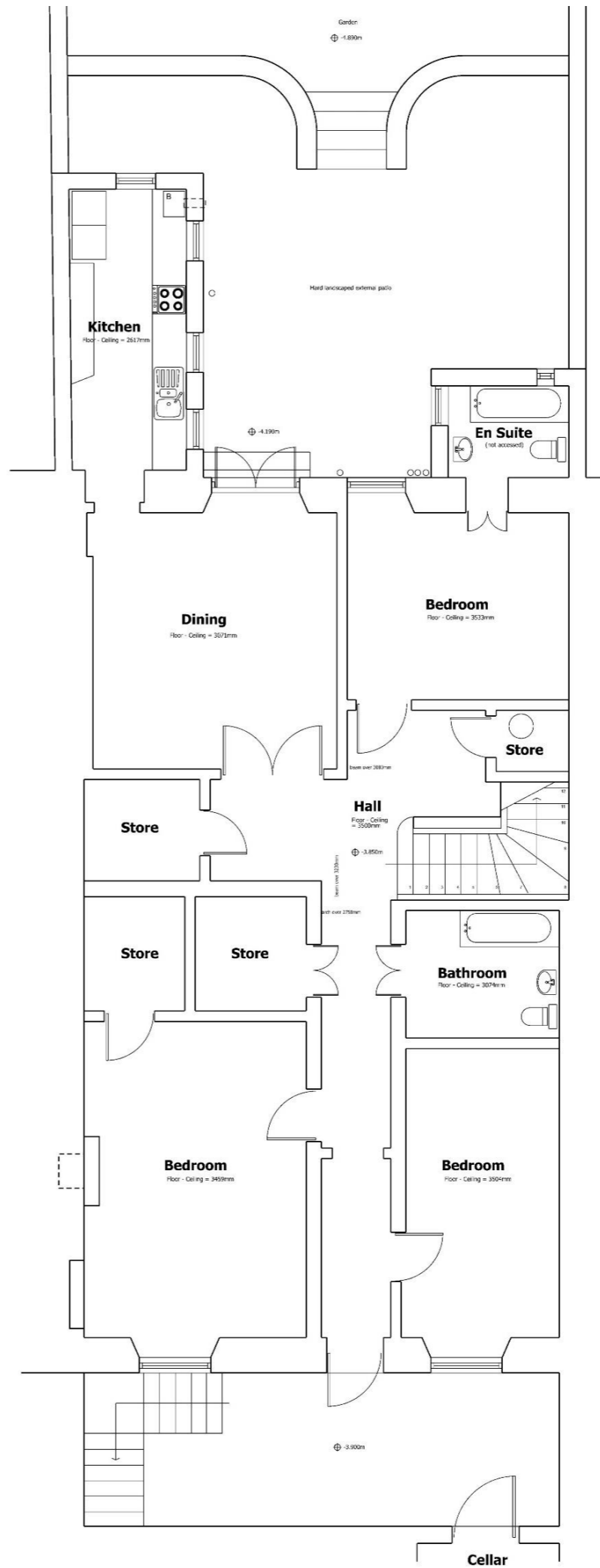


13 Clarendon Crescent: View from rear garden.

Existing Information



Existing Ground Floor Plan



Existing Garden Floor Plan



Existing North East Elevation



Existing South East Elevation



Existing Site Plan

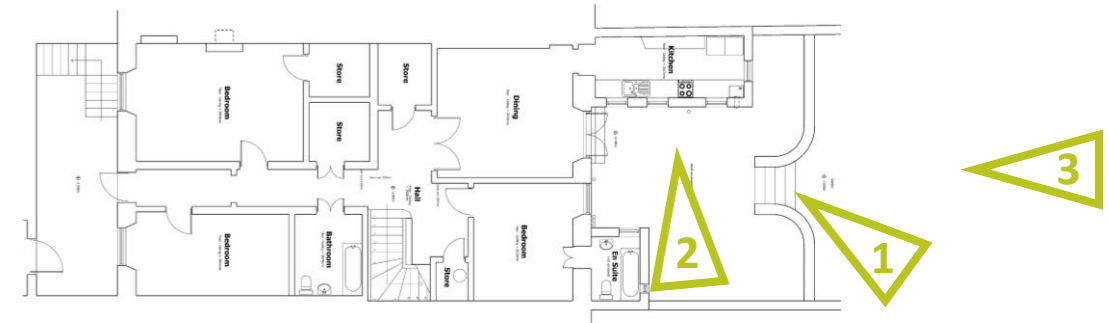
Existing External Photographs



View 1 External view from lower garden



View 2 External view from terrace.



View points



View 3 Full rear elevation from garden

Proposals as submitted

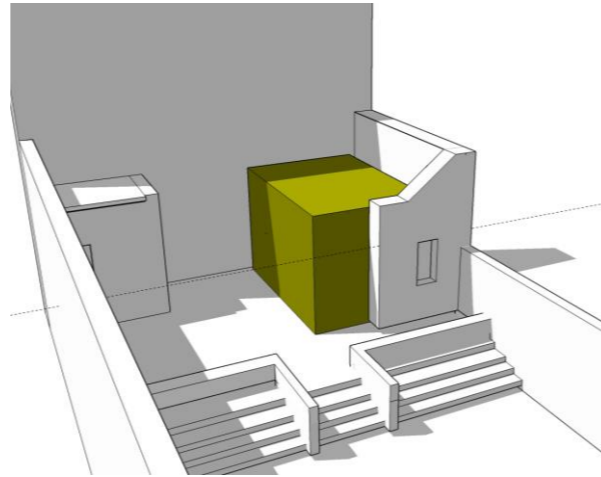
Design Concept

To the rear of 13 Clarendon Crescent at garden level (lower ground floor) the existing kitchen is located within a single storey, stone walled, mono-pitch slate roof out shoot.

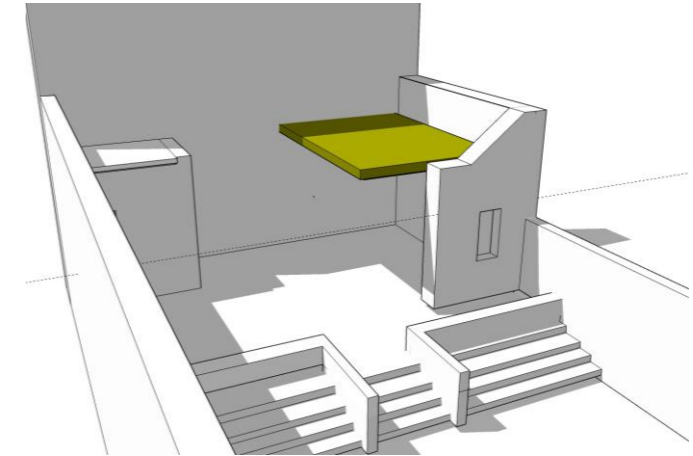
It is proposed that a new opening is formed within the rear wall of the main building and a new extension is constructed predominantly within the footprint of the existing single storey structure.

In order to make a sensitive intervention which respects the historical context the new extension has been conceived as a simple object which slides within the envelope of the existing retained stone walls. The exposed external walls of the new extension shall be glazed with a simple floating roof plan over.

The simplicity of this approach shall be carried through to the detailing of the proposals to create a clean, elegant intervention which does not compete with but compliments and enhances the rich historical character of the setting.



The new structure shall slide into the space defined by the existing stone walls. The concept of the new sitting within the old shall be carried through to the detailed design of the proposals.



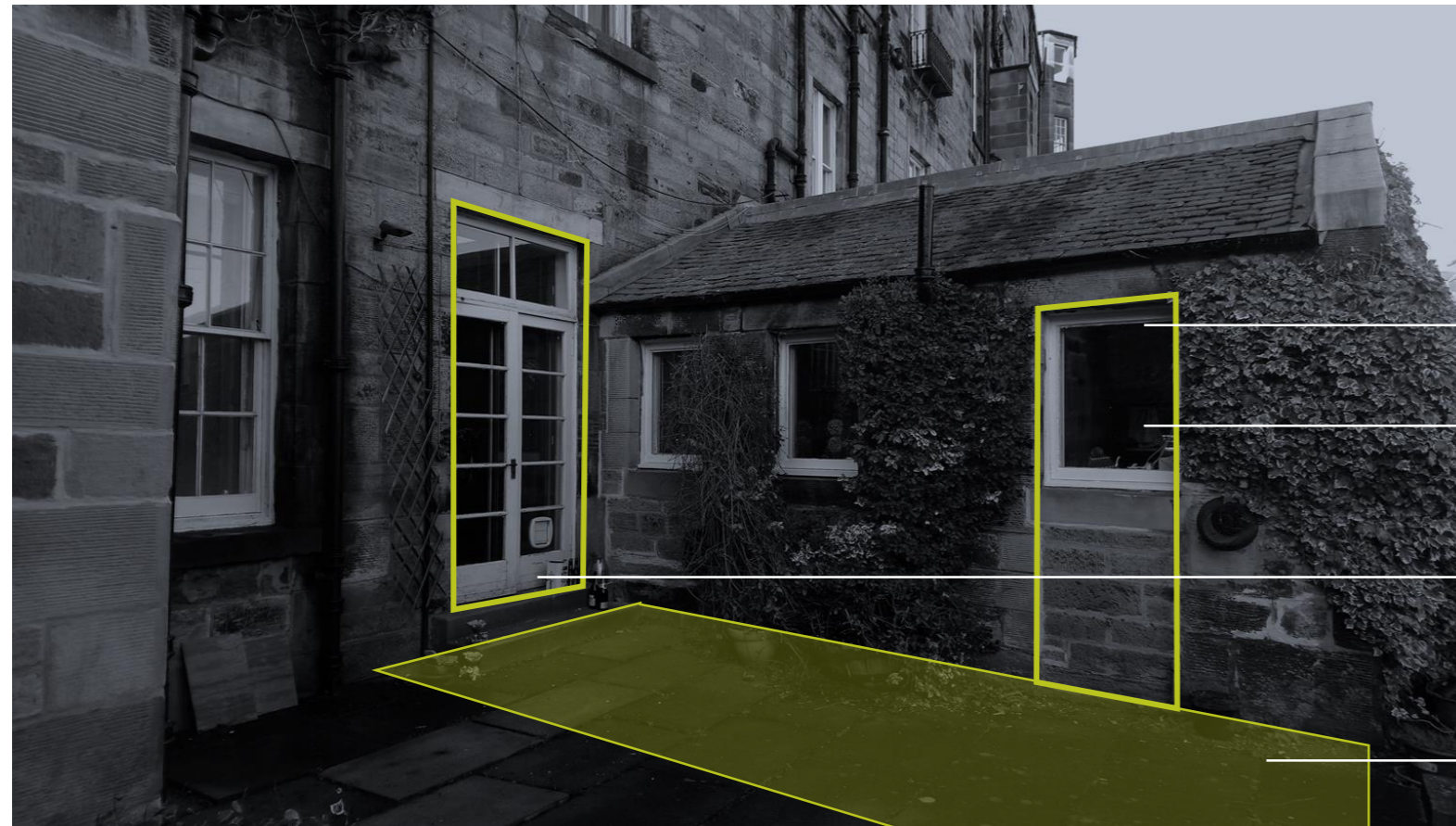
New exposed external walls shall be fully glazed providing a clear contrast which compliments rather than competes with the rich stone work.

The roof plane shall slide behind the stone wall parapet again clearly defining the junction between old and new.



External view from lower garden showing the proposed massing of the new extension within the historical foil of the existing stone walls.

Rear elevation context



Non-original windows.

Non-original later alteration to in-fill door opening to form window.

Non original later alteration to lower the cill of an existing window to form door opening to garden.

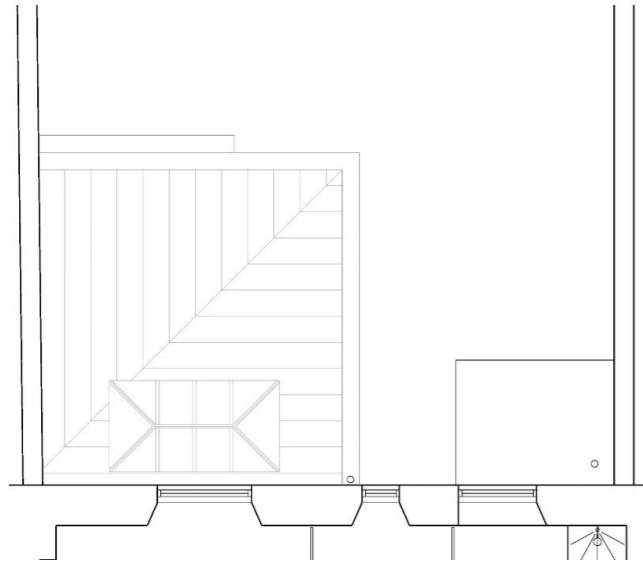
Proposed extension width is 25% of existing rear elevation.

The context of the rear elevation consists of an out-shoot which includes non original windows with later alterations to an original door opening which has been infilled to form a window opening. A later alteration to an original window opening provides access to the garden.

The building fabric, particularly in the areas of the proposed intervention, is not entirely original and has been altered over the years. The width of the proposed extension (2.2M) is approximately 25% of the full rear elevation. The proposals retain the footprint of the stone out-shoot walls with the removal of the out-shoot wall which includes the non-original windows. The only 'main' elevation window proposed to be altered has previously had the cill lowered to form a door opening and is not therefore of the original proportions.

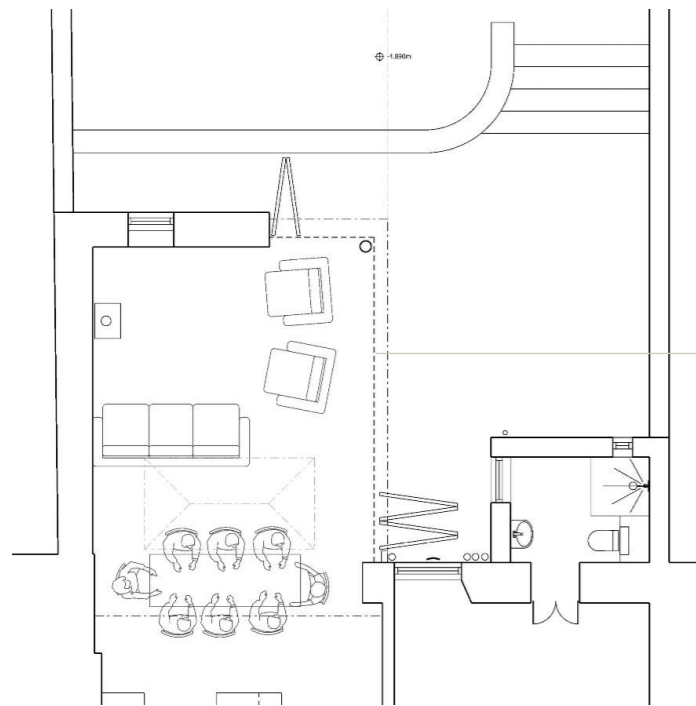
Given the above we believe that the proposals have been carefully considered in order to change only those areas which have previously been altered. The position, small scale and simplicity of design also ensures that the proposed extension retains the character of the original out-shoot and rear elevation.

Proposals as submitted

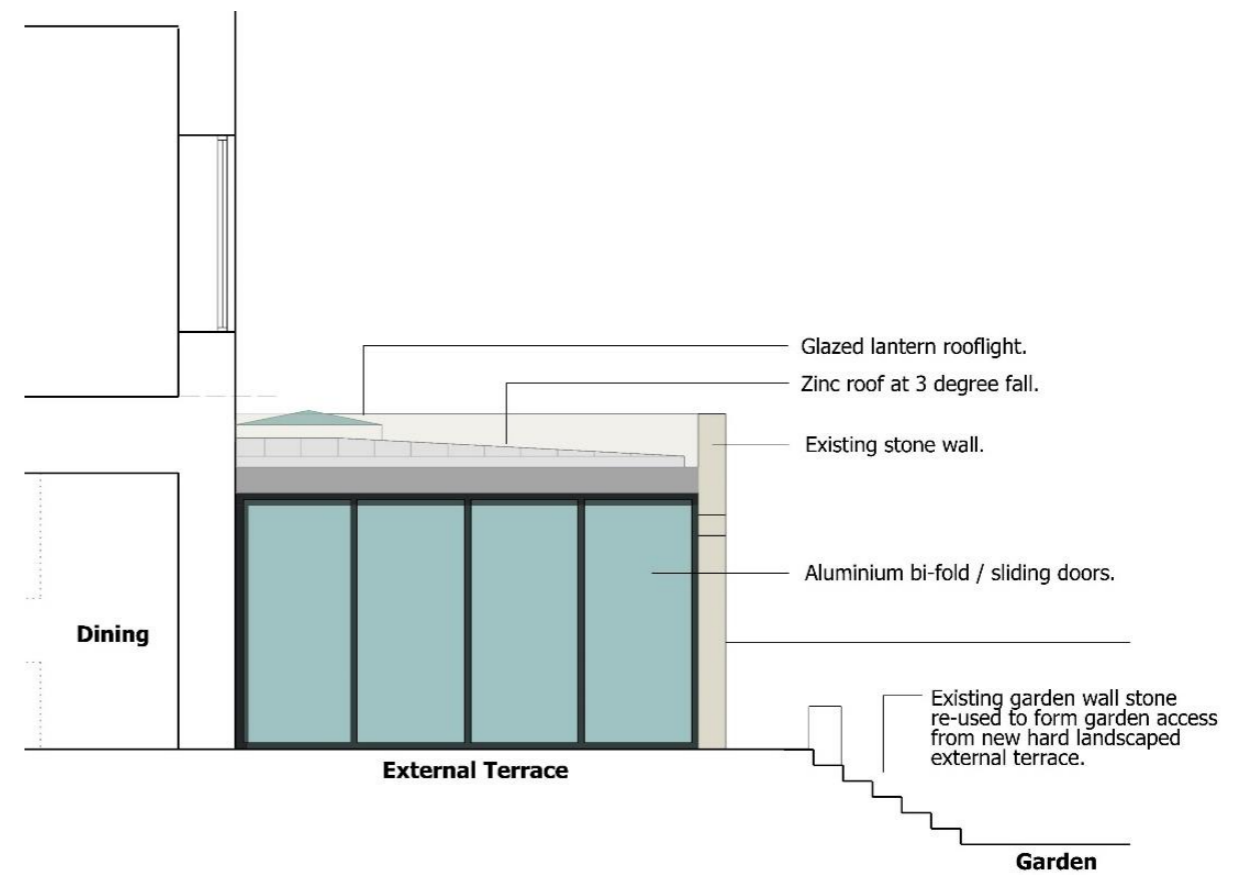


Page 91

Proposed Roof Plan



Stone wall enclosing existing single storey out-shoot retained with new single storey extension formed predominantly within the existing footprint. New opening formed in rear wall to create open plan kitchen, dining and living space.



Proposed Ground Floor Plan

Proposed visualisation

Page 92



Day view from external terrace

Application Assessment

Application Assessment

Following registration the first assessment of the application was carried out by Historic Environment Scotland with feedback provided on 28th March 2019. The HES observations were made, as far as we are aware, without the benefit of a site visit.

The following day a site visit was carried out by the planning officer. The planning officer then provided initial comments which were based entirely on the HES response.

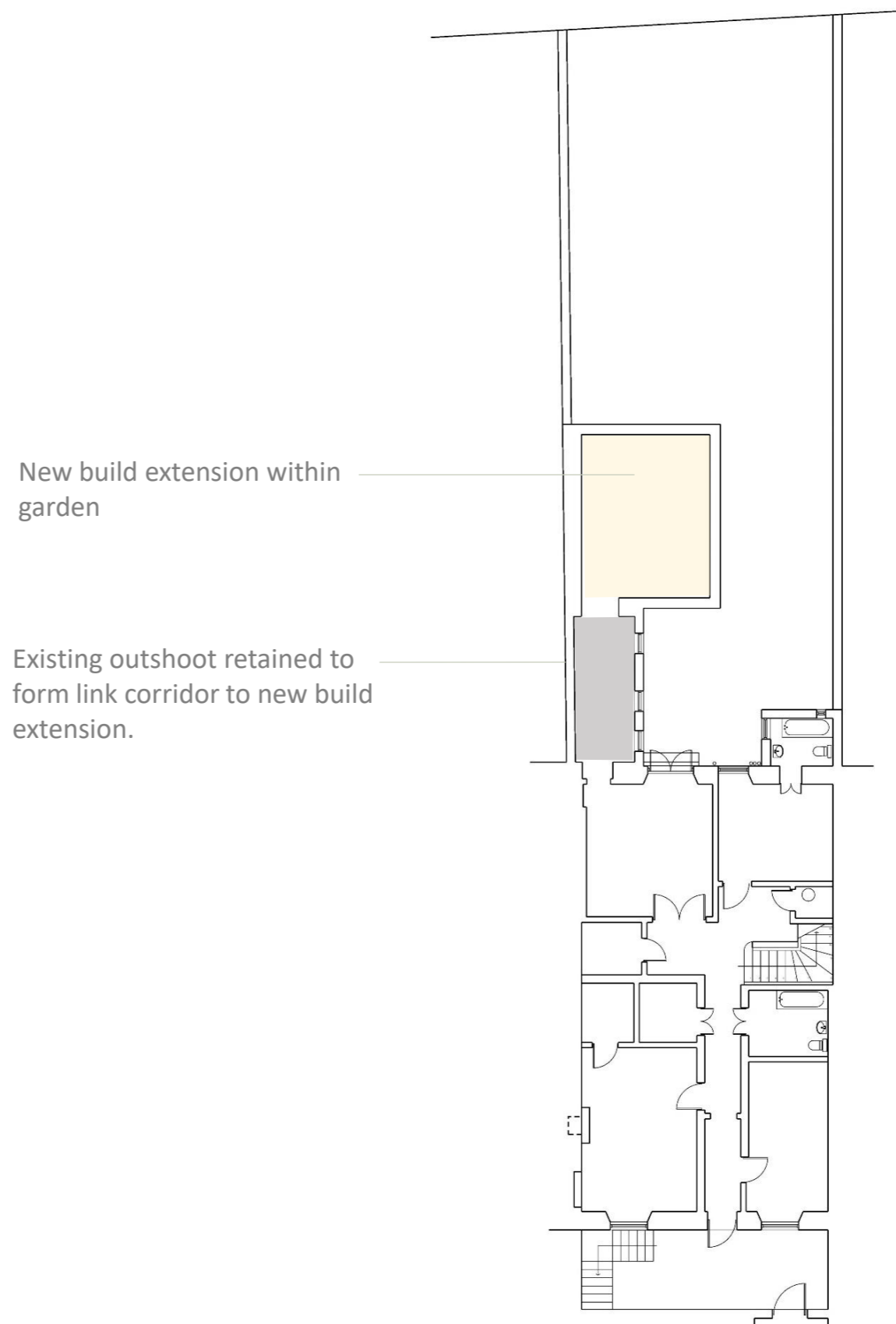
HES recommended that the impact on the historical fabric should be minimised and that any new intervention should appear to be subservient to the existing building. Our proposals had been carefully designed to achieve exactly this with the outshoot wall and footprint retained and new glazing and roof planes sliding behind the historical stone walls.

The location of any intervention was also carefully considered to ensure that as far as possible only those elements of the building fabric which had historically been altered were affected.

HES cited the increased width along the rear façade of the proposals however the proposals represent less than 25% of the rear façade width.

HES also proposed an alternative design which used the existing outshoot as a link corridor to a new build extension in the garden. However this would, although providing the additional internal space, have a far greater impact on the existing character of the rear gardens.

It appears that the initial response from HES, despite being carried out as a desktop exercise, significantly informed the planning response and resulted in a position being taken from which it was difficult to move from.



Alternative proposal suggested by Historic Environment Scotland

Application Assessment

We were grateful that, following the initial feedback, the planning officer did subsequently enter into dialogue and that through this a fuller discussion on the proposals took place.

Through these discussions the following proposals were accepted in principle;

- Removal of main façade wall between kitchen door and French doors.
- Removal of out shoot elevation to allow new glazed extension (limited in width to centre line of existing French doors part infilled with existing stone).

The above proposals would in-fill one half of the existing French doors aligning the ground floor extension with the window pattern of the upper floors. However we believe that this approach sterilises somewhat the staggered, random pattern of the ground floor outshoots in relation to the upper floors which is a strong characteristic of the existing context and which the original application retained. The resulting room created would also be narrow to the point of being unusable.

We believe that the design of the original proposals was carefully considered, minimised the impact on the historical fabric, appeared subservient and retained the character of the historical setting.

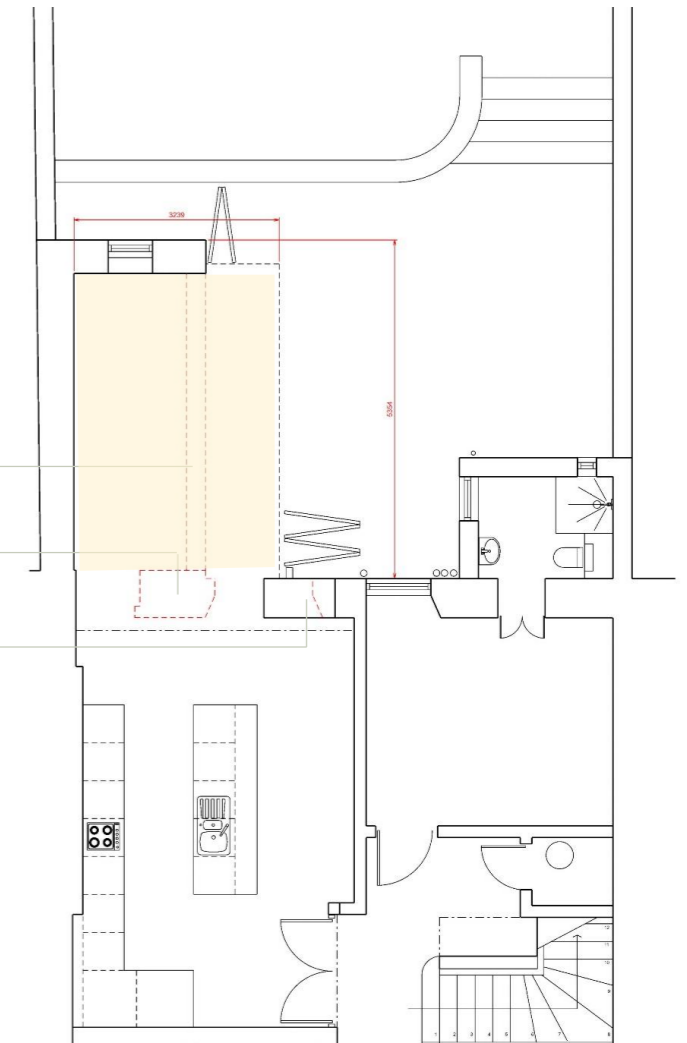
We believe that the HES comments created a difficult starting position for the planning officer and on this basis we wish to appeal the decision to refuse consent for the original proposals.

Agreed in principle

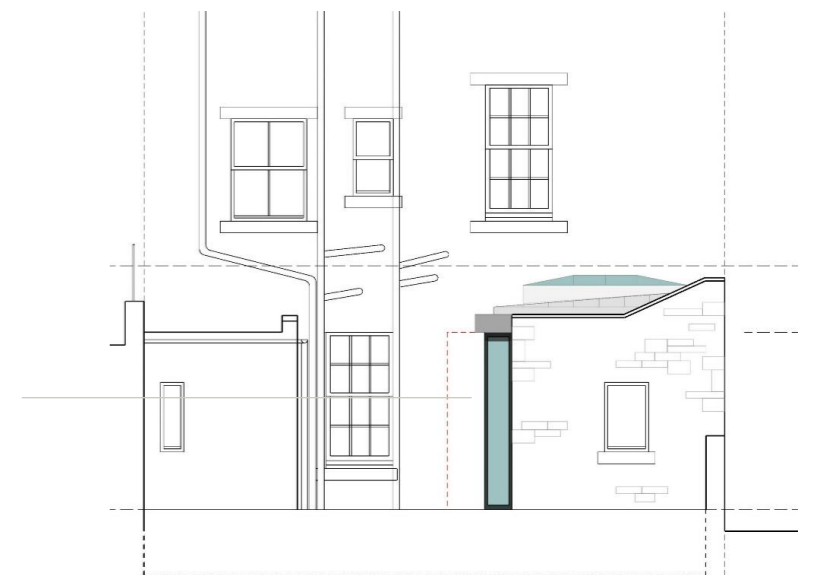
Removal of out shoot wall

Removal of main façade wall

In fill half of existing French doors



By in filling half of the existing French door opening the ground floor extension would line with the window openings of the upper floors somewhat sterilising the staggered pattern of ground floor outshoots.



Alternative plan and elevation proposal suggested by CEC Planning

Summary

Summary

In terms of design and scale we believe that the original proposals were fully in the spirit of the Listed Building and Conservation Areas guidance. The width and scale of the extension does not have any significant impact on the character of the rear elevation and gardens and sits subserviently within the existing walls of the out shoot.

In relation to the existing historical fabric proposed to be removed we acknowledge that referring to precedence can be dangerous however we would note that, in relation to a number of recently approved applications, very little of the existing building fabric is proposed to be removed.

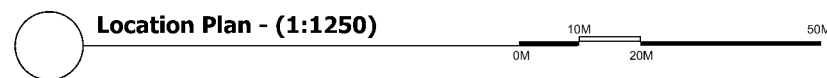
As architects we often find ourselves in the position of tempering clients aspirations for altering listed buildings in order to protect the historical fabric of the city. However in this instance our client has, from the outset, taken a sensible and sensitive approach which we believe is evident in the proposals. We would therefore request that the decision to refuse consent is reconsidered and would welcome the opportunity to discuss the application further.



budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
m 07816665248
m 07738301730

www.budarchitecture.com



budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

www.budarchitecture.com

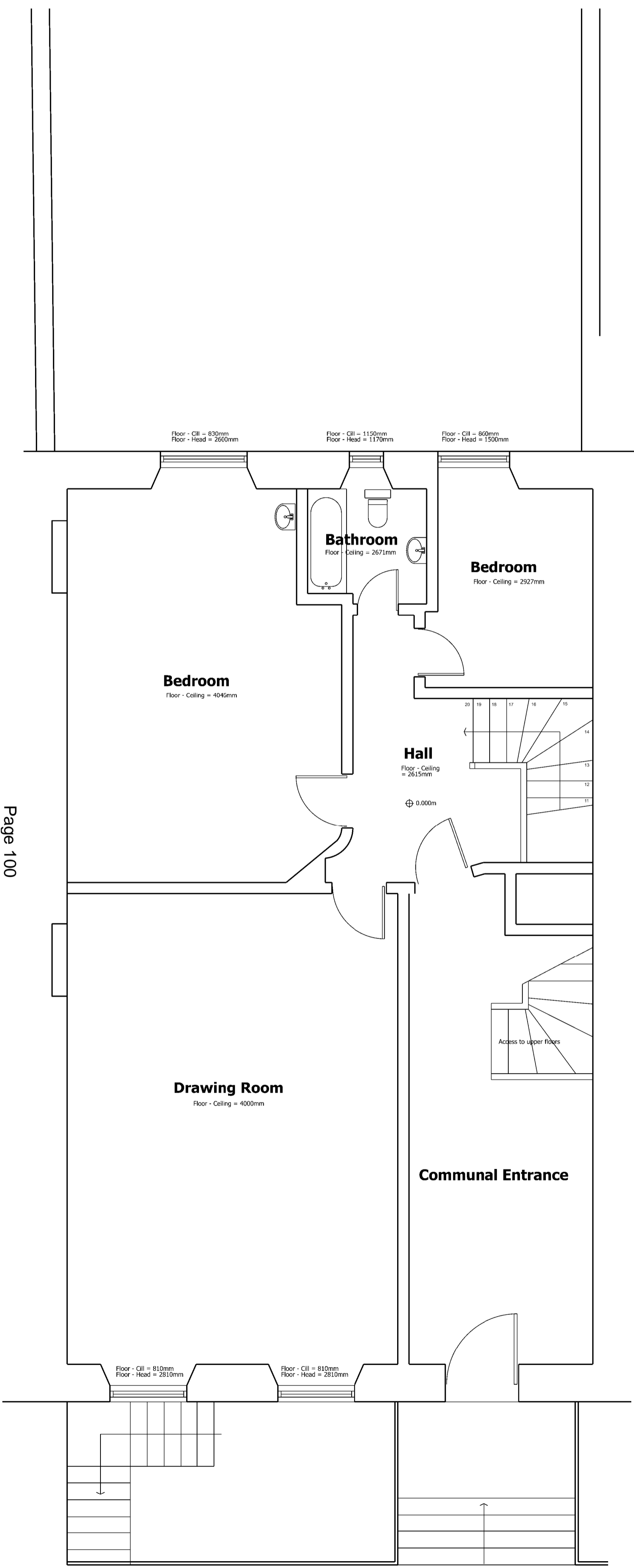
PROJECT:

13 GF Clarendon Crescent
Edinburgh, EH4 1PU

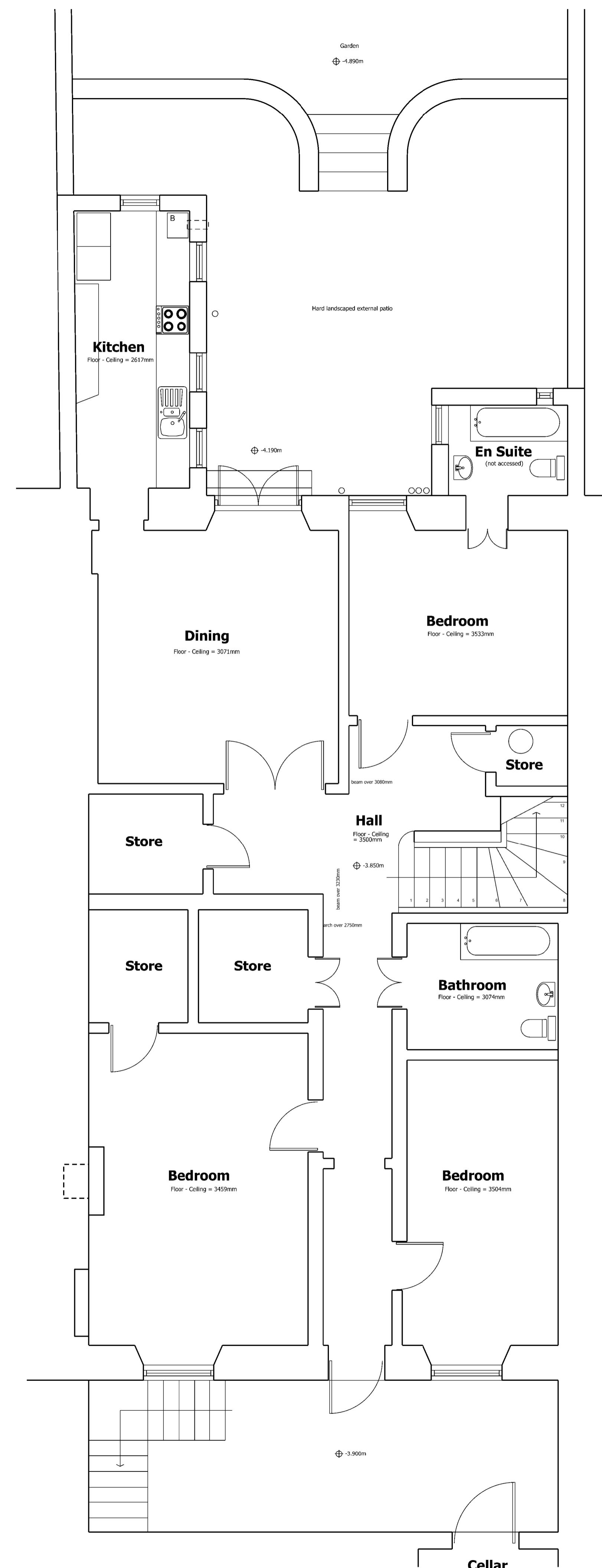
TITLE:

Location Plan

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A3	DRAWING No: L-CIC-001	REV: --



Ground Floor Plan (as existing) 1:50



Garden Floor Plan (as existing) 1:50



Site Plan (as existing) 1:200

Copyright bud architecture ©
 Figured dimensions only to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand IF IN DOUBT ASK
 CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of "The Construction (Design and Management) Regulations 2015" and the "Industry Guidance for Designers"
 NOTE: All alterations to structural elements subject to confirmation by structural engineer.

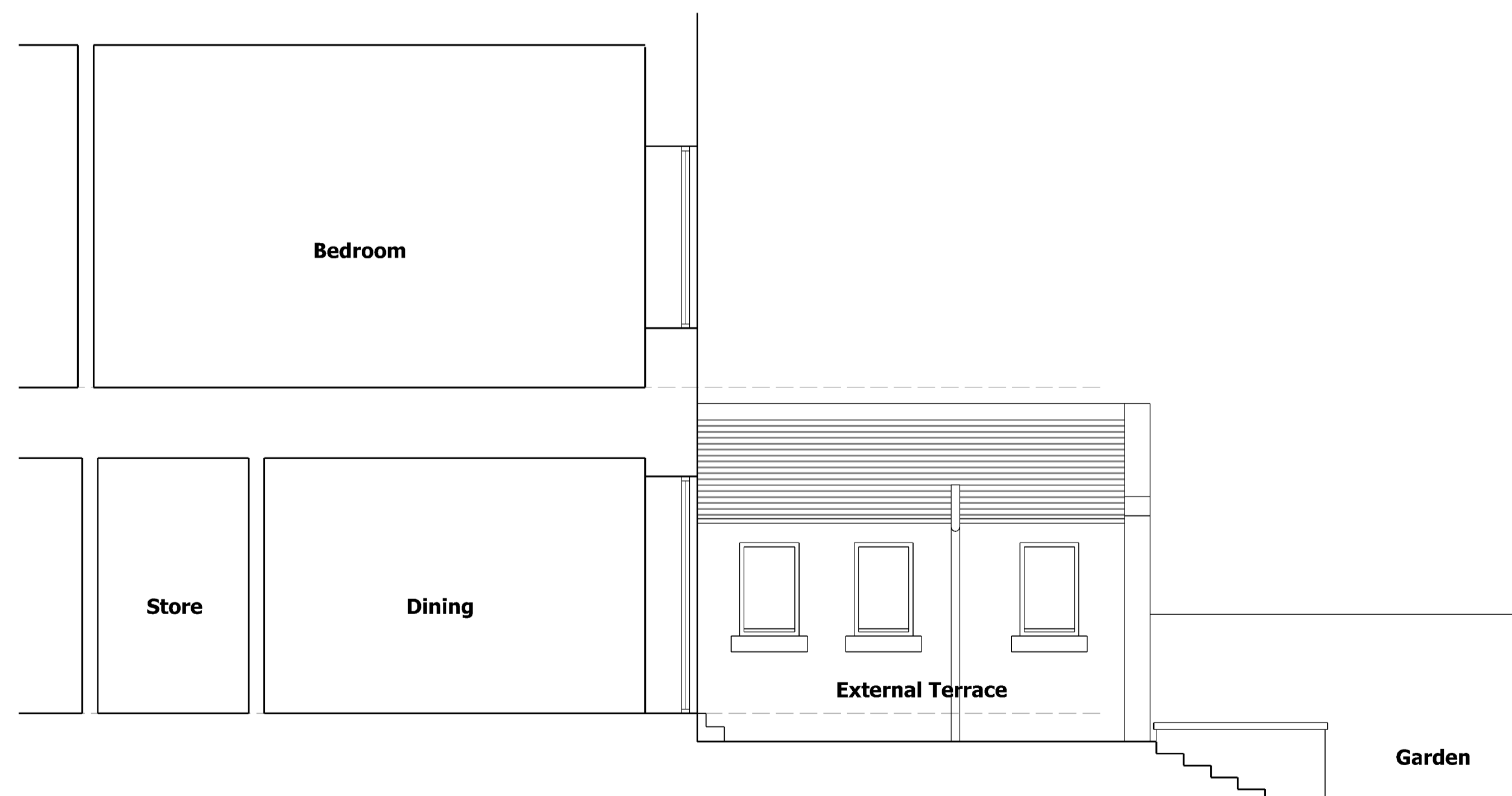
budarchitecture
 10 Lochside Place, Edinburgh Park
 Edinburgh EH12 9RG
 www.budarchitecture.com

PROJECT:
 13 GF Clarendon Crescent
 Edinburgh, EH4 1PU
 TITLE:
 Plans
 (as existing)

SCALE @ A1: As Stated	CHECKER: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)002	REV: 00



North / East Elevation (as existing) 1:50



South / East Elevation (as existing) 1:50

budarchitecture

10 Lochside Place, Edinburgh Park
Edinburgh EH12 9RG
www.budarchitecture.com

PROJECT:
13 GF Clarendon Crescent
Edinburgh, EH4 1PU
TITLE:
Elevations
(as existing)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)003	REV: 00

- Duct routes
- - - Downtakings
- ▨ New Walls
- ▨ Hatched area denotes extent of new works

Existing stone wall partially retained.

Zinc roof at 3degree fall.

Glazed lantern rooflight

Concealed gutter with downpipe connected to existing rainwater downpipe.

New boiler flue

Master Bedroom 1
Floor - Ceiling = 4046mm

Walk in Wardrobe
Floor - Ceiling = 2671mm

Bathroom
Floor - Ceiling = 2927mm

Hallway
Floor - Ceiling = 2655mm

Bathroom converted to new walk through dresser with 'pocket' door access.

Bedroom converted to new family shower room.

Existing ceiling height to be increased. Existing water tank in ceiling void to be removed.

Drawing Room
Floor - Ceiling = 4090mm

Communal Entrance

Floor - Cill = 810mm
Floor - Head = 2630mm

Floor - Cill = 810mm
Floor - Head = 2630mm

Ground Floor Plan (as proposed) 1:50

Existing stone wall partially retained.

New snug area within new single storey extension.

New opening formed to S.E. details to create open plan kitchen & dining area.

Dining converted to new Kitchen.

Store and part hallway incorporated into new kitchen.

New utility formed.

New en suite formed. (drainage routes to allow for concrete floor break out)

Bedroom 2
Floor - Ceiling = 3459mm

Bedroom 3
Floor - Ceiling = 3504mm

Cellar

Garden Floor Plan (as proposed) 1:50

Existing garden wall and steps altered to provide new access from raised terrace to garden.

New external tap.

Existing en suite to be lined and insulated to enhance thermal performance of external walls.

Location of new boiler above WC cistern vented to external air roof.

Ducts within depth of floor

Existing water cylinder to be removed.

Ceiling to be lowered to 250mm below underside of beam (2830mm affl).

Ceiling to be lowered to incorporate new recessed spotlights.

New internal door in existing opening.

Existing bathroom duct to be re-routed via new lower ceiling in hallway. Existing duct and enclosure to be removed with all wall and ceiling finishes made good.

New external tap.

Existing cellar store to be water proofed and lined.

4800

Level access through new bifold / sliding full height doors to new hard landscaped terrace.

5554

Existing access to drainage to be altered to suit new external terrace levels.

3.850m

3.900m

3.900m

budarchitecture

10 Lochside Place, Edinburgh Park
Edinburgh EH12 9RG

www.budarchitecture.com

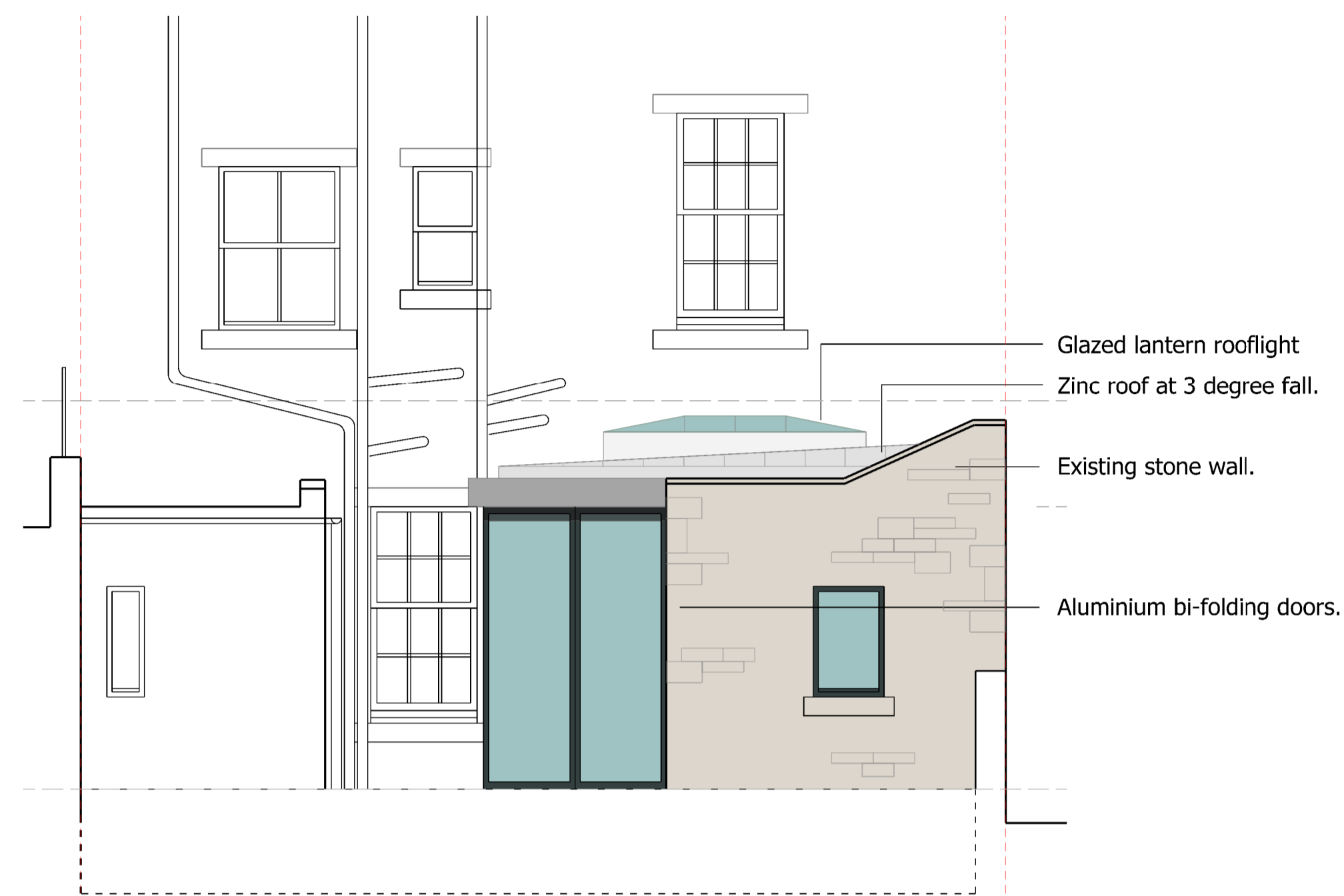
PROJECT:

13 GF Clarendon Crescent
Edinburgh, EH4 1PU

TITLE:

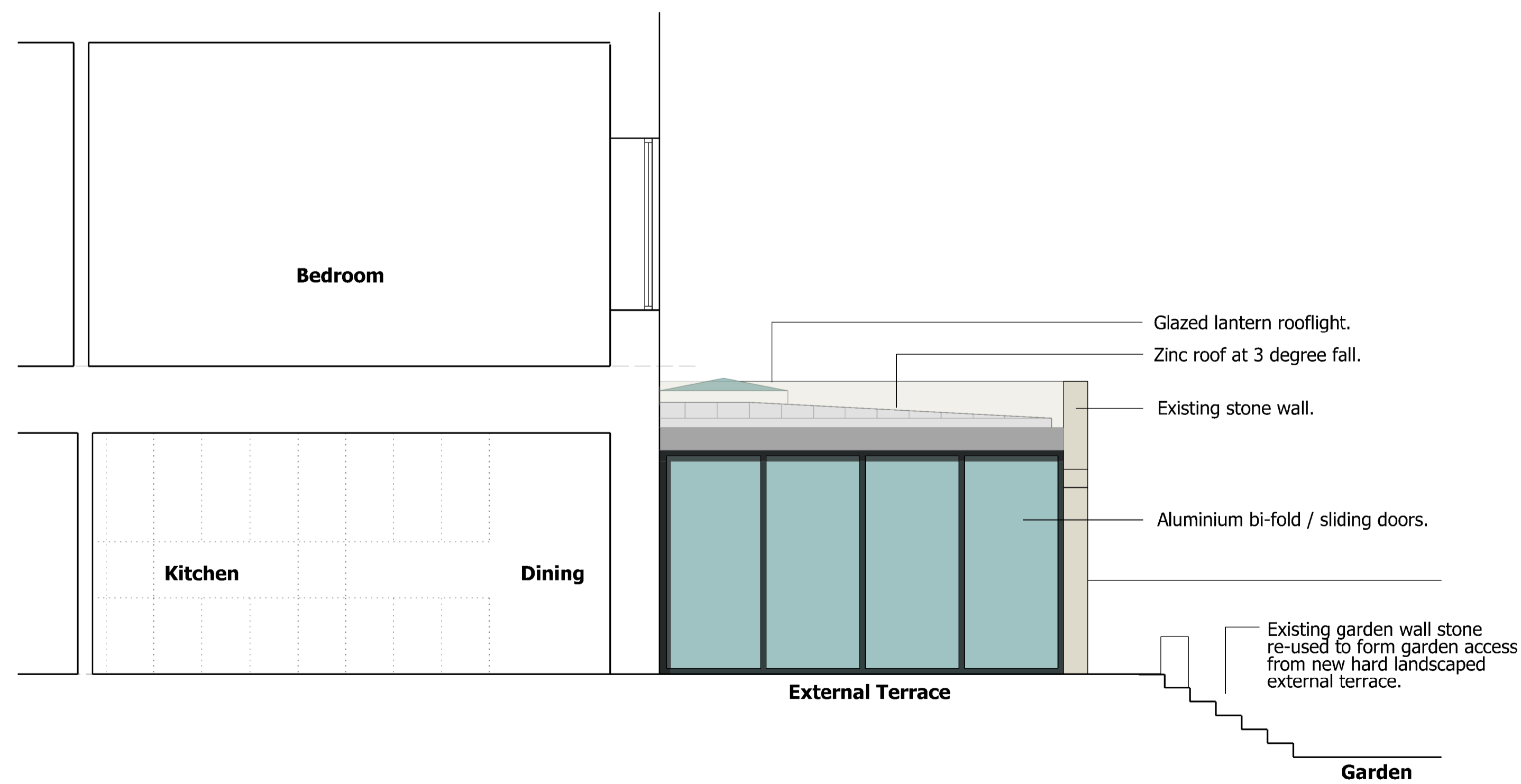
Floor Plans
(as proposed)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)002	REV: 01



Glazed lantern rooflight
Zinc roof at 3 degree fall.
Existing stone wall.
Aluminium bi-folding doors.

North / East Elevation (as proposed) 1:50



Glazed lantern rooflight.
Zinc roof at 3 degree fall.
Existing stone wall.
Aluminium bi-fold / sliding doors.

Existing garden wall stone re-used to form garden access from new hard landscaped external terrace.

Garden

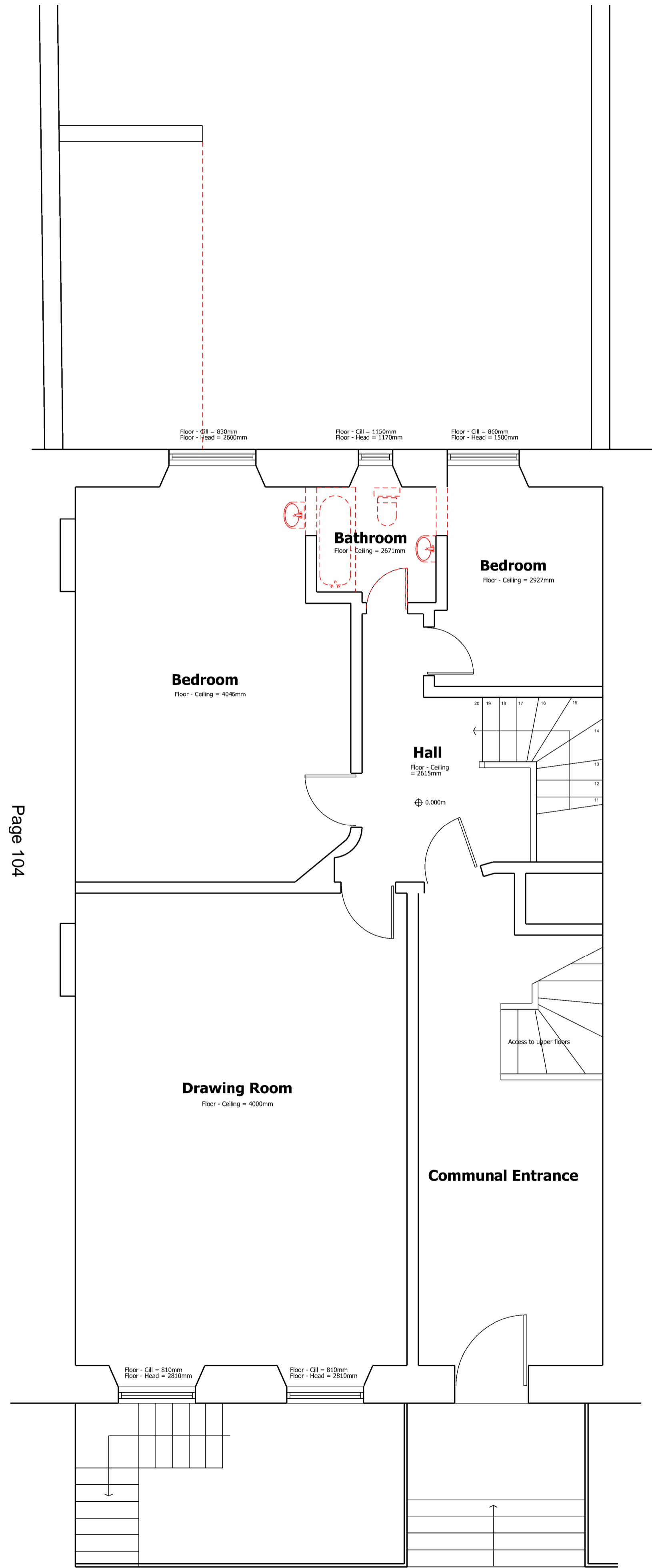
South / East Elevation (as proposed) 1:50

budarchitecture

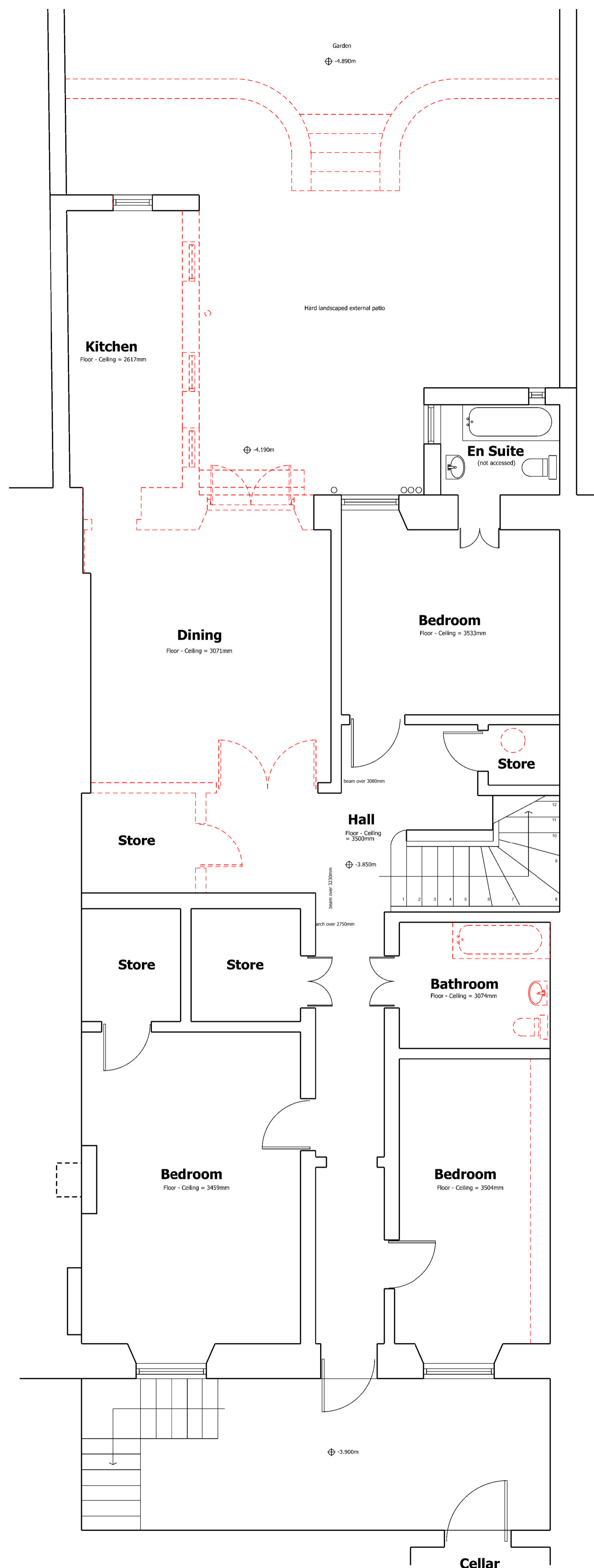
10 Lochside Place, Edinburgh Park
Edinburgh EH12 9RG
www.budarchitecture.com

PROJECT:
13 GF Clarendon Crescent
Edinburgh, EH4 1PU
TITLE:
Elevations
(as proposed)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)005	REV: 01



Ground Floor Plan 1:50



Garden Floor Plan 1:50

----- Downtakings

budarchitecture

10 Lochside Place, Edinburgh Park
Edinburgh EH12 9RG
www.budarchitecture.com

PROJECT:
13 GF Clarendon Crescent
Edinburgh, EH4 1PU
TITLE:
Downtaking Plans
(as proposed)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: SM
PROJECT No: 19-006	DESIGN-DRAWN: SM	DATE: 20.02.2019
DRAWING STATUS: Planning		
DRAWING Size: A1	DRAWING No: L(CIC)006	REV: 00

Ms Nhung Hoang.
 3 Flat 5, Dalry Gait
 Edinburgh
 United Kingdom
 EH11 2AU

Decision date: 23 August 2019

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

Change of use of residential flat to short term commercial let.
 At Flat 2 5 Dalry Gait Edinburgh EH11 2AU

Application No: 19/02382/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 24 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 adopted Edinburgh Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use has the potential to adversely affect the residential character and amenity of the area.

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

Drawings 01;02, 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 does not comply with the Edinburgh Local Development Plan and the Council's Guidance for Businesses. The proposed change of use would have an unacceptable impact on residential amenity and the established character of the area. There are no other material considerations to outweigh this conclusion.

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 Robert McIntosh directly on 0131 529 3422.



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 19/02382/FUL At Flat 2, 5 Dalry Gait, Edinburgh Change of use of residential flat to short term commercial let.

Item	Local Delegated Decision
Application number	19/02382/FUL
Wards	B07 - Sighthill/Gorgie

Summary

The proposal does not comply with the Edinburgh Local Development Plan and the Council's Guidance for Businesses. The proposed change of use would have an unacceptable impact on residential amenity and the established character of the area. There are no other material considerations to outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU07, NSG, NSBUS,
---	---------------------------

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 relates to flat 2, 5 Dalry Gait, Edinburgh. It is a ground floor flat which is accessed through a communal door and stair.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application is for planning permission for the change of use of a ground floor residential flat to a short term commercial let. The flat has three bedrooms in total, 2 double and one single. It will provide accommodation for up to six people, over short term stays of between 2-9 nights.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of change of use is acceptable in this location;
- b) the proposal raises any issues in respect to road users; and

c) any comments have been addressed.

a) Principle of development

The current planning case law position in respect of the use of properties as short stay commercial visitor accommodation (SSCVA) in England, Scotland and Wales is set down in the English and Welsh Court of Appeal Judgement *Sheila Moore v Secretary of State for Communities and Local Government & Suffolk District Council 2012 EWCA CIV 1202*. This judgement held that the use of a residential premises for short term holiday lets could be a material change of use, with the question of materiality being one of fact and degree. This requires an assessment of factors such as the number of separate lets in any given period of time, number of individuals occupying the premises, the turnover of new individuals arriving and departing the premises; and the question as to whether the proposed operations would involve a change in character to such an extent that there may be disturbance to established residential character and amenity.

There have been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable. Since July 2018, more than 200 new enforcement cases have been opened and while 140 are ongoing, 23 enforcement notices have been served, ten have been appealed and all ten have been upheld by Scottish Government reporters. There have been legal challenges in respect of the reporters' decisions at Chancelot Terrace and Baxter's Place. Both of which have been withdrawn.

During this period there has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay let uses. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238).

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists and other itinerant residents of baggage along landings and stairwell as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The issue of short term lets was the subject of a report to the Corporate Policy and Strategic Committee on 14 May 2019 - 'Short Term Letting in Edinburgh Update'. This report explained that a Short Term Lets Virtual Team has been created to co-ordinate action using existing powers across several services with a team leader from Planning acting as a day to day manager.

In terms of the current proposals, it should be noted that the current Edinburgh Local Development Plan (LDP) does not include any policies against the loss of residential use. Therefore the only policy that is applicable is policy Hou 7 which does not support developments, including a change of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The Council's non-statutory Guidance for Businesses gives advice on when a change of use has taken place. Change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it only states; The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.

The application site has no direct access from the street and there will be direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties. The property has 3 bedrooms, two double and one single providing accommodation for up to six people, over short term stays of between 2-9 nights. The development could therefore accommodate smaller groups of people and have the potential to cause some noise disturbance.

In addition, the proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.

On the balance of probability, there could be the potential for disturbance to the established residential character of the area and a detrimental impact on residential amenity.

In the appeal decision for 19 Old Fishmarket Close, the Reporter highlighted *"there is an important distinction to draw between external ambient noise, which is a characteristic of a city centre location such as this, and sources of noise and disturbance from within the building itself."* The Reporter added *"the occupiers of residential flats on Old Fishmarket Close would be accustomed to some degree of ambient noise/ disturbance, and I consider it would be unrealistic to expect otherwise in such a location"*.

In addition, the Reporters in the appeals for certificates of lawfulness at Stevenson Drive and Restalrig Road both highlighted the units were on busy roads with much activity. This does not apply here.

Whilst this application site is near the city centre, it is a relatively quiet residential street and there is the potential to create disturbance from the level of activity created by short term letting. Even though this is a ground floor property, it is not a main door flat and the proposal could adversely impact the established residential character of the area and neighbouring residential amenity. The proposals do not comply with LDP policy Hou 7 and the non-statutory Guidance for Businesses.

b) Car Parking and Road Safety

The Council's Edinburgh Design Guidance does not include any parking standards for this sui generis use.

The Roads Authority were consulted as part of the assessment of the application. They have responded that they have no objections to the proposal.

The car parking and traffic issues are satisfactory.

The proposal complies with LDP Policy Tra 2.

c) Public Comments

None received.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to adopted Edinburgh Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use has the potential to adversely affect the residential character and amenity of the area.

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

Date registered 24 June 2019

Drawing numbers/Scheme 01;02

Scheme 1

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

Contact: Robert McIntosh, Planning Officer
E-mail:robert.mcintosh@edinburgh.gov.uk Tel:0131 529 3422

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

Consultations

Roads and Transportation

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

1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Note:

The proposed development retains the existing 2 car parking spaces.

Environmental protection- No response.

END

4/10/19

Dear Sir / Madam,

Re: Local Review Body appeal – representation in support of proposals
(Ref: 19/00133/REVREF)

Site: Flat 2, 5 Dalry Gait, Edinburgh

Description: Change of use of residential flat to short-term commercial let.

I am writing in relation to the above planning appeal to be considered by the Council's Local Review Body.

Having read the Report of Handling, it indicates to me that the reason the application was initially refused was because of the likely adverse impact would have on neighbouring occupiers of Dalry Gait.

As a resident of Dalry Gait, I have had no grounds to make any complaint to The City of Edinburgh Council for any of the premises operating as short-term holiday lets in the vicinity. There are already numerous coming and goings amongst the 70 or so properties within the development.

The use of the ground floor flat for short-term holiday lets (as proposed) has not had an adverse impact on my living conditions as the Council has assumed in their decision-making and I do not consider that it would, if allowed.

As a resident of Dalry Gait, it is my opinion that the appeal should therefore be allowed.

I would be grateful if these comments could be considered as part of the appeal.

Kind Regards,

DANIEL ANDERSON



Address: 2/2 Dalry Gait , Edinburgh EH11 2AU Scotland

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 100178690-002

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:	Athena Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	
Last Name: *	Miles	Building Number:	64A
Telephone Number: *	01315108309	Address 1 (Street): *	Cumberland Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH3 6RE
Email Address: *	craig@athena-planning.com		

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="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Flat 5"/>
First Name: *	<input type="text" value="Nhung"/>	Building Number:	<input type="text" value="3"/>
Last Name: *	<input type="text" value="Hoang"/>	Address 1 (Street): *	<input type="text" value="Dalry Gait"/>
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="EH11 2AU"/>
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="FLAT 2"/>
Address 2:	<input type="text" value="5 DALRY GAIT"/>
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="EH11 2AU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673093"/>	Easting	<input type="text" value="323936"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Change of use of residential flat to short term commercial let

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.

Please see attached statement

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)

No assessment was made of the existing impact the change of use has on neighbouring occupiers

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, Floor Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/02382/FUL

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

24/06/2019

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

23/08/2019

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 *

Holding one or more hearing sessions on specific matters

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)

To explain in person the minimum impact the use as a commercial holiday let would have on the existing residents

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 Craig Miles

Declaration Date: 09/09/2019

Proposal Details

Proposal Name	100178690
Proposal Description	LRB Planning Appeal for AirB&B
Address	FLAT 2, 5 DALRY GAIT, EDINBURGH, EH11
	2AU
Local Authority	City of Edinburgh Council
Application Online Reference	100178690-002

Application Status

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

Attachment Details

Notice of Review	System	A4
Appeal Statement	Attached	A4
Decision Notice	Attached	A4
Report of Handling	Attached	A4
Site Plan	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

Ms Nhung Hoang.
3 Flat 5, Dalry Gait
Edinburgh
United Kingdom
EH11 2AU

Decision date: 23 August 2019

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

Change of use of residential flat to short term commercial let.
At Flat 2 5 Dalry Gait Edinburgh EH11 2AU

Application No: 19/02382/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 24 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 adopted Edinburgh Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use has the potential to adversely affect the residential character and amenity of the area.

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

Drawings 01;02, 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 does not comply with the Edinburgh Local Development Plan and the Council's Guidance for Businesses. The proposed change of use would have an unacceptable impact on residential amenity and the established character of the area. There are no other material considerations to outweigh this conclusion.

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 Robert McIntosh directly on 0131 529 3422.

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 19/02382/FUL At Flat 2, 5 Dalry Gait, Edinburgh Change of use of residential flat to short term commercial let.

Item	Local Delegated Decision
Application number	19/02382/FUL
Wards	B07 - Sighthill/Gorgie

Summary

The proposal does not comply with the Edinburgh Local Development Plan and the Council's Guidance for Businesses. The proposed change of use would have an unacceptable impact on residential amenity and the established character of the area. There are no other material considerations to outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU07, NSG, NSBUS,
---	---------------------------

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 relates to flat 2, 5 Dalry Gait, Edinburgh. It is a ground floor flat which is accessed through a communal door and stair.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application is for planning permission for the change of use of a ground floor residential flat to a short term commercial let. The flat has three bedrooms in total, 2 double and one single. It will provide accommodation for up to six people, over short term stays of between 2-9 nights.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of change of use is acceptable in this location;
- b) the proposal raises any issues in respect to road users; and

c) any comments have been addressed.

a) Principle of development

The current planning case law position in respect of the use of properties as short stay commercial visitor accommodation (SSCVA) in England, Scotland and Wales is set down in the English and Welsh Court of Appeal Judgement *Sheila Moore v Secretary of State for Communities and Local Government & Suffolk District Council 2012 EWCA CIV 1202*. This judgement held that the use of a residential premises for short term holiday lets could be a material change of use, with the question of materiality being one of fact and degree. This requires an assessment of factors such as the number of separate lets in any given period of time, number of individuals occupying the premises, the turnover of new individuals arriving and departing the premises; and the question as to whether the proposed operations would involve a change in character to such an extent that there may be disturbance to established residential character and amenity.

There have been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable. Since July 2018, more than 200 new enforcement cases have been opened and while 140 are ongoing, 23 enforcement notices have been served, ten have been appealed and all ten have been upheld by Scottish Government reporters. There have been legal challenges in respect of the reporters' decisions at Chancelot Terrace and Baxter's Place. Both of which have been withdrawn.

During this period there has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay let uses. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road(CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238).

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists and other itinerant residents of baggage along landings and stairwell as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The issue of short term lets was the subject of a report to the Corporate Policy and Strategic Committee on 14 May 2019 - 'Short Term Letting in Edinburgh Update'. This report explained that a Short Term Lets Virtual Team has been created to co-ordinate action using existing powers across several services with a team leader from Planning acting as a day to day manager.

In terms of the current proposals, it should be noted that the current Edinburgh Local Development Plan (LDP) does not include any policies against the loss of residential use. Therefore the only policy that is applicable is policy Hou 7 which does not support developments, including a change of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The Council's non-statutory Guidance for Businesses gives advice on when a change of use has taken place. Change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it only states; The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.

The application site has no direct access from the street and there will be direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties. The property has 3 bedrooms, two double and one single providing accommodation for up to six people, over short term stays of between 2-9 nights. The development could therefore accommodate smaller groups of people and have the potential to cause some noise disturbance.

In addition, the proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.

On the balance of probability, there could be the potential for disturbance to the established residential character of the area and a detrimental impact on residential amenity.

In the appeal decision for 19 Old Fishmarket Close, the Reporter highlighted *"there is an important distinction to draw between external ambient noise, which is a characteristic of a city centre location such as this, and sources of noise and disturbance from within the building itself."* The Reporter added *"the occupiers of residential flats on Old Fishmarket Close would be accustomed to some degree of ambient noise/ disturbance, and I consider it would be unrealistic to expect otherwise in such a location"*.

In addition, the Reporters in the appeals for certificates of lawfulness at Stevenson Drive and Restalrig Road both highlighted the units were on busy roads with much activity. This does not apply here.

Whilst this application site is near the city centre, it is a relatively quiet residential street and there is the potential to create disturbance from the level of activity created by short term letting. Even though this is a ground floor property, it is not a main door flat and the proposal could adversely impact the established residential character of the area and neighbouring residential amenity. The proposals do not comply with LDP policy Hou 7 and the non-statutory Guidance for Businesses.

b) Car Parking and Road Safety

The Council's Edinburgh Design Guidance does not include any parking standards for this sui generis use.

The Roads Authority were consulted as part of the assessment of the application. They have responded that they have no objections to the proposal.

The car parking and traffic issues are satisfactory.

The proposal complies with LDP Policy Tra 2.

c) Public Comments

None received.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to adopted Edinburgh Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use has the potential to adversely affect the residential character and amenity of the area.

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

Date registered 24 June 2019

Drawing numbers/Scheme 01;02

Scheme 1

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

Contact: Robert McIntosh, Planning Officer
E-mail:robert.mcintosh@edinburgh.gov.uk Tel:0131 529 3422

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

Consultations

Roads and Transportation

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

1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Note:

The proposed development retains the existing 2 car parking spaces.

Environmental protection- No response.

END



Athena Planning

Chartered Town Planners & Development Professionals

Planning Appeal Statement

Relating to

Flat 2, 5 Dalry Gait,
Edinburgh, EH11 2AU

For

The Change of Use of a residential property to a short-term
commercial let

Reference

19/02382/FUL

By Craig Miles MRTPI

Address

64a Cumberland Street,
Edinburgh, EH3 6RE

Phone

0131 510 8309
07708 715835

Web

info@athena-planning.com
www.athena-planning.com



Athena Planning

Chartered Town Planners & Development Professionals

Flat 2, 5 Dalry Gait,
Edinburgh, EH11 2AU

Reference 19/02382/FUL

CONTENTS

1. Executive Summary
2. Background
3. Appeal Site
4. Planning Policy Considerations
5. Material Considerations
6. Conclusion
 - Suggested Conditions

Address

64a Cumberland Street,
Edinburgh, EH3 6RE

Phone

0131 510 8309
07708 715835

Web

info@athena-planning.com
www.athena-planning.com

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

1. Executive Summary

- 1.1 This Appeal Statement is submitted on behalf of the applicant Ms Nhung Hoang against the decision of The City of Edinburgh Council (the Planning Authority) to refuse planning permission for the change of use of a residential property at Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU to a short-term commercial let on 23 August 2019 (planning application reference 19/02382/FUL).
- 1.2 The reason for the refusal was that in the Council's opinion because "*the proposed use has the potential to adversely affect the residential character and amenity of the area*" contrary to Policy Hou 7 in respect of Inappropriate Uses in Residential Areas of the adopted Edinburgh Local Development Plan.
- 1.3 In response to this decision, set in the Planning Policy considerations this Statement will demonstrate that the proposed change of use could be carried out in a manner that:
 - A. Would not materially affect the living conditions of nearby residents through the imposition of planning conditions controlling the management and timescale of the proposals.
 - B. The loss of a single flat on the entire development of Edinburgh Gait to a short-term holiday let would not adversely affect the residential character of the area.
- 1.4 The Local Review Body, having set-out in detail below the matters affecting the change of use will be respectfully requested to allow the Appeal to provide one main door property to be used as a holiday-let, subject to a range of restrictive conditions detailed in this statement because there are no other material considerations which could warrant the decision being upheld.

Web

info@athena-planning.com
www.athena-planning.com

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

2. Background

- 2.1 The appellant lives in Flat 5, 3 Dalry Gait, Edinburgh. She bought Flat 2 in November 2018 and has since let it on occasion for short-term holiday let accommodation.
- 2.2 The letting process involves online booking and given that the owner of the appeal site lives directly across, all guests are met personally on arrival to ensure disturbance to other residents.
- 2.3 The appellant was advised that the use of premises as a short-term commercial let may require planning permission and on her own accord made an application to The City of Edinburgh Council to ensure lets were compliant with planning legislation. Ms Hoang has no prior knowledge of the planning system or the process involved in obtaining planning permission and has sought legitimate to regularise the use of the premises.
- 2.4 An application was submitted and validated by the Planning Authority on 24 June 2019 – reference 19/02382/FUL. The appellant provided a brief statement explained that:
- The property was on the ground floor of the building and is accessed via a communal entrance
 - That the lets are generally between 2 and 9 nights at a time
- 2.5 The statement crucially never stated that the appellant lives in Flat 5, 3 Dalry Gait, Edinburgh, directly across and would manage the letting process herself.
- 2.6 The appellant and owner - Ms Nhung Hoang – also advised that she was a successful business woman before she retired with her excellent ability to manage customers and stakeholders' satisfaction. She operates a systematic method to manage her customers. All bookings from Airbnb are reviewed by the owner before she decides to serve the guest. The review is based on the credibility of the guests (through user rating system by Airbnb). The approach to managing which lets the flat on a short-term basis is critical because it limits the potential for noise and disturbance to neighbours (including herself) and limits any detrimental impact to her own residential property (the subject of the appeal). Through this management process, it is considered that guests do not have a detrimental impact on neighbouring amenity. The existing reviews for the premises on the Airbnb system already demonstrates the kindness of served guest - who should be welcomed in Edinburgh.

Web

info@athena-planning.com
www.athena-planning.com

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

3. Appeal Site

- 3.1 Dalry Gait for was formed following the demolition of a large Cash and Carry building in the early 2000's. Planning permission was granted for 77 residential units (Ref: 00/02360/FUL).
- 3.2 The appeal site is a ground-floor 3 bedroomed flat located off Dalry Road, Edinburgh. It is accessed within a few metres of the main communal entrance door to 5 Dalry Gait.
- 3.3 The rear of the building backs onto Haymarket Train Station. The rear elevation is approximately 13 metres from the actual railway line used 24 hours per day, 7 days per week.
- 3.4 To the front of the building is a large communal parking area to service a total of 77 properties and beyond the entrance from Dalry Road. There is no private amenity space associated with the premises.
- 3.5 The appeal site in effect provides 'city centre' living by its location. It is not an idyllic sub-urban peaceful retreat, rather it is a high-density urban location situated next to a railway line and amongst 76 other closely-knit residential units. The noise and associated visitor, owner, vehicular and pedestrian movement is already high compared to sub-urban locations. The occupiers of residential flats on Dalry Gait would be accustomed to some degree of ambient noise / disturbance as a result of its location.

4. Planning Policy Considerations

- 4.1 The Report of Handling states that there are no planning policies within the Edinburgh Local Development Plan against the loss of a residential use. In fact, there are no planning policies to provide any specific criteria for considering change of use applications to commercial holiday lets.
- 4.2 The Council's decision to refuse planning permission in the context of planning policy was entirely based on Policy Hou7 of the Edinburgh Local Development Plan.
- 4.3 The statements detailed in the Report of Handling about amenity are generic statements based upon conjecture and not fact within this application. There is no reason to assume that the presumed justification for refusal will occur within the confines of these premises as stated and there is no reason to assume in the same respect that established

Web

info@athena-planning.com
www.athena-planning.com

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

residents/owners who occupy premises will not engage in what could be described as anti-social behaviour. Living within dense blocks of flats does require a degree of acceptability of your neighbours' behaviour and as such determining if this use is a change of character is dubious. The same complaint has been lodged at student accommodation throughout the city for many years.

- 4.4 The planning officer concluded that the appeal site and the surrounding area is a “...*quiet residential street*” no assessment is made to qualify that conclusion. In my opinion, it is located alongside a railway line, it forms part of a high-density development and the ground floor flat fronts onto a communal parking area to service 77 properties whereby vehicles are continually coming and going. It is located directly adjacent to the “City Centre” and “Town Centre” defined on the Proposal Map of the Edinburgh Local Development Plan.
- 4.5 As part of the consideration of a similar recent appeal at 17 Old Fishmarket Close, Edinburgh, the Reporter appointed by Scottish Ministers stated that the interpretation of Policy H7 should be:
- “...the use of the flat as a holiday let would necessarily be unacceptable in principle. Policy Hou 7 does not preclude such a use outright; the policy test for the acceptability or otherwise of the proposal should therefore principally be based on whether the use would be materially detrimental to the amenity of other residents.”*
- 4.6 This means making an informed judgement about the level of amenity presently enjoyed by adjoining properties, and then consider if the nature of commercial short term letting would be materially detrimental to them. No informed consideration or judgement has been made.
- 4.7 The planning authority are attempting to make a judgement upon the “*materially detrimental effect*” the development may have on the living conditions of nearby residents – having never visited the premises when they are occupied or having spent any period of time at the property to consider existing movement or the impact on noise and disturbance to make any informed judgement.
- 4.8 The informed judgements come from those already living at 5 Edinburgh Gait and the adjoining properties. As part of the planning application process, neighbours were notified of the planning application for the proposed Change of Use – no objections were raised from neighbouring occupiers. Similarly, as far as the appellant is aware, no complain has ever been made as a result of noise and disturbance at Flat 2, 5 Dalry Gait, Edinburgh.

Web

info@athena-planning.com
www.athena-planning.com

4

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

- 4.9 The Report of Handling highlights circumstances as part of dismissed applications and appeals in which noise and movements are the reasons for refusal, but these decisions relate to premises that are not occupying the ground floor. In this instance, the entrance to the flat door is within 5 metres from the main entrance to the building. It is situated beyond a common lift, distinctly separate from the access into Flat 2. The appellant also lives in the flat directly across from the property which is the subject of this appeal. The other ground floor flat is let on a short-term basis.
- 4.10 There are at least 20 out of the 77 residential units operating for short term holiday lets. By the entrance to the development planning and fronting onto Dalry Gait, permission was granted for 166-bedroomed student accommodation building in 2011 (11/02165/FUL). The development has been completed and is fully occupied. Clearly the site is not just simply a “quiet residential area.”
- 4.11 The Report of Handling also makes reference to “The Council’s non-statutory Guidance for Business” as part of the decision-making process. This document, as far as I am aware, has not been subject to public consultation; it is not explicitly part of the Development Plan.
- 4.12 Yet, the Report of Handling seems to include this Guidance as some form of material consideration which is attributed weight as part of the decision-making process. It has no material weight in the planning decision making process – it is a guidance note for businesses making a planning application to The City of Edinburgh Council.
- 4.13 Irrespective of its status, the guidance states that: *“In the case of short stay commercial leisure apartments, the Council will not normally grant planning permission in respect of fatted properties where the potential adverse impact on residential amenity is greatest.”*
- 4.14 The greatest impact would be a commercial holiday let on the upper floor of the building. In this instance, the appeal site forms a ground floor flat within close proximity to the communal entrance and the appellant lives directly across. The impact on residential amenity would be limited. As discussed, the operational period can also be controlled by condition.
- 4.15 The officer notes several times in the report that the proposal has *“the potential to create disturbance”* and not a certain *“materially detrimental effect on the living condition of nearby residents”* as required by the only relevant planning policy (Hous 7). There is no certainly to make this judgement that there would be a detrimental effect. Having no objections to the application from neighbouring residents and there being no complains about the

Web

info@athena-planning.com
www.athena-planning.com

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

operating the premises as a commercial holiday let previously, clearly indicate a lack of detrimental effects.

- 4.16 Nevertheless, potential affects could be controlled by condition by limiting the number of nights within a year and having a temporary permission can control the time and operations of a commercial let. This has not been considered as part of any planning assessment.
- 4.17 The loss of a single flat amongst 77 residential units would not adversely affect the character or indeed appearance of this urban area given that the other 76 properties would remain in residential use. A large proportion of them are already used for short term holiday lets and the development is alongside a 166-bed student accommodation building.

5. Material Considerations

A. The premises are only occupied 'a third of the time'

- 5.1 Airbnb's own statistics for Edinburgh indicates that average occupancy rate of Edinburgh of 31.6%. It can be concluded that the premises would not be occupied at all for 68.4% of the time.

<http://insideairbnb.com/edinburgh/?neighbourhood=&filterEntireHomes=false&filterHighlyAvailable=false&filterRecentReviews=false&filterMultiListings=false>

B. Edinburgh Tourism spend not realised

- 5.2 The average expenditure per day, per tourist is £97.63 according to the "Edinburgh Numbers" publication by City of Edinburgh Council in 2018.

http://www.edinburgh.gov.uk/downloads/download/1965/edinburgh_by_numbers_2018

- 5.3 It also states that as part of the "**Key Facts**" that in 2018, visitors staying overnight spent over £117 per person per day. This was up on the same period as last year by around £10. This is anticipated to increase. Based on an average occupancy of only 31.6% per year, the premises would contribute around £70,00 per year through tourism spent into the local economy.

Web

info@athena-planning.com
www.athena-planning.com

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

C. Allowing the appeal enables a degree of control by The City of Edinburgh Council

5.4 Permitting the appeal allows a degree of control over short-term commercial lets. The suggested condition would be a temporary consent for a two-year period. It would require a register of guests and dates to be kept, and required to be managed and supervised by the appellant living directly across from the appeal site.

6. Conclusion

6.1 The submitted Appeal, supported by this Statement, seeks to overturn the planning officer's decision to refuse Planning Permission for a short-term commercial let and consent be granted for the proposal.

6.2 The property is a ground floor flat, next to the communal entrance to the building. The owner (and manager) lives directly across and there have no objections to the planning application submitted. The wider development which the appeal site occupies is already used by for least 20 short term holiday let units. Also alongside the site is a 166-bedroomed student accommodation building. Owing to its location, and the existing uses alongside the site and that the it could be appropriately management close-by - it is considered that the proposal is not contrary to Policy Hou7 of the Edinburgh Local Development Plan LDP owing to the limited impact the proposed change of use would have on neighbouring residents. The appellant does not consider conditions to be necessary to enable the enable, however if the Local Review Body wish to control the operations of the development, the appellant is agreeable to restrictive planning conditions limiting the operational time and management of the short-term commercial let (detailed below).

6.3 The Local Review Body is therefore respectfully requested to allow the appeal.

Suggested Conditions to manage amenity

The management of amenity can be controlled through a temporary permission attached to a planning condition and other restrictive conditions as suggested below:

1. This planning permission will lapse on the expiration of a period of two years from the date of this decision notice.

Reason: To maintain the availability of the site as short term holiday tourist accommodation and to regulate and control the development of land and buildings

Web

info@athena-planning.com
www.athena-planning.com

7

Planning Appeal Statement

Flat 2, 5 Dalry Gait, Edinburgh, EH11 2AU

2. The short-term commercial let hereby approved shall at all times be managed and supervised by the owner of Flat 5, 3 Dalry Gait, Edinburgh unless written permission of the Planning Authority has been granted.

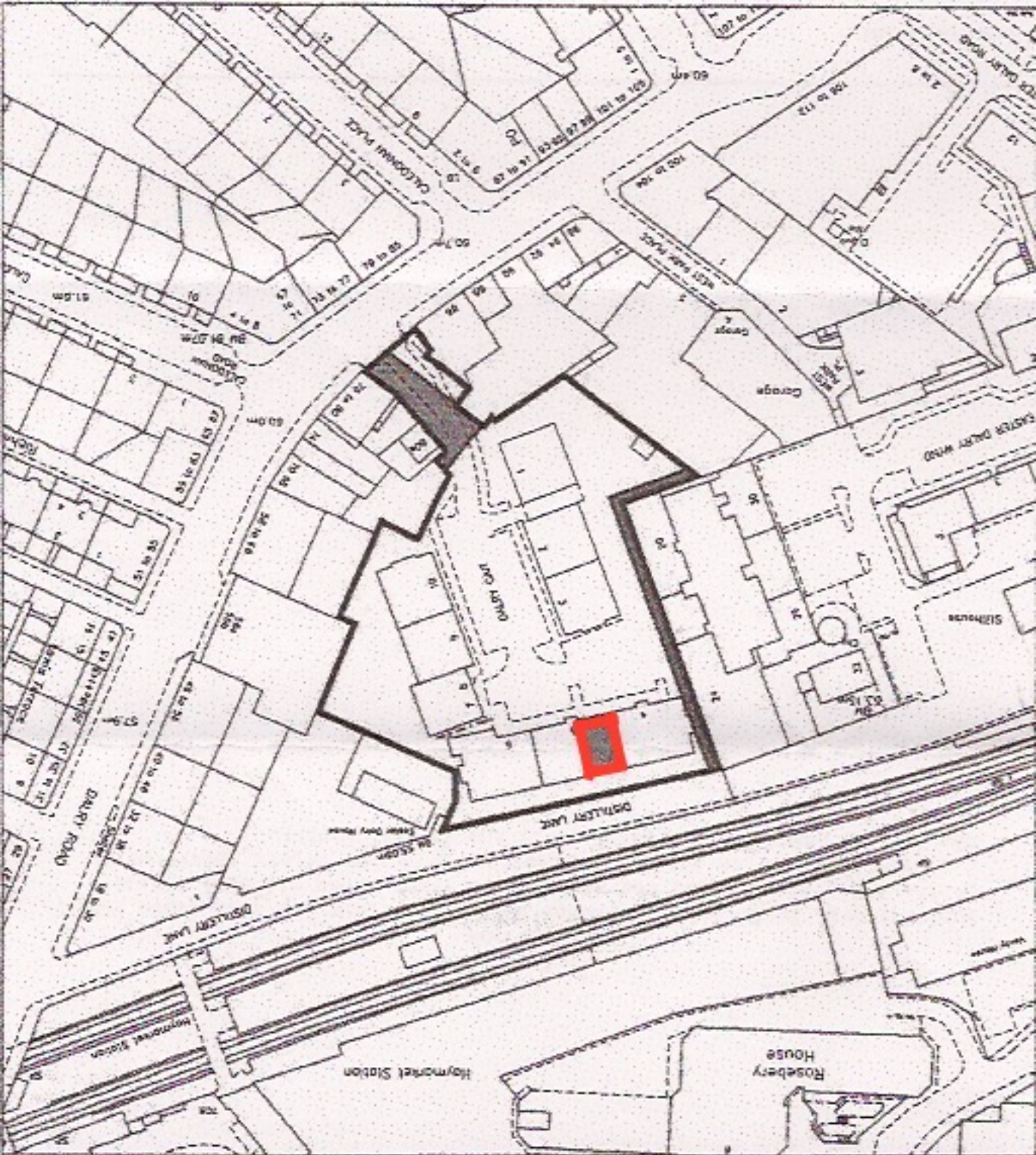
Reason: To enable the Planning Authority to regulate and control the development of land and buildings.


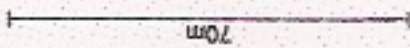
3. A register of all guests using the short-term commercial let shall be kept, including dates and durations of each stay by each guest, and the register shall be made available for inspection by the Local Planning Authority at 48 hours' notice.

Reason: To maintain the availability of the site as short term holiday tourist accommodation and to regulate and control the development of land and buildings.

Web

info@athena-planning.com
www.athena-planning.com



TITLE NUMBER MID66099	Officer's ID / Date 2712 19/10/2014	LAND REGISTER OF SCOTLAND 
Survey Scale 1/1250 	ORDNANCE SURVEY NATIONAL GRID REFERENCE NT2372NE NT472NW NT237SE NT2473SW	

D2 Architectural Design Ltd.
 FAO: Hayley Cullen
 9 Eskbank Road
 Dalkeith
 EH22 1HD

Mrs Tara Luckhart.
 2 Ettrick Grove
 Edinburgh
 EH10 5AW

Decision date: 18 June 2019

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

Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room.

At 2 Ettrick Grove Edinburgh EH10 5AW

Application No: 19/01564/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 27 March 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 **mixed decision** 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;

1. This permission relates to to formation of a single-storey rear extension..
2. This refusal relates to the formation of a flat roofed side extension..

Reasons:-

1. In order to recognise the elements of the application recommended for approval.
2. The scale, form and design of the side extension does not comply with non-statutory guidance for householders , it fails to preserve the character and appearance of the conservation area and is contrary to local plan policies Des 12 and Env 6.

Informatives:-

It should be noted that:

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

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

Drawings 01-05, 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 single storey rear extension would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. This element of the proposal complies with the LDP Policies Des 12 and ENV 6; the non-statutory Guidance for Householders and, the Merchiston and Greenhill Character Appraisal. This element of the proposal is acceptable.

The proposed single storey side extension would disrupt the primary elevation of the building by the nature of its flat roof design and it would disrupt the. This would adversely affect the primary elevation of the host property and detract from the wrap around amenity space that is characterful of properties within this conservation area. This element of the proposal is unacceptable.

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 Luke Vogan directly on 0131 529 3618.

D R Leeshi

**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 19/01564/FUL
At 2 Etrick Grove, Edinburgh, EH10 5AW
Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room.**

Item	Local Delegated Decision
Application number	19/01564/FUL
Wards	B10 - Morningside

Summary

The proposed single storey rear extension would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. This element of the proposal complies with the LDP Policies Des 12 and ENV 6; the non-statutory Guidance for Householders and, the Merchiston and Greenhill Character Appraisal. This element of the proposal is acceptable.

The proposed single storey side extension would disrupt the primary elevation of the building by the nature of its flat roof design and it would disrupt the. This would adversely affect the primary elevation of the host property and detract from the wrap around amenity space that is characterful of properties within this conservation area. This element of the proposal is unacceptable.

Links

Policies and guidance for this application

LDPP, LDES12, NSG, NSLBCA, NSHOU, OTH, CRPMER,

Report of handling

Recommendations

1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

The property is a two storey semi detached dwelling within an established residential area. Colinton Road lies to the south of the property.

This application site is located within the Merchiston And Greenhill Conservation Area.

2.2 Site History

18.05.2004 Planning permission granted for a dropped kerb to form a new driveway (04/01826/FUL),

08.06.2017 Planning permission granted for iterations and attic conversion to house incorporating velux windows to front, side and rear elevations. (17/02633/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for a single storey side extension with an incorporated bike shed and a single storey rear 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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) Any impacts on equalities or human rights are acceptable;

d) Any comments raised have been addressed.

a) The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

"The scale, design and materials of new developments should reinforce and protect those features that give Merchiston and Greenhill its special character. Any development should take into consideration the spatial pattern, scale, proportions and design of traditional properties'.. New development should protect the setting of individual buildings and the historic environment as a whole'.. Modern substitutes generally fail to respect the character of the area."

The single storey side extension element of the proposal is contrary to the local development plan policies Des 1, Des 12 and Env 6, with reference to design, materials and character. It does not respect the existing quality and character of the neighbourhood or this part of the conservation area or the distinctiveness of this grouping of buildings on the north side of Etrick Grove. It further represents a departure from the Guidance for Householders 2018 with reference to roof design and, is contrary the Merchiston and Greenhill Character Appraisal, with particular reference to scale and design.

Due to the prominent location of the property, an extension of this style and form cannot be supported due to its adverse impact on the principle elevation. Particular incompatibilities include:

1. Building up to the boundary will enclose the site, this is not compatible with the character of the area;
2. The flat roof on the principle elevation, and;

3. The materials on a principle elevation would be classed as a 'modern substitute' which would not be acceptable.

This element of the proposal will therefore have an adverse impact upon the character and appearance of the host property and surrounding area.

The proposed single storey extension to the rear of the property is of a design that will sit comfortably within that elevation of the building. The layout and scale of this proposal is in keeping with the spatial pattern of the area and does not represent over development on the site. The proposed materials and fenestration design are considered provide a suitable contrast to the original building whilst preserving the character and appearance of the Conservation Area and, is therefore acceptable in this location.

This element of the proposal complies with the LDP Policies Des 1, Des 12, ENV 6; the non-statutory Guidance for Householders and, the Merchiston and Greenhill Conservation Area Character Appraisal.

It is recommended that a MIXED decision is issued, approving the rear extension but refusing the side extension, subject to the details below.

b) The proposal was assessed for neighbour amenity using the methodology set out in the Guidance for Householders 2018. The proposed rear extension will not cause anymore than 0.8 sqm of overshadowing to the neighbouring property and, it does not cause an adverse impact in relation to daylight. Therefore, this proposal does not have a significant impact on neighbouring amenity in relation to daylight and overshadowing. The rear extension would not have any implication for neighbouring privacy.

c) The application was assessed in terms of equalities and human rights. No impact was identified.

d) One material representation was received from a member of the public. The respondent expressed concern for their amenity in relation to the restriction of daylight to the rear of their property with particular reference to the garden decking area and fenestration; the neighbouring amenity has been assessed in accordance with the methodology set out in the Guidance for Householders 2018 and the impact is not considered to be significant or justify refusal of this element, (see Section a).

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to to formation of a single-storey rear extension..
2. This refusal relates to the formation of a flat roofed side extension..

Reasons:-

1. In order to recognise the elements of the application recommended for approval.
2. The scale, form and design of the side extension does not comply with non-statutory guidance for householders , it fails to preserve the character and appearance of the conservation area and is contrary to local plan policies Des 12 and Env 6.

Informatives

It should be noted that:

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

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 representation has been received from a member of the public; 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

Edinburgh Local Development Plan.

Date registered

27 March 2019

Drawing numbers/Scheme

01-05

Scheme 1

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

Contact: Luke Vogan, Planning Officer
E-mail:luke.vogan@edinburgh.gov.uk Tel:0131 529 3618

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 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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

Other Relevant policy guidance

The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone

boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 19/01564/FUL

Application Summary

Application Number: 19/01564/FUL

Address: 2 Ettrick Grove Edinburgh EH10 5AW

Proposal: Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room.

Case Officer: Val Malone

Customer Details

Name: Dr James Burnett

Address: 1, Ettrick Grove Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed wall, measuring 3.2 meters high and three meters in length, which runs parallel to the common wall between the two properties, and forms the westerly wall of the proposed 'Family room', is going to have a serious impact on the light available through the double doors and windows in my property. Specifically the mirror image of the room marked "Dining" on the drawing of the ground floor plan.

It will also restrict the early morning sun to the existing deck, and into the east facing glass kitchen door and windows.

This page is intentionally left blank

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 100176721-001

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:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *		Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UNITED KINGDOM
		Postcode: *	TD1 1NU
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"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Luckhart"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="per Ferguson Planning"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UNITIED KINGDOM"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
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="2 ETTRICK GROVE"/>
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="EH10 5AW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672061"/>	Easting	<input type="text" value="324177"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room.

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.

Please refer to the supporting Appeal Statement

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. Existing Plan. Existing Elevations. Proposed Plan. Proposed Elevations. Report of Handling. Decision Notice. Appellant Build Statement. Appeal Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01564/FUL

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

27/03/2019

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

18/06/2019

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: Miss Dani Sterling

Declaration Date: 28/08/2019



APPEAL STATEMENT

SITE ADDRESS:

2 ETTRICK GROVE, EDINBURGH, EH10 5AW

**PLANNING APPEAL AGAINST THE REFUSAL OF:
THE FORMATION OF A SIDE EXTENSION**

APPELLANT:

MR AND MRS LUCKHART

AUGUST 2019



CONTENTS

1. Introduction
2. Proposed Overview
3. Planning Policy Context
4. Grounds of Appeal
5. Conclusion

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07960 003 358

E tim@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



1. INTRODUCTION

- 1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of our client, Mr & Mrs Luckhart, who seek the erection of a single storey side extension to the east of a dwelling at 2 Ettrick Grove, Edinburgh.
- 1.2 The proposal (19/01564/FUL) for the erection of a rear and side extension was lodged on 27th March 2019 with a decision, via delegated powers, to give a mixed decision received on the 18th June 2019 that approved the rear extension and refused the side extension. As such, we now seek to appeal the refused decision on the side extension via the Local Review Body.
- 1.3 This statement responds to the reason for refusal and, where appropriate, cross referencing to the delegated officer's report, Development Plan and material considerations. The relevant core documents are listed within Appendix 1.
- 1.4 Reason for refusal:
1. *The scale, form and design of the side extension does not comply with nonstatutory guidance for householders, it fails to preserve the character and appearance of the conservation area and is contrary to local plan policies Des 12 and Env 6.*

Representations

- 1.5 One representation was received from a member of the public expressing concern for their amenity in relation to the restriction of daylight to the rear of their property with particular reference to the garden decking area and fenestration.
- 1.6 The neighbouring amenity was assessed in the determination of this application in accordance with the methodology set out in the Guidance for Householders 2018. It was concluded that the impact is **not considered to be significant and would not justify refusal.**
- 1.7 The Local Review Body, having considered the detail contained within the refused Planning Application, together with the information set out herein, will be respectfully requested to allow the Review to enable planning permission to be granted for the proposal at 2 Ettrick Grove.
- 1.8 All core documents and drawings have been resubmitted with this appeal.
- 1.9 The remainder of the Appeal Statement is structured as follows:
- Section 2: Site Context and Proposal
 - Section 3: Planning Policy Context
 - Section 4: Grounds of Appeal
 - Section 5: Conclusions



2. PROPOSED OVERVIEW

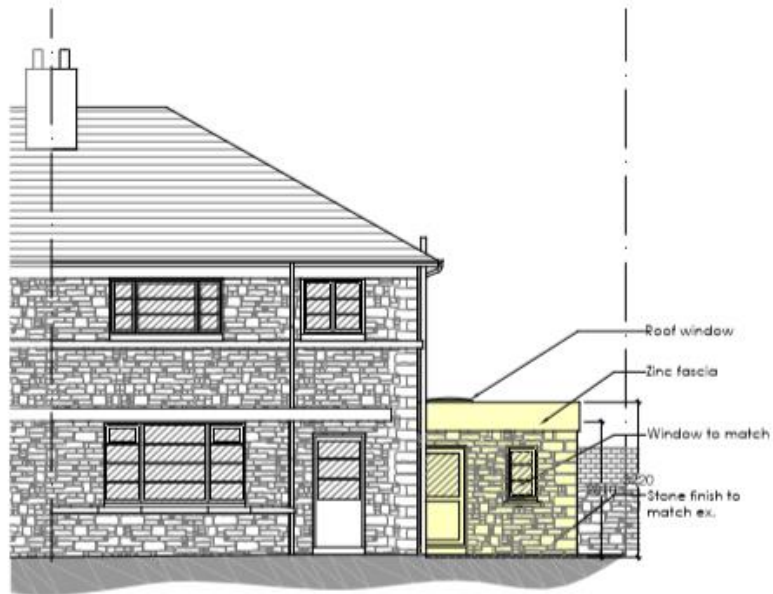
Site Context

- 2.1 The property is a two storey semi detached dwelling within an established residential area. Colinton Road lies to the south of the property. This property is not listed and is located within the Merchiston And Greenhill Conservation Area. The site is located approximately 2 miles south east of Edinburgh city centre.
- 2.2 The property is part of a group six of properties sharing the same semi-detached characteristics situated on a corner. Semi-detached dwellings are not a common characteristic of the Conservation Area. Ettrick Grove is a small cul-de-sac off East Castle Road and the road only services the six semi-detached dwellings and a single large detached dwelling.

Proposal

- 2.3 The original proposal of application 19/01564/FUL was for the formation of a 13.1m² single storey side extension that would incorporate a utility room and WC and the formation of a 19.3m² single storey rear extension that would include a family room and decking out to the garden.
- 2.4 The application was determined as a mixed decision that approved the rear extension and refused the side extension. Subsequently this appeal statement focuses on the development of the refused side extension.
- 2.5 The materials proposed are sympathetic and have proposed natural stone on the front elevation that would match the existing stone on the dwelling. Both extensions have been designed using the same external materials to match each other.
- 2.6 When viewed from the rear the side extension is proposed as a white smooth render finish. The flatted roof is proposed as zinc fascia that includes a roof window. The proposed window and door on the side extension from the front elevation will match those on the host dwelling.
- 2.7 The side extension to the east of the dwelling has been outlined within the image below demonstrating the proposed side extension and what is existing from the front elevation.

FERGUSON PLANNING



Front elevation - as proposed



Front elevation - as existing

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07960 003 358

E tim@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



3. PLANNING POLICY CONTEXT

3.1 The Edinburgh City Local Development Plan was adopted on November 2016 September and represents the most up to date development plan, containing planning policy against which applications are assessed by the Planning Authority. Reviewing the decision, the proposal is seen to be in compliance with all policy with the exception of:

3.2 The following policies are relevant:

- **Policy Des 12 Alterations and Extensions**
- **ENV6 Conservation Areas**

3.3 Material considerations are also contained within statutory and non-statutory guidance:

- **Listed Buildings and Conservation Areas Supplementary Guidance (2019)**
- **Merchiston & Greenhill Conservation Area Character Appraisal (2003)**
- **Guidance for Householders (2019)**

Policy Des 1 Design Quality and Context

3.4 Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

3.5 This policy applies to all new development, including alterations and extensions. The Council expects new development to be of a high standard of design. The Council's policies and guidelines are not to be used as a template for minimum standards. The purpose of the policy is to encourage innovation in the design and layout of new buildings, streets and spaces, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.

Policy Des 12 Alterations and Extensions

3.6 Planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building



- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
- c) will not be detrimental to neighbourhood amenity and character

3.7 Every change to a building, street or space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

Policy ENV6 Conservation Areas

3.8 Development within a conservation area or affecting its setting will be permitted which:

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal
- b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

3.9 Planning applications should be submitted in a sufficiently detailed form for the effect of the development proposal on the character and appearance of the area to be assessed.

3.10 The purpose of the above policies is to protect and, where possible, enhance the character and appearance of Edinburgh's many conservation areas. By controlling the demolition of buildings and ensuring new development is of appropriate design and quality, their aim is to protect the City's heritage for future generations.

3.11 Applications for demolition will be permitted only where this does not erode the character and appearance of the conservation area. The general presumption will be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use, or might be capable of such in the future. Conservation Area Consent may be subject to conditions or a legal agreement to link demolition works to the 100 Edinburgh Local Development Plan November 2016 Part 2 Section 3 - Caring for the Environment provision of the proposed replacement building or, in exceptional circumstances, to require temporary landscaping.

3.12 Design statements are required for new developments in a conservation area. This statement should include reference to the relevant Conservation Area Character Appraisal and Council guidance on Conservation Areas and Listed Buildings and show how these have informed the proposed design.



Protection of Residential Amenity

3.13 This requires development to have no significant adverse impact on the amenity of existing or proposed houses. The scale, form and type of development proposed must fit with the residential area and it should not have unacceptable effect in terms of overlooking, loss of privacy or sunlight. There should also be no unacceptable impact on visual amenity more generally.

Material Considerations

Merchiston & Greenhill Conservation Area Character Appraisal (2003)

3.14 The Merchiston and Greenhill Conservation Area is situated some 2.5 kms to the south west of the City centre. The Conservation Area was originally designated on 25 May 1986 with the boundary extended on the 29 March 1996.

3.15 The character of the street layouts is dominated by Victorian villas. In some places these are interspersed with substantial 2, 2.5 and 3 storey terraces of outstanding quality built in fine grey sandstone with pitched slated roofs.

3.16 The scale, design and materials of new developments should reinforce and protect those features that give Merchiston and Greenhill its special character. Any development should take into consideration the spatial pattern, scale, proportions and design of traditional properties.

Listed Buildings and Conservation Areas Supplementary Guidance (2019)

3.17 The general principles of a conservation area designation does not mean development is prohibited. However, when considering development within a conservation area, special attention must be paid to its character and appearance. Proposals which fail to preserve or enhance the character or appearance of the area will normally be refused. Guidance on what contributes to character is given in the conservation area character appraisals.

- The aim should be to preserve the spatial and structural patterns of the historic fabric and the architectural features that make it significant.
- Preservation and re-use should always be considered as the first option.
- Interventions need to be compatible with the historic context, not overwhelming or imposing.
- Without exception, the highest standards of materials and workmanship will be required for all works in conservation areas.



Guidance for Householders (2019)

3.18 None statutory-guidance is contained with the Guidance for Householders (2019). All house extensions and alterations – including dormers, conservatories, decking, energy devices and replacement doors and windows - should be well designed and of high quality. In particular, they must meet three key requirements. They should:

- complement the existing house, leaving it as the dominant element;
- maintain the quality and character of the surrounding area; and
- respect the amenity of adjacent neighbours.



4. GROUNDS FOR APPEAL (GOA)

Reason for refusal

- 4.1 The reason for refusing the application is outlined in Chapter 2. It centres on the belief that the application fails to comply with Policies **DES 12** and **ENV 6** of the Edinburgh City Local Development Plan 2016. The reasons state the development is not appropriate to its surrounding character within the Merchiston And Greenhill Conservation Area in terms of its design and proposed external materials scale and are considered to be unacceptable. Therefore, the development would contribute negatively to the visual amenity of the surrounding area.
- 4.2 It is taken that the proposal complies with all other related planning policy matters.
- 4.3 The below Grounds of Appeal (GOA) have been grouped into relevant subheadings taking into consideration different themes. Having read the Officer's report and reasoning for refusal we now outline below our Grounds of Appeal.

Precedence

GOA 1

- 4.4 It is relevant to outline a number of extensions within the Conservation Area that have been approved in the past that have strong similarities to that proposed. It demonstrates that the Planning Department have not been consistent with their analysis of extensions in the area.

Example 1 - LRB Decision

- **18/08496/FUL | Demolish existing access stair porch and external stores and replace with new enclosed stair and replacement porch at top of stair. | 1A Merchiston Crescent Edinburgh EH10 5AN**
- 4.5 Another example of a side extension recommended for refusal by the case officer was approved by the LRB in February 2019. This side extension is also found to be much larger in scale than that proposed in this appeal and a more obvious addition to the host dwelling. This application proposed a grey lead roof with vertical windows, which despite not being a flat roof is again not a common component and is different to that of the host dwelling.
- 4.6 A demonstration of the approved 18/08496/FUL application is shown within the drawing below.

Source: City of Edinburgh Council Planning Portal



Example 2

- **13/01472/FUL | Proposed single storey extension on side of house (as amended) | 2A Merchiston Crescent Edinburgh EH10 5AN**
- 4.7 In the determination of this application the design of the side extension proposed a, *“flat roof and extensive use of glazing on the proposed west and part of the south elevation results in a contemporary extension that is subservient to and distinct from the existing building.”*
- 4.8 The application was determined as an acceptable scale, form and design and therefore complied with all polices and householder guidelines.
- 4.9 This example demonstrates a far more obvious and intrusive example of an extension to that being proposed within this appeal. The sunroom is a flatted roof and is made entirely of light wooded colour of timber where there appears to have been minimal effort made to assimilate the extension to the existing dwelling.
- 4.10 The images below outline the 13/01472/FUL extension.

Source: City of Edinburgh Council Planning Portal



Example 3

- **13/01846/FUL | Erect small domestic extension at the North East side, linked by internal steps. | 20 Polwarth Terrace Edinburgh EH11 1NB**

4.11 The two storey extension is constructed with modern materials that consist of sandstone render and Eternit 'Cedral' fibre cement boards cladding. The roof is flatted with a gentle downwards slope to the rear.

- 4.12 This example offers a significant contrast to that of the existing dwelling.
- 4.13 A photograph of the 13/01846/FUL extension is outlined below.



Materials and Design

GOA 2

- 4.14 In relation to the proposed materials and design of the rear extension that has been approved the case officer expresses, *“the proposed materials and fenestration design are considered provide a suitable contrast to the original building whilst preserving the character and appearance of the Conservation area, and is therefore acceptable in this location”*.
- 4.15 It must then be noted here that the proposed materials for the side extension exactly match those proposed for the rear extension. It could be argued that the side principle extension proposes materials that are more in keeping with the character than that of the rear extension as the side extension is proposed as natural stone to match the dwelling at the front elevation and therefore the proposed materials and design of the side extension could not be considered as a *‘modern substitute’* as stated by the case officer. It is acknowledged there is a different level of visibility towards both the side and rear extension but an analysis on proposed materials alone, there appears to be contradictory comments made by the case officer as it is difficult to comprehend how the materials for the rear extension are considered a suitable contrast to the

existing dwelling but the side extension which is more in keeping with the materials of the original dwelling is considered unacceptable.

- 4.16 The proposed zinc fascia is negligible in nature that its addition would not impact the character of the area. The extension was designed sympathetically to reflect and respect the appearance and features of the existing building and as such, would not pose issues to the character or appearance of the existing property or the surrounding conservation area and is therefore compliant with policies **DES 1** and **DES 12**.
- 4.17 The flat roof design of the side extension was also not deemed to be an acceptable proposal by the Case Officer within the Conservation Area.
- 4.18 There are numerous examples of side garages with flat roofs especially along Merchiston Avenue. It is acknowledged that this is not directly comparable as these were not necessarily recent extensions/additions to the original dwelling. It does demonstrate however, that a one storey side development projection from the original dwelling with a flatted roof is not an unusual or new appearance in the conservation area and is instead part of the character of what is already existing. A number of images below demonstrate such examples.



Photo: 5 Merchiston Avenue

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07960 003 358

E tim@fergusonplanning.co.uk

W www.fergusonplanning.co.uk



Photo: 16 Greenhill Gardens



Photo: 19/17 Merchiston place

- 4.19 It is also importantly noted here that through the processing of the application, the case officer had expressed concerns regarding the roof shape and materials proposed. The appellants chose to work with the case officer and offer up alternative roof design and materials that would be more acceptable to them. It was then determined by the case officer that no side extension would be acceptable.



- 4.20 This further demonstrates the appellants willingness to offer up a proposal that the council are content with that would not be obstructive to the conservation area. It is, therefore, disappointing that no alternative roof proposal and materials were not considered by the case officer in this case.

Ettrick Grove characteristics

GOA 3

- 4.21 It is noted with the Conservation Area character appraisal that, *'the detached villas in the area are defined by stone wall boundaries surrounded by extensive garden demonstrating a clear seclusion between houses and a clear distinction between public and private spaces'*. This is not the case for the six semi-detached houses on Ettrick Grove as they are not surrounded by areas of extensive garden and are instead characterised in very close proximity to one another with very narrow gaps that already make the dwellings appear enclosed. Therefore, the addition of the site extension would not substantially harm the host dwelling, a neighbouring dwelling or the character of the area.
- 4.22 The character appraisal further supports this as it makes note of these small cul-de-sacs within the conservation area, *"There are some small lanes and cul-de-sac within the perimeter blocks which contribute towards a feeling of semi-rural seclusion, intimacy and offer contrast and variety."* It is therefore noted, that these smaller defined areas within the conservation area offer intimacy and variety to the general form of the surrounding area.
- 4.23 Consequently, the comment expressed by the case officer within the Report of Handling, *"Building to the boundary will enclose the site, this is not compatible with the character of the area;"* is considered to be irrelevant in this case as it has already been identified that these cul-de-sacs offer intimacy and do not possess the same patterns and characteristics as the secluded detached villas that dominate the Conservation Area and is therefore compliant with Policy **ENV 6**.

Visibility

GOA 4

- 4.24 The Appellants in this case have made every effort to ensure the side extension when viewed from the front of the dwelling will exactly match the existing natural stone material of the dwelling. The proposed extension is also much smaller in this case and the use of zinc fascia on the upper flatted roof element is small in nature and would in no way have a significant impact on the Merchiston And Greenhill Conservation Area.
- 4.25 Ettrick Grove is not situated within one of the large streets classified in the Conservation Area. The site is located on a small cul-de-sac that only services the six semi-detached dwellings and



one single detached dwelling. The road is not used as a through road or located close to any of the through roads identified in the Merchiston And Greenhill character appraisal. Therefore, as Ettrick Grove only accommodates the six semi detached dwellings and single detached dwelling the visibility potential of the side extension to public receptor points is limited.

- 4.26 Travelling along the East Castle Road from the north east off Polwarth Terrace the subject site would not be significantly visible. Again, when travelling from the opposite side visibility of the side extension would be limited in passing due to existing mature hedging screening most of the extension when viewed from the public road. Therefore, the side extension would only have a limited visibility by those directly entering Ettrick Grove and would in no way have a significant visual impact.
- 4.27 Furthermore, the side extension is set behind the front line of the existing dwelling to give a clear definition between the new design and the existing building in compliance with the Householder Guidance 2019. This further reduces the visibility of the side extension from the public road.



5. CONCLUSION

- 5.1 The proposed extensions have been designed in a careful manner and a balanced assessment of the proposals leads to the conclusion that no harm would be caused to the host property or neighbouring property and the wider Merchiston And Greenhill Conservation Area.
- 5.2 The proposals will enable the property to extend to the rear and side to a high standard of design that is a subtle and subservient addition ensuring the development is in keeping with the existing character of both the host dwelling and Merchiston And Greenhill Conservation Area.
- 5.3 There are a number of examples within the conservation area of side extensions that have not necessarily fitted into the conventional extensions required by policy and supplementary guidance. There are more obvious and intrusive examples of extensions that have used materials not commonly found within the surrounding area and of a scale that is much larger than that being proposed within this appeal.
- 5.4 Therefore, it is argued the proposed design and form, choice of materials and positioning of the extensions to the host property are suitably compatible with the character and appearance of the existing building. Accordingly, the proposals are appropriate and acceptable in their scale, form and design in this instance.
- 5.5 During the determination of the application, the appellants were keen to progress and work positively with the council to address any concerns they had by offering up amended materials and roof designs that would be deemed as more acceptable. It was therefore disappointing when these were not taken into consideration by the case officer and instead it was concluded any form of side extension was deemed unacceptable.
- 5.6 It has been established within the determination of the application that the proposed extensions would not cause any residential/neighbouring amenity impacts on adjacent properties and is therefore compliant with Policy DES 12.
- 5.7 The proposals are considered to be in accordance with relevant policies **DES 1**, **DES 12** and **ENV 6** of the local development plan and be in conformity with all supplementary guidance.
- 5.8 Accordingly, the Local Review Body is respectfully requested to allow the appeal and grant planning permission.



Appendix 1 Core Documents (CD)

Drawings

CD 1. Location Plan

CD 2. Existing Plan

CD 3. Existing Elevations

CD 4. Proposed Plan

CD 5. Proposed Elevations

Reports

CD 6. Report of Handling

CD 7. Decision Notice

CD 8. Appellant Build Statement

Main Office:

Shiel House | 54 Island Street | Galashiels | TD1 1NU

NI Office:

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

T 01896 668 744

M 07960 003 358

E tim@fergusonplanning.co.uk

W www.fergusonplanning.co.uk

2 Etrick Grove, Bruntsfield, Edinburgh EH10 5AW
Formation of Side Extension

The overall design concept is wholesome. It attempts to address some of the needs of present day lifestyles. The side extension, which is subject of appeal, incorporates the following elements in the hope that it will go part way towards this holistic approach.

1. Utility Room
2. Ground Floor Toilet
3. Means of Fire Escape from the Main Building
4. Maintenance of the East Elevation
5. Security
6. Access to the Rear Garden
7. Rear Garden
8. Enhancement of Character and Appearance

1. Utility Room

It is important that the laundry is kept separate from the kitchen area for hygiene purposes. The Appellants have two young children.

2. Ground Floor Toilet

Proposed kitchen, in order to comply with building standards, has been designed to cater for a wheelchair. Although the proposed ground floor toilet in the side extension does not meet the disabled toilet standards, the design should be a considerable improvement on the existing toilet. The Appellants are not sure if the under-stairs toilet has building warrant approval.

3. Means of Escape

Existing window, at first floor level, on east elevation is an escape window. The house, built in the 1930's, had a fireplace in the attic. It is most likely that the attic was used as a habitable room. This attic is now being converted to comply with present day standards and to meet modern day needs. The side extension with a flat roof will make it easier to escape via the escape window from the first floor by stepping onto the roof, boundary wall and then onto the drive.

4. Maintenance of East Elevation

At present, maintenance of the side wall of the host dwelling is virtually impossible without encroaching onto the neighbouring property. The side extension with the flat roof will remove the need to go onto the neighbouring property.

5. Security

Side extension would provide security by cutting off access to the rear to unauthorised persons.

6. Access to Rear Garden

Access to the rear garden will be maintained through the utility room by having front and rear doors to the side extension leading directly to the rear gardens.

7. Rear Garden

The private garden framed by the extensions on one side and the original brick walls on the other three sides, surrounded by trees will form part of the wholesome design concept.

8. Enhancement of Character and Appearance

As stated in the Appellants' Statement by Ferguson Planning, the side extension would enhance the character and appearance of the host dwelling. Being a corner property it should add value to the Ettrick Grove dwellings

This report is prepared by Mr G. S. Sagoo B.Sc. C.Eng A. M.I.C.E., father of Tara Luckhart, Appellant

My past experience includes:

1. In 1962 designed, supervised construction and later Presented a paper on the 'Design and Construction of Pre-stressed Post-tensioned Concrete Footbridge in Chesterfield, England' to the Institute of Municipal Engineers. The paper was published in the Institute's journal. It later won two awards, one in Glasgow and the second in Bournemouth.

2. In 2005 my development company carried out refurbishment and extensions to three Grade II listed buildings.

3. In 2008 carried out refurbishment of an old dilapidated church in Cardiff (on a voluntary basis). It won the Lord Mayor's award for sympathetic restoration.

Proposal Details

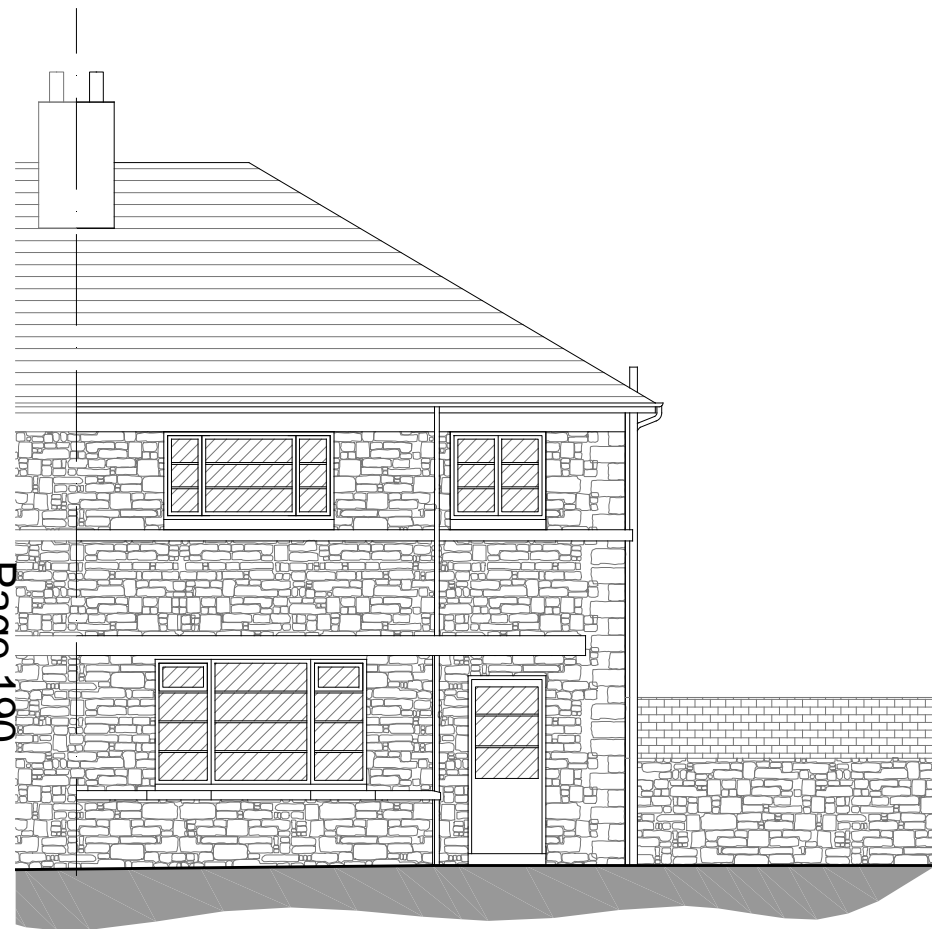
Proposal Name	100176721
Proposal Description	PLANNING APPEAL AGAINST THE REFUSAL OF: THE FORMATION OF A SIDE EXTENSION
Address	2 ETTRICK GROVE, EDINBURGH, EH10 5AW
Local Authority	City of Edinburgh Council
Application Online Reference	100176721-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Plan	Attached	A3
Exisitng Plans	Attached	A3
Exisiting Elevations	Attached	A3
Proposed Plan	Attached	A3
Proposed Elevations	Attached	A3
Report of Handling	Attached	A4
Decision Notice	Attached	A4
Appellant Build Statement	Attached	A4
Appeal Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



Front elevation - as existing

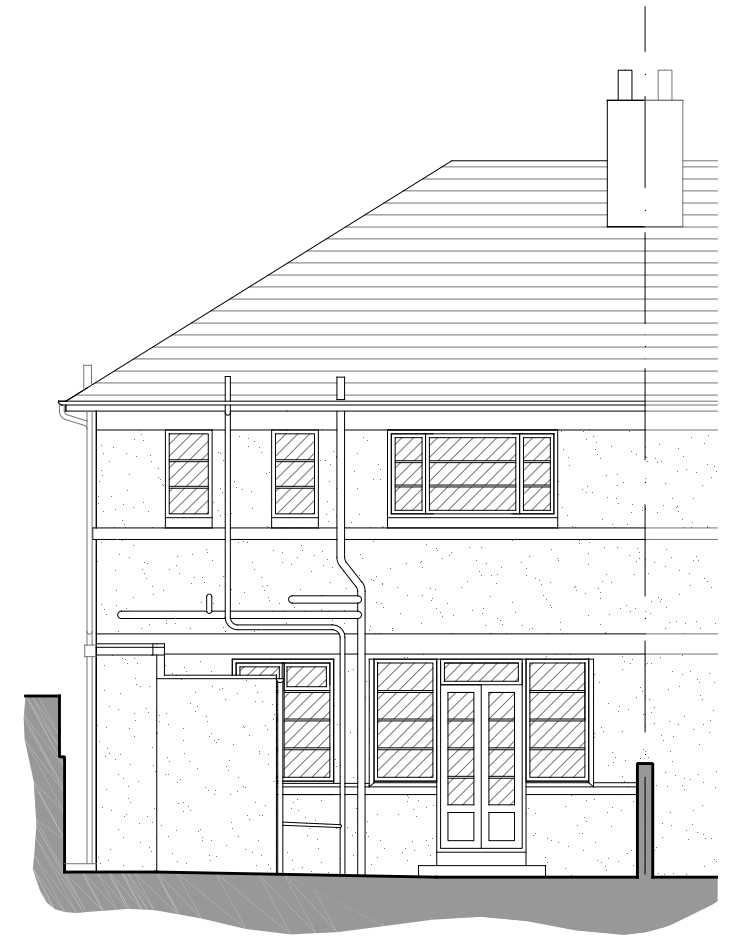
Scale 1:100 @ A3

0 1m 2m 3m 4m 5m



Side elevation - as existing

Scale 1:100 @ A3




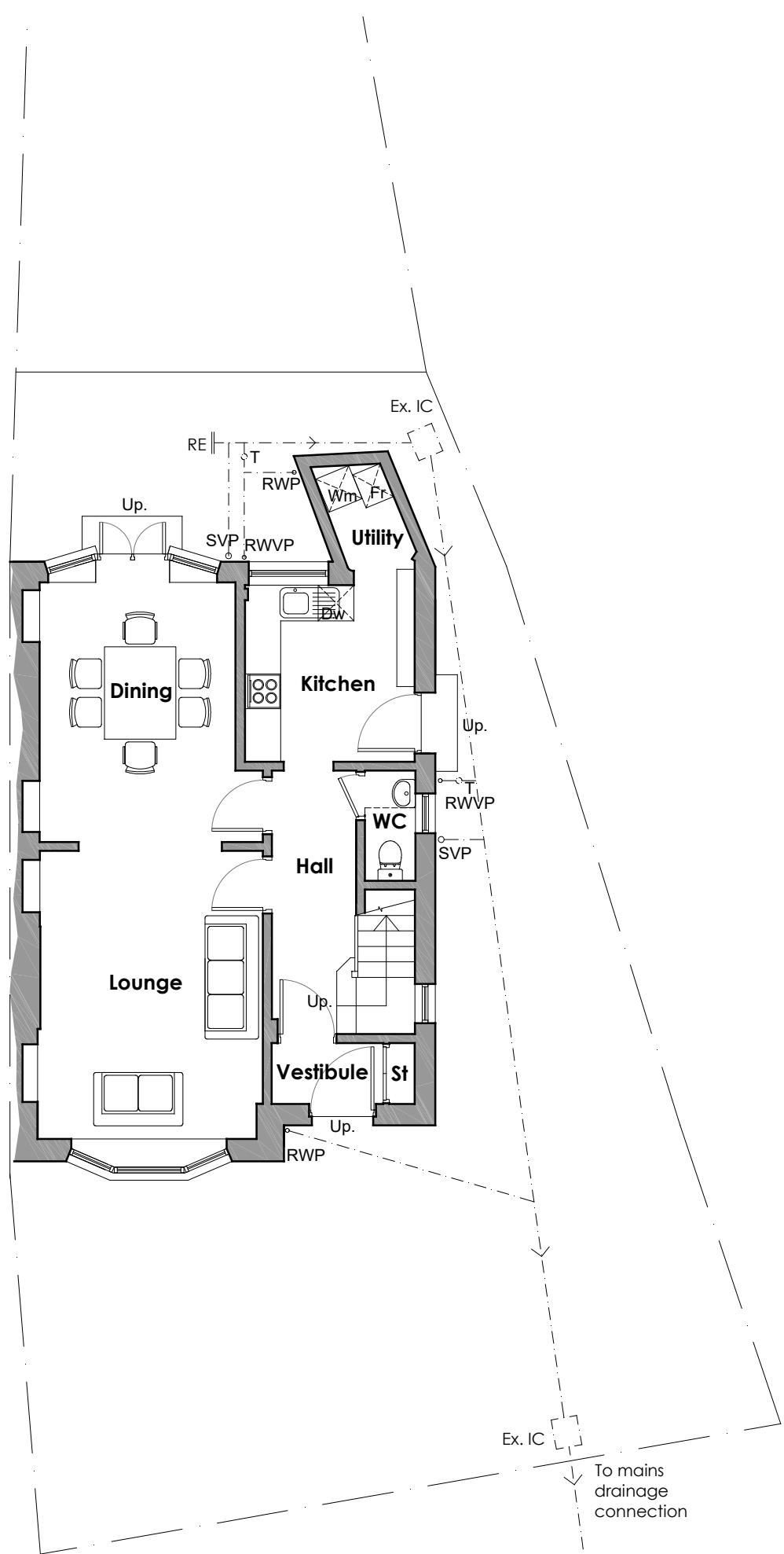
Rear elevation - as existing

Scale 1:100 @ A3

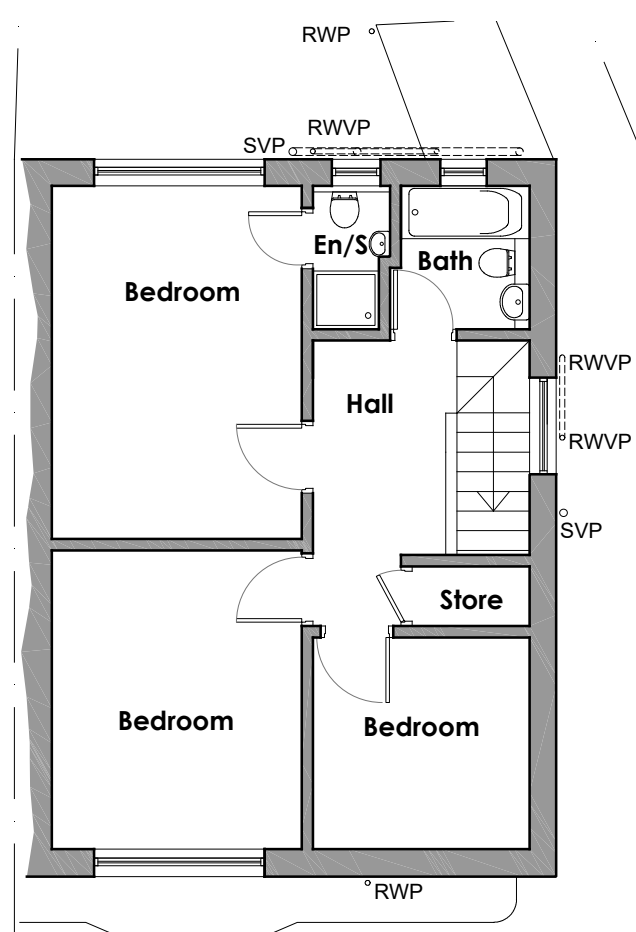
Do not scale from drawing.
 All dimensions to be confirmed on site
 This drawing is for the purpose of obtaining Local Authority Approval only, additional information may be required for construction purposes.

PRELIMINARY ISSUE
 WORK IN PROGRESS

Revisions	PROJECT Proposed extension at 2 Ettrick Grove, Edinburgh for Mr & Mrs Luckhart		
 9 Eskbank Road, Dalkeith, EH22 1HD T. 0131 561 5114 E. mail@d2architecturaldesign.co.uk W. www.d2architecturaldesign.co.uk	DRAWING Elevations - as existing		
	DATE 22.03.19	DRAWN HC	SCALE as shown @ A3
PLANNING	PROJECT 18063	DRAWING No. PL02	REVISION -



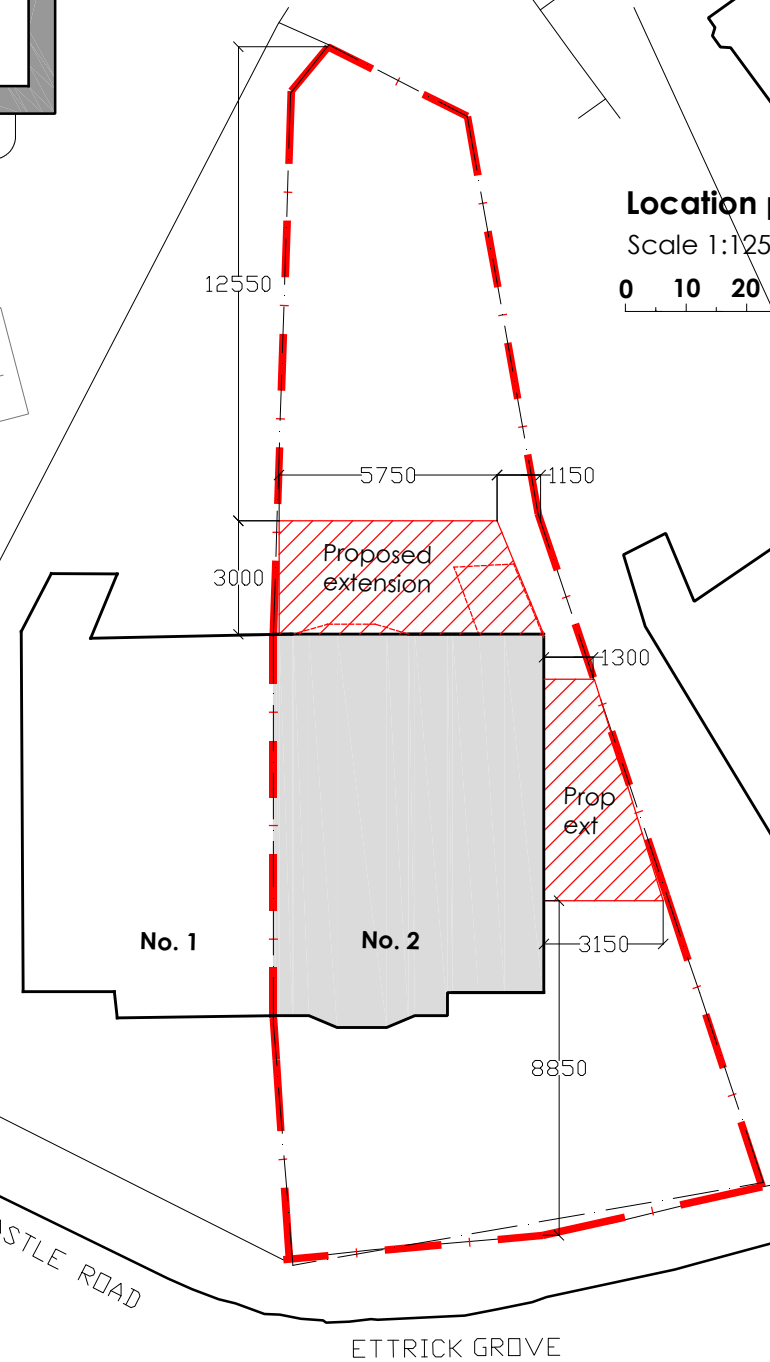
Ground Floor Plan - as existing
 Scale 1:100 @ A3
 0 1m 2m 3m 4m 5m



First floor plan - as existing
 Scale 1:100 @ A3

PRELIMINARY ISSUE
 WORK IN PROGRESS

Site plan
 Scale 1:200 @ A3
 0 2m 4m 6m 8m 10m

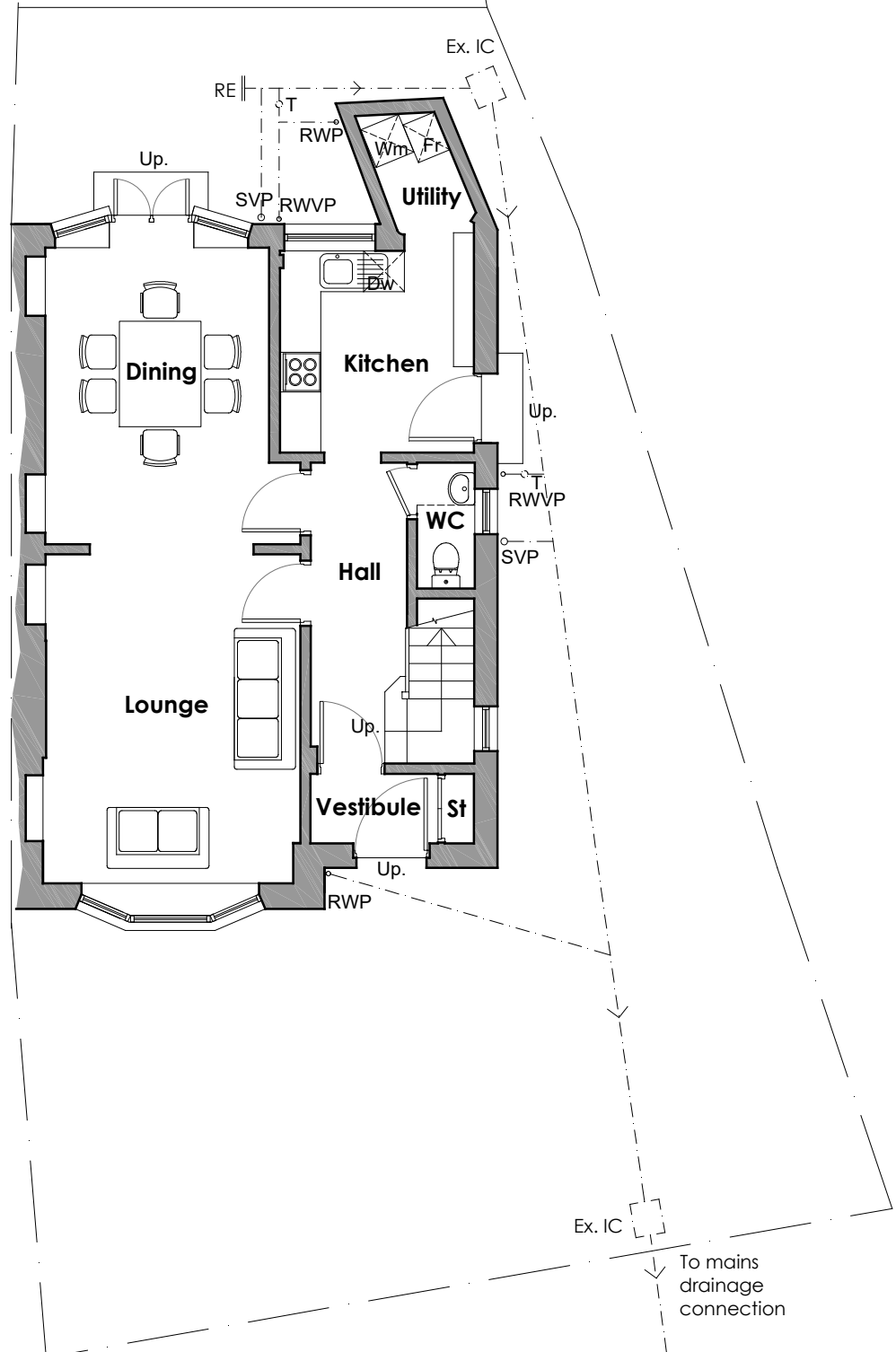


Location plan
 Scale 1:1250 @ A3
 0 10 20 30m

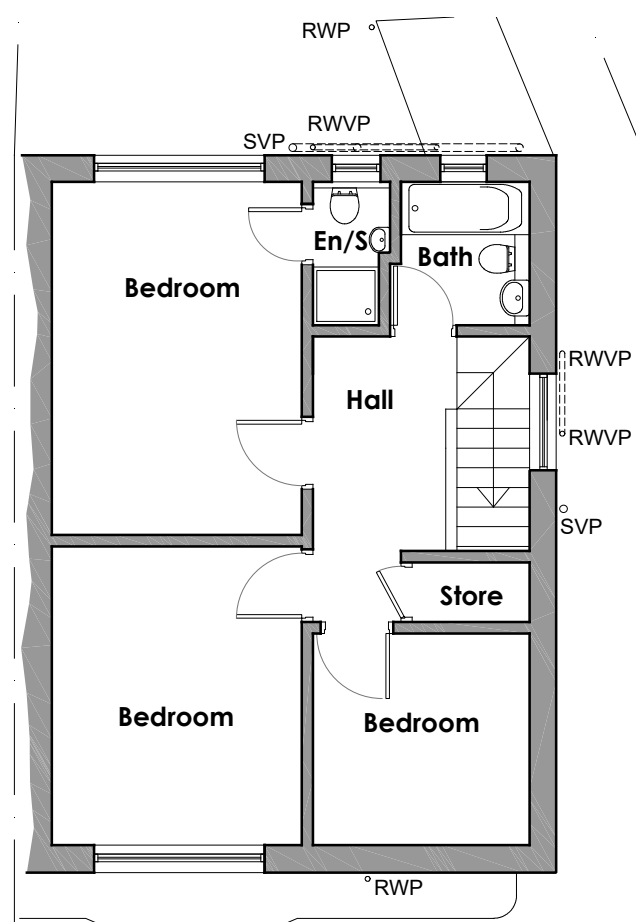


Do not scale from drawing.
 All dimensions to be confirmed on site
 This drawing is for the purpose of obtaining Local Authority Approval only, additional information may be required for construction purposes.
 © Copyright of D2 Architectural Design Ltd.

Revisions		
d2 architectural design		
9 Eskbank Road, Dalkeith, EH22 1HD T. 0131 561 5114 E. mail@d2architecturaldesign.co.uk W. www.d2architecturaldesign.co.uk		
PLANNING		
PROJECT		
Proposed extension at 2 Ettrick Grove, Edinburgh for Mr & Mrs Luckhart		
DRAWING		
Location and plans - as existing		
DATE	DRAWN	SCALE
22.03.19	HC	as shown @ A3
PROJECT	DRAWING No.	REVISION
18063	PL01	-

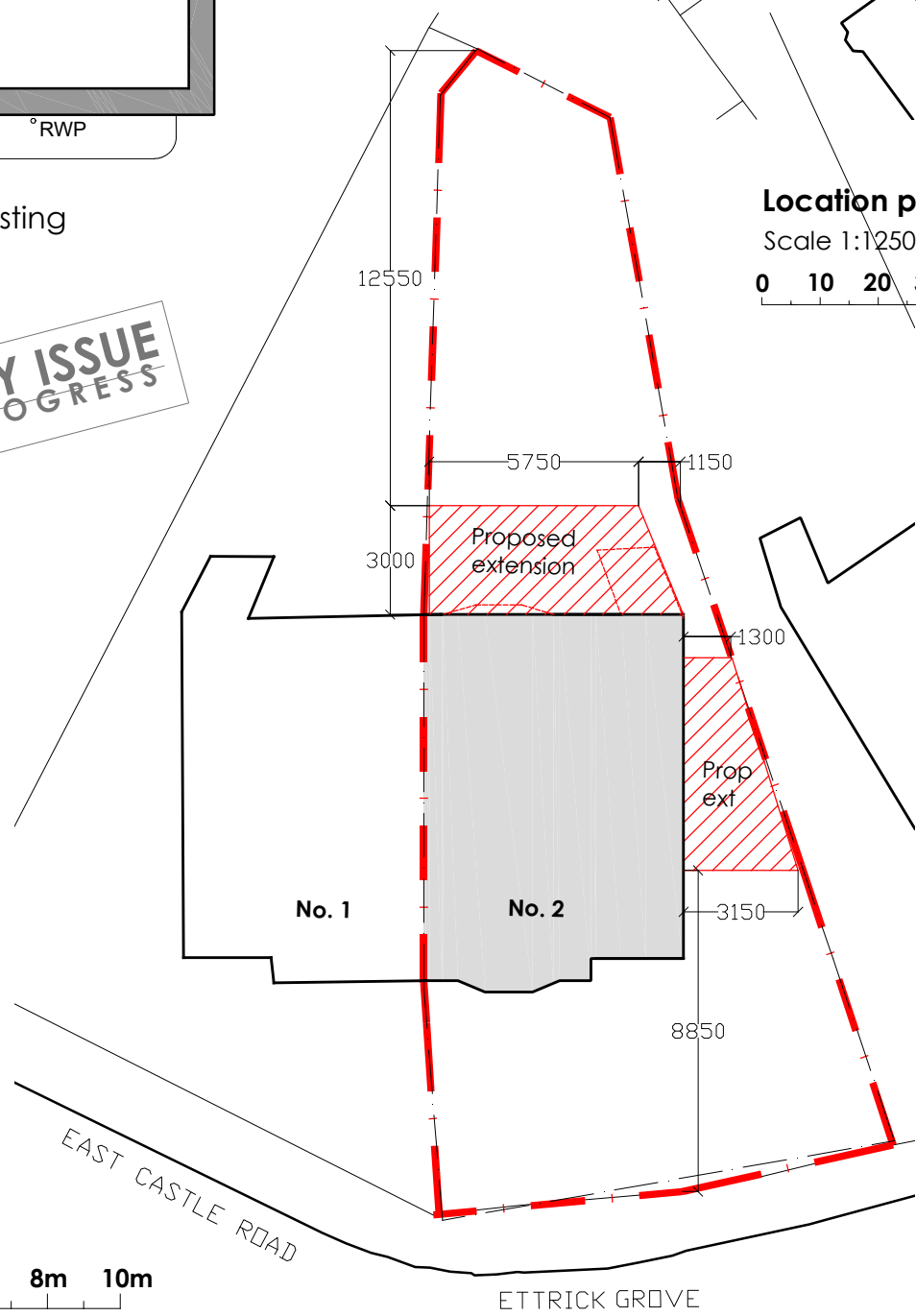


Ground Floor Plan - as existing
Scale 1:100 @ A3
0 1m 2m 3m 4m 5m



First floor plan - as existing
Scale 1:100 @ A3

PRELIMINARY ISSUE
WORK IN PROGRESS



Site plan
Scale 1:200 @ A3
0 2m 4m 6m 8m 10m

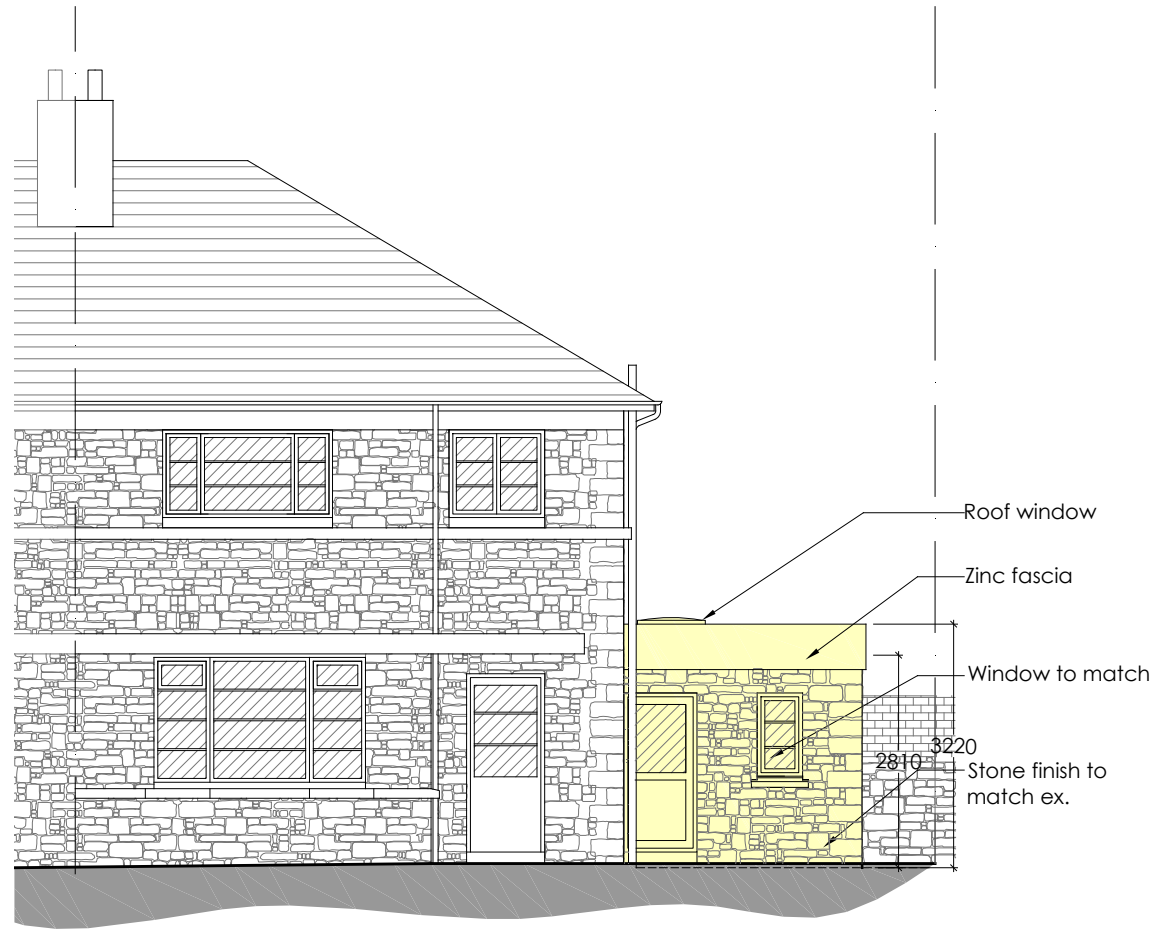


Location plan
Scale 1:1250 @ A3
0 10 20 30m



Do not scale from drawing.
All dimensions to be confirmed on site
This drawing is for the purpose of obtaining Local Authority Approval only, additional information may be required for construction purposes.
© Copyright of D2 Architectural Design Ltd.

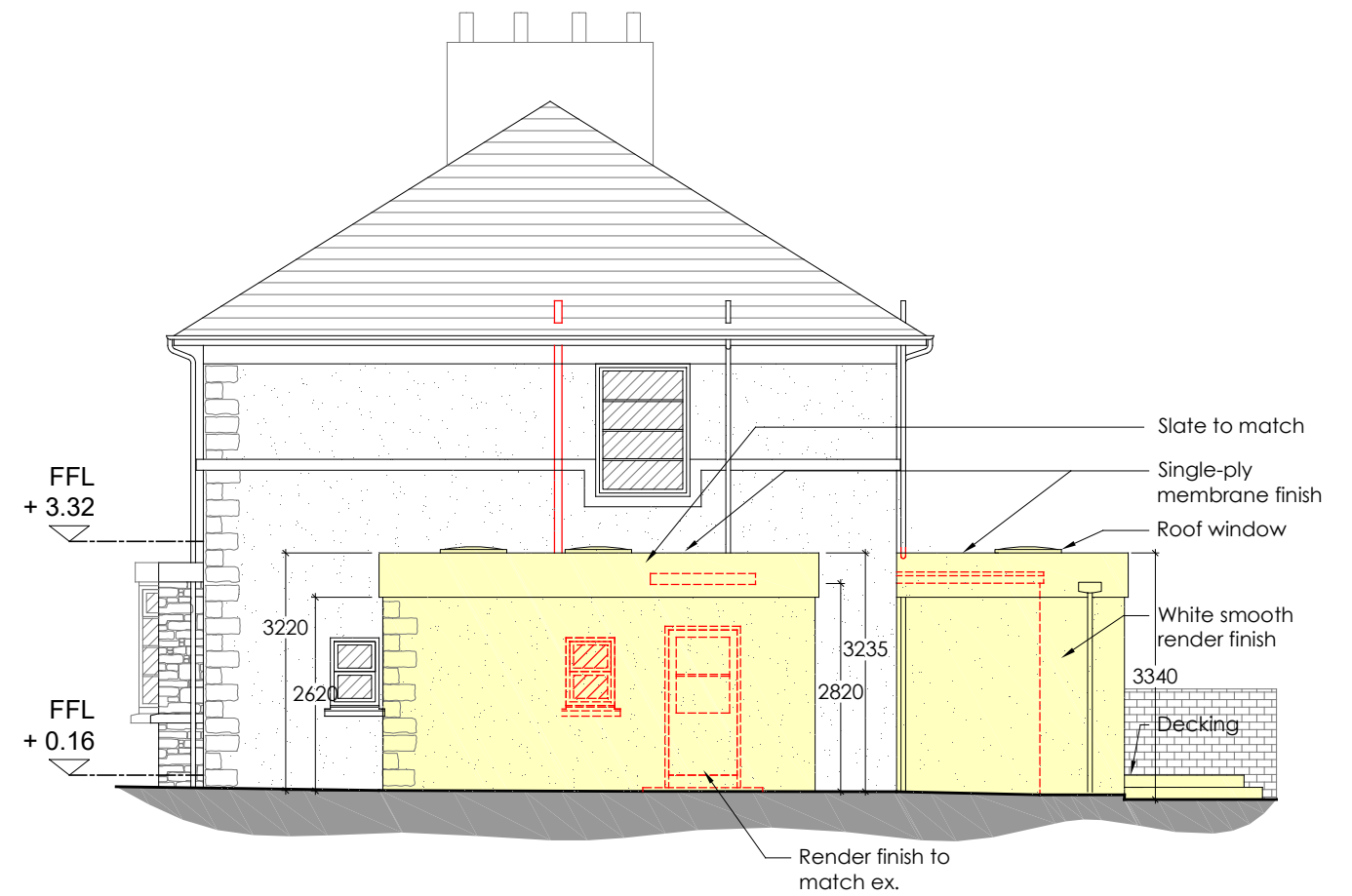
Revisions		
9 Eskbank Road, Dalkeith, EH22 1HD T. 0131 561 5114 E. mail@d2architecturaldesign.co.uk W. www.d2architecturaldesign.co.uk		
PLANNING		
PROJECT Proposed extension at 2 Ettrick Grove, Edinburgh for Mr & Mrs Luckhart		
DRAWING Location and plans - as existing		
DATE	DRAWN	SCALE
22.03.19	HC	as shown @ A3
PROJECT	DRAWING No.	REVISION
18063	PL01	-



Front elevation - as proposed

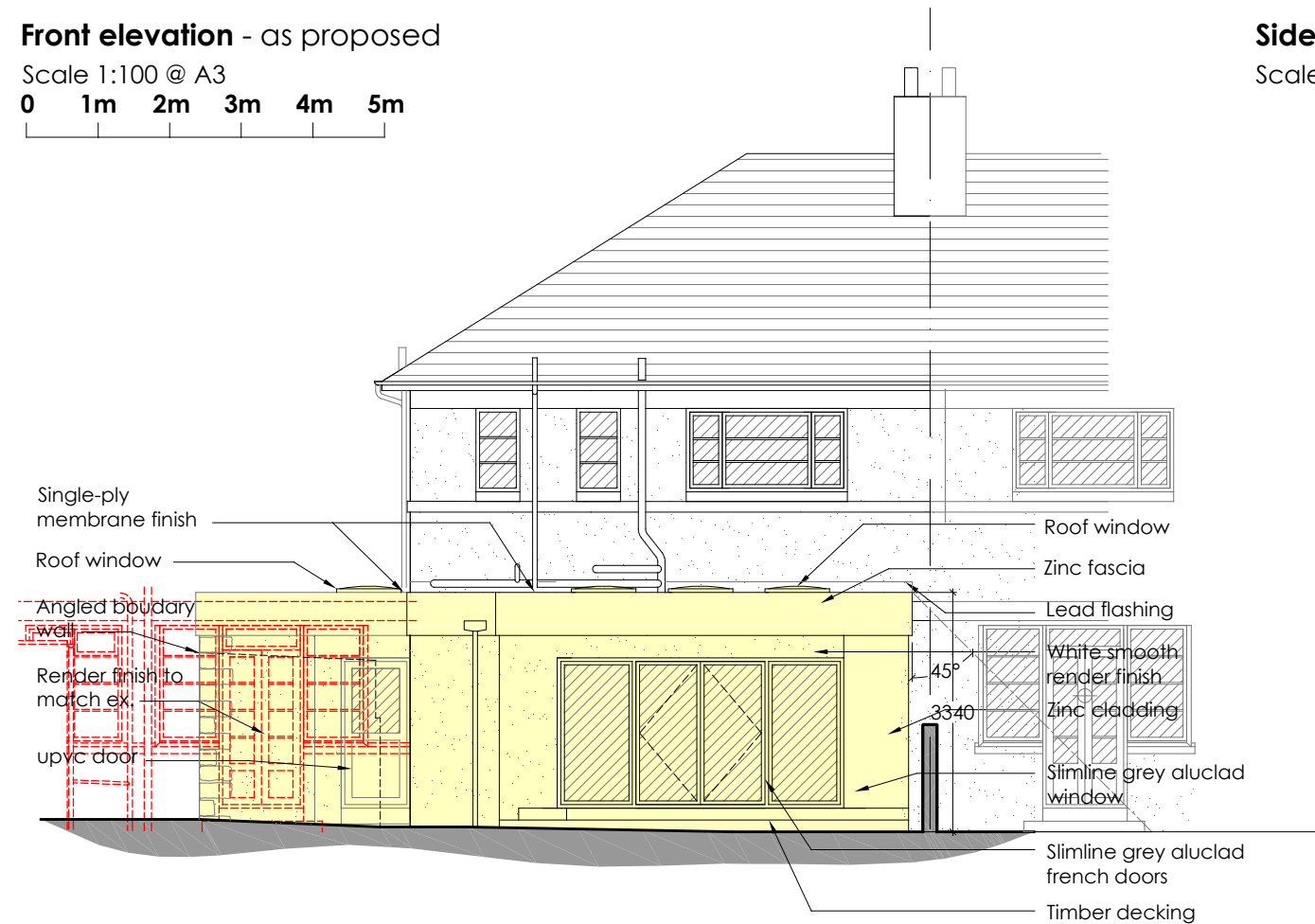
Scale 1:100 @ A3

0 1m 2m 3m 4m 5m



Side elevation - as proposed

Scale 1:100 @ A3



Rear elevation - as proposed

Scale 1:100 @ A3

PRELIMINARY ISSUE
WORK IN PROGRESS

--- REMOVED WORKS

■ PROPOSED WORKS

© Copyright of D2 Architectural Design Ltd.

Do not scale from drawing.
All dimensions to be confirmed on site
This drawing is for the purpose of obtaining Local Authority Approval only, additional information may be required for construction purposes.

Revisions		
9 Eskbank Road, Dalkeith, EH22 1HD T. 0131 561 5114 E. mail@d2architecturaldesign.co.uk W. www.d2architecturaldesign.co.uk		
PLANNING		
PROJECT Proposed extension at 2 Ettrick Grove, Edinburgh for Mr & Mrs Luckhart		
DRAWING		
Elevations - as proposed		
DATE	DRAWN	SCALE
22.03.19	HC	as shown @ A3
PROJECT	DRAWING No.	REVISION
18063	PL04	

Footprint of extension = 19.3 m²
 Family room area = 15m²
 Open plan area = 41.3m²

PRELIMINARY ISSUE
 WORK IN PROGRESS

- - - REMOVED WORKS
- - - ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

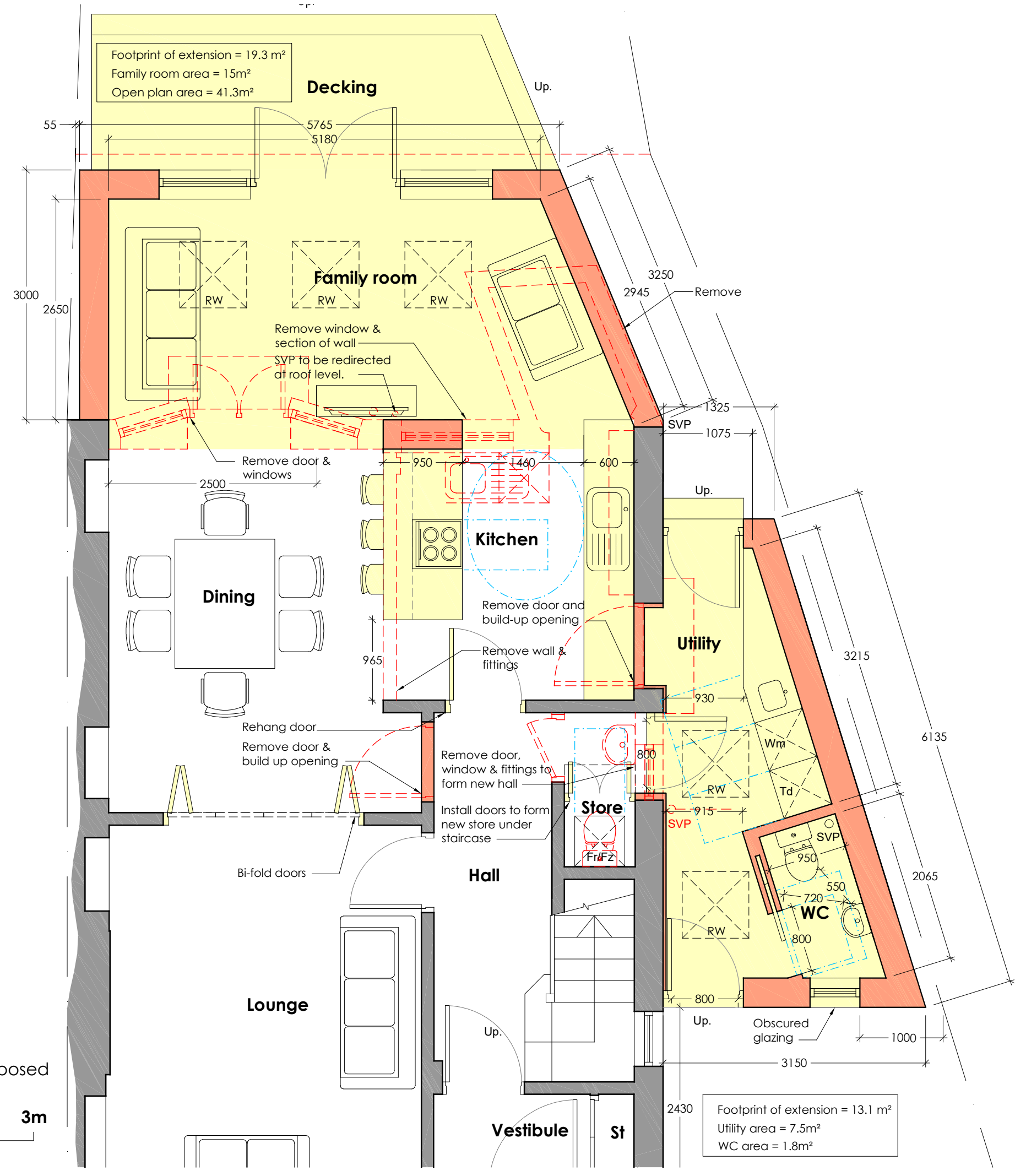
Do not scale from drawing.
 All dimensions to be confirmed on site
 This drawing is for the purpose of obtaining Local Authority Approval only, additional information may be required for construction purposes.
 © Copyright of D2 Architectural Design Ltd.

Revisions		
d2 architectural design		
9 Eskbank Road, Dalkeith, EH22 1HD T. 0131 561 5114 E. mail@d2architecturaldesign.co.uk W. www.d2architecturaldesign.co.uk		

PLANNING		
PROJECT		
Proposed extension at 2 Ettrick Grove, Edinburgh for Mr & Mrs Luckhart		
DRAWING		
Ground floor plan - as proposed		
DATE	DRAWN	SCALE
22.03.19	HC	as shown @ A3
PROJECT	DRAWING No.	REVISION
18063	PL03	

Page 194

Ground Floor Plan - as proposed
 Scale 1:50 @ A3



Footprint of extension = 13.1 m²
 Utility area = 7.5m²
 WC area = 1.8m²

BUD Architecture Ltd.
FAO: David Stewart
10 Lochside Place
Edinburgh
United Kingdom
EH12 9RG

Mr Gavin Derighetti.
1 Littlejohn Road
Edinburgh
Scotland
EH10 5GN

Decision date: 28 June 2019

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

Single storey extension to rear, new off-street parking.
At 1 Littlejohn Road Edinburgh EH10 5GN

Application No: 19/01966/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 29 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 application is contrary to Edinburgh Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Householders. The proposed extension in form, design, scale and positioning would be a visually obtrusive addition that would lack architectural cohesion to the existing dwelling. The proposal would have an adverse impact on the character and appearance of the existing house and fail to preserve or enhance this part of the conservation area.
2. The application is contrary to Edinburgh Local Development Plan Policy Env 6 and the non-statutory Guidance for Householders. The proposed off street parking including new vehicular access and removal of front boundary railings would result in

an incongruous feature on the streetscene subsequently harmful to the visual amenity and the character and appearance of this part of the conservation area.

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

Drawings 01:05, 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 does not comply with adopted Edinburgh Local Development Plan Policies Env 6 or Des 12, with the Craiglockhart Hills Conservation Area Character Appraisal, or the non-statutory Guidance for Householders. There are no material considerations upon which to 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 Lewis McWilliam directly on 0131 469 3988.

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 19/01966/FUL At 1 Littlejohn Road, Edinburgh, EH10 5GN Single storey extension to rear, new off-street parking.

Item	Local Delegated Decision
Application number	19/01966/FUL
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposal does not comply with adopted Edinburgh Local Development Plan Policies Env 6 or Des 12, with the Craiglockhart Hills Conservation Area Character Appraisal, or the non-statutory Guidance for Householders. There are no material considerations upon which to justify approval.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, LEN06, LEN12, NSG, NSHOU, CRPCHI,
---	---

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 dwelling house located on a corner plot between Littlejohn Road and Greenbank Drive.

The property has been constructed in red brick with varying pitched roof slopes of dark grey slate tiling. A conservatory extension exists on the east elevation (rear).

Vehicular access is via a driveway on Littlejohn Road to the west serving the proposal site and adjoining properties. Two off-street car parking spaces are accommodated on site via a detached double garage to the south.

Black railings measuring approximately 1 metre in height, front the road to the north and form part of a wider front boundary treatment along the perimeter of Greenbank Drive. Immediately behind this lies vegetation bordering the applicant's private garden space and forming part of wider green buffer as viewed from the street.

The surrounding area is characterised by large detached villas and apartments predominantly in residential use.

The site is located within the Craiglockhart Hills Conservation Area.

This application site is located within the Craiglockhart Hills Conservation Area.

2.2 Site History

27th October 2006 - Conservatory extension and off-street parking (06/03111/FUL-Granted)

2nd February 2006 - Raise ridgeline of roof over attic store room by approximately 1000mm to allow formation of new bedroom 3, form new dormer window to bedroom 3 to match existing dormer window to adjacent bathroom, install 3no conservation type velux windows to bedroom 3 (Ref: 05/03783/FUL - Granted)

26th December 2005 - Remove roof and gable cope of attic store room - (05/03782/CON Permission Not Required)

Main report

3.1 Description Of The Proposal

The application proposes the following works;

-Single storey extension to rear

-New off-street parking spaces including new vehicular access and removal of existing railings.

-Demolition of existing conservatory which does not constitute as development as defined under Section 26 of the Town and Country Planning (Scotland) Act 1997. No assessment of its merits are therefore required.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 preserve or enhance the character and appearance of the conservation area;
- b) The proposal will result in an unacceptable loss to neighbouring amenity;
- c) The proposal will have any impact upon road safety
- d) The proposal will have any impact upon trees
- e) Public comments have been addressed

a) The Craiglockhart Hills Conservation Area Character Appraisal emphasises the outstanding quality of the natural topography and its visual relationship with the city, the high quality buildings set within a mixture of wooded and open slopes, the use of natural stone and slate as the traditional building materials.

Edinburgh Local Development Plan policy Env 6 highlights the importance of preserving the character and appearance of the conservation area and the materials

used are appropriate to the historic environment. In addition, the non-statutory Guidance for Householders advises that extensions and alterations should be architecturally compatible in design, scale and materials with the original house and its surrounding area. Extensions should not overwhelm or dominate the original form or appearance of the house, or detract from the character of the area.

In terms of its visual appearance, the extension's scale, form and design lacks an overall coherence to the existing appearance of the dwelling. The extension would be constructed predominantly in a dark grey material, with limited detailing to the north and east elevations. This, in tandem with its mass exceeding the existing first floor window cills at the rear, and positioning beyond the north elevation would create a visually obtrusive, incongruous form of development in relation to the existing dwelling; subsequently harmful to its overall character and appearance.

Further, whilst presently a landscape buffer partially masks the dwelling's side gable (north) from the street, the proposed vehicular access would increase public visibility of this side in which the extension would be positioned. In light of this and the extensions in lack of coherence to the existing dwelling in design, form, scale and positioning it would subsequently fail to preserve or enhance this part of the Conservation Area and therefore would not comply with Local Development Plan Policy Env 6.

The application proposes a new vehicular access onto Greenbank Drive and conversion of existing garden ground for two off-street parking spaces including removal of existing railings and landscaping. There are no existing vehicular accesses along Greenbank Drive to the east or west and a prevalent feature of this area is presence of black railings and a landscape buffer bordering the roadside, contributing positively to the overall character of the area. It is considered that removal of this element, and the creation of a new vehicular access with associated off-street parking spaces, would result in an incongruous feature on the street scene. This would fail to preserve or enhance the character and appearance of this part of the Craiglockhart Conservation Area and therefore would not comply with Local Development Plan Policy Env 6.

It is recognised that part of previous permission (06/03111/FUL) on the proposal site granted in 2006 included new vehicular access and off-street parking consistent to that presently proposed. Since this approval, the Edinburgh Local Development Plan and the "Guidance for Householder" advice has undergone review and the 'Guidance for Householders'. Emphasis is placed on assessing the impact of development (including removal of railings, new access and parking) on the character and setting of the conservation area. In regard to this, and present Policies Env 6, Des 12 of the Edinburgh Local Development Plan the proposed development in its entirety would fail to preserve, or enhance the existing character of the conservation area.

b) In regard to privacy, the non-statutory guidance recommends that windows should be positioned at least 9m from any common boundary, and 18m from neighbouring windows to limit any unreasonable impacts upon neighbouring amenity.

The proposed patio doors would be positioned in excess of the above guidance and do not present concern in this respect.

In regard to daylight, the proposal has been assessed in terms of the 45 degree principles outlined in the non-statutory Guidance for Householders. As a result of this test the proposal would have no undue impact on the existing daylight of neighbouring properties.

In addition, the extension would not have any demonstrable impact upon sunlight, or overshadowing of properties and garden areas.

In light of the above, the proposal in design, scale and neighbourhood character accords with Local Plan Policy Des 12, and the intentions of the Non Statutory Guidance for Householders.

c) The Roads Authority have been consulted as part of the proposal and raise no objections to the proposal from a road safety perspective subject to conditions in the event of the application being approved.

Concern has been raised regarding potential removal of on-street parking through the creation of a new vehicular access. These concerns are noted, however given the limited scale of the development the removal of these on-street parking spaces are considered to have no significant impact upon general parking provision in the area to a degree that it would not be justifiable to withhold planning permission on this basis.

d) The proposal would involve removal of modestly sized vegetation and does not present any significant concern to mature trees. As such, no objections have been raised from an arboriculturalist perspective.

e) Public Comments

12 letters of representations have been received; 8 letters of objection and 4 supporting comments.

Material Representations- Objections

- Visual impact of tree removal
- Visual impact of railings removal
- Road safety concerns
- Parking provision
- Disproportionate scale of extension

These comments have been addressed in sections 3.3 (a) to (e) of the report.

Non-Material Representations- Objections

-Land ownership

Comments regarding land ownership are noted. A red line boundary has been submitted with the application. Land ownership are not a planning matter therefore cannot be materially assessed as part of this application.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The application is contrary to Edinburgh Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Householders. The proposed extension in form, design, scale and positioning would be a visually obtrusive addition that would lack architectural cohesion to the existing dwelling. The proposal would have an adverse impact on the character and appearance of the existing house and fail to preserve or enhance this part of the conservation area.
2. The application is contrary to Edinburgh Local Development Plan Policy Env 6 and the non-statutory Guidance for Householders. The proposed off street parking including new vehicular access and removal of front boundary railings would result in an incongruous feature on the streetscene subsequently harmful to the visual amenity and the character and appearance of this part of the conservation area.

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

-12 representations have been received in regard to the proposal.

Background reading / external references

- To view details of the application go to

- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision	Policies- Edinburgh Local Development Plan- Urban Area
Date registered	29 April 2019
Drawing numbers/Scheme	01:05 Scheme 1

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

Contact: Lewis McWilliam, Planning Officer
E-mail:lewis.mcwilliam@edinburgh.gov.uk Tel:0131 469 3988

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.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

Relevant Non-Statutory Guidelines

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

The Craiglockhart Hills Conservation Area Character Appraisal emphasises the outstanding quality of the natural topography and its visual relationship with the city, the

high quality buildings set within a mixture of wooded and open slopes, the use of natural stone and slate as the traditional building materials.

Appendix 1

Consultations

The Roads Authority were consulted as part of the application:

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 relevant Edinburgh Street Design Guidance Fact Sheets and Council's Guidance for Householders dated 2018 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guide_lines including:
 - a. Any access onto a road is required to be a minimum distance of 15m from an existing junction;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth) and at a maximum width of 3m (4.7m including transition kerbs);
 - 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

Edinburgh Street Design Guidance Fact Sheets and Council's Guidance for Householders dated 2018 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guide_lines including:

- a. Any access onto a road is required to be a minimum distance of 15m from an existing junction;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth) and at a maximum width of 3m (4.7m including transition kerbs);
 - 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
2. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

I. The 2017 Parking Standards permit a maximum of 2 car parking spaces for a development of this size and nature. It is assumed that the residence in question has access to the extensive driveway area to the south of the application boundary, if this is the case the proposals do not comply with the 2017 Parking Standards. However as the area in discussion is considered to be a "private access" then the Council as the Roads Authority has no control over this area. Therefore the main issue for Transport to consider is the access onto Greenbank Drive, to which the above informative/condition will need to be complied with.

END

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Brian Fleming

Customer Details

Name: Mr Stuart Gunderson

Address: 2 Littlejohn Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this plan and believe that it provides an elegant solution to residential parking and a modern looking extension offset against the stone built Victorian villa which is great to see.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Dr Naomi Honhold

Address: 30/9 Littlejohn Rd Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal will require cutting down trees and bushes. This is in a conservation area. It will also create a new entrance onto Greenbank Drive very near the junction with Littlejohn Rd which is already a difficult junction in terms of sight lines. This is likely to create a danger to traffic, cyclists and pedestrians

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Kerry Falconer

Address: 102/13 Greenbank Drive Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the plan to interrupt railings and uproot trees on Greenbank Drive to make space for parking spaces.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Sandra Mair

Address: Flat 4 1 Morham Gait Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No problem with the extension. I am concerned about the parking change as it will reduce the on street parking, require trees to be felled and is very close to the existing entrance and exit to Littlejohn Road. The suggested off road parking will also be directly opposite the bus stop on a road which is already narrow.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mr Ian Watson

Address: 6 Morham Lea Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have no objection to the extension but am concerned about the proposed vehicle access on to Greenbank Drive on two counts. Firstly, on safety grounds, as the new access will be very close to the busy junction of Littlejohn Road and Greenbank Drive. This is a very busy junction on to a bus route and the only exit from Greenbank Village West with a relatively high volume of traffic entering and exiting. I believe a new access approx 20 metres from the junction with cars reversing in or out could pose a traffic safety hazard.

Secondly I object to the breaking of the long run of the wrought iron fence in a conservation area, which I presume has been in place since the City Hospital opened in 1903.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Sandra Mair

Address: Flat 4 1 Morham Gait Edinburgh

Comment Details

Commenter Type: Residents Association

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As Secretary for Greenbank Village West Association (GVWA) I have been asked to put in an objection on the following grounds:

The area outlined in the application is not accurate as the client does not hold title to all the ground. The ground from their boundary wall to the roadside belongs to the Association members of GV East. To access the ground would require permission from all members of the Association. GVWA also objects to trees being removed to facilitate resident parking while at the same time removing at least one parking space for general use. The proposed access is also very close to the entrance to Littlejohn Road and immediately across the road from a bus stop.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Alice Veitch

Address: Flat 8 1 Morham Gait Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The owner has misrepresented the ownership of their plot of land. It does not extend to the pavement as there is an area of trees and bushes which are communal land belonging to the estate Association members. They will need to cut down at least two mature tree and several large bushes which I object to. They will have to cut through the railings which are not their property to damage. The location is also not ideal as the drive would face directly onto the bus stop and be only a couple of yards from the access to Littlejohn Road. It would also remove parking spaces from a road that is already short of parking because it is narrow and parking can only be accommodated in the 'cut out' space where this driveway is planned. The owners already have off road parking and have no pressing need for further off road parking.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Margaret Pagan

Address: 30/12 Rattray Grove Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to make my objection to this planning application on the following grounds.

The access required is common ground and not private to the applicant.

It would require the felling of trees which again are communal and a great amenity to the area.

Destruction to railings and possibly affecting a dividing fence both communal and shared by Greenbank Village East and not owned by the applicant.

The access would be on to a narrow road which in some parts is regularly used for parking, is a regular bus route and would be immediately opposite a bus stop thus causing severe safety concerns both for pedestrians and motorists.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Cases Panel has considered this application to extend this attractive red-sandstone building which is on the corner of Littlejohn Road and Greenbank Drive, and comments as follows:

We think it likely that this was the lodge to the former City Hospital whose main building was designed by the City Architect Robert Morham, 1896-1903. 1 Littlejohn Road lies within the Craiglockhart Hills Conservation Area. The City Hospital has been converted into residential properties and the grounds developed for residential terraces but this property has retained its original Edwardian Arts and Crafts character which will be irretrievably damaged by the overlarge extension proposed. As the building is a corner plot the extension is to the side (although described as to the rear) and will be visible from Greenbank Drive. The extension is not designed in line with the Council's guidance; it fails to be subordinate to the original building. The extension should appear on the 'proposed' drawing of the west elevation but it does not.

We object to the proposed extension, on the basis that it is too large and does not respect the existing building. We note that there is an existing conservatory on the east elevation which would be removed. This is clearly subordinate to the original building and it has been built behind the building line of the north elevation facing Greenbank Drive.

We note that the applicants are seeking a two car run-in. This had consent which was not implemented. We would prefer a run-in for a single car as this will allow more planting to be retained.

We look forward to seeing revised proposals.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Dr Lorna Robinson

Address: 3/1 Littlejohn Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support planning application.

We share a driveway with 1 Littlejohn Road (1, 3/1, 3/2 and 5 Littlejohn Road all share this driveway) and there is not currently enough space for all the cars in the shared drive - there are currently only 3 spaces.

Creating 2 parking spaces would be hugely beneficial.

I also support the extension plans.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mr Alexander Laird

Address: 3/1 Littlejohn Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support the planning application.

We share a driveway with 1 Littlejohn Road (1, 3/1, 3/2 and 5 Littlejohn Road all share this driveway) and there is not currently enough space for all the cars in the shared drive - there are currently only 3 spaces.

Creating 2 parking spaces would be hugely beneficial.

I also support the extension plans.

Comments for Planning Application 19/01966/FUL

Application Summary

Application Number: 19/01966/FUL

Address: 1 Littlejohn Road Edinburgh EH10 5GN

Proposal: Single storey extension to rear, new off-street parking.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Irene Di Rollo

Address: 5 Littlejohn Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support the planning application.

We share a driveway with 1 Littlejohn Road (1, 3/1, 3/2 and 5 Littlejohn Road all share this driveway) and there is not currently enough space for all the cars in the shared drive - there are currently only 3 spaces.

Creating 2 parking spaces would be hugely beneficial.

I also support the extension plans.

From: GVW 30LJR
Sent: 17 Sep 2019 22:21:36 +0100
To: Local Review Body
Subject: Fwd: Fwd: 19/00124/REVREF

Please see the message below. My apologies for the multiple postings

Naomi Honhold

----- Forwarded Message -----

Subject:Fwd: 19/00124/REVREF
Date:Mon, 16 Sep 2019 21:22:07 +0100
From:GVW 30LJR <gvw30ljr@gmail.com>
To:murray.wilson@edinburgh.gov.uk

Dear Mr Wilson

Ms Bellhouse's e-mail sent an out of office message suggesting that you should receive messages in her absence so i am forwarding this to you for passing to the Local Review Body Support team.

Thanks and regards

Naomi Honhold

----- Forwarded Message -----

Subject:19/00124/REVREF
Date:Mon, 16 Sep 2019 21:18:44 +0100
From:GVW 30LJR <gvw30ljr@gmail.com>
To:gina.bellhouse@edinburgh.gov.uk

Dear Ms Bellhouse

I am writing s current chair of the Residents Association of the Greenbank Village West development in which 1 Littlejohn Road is located. The association previously submitted an objection to this planning application (19/01966/FUL) as I did I in my personal capacity. These objections should still be taken as current.

We wish to reiterate our objection to this planning application. In particular, we are firmly opposed to the planned extra off street parking with direct access

onto Greenbank Drive. The property already has allocated parking for a vehicle so this is adding extra car parking areas. It will interrupt a continuous line of iron fencing that is part of the character of the boundary of the development. The proposed entrance is very close to the junction between Littlejohn Rd and Greenbank Drive and could create an extra risk at a junction that already causes some issues. These issues have been raised before but we need to reiterate them.

However, additionally, having talked to local residents, it has become clear that the area where the new entrance is proposed is somewhere that some of our older less mobile residents use to enable their access to public transport. It is close to one of the bus stops and they drive their cars to that point and catch the bus from there, returning home by reversing this process. If this parking area is lost, this will result in them needing to drive to local shops and the city centre rather than using public transport. They cannot park on Littlejohn Road because of the bend close to the junction on Littlejohn Road, already a tricky area. There is often no other parking on Littlejohn Road because of cars already parked there. Just within the block in which I live (30 Littlejohn Rd) I know of at least two couples who do this and there are others from other blocks. So not only would granting this application be adding to car parking spaces, which I believe is against local policies, but it will have a negative impact on older members of our community, decrease public transport use and increase use of cars. We ask again that this planning permission be refused.

Thank you and regards

Naomi Honhold
Naomi Honhold

From: David Stewart
Sent: 30 Sep 2019 10:36:48 +0000
To: Local Review Body
Cc: gavin
Subject: FW: Local Review for 1 Littlejohn Road.
Attachments: Comment Little John Road.pdf

Hi Aidan,

In response to this objection, I would like to remind the local review body that permission was previously granted for this new opening and as policy has not changed there should be no reason what so ever for this application to be refused. Further to this, the argument that the loss of one parking space on Greenbank Drive being to the detriment of older drivers is flimsy at best. There is an abundance of parking spaces along this road so for the person objecting to use this as a cover to their own personal grievance is unfortunate.

To be clear, until my client and I receive a clear justification as to why this has been refused when the application was approved previously, we will continue to pursue this matter. On this basis we expect the authorities to base the outcome on policy and not irrational self serving scenarios.

regards,

David Stewart

budarchitecture

10 Lochside Place
Edinburgh
EH12 9RG
m 07738301730
david.stewart@budarchitecture.co.uk

<https://www.budarchitecture.com/>

From: Aidan McMillan <Aidan.McMillan@edinburgh.gov.uk>
Sent: 30 September 2019 10:43
To: David Stewart <david.stewart@budarchitecture.co.uk>
Subject: Local Review for 1 Littlejohn Road.

Hi,

Please see the attached comment for Local Review for 1 Littlejohn Road.

Please send any response to; LocalReviewBody@edinburgh.gov.uk.

Regards,

A McMillan

Aidan McMillan | Transactions Officer | Building Standards | C.4 | The City of Edinburgh Council | Waverley Court, 4 East Market Street, EH8 8BG. | Tel. 0131 529 2253

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.

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 100178294-001

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="Gavin"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Derighetti"/>	Address 1 (Street): *	<input type="text" value="Littlejohn 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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 5GN"/>
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="1 LITTLEJOHN 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="EH10 5GN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669952"/>	Easting	<input type="text" value="323338"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Single storey extension to rear, new off-street parking

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.

This appeal on regarding to both aspects of the design, the off street parking and extension. No reason for refusal was provided based on guidance.

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)

The extension as been scaled back in size. This was suggested to CEC during the determination period however we were informed that it would have no bearing on the decision.

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)

Drawings, photographs, and statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01966/FUL

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

29/04/2019

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

28/06/2019

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 David Stewart

Declaration Date: 28/08/2019

Supporting Statement for no1 Littlejohn Road, Edinburgh, EH10 5GN

Planning ref no 19/01966/FUL

The site is a detached dwelling located on the east side of Littlejohn Road on the corner with Greenbank Drive, and situated within the old City Hospital site. The site is surrounded by properties of a residential nature. The property is located within the Craiglockhart Hills conservation area, which has no Article 4 Direction. The property is not listed.

The proposals can be separated in to two different elements, one being the provision of off street parking and the other, a one storey extension to the property.

In regards to the off street parking, consent was previously granted for two spaces accessed off Greenbank Drive under application reference number 06/03111/FUL. The client allowed this application to expire however as part of the new works they intend to carry this out.

The original approved proposal was to drop the kerb to allow for access through a newly formed opening within the railings at the property's boundary. Existing low level vegetation was to be removed to allow for an impermeable surface of heritage style paving to form the parking spaces. Our proposals as part of the new application were to maintain the design in its original form.

Our understanding is that planning policy has not changed since the original application and neither the property nor the area has been reclassified so we see no reason why this aspect of the proposals would not be granted once again.

To further support the need for these spaces, the property sits within a modern residential estate where the demands for off street parking is high so the proposals would help alleviate this problem. As part of the original application a number of letters of support were issued to CEC by immediate neighbours.

The second part of our appeal focusses on the new extension that was proposed to the rear of the property. As a concession we have reduced the overall area of the extension by bringing the north elevation back in line with the current north façade and inline with planning guidance.

We have however retained the proposed zinc cladding as we believe this is an appropriate design response to the context. The existing red sandstone dwelling house, with a variety of gable ends and original dormer windows possesses a strong character and richness of form. We believe that any attempt to match the existing materials or form would compromise the existing proportions and

character of the house. For example the use of red render and facing stone, as evidenced in the adjacent stand-alone double garage, would neither match nor contrast sufficiently with the existing red sandstone but create an uneasy relationship which dilutes the character and form of the original house.

The proposed design does not compete with the form or character of the red sandstone dwelling house but contrasts with and highlights its rich quality. We therefore believe that the simple, clean form and zinc cladding of the proposed extension provides an appropriate design response to the context.

Proposal Details


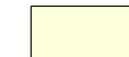
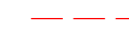
Proposal Name	100178294
Proposal Description	New Littlejohn
Address	1 LITTLEJOHN ROAD, EDINBURGH, EH10 5GN
Local Authority	City of Edinburgh Council
Application Online Reference	100178294-001

Application Status

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

Attachment Details

Notice of Review	System	A4
L-LR-001	Attached	A1
L-LR-002	Attached	A1
L-LR-003	Attached	A1
L-LR-004	Attached	A1
L-LR-005	Attached	A1
L-LR-006	Attached	A4
Supporting Statement	Attached	A4
Decision Notice	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

-  Boundary
-  Hatched area denotes extent of new works
-  Red dotted line denotes extent of duntakings

Greenbank Drive

Garages

Garages

budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

www.budarchitecture.com

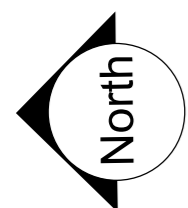
PROJECT:

1 Littlejohn Road
Edinburgh
EH10 5GN

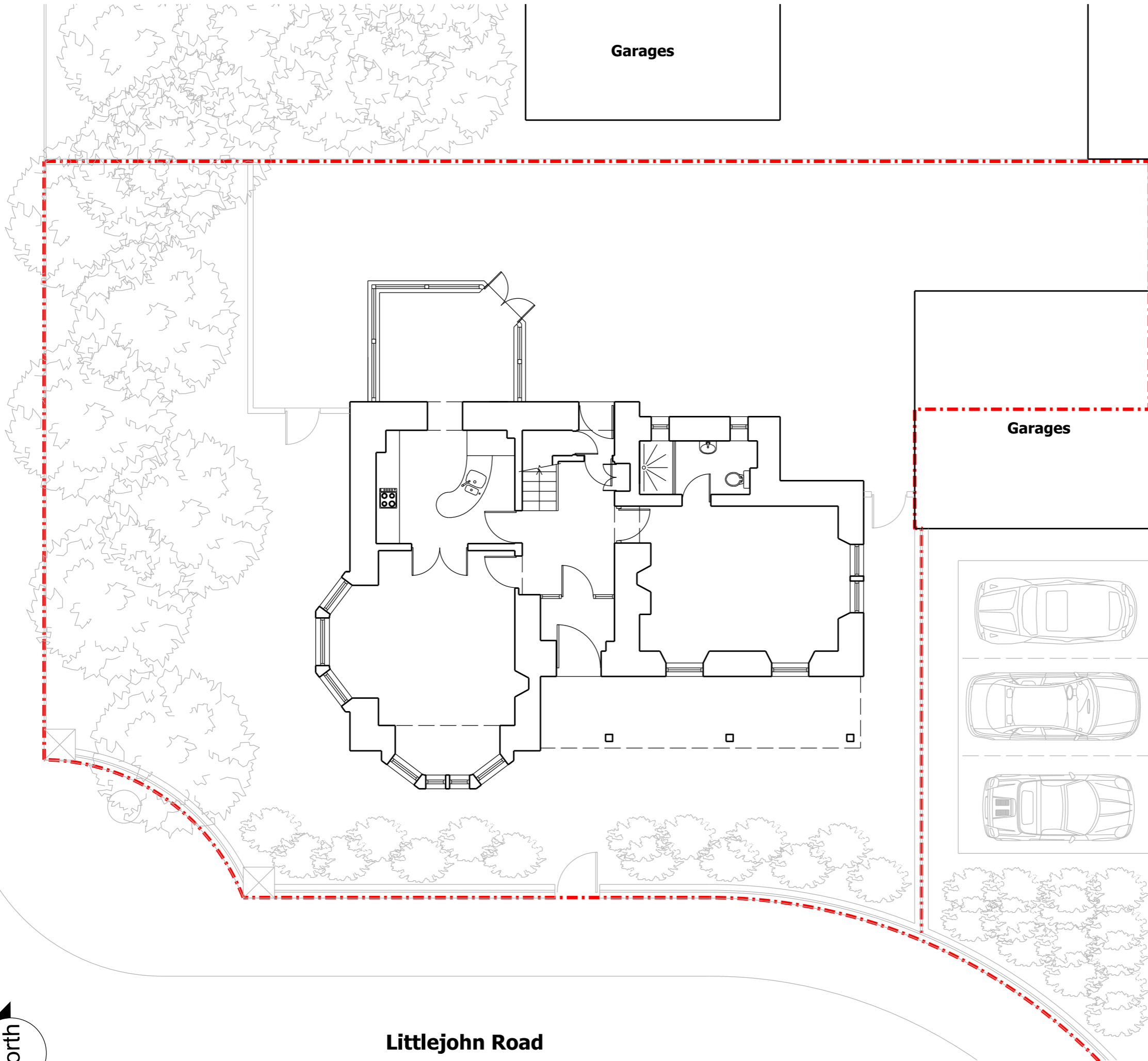
TITLE:


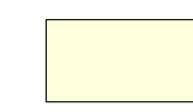

Existing Site Plan

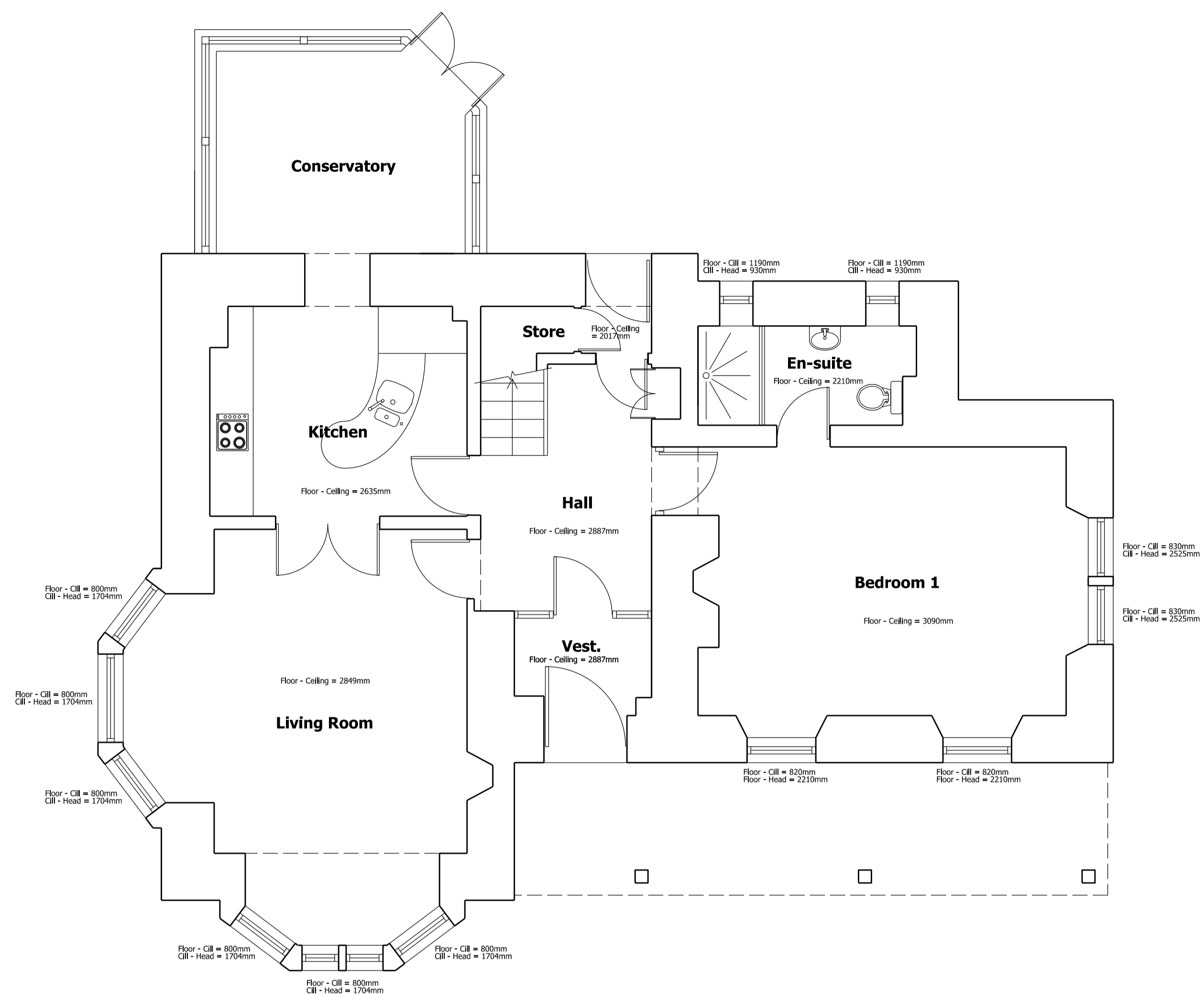
SCALE @ A3: 1:200	CHECKED: DS	APPROVED: DS
PROJECT No: 19-009	DESIGN-DRAWING: DS	DATE: Apr 19
DRAWING STATUS: Planning Appeal		
DRAWING Size: A3	DRAWING No: L-LR-001	REV: --

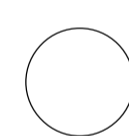


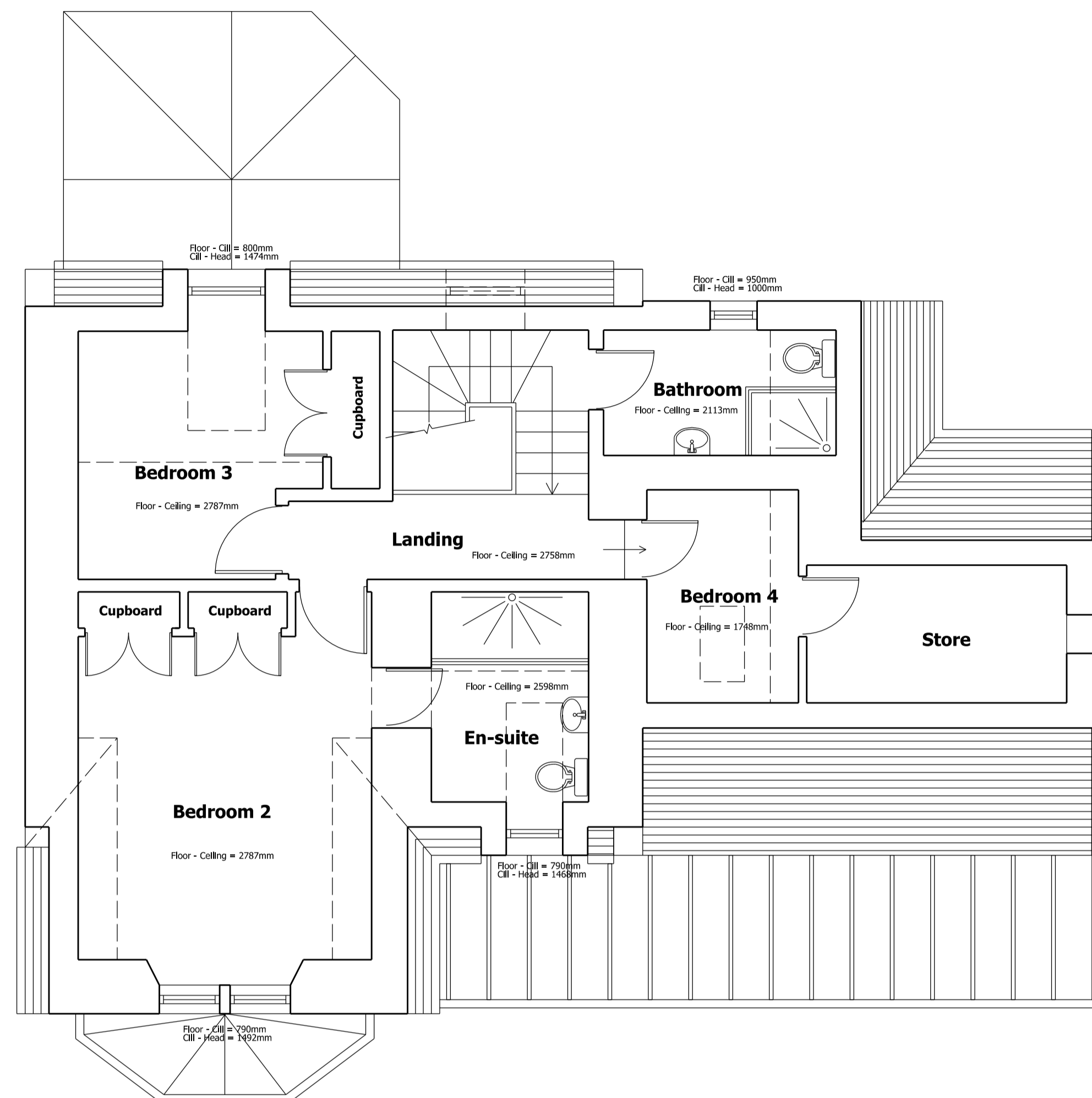
Littlejohn Road

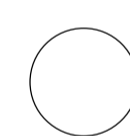


-  Boundary
-  Hatched area denotes extent of new works
-  Red dotted line denotes extent of downtakings

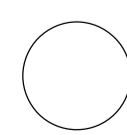


 **Ground Floor Plan (as existing) 1:50**
1 Littlejohn Road

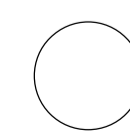


 **First Floor Plan (as existing) 1:50**
1 Littlejohn Road

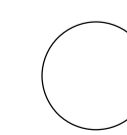


 **East Elevation (as existing) 1:100**
1 Littlejohn Road

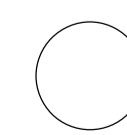


 **North Elevation (as existing) 1:100**
1 Littlejohn Road



 **West Elevation (as existing) 1:100**
1 Littlejohn Road



 **South Elevation (as existing) 1:100**
1 Littlejohn Road

budarchitecture


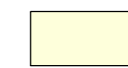

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

www.budarchitecture.com

PROJECT:
1 Littlejohn Road
Edinburgh
EH10 5GN

TITLE:
Floor Plans & Elevations
(as existing)

SCALE @ A1: As Stated	CHECKER: DS	APPROVED: DS
PROJECT No: 19-009	DESIGN-DRAWING: DS	DATE: Apr 19
DRAWING STATUS: Planning Appeal		
DRAWING SIZE: A1	DRAWING No: L-LR-002	REV: --

-  Boundary
-  Hatched area denotes extent of new works
-  Red dotted line denotes extent of doughtakings

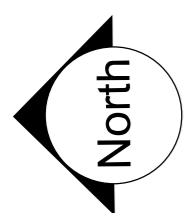
New vehicle access formed with drop kerb and paved car parking spaces all as per previously consented planning application 06/03111/FUL Granted 30th August 2006.

Greenbank Drive 235

Garages

Garages

Littlejohn Road



budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

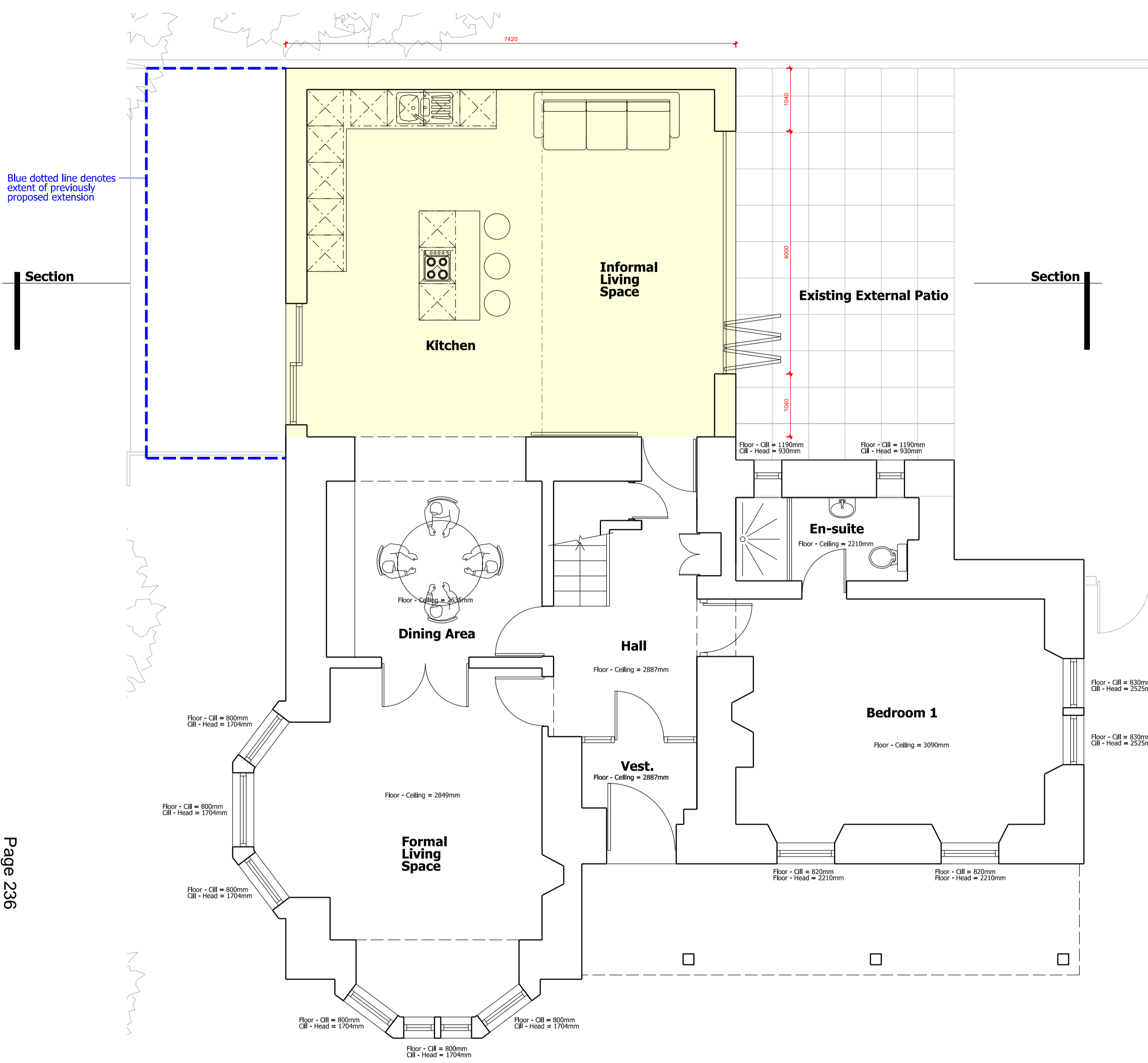
www.budarchitecture.com

PROJECT:
1 Littlejohn Road
Edinburgh
EH10 5GN

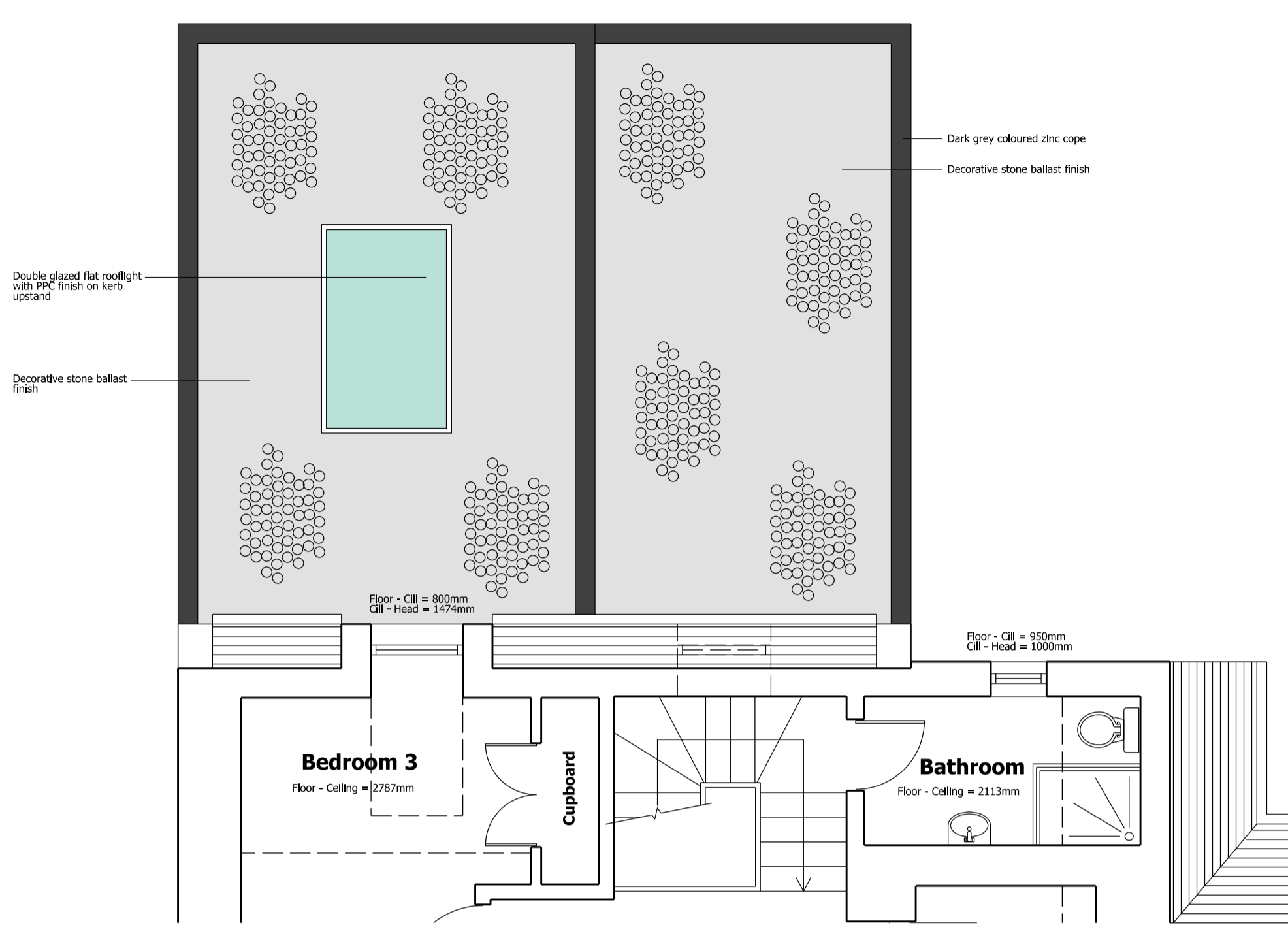
TITLE:
Proposed Site Plan

SCALE @ A3: 1:200	CHECKED: DS	APPROVED: DS
PROJECT No: 19-009	DESIGN-DRAWING: DS	DATE: Apr 19
DRAWING STATUS: Planning Appeal		
DRAWING Size: A3	DRAWING No: L-LR-003	REV: --

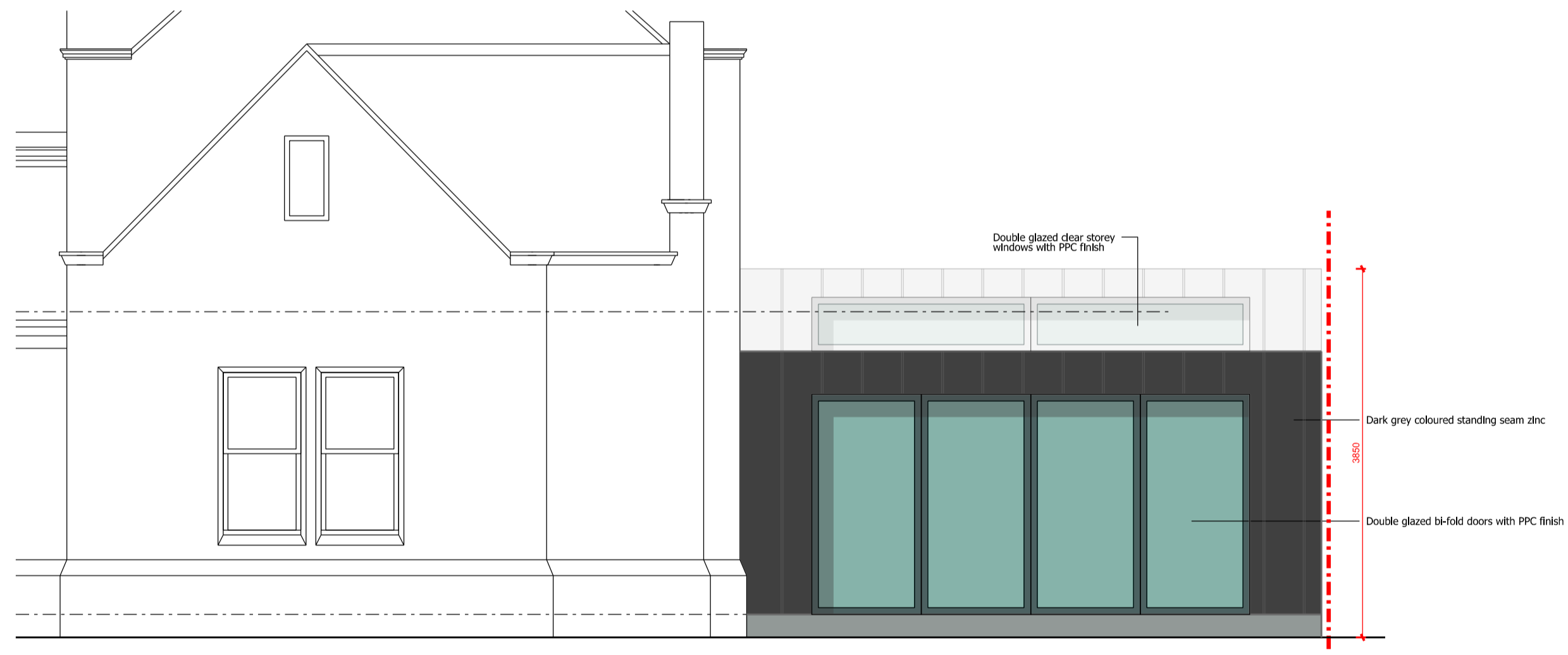
- - - - - Boundary
- Hatched area denotes extent of new works
- - - - - Red dotted line denotes extent of downtakings



Ground Floor Plan (as proposed) 1:50
1 Littlejohn Road



Roof Plan (as proposed) 1:50
1 Littlejohn Road



South Elevation (as proposed) 1:50
1 Littlejohn Road



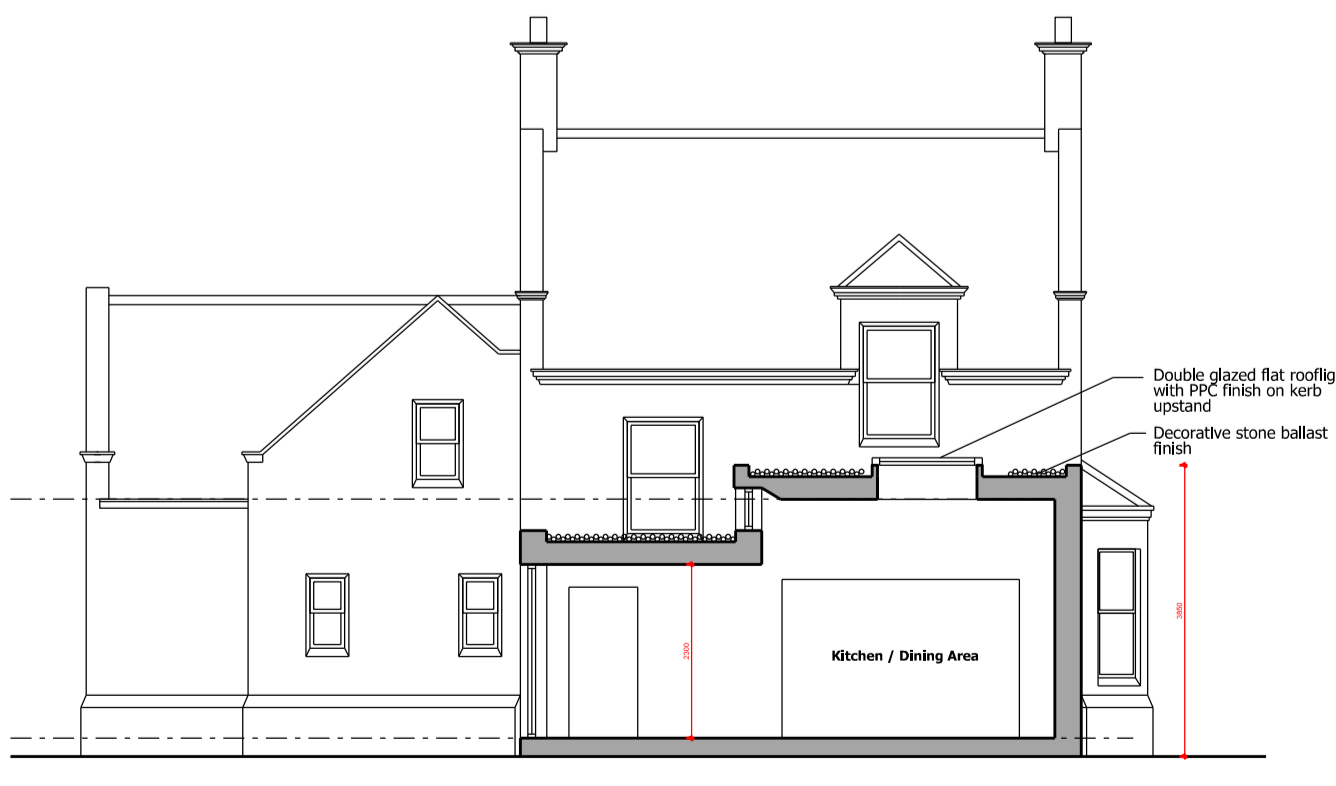
East Elevation (as proposed) 1:100
1 Littlejohn Road



North Elevation (as proposed) 1:100
1 Littlejohn Road



West Elevation (as proposed) 1:100
1 Littlejohn Road



Section (as proposed) 1:100
1 Littlejohn Road

budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

www.budarchitecture.com

PROJECT:
1 Littlejohn Road
Edinburgh
EH10 5GN

TITLE:
Floor Plans & Elevations
(as proposed)

SCALE @ A1: As Stated	CHECKER: DS	APPROVED: DS
PROJECT No: 19-009	DESIGN-DRAWING: DS	DATE: Apr 19
DRAWING STATUS: Planning Appeal		
DRAWING SIZE: A1	DRAWING No: L-LR-004	REV: --



View of front facade from Littlejohn Road which will remain unaffected by proposed works



Views of rear of property showing current conservatory which is to be removed and replaced with single storey extension.



Views from Greenbank Drive showing the extent of mature vegetation shielding both the house and garden to rear. Existing railings to be modified and kerb dropped to allow for off street parking for two vehicles.

budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

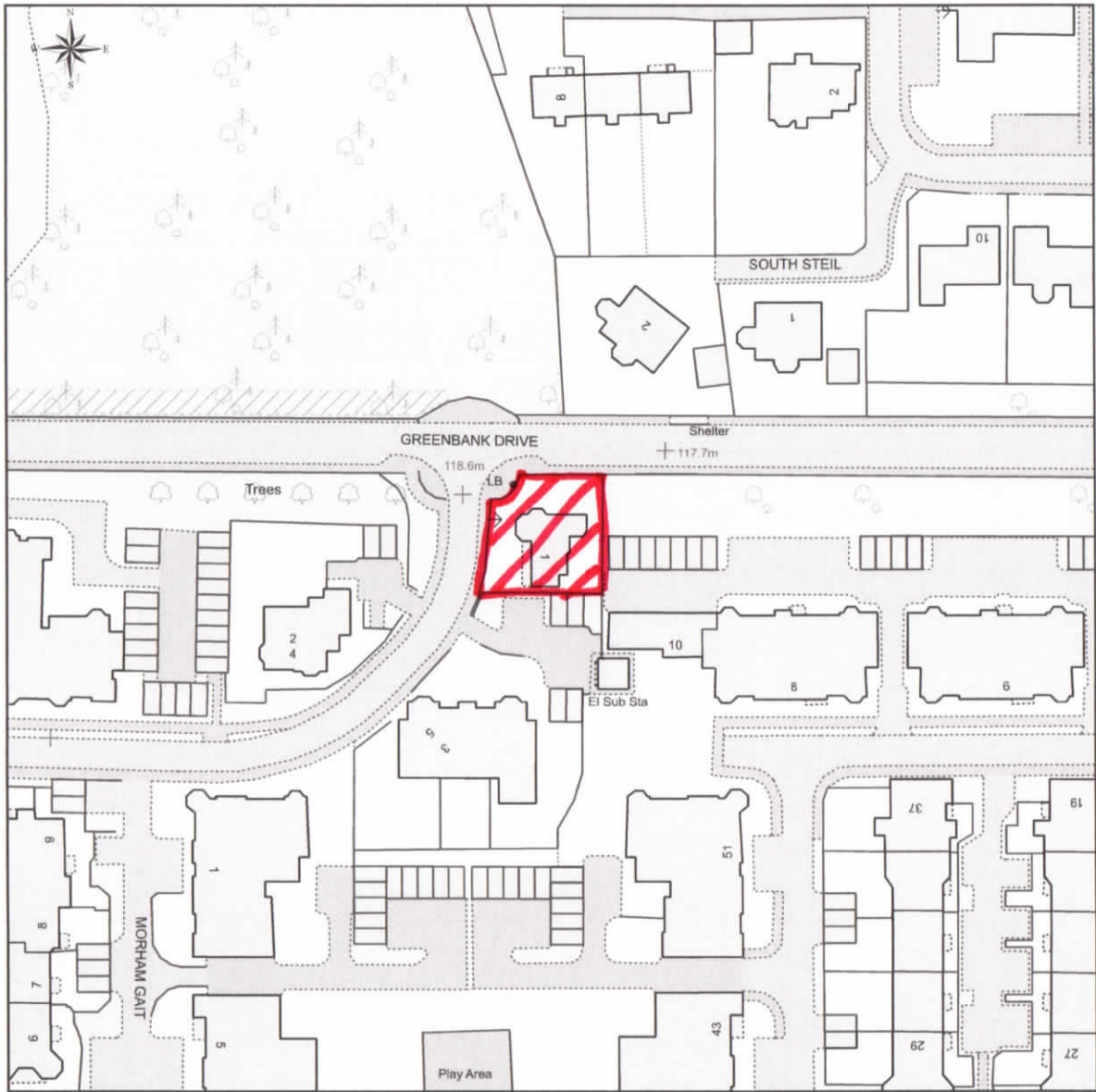
www.budarchitecture.com

PROJECT:
**1 Littlejohn Road
Edinburgh
EH10 5GN**

TITLE:
Site Photographs

SCALE @ A1: As Stated	CHECKER: DS	APPROVED: DS
PROJECT No: 19-009	DESIGN-DRAWING: DS	DATE: Apr 19
DRAWING STATUS: Planning Appeal		
DRAWING SIZE: A1	DRAWING No: L-LR-005	REV: --

Location Plan of EH10 5GN

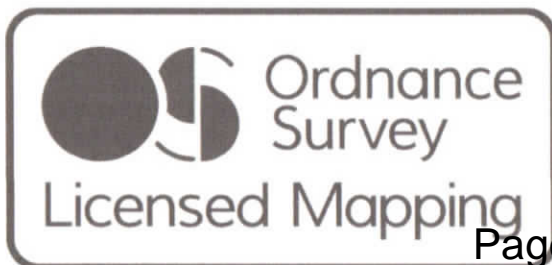


This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. 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. © Crown copyright and database rights, 2019. Ordnance Survey 0100031673

0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4

— Boundary



MDA Studio.
 FAO: David Moore
 65 Redford Avenue
 Edinburgh
 EH13 0BU

Mr K Anderson.
 15 Stenhouse Mill Crescent
 Edinburgh
 EH11 3LP

Decision date: 23 July 2019

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

Change of Use of existing garages x4 and office space into studio apartments x2 including garage
 At 15 Stenhouse Mill Crescent Edinburgh EH11 3LP

Application No: 19/01836/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 12 April 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:-

Reasons:-

1. The proposals are contrary to the adopted Local Development Plan Policies Hou 5, Hou 3 and to the Edinburgh Design Guidance. The proposals do not provide any communal open space for future residents nor do they provide sufficient amenity in terms of daylight as both dwellings are single aspect.

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 principle of housing in this location is acceptable. Transport and parking is acceptable and the minimum standards for the internal floor areas is achieved. However, there is no additional provision for communal or private open space for future occupiers and both dwelling are single aspect. Consequently, an acceptable residential environment is not achieved and the proposals are unacceptable.

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 19/01836/FUL At 15 Stenhouse Mill Crescent, Edinburgh, EH11 3LP Change of Use of existing garages x4 and office space into studio apartments x2 including garage

Item	Delegated Decision
Application number	19/01836/FUL
Wards	B07 - Sighthill/Gorgie

Summary

The principle of housing in this location is acceptable. Transport and parking is acceptable and the minimum standards for the internal floor areas is achieved. However, there is no additional provision for communal or private open space for future occupiers and both dwelling are single aspect. Consequently, an acceptable residential environment is not achieved and the proposals are unacceptable.

Links

Policies and guidance for this application	LHOU01, LHOU03, LHOU05, LTRA02,
--	---------------------------------

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 in a primarily residential area to the west of the city centre. On three sides of the site there is semi detached and detached housing. There is a large area of road in front of the site. The site comprises four lock up garages and one office space. The site is generally flat.

2.2 Site History

15 November 1995 - Planning permission granted for the discharge of a condition restricting Class 4 offices to personal and temporary use. (application number 95/02072/FUL).

8 January 2019 - Planning application withdrawn for change of use of existing 4 x garages and office space to 2x dwellings including garages (application number 18/08942/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the conversion of four lock-up garages and one office to form two studio flats. Each studio dwelling will comprise a living/ dining/ bedroom area, shower/toilet, kitchen and utility room. A garage is also provide with secure cycle storage for two bicycles.

The existing render on the external walls will be replaced with a new smooth render. Doors and windows will be dark grey aluminium. Garage doors will be secure electric shutters and painted dark grey to match doors and windows.

The roof will comprise recycled lightweight plastic roof tiles. It will be ridged at the front and flat at the rear. The front of the ridge will have two electric velux windows with solar panels on both sides.

Approximately 700mm width of new paving will form a footpath in front of the apartments.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The principle of development is acceptable;
- b) The amenity of future residents is acceptable;
- c) Transport matters are addressed;
- d) Any impacts on equalities or human rights are acceptable, and
- e) Any comments raised have been addressed.

a) Principle of development

The application site is included within the urban area of the adopted Local Development Plan (LDP). The principle of housing in this location is acceptable.

LDP Policy Hou 5 of the adopted Local Development Plan (LDP) sets out the criteria for approving the change of use of existing non-residential buildings to housing. The first consideration is that a satisfactory residential environment can be achieved. This is not able to be achieved by this proposal as there is no additional open space for future occupiers and both flats are single aspect. There is not sufficient open space for future residents although car and cycle parking standards can be met.

Although the principle of housing is acceptable in this location, the proposal does not comply fully with Policy Hou 5 of the LDP.

b) Amenity of future residents

LDP Policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. In flatted developments there should be a minimum of 10 square metres per flat. For this proposal that would equate to a minimum of 20 square metres of communal provision. There is no additional private or public open space provided for the future residents of the flats.

The proposal does not comply with LDP Policy Hou 3.

In order to ensure a good standard of overall amenity The Edinburgh Design Guidance states that for new development, single aspect dwellings should not make up more

than 50% of the overall numbers. Both studio flats are single aspect, therefore the proposal does not comply with that guidance.

The Edinburgh Design Guidance also sets out the minimum internal floor areas for new dwellings. The minimum internal floor area for a studio dwelling is 36 square metres. Both flats are 36 square metres each therefore achieve the minimum standard.

c) Transport matters

Transport has no objections to the application subject to several conditions or informatives being included as appropriate. Firstly, the applicant is to provide two car parking spaces for the new dwellings complying with the Council's parking standards. Also, the applicant should ensure that the location of the proposed planters should be positioned such that vehicular access to the neighbouring residential units is not compromised.

d) Equalities and human rights

This application raises no adverse comments in terms of equalities and human rights.

e) Public comments

A representation has been submitted raising the following point:-

- Access to neighbours parking area will be blocked. Addressed in 3.3 (c).

Conclusion

The principle of housing in this location is acceptable. Transport and parking is acceptable and the minimum standards for the internal floor areas is achieved. However, there is no additional provision for communal or private open space for future occupiers and both dwellings are single aspect. Consequently, an acceptable residential environment is not achieved and the proposals are unacceptable.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposals are contrary to the adopted Local Development Plan Policies Hou 5, Hou 3 and to the Edinburgh Design Guidance. The proposals do not provide any communal open space for future residents nor do they provide sufficient amenity in terms of daylight as both dwellings are single aspect.

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

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

One representation was received. The representation was not against the proposal but raised concern at the parking arrangements.

Background reading / external references

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

Statutory Development

Plan Provision

The adopted Local Development Plan identifies the site as being within the general 'Urban Area'.

Date registered

12 April 2019

Drawing numbers/Scheme

01-03

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:

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

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

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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

Appendix 1

Consultations

Transport Response -dated 16 July 2019

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

1. The applicant to provide 2 car parking spaces and complies with the Council's parking standards which could permit up to 2 parking spaces for the proposed change of use.
2. 4 cycle parking spaces to be provided complies with the Council's minimum parking requirement of 2 cycle spaces for the 2 studio flats.
3. A private pavement/footway of 0.7m wide to be provided in front of the proposed change of use and with additional planters to provide protection/safety from turning vehicles.

Note:

- a) The applicant should note that the turning area is privately owned and have to satisfy themselves that they have right of access.
- b) The location of the proposed planters should be positioned such that vehicular access of the neighbouring residential units on both sides of the proposed development are not compromised.

END

UP

H^R. W. DAVIDSON

166, STENHOUSE MILL LANE

RE ELECTROCONS

CHANGE TO TWO PLATS.

EDINBURGH

APPLICATION N^o 19/01836/FUL.

2.5.2019.

Dear Sir

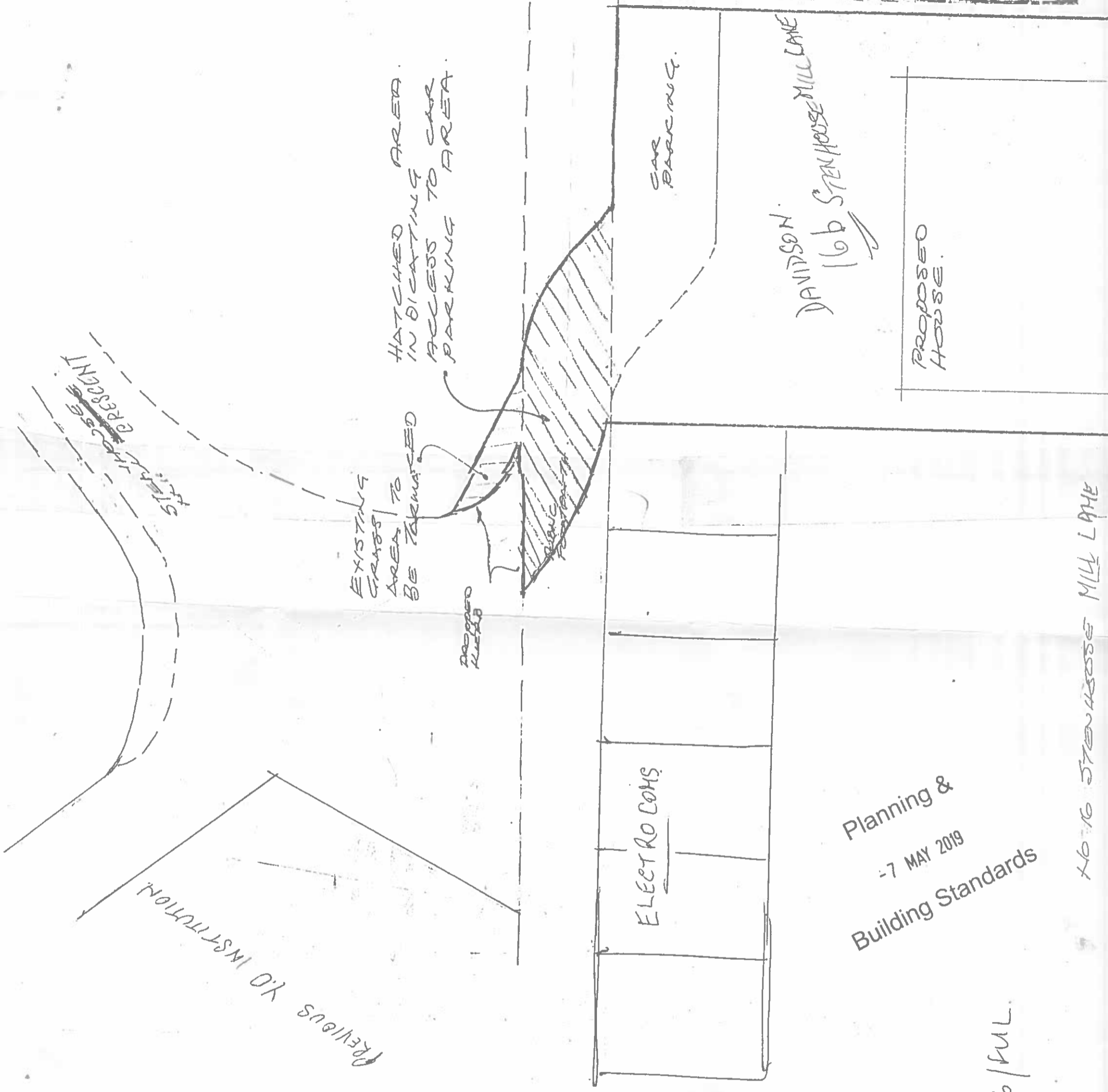
I have no objection to the proposed change. However I am concerned that the new owners do not restrict use of car parking to their garage.

The present owners have always given attention to allowing access from and to my parking area, I have had problems caused by some car owners parking across the access area. I am concerned that visitors to the new owners are allowed to obstruct access to and from my parking area. It will be sad to lose my considerable neighbours from 5 Leithgatesins. I trust this will prevent

I am

any unnecessary frustrations
from Stanley Bell.

I enclose copy of my
access to my parking area
which I received prior to
commencement of construction
of my house.



Planning &
-7 MAY 2019
Building Standards

19/01836/FUL

166 STENHOUSE MILL LANE

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 100140306-004

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:	MDA Studio		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	One Lochrin Square
Last Name: *	Moore	Building Number:	92-98
Telephone Number: *	07968851608	Address 1 (Street): *	Fountainbridge
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH3 9QA
Email Address: *	admin@mda-studio.co.uk		

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="Kevin"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="Anderson"/>	Address 1 (Street): *	<input type="text" value="Stenhouse Mill Crescent"/>
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="EH11 3LP"/>
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="15 STENHOUSE MILL CRESCENT"/>
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="EH11 3LP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671332"/>	Easting	<input type="text" value="321557"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Change of Use of existing garages x4 and office space into studio apartments x2 including garage

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.

See Supporting statement

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)

Supporting statement attached including original planning drawings submitted.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01836/FUL

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

12/04/2019

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

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)

We believe a site inspection would be beneficial for the LRB to see the setting / context of these existing garages and how the change of use would enhance the local area with additional affordable housing.

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 Moore

Declaration Date: 12/09/2019

Proposal Details

Proposal Name	100140306
Proposal Description	Proposed 2 No. dwellings
Address	15 STENHOUSE MILL CRESCENT, EDINBURGH, EH11 3LP
Local Authority	City of Edinburgh Council
Application Online Reference	100140306-004

Application Status

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

Attachment Details

Notice of Review	System	A4
LRB Review Report	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

**15 Stenhouse Mill Crescent
Edinburgh
EH11 3LP**



Supporting Statement for Notice of Review
City of Edinburgh Council
Against the refusal of Planning Application
19/01836/FUL

On behalf of
Mr Kevin Anderson (applicant)

4th September 2019

MDA Studio
One Lochrin Square
92-98 Fountainbridge
Edinburgh
EH3 9QA
0131 629 3141
admin@mda-studio.co.uk

CONTENTS

SUMMARY

1 INTRODUCTION AND REASON FOR REVIEW

2 SITE LOCATION AND PROPOSALS

Location and Description

Details of the Proposals

3 PLANNING POLICY CONTEXT

Edinburgh Local Development Plan (2016)

Policy Hou 3 Private Green Space in Housing Development

Policy Hou 5 Conversion to Housing

Summary

4 CONCLUSIONS

5 APPENDICES

Appendix A - Drawings submitted for planning

EXECUTIVE SUMMARY



Existing street frontage to property.

The applicant for the property at 15 Stenhouse Mill Crescent have been refused planning permission by City of Edinburgh Council under delegated decision.

The applicants are aggrieved by the Refusal decision and have asked MDA Studio to submit a Notice of Review to the City of Edinburgh Council to allow the local review body within the Council to review this delegated decision.

The key considerations in this appeal are:

1: The huge need in Edinburgh to provide more affordable housing. Many new developments are simply too expensive for a young person to buy. The properties proposed would be a great starter home.

2: There are many new flatted developments built in Edinburgh and the 1 bed flats can generally only be single aspect due to the massing of developments. We feel refusal on this matter should be reconsidered as it has been on many new flatted developments in Edinburgh.

3: The property has limited external space but this is amply offset by the abundance of public spaces within a short walk of the properties including Saughton Park, and the Water of Leith walk / cycle path and the Dell.

The appeal statement will demonstrate that the street and surrounding area has the ability to take a further two dwelling units and the Local Review Body should reconsider this application to provide much needed affordable housing in the local area.

1.0: Introduction and reason for review

1.1: A notice of review has been submitted by David Moore Architect (MDA Studio) on behalf of Mr Kevin Anderson (hereby referred to as ‘the applicant’), whose application (Reference 19/01836/FUL) for planning permission for Change of Use of existing garages x4 and office space into studio apartments x2 including garage, was refused by City of Edinburgh Council on 23rd July 2019 under delegated powers for the following reason:

The proposals are contrary to the adopted Local Development Plan Policies Hou 5, Hou 3 and to the Edinburgh Design Guidance. The proposals do not provide any communal open space for future residents nor do they provide sufficient amenity in terms of daylight as both dwellings are single aspect.

1.2: The Notice of Review and the accompanying documents which were submitted as part of the planning application are included, as well as this additional supporting Review Statement.

1.3: The reason for the Notice of Review and supporting Review Statement is to explain to the LRB that the proposals are providing a much needed affordable housing in the local area and the large areas of green space in the local area amply offset the limited space available for the studio apartments.

1.4: The application was originally submitted to Edinburgh City Council planning department on 15th October 2018 (18/08942/FUL). The proposal was for two one bedroom apartments. During the planning process we were asked to withdraw the application as per the email below received on 17th December 2018

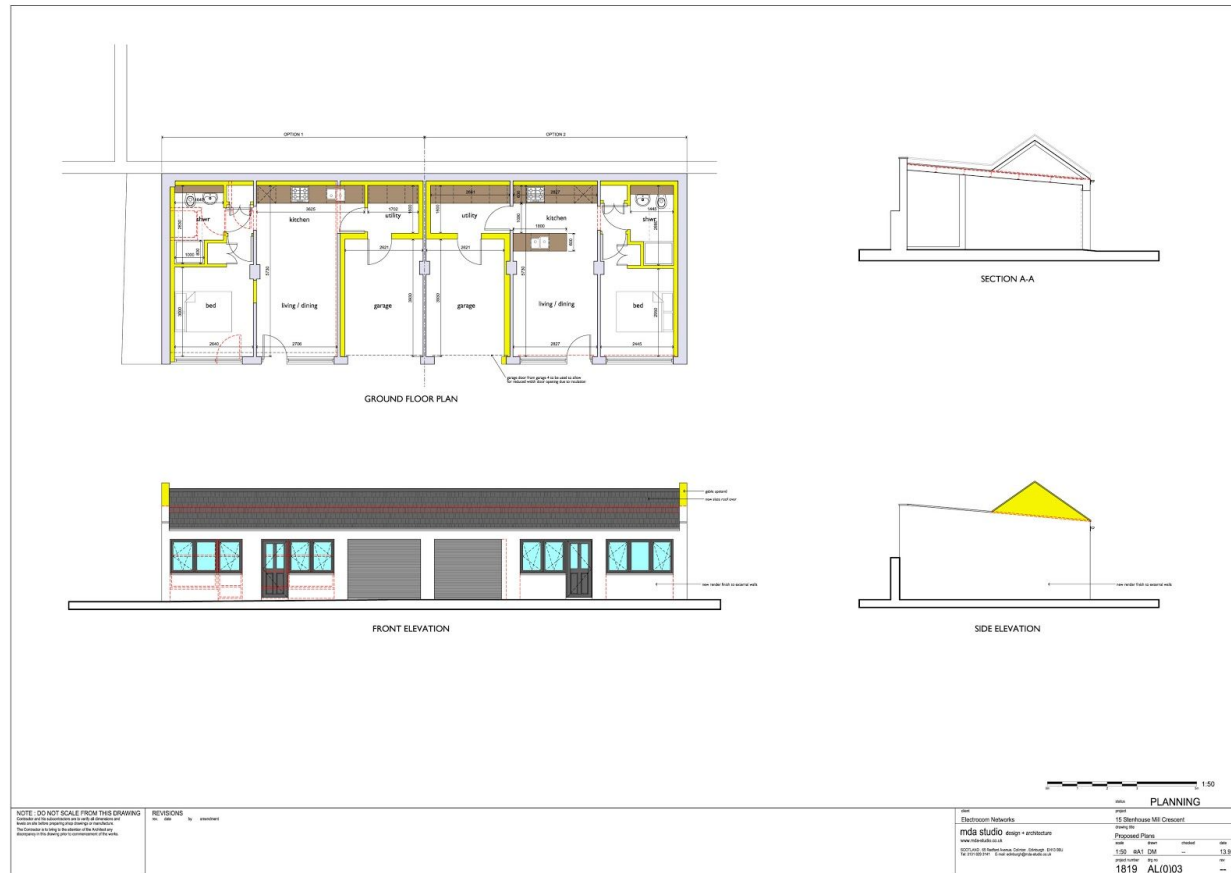
Apologies for the lateness of this email in respect of the above application, we are very busy at the moment.

Having reviewed the submission, it does not comply with the Edinburgh Design Guidance in terms of floorspace for the proposed dwellings. The minimum requirement for a one bedroom property is 52 sq. m.

I have also spoken to my colleagues in Transport who have informed me that a pedestrian footpath would be required along the front of the property.

Given this, the application would be recommended for refusal. Therefore I would request that the application is withdrawn within 7 days or it will be written up as refusal. If you choose to withdraw, I am happy to take a look at any alternative scheme for the site that will satisfy the above criteria if you wish to resubmit.

Page 266



Copy of plans submitted for original application 18/08942/FUL

The application was withdrawn by MDA Studio on 8th January 2019 to allow time to alter the layout and to liaise with the Planning Department and Transportation.

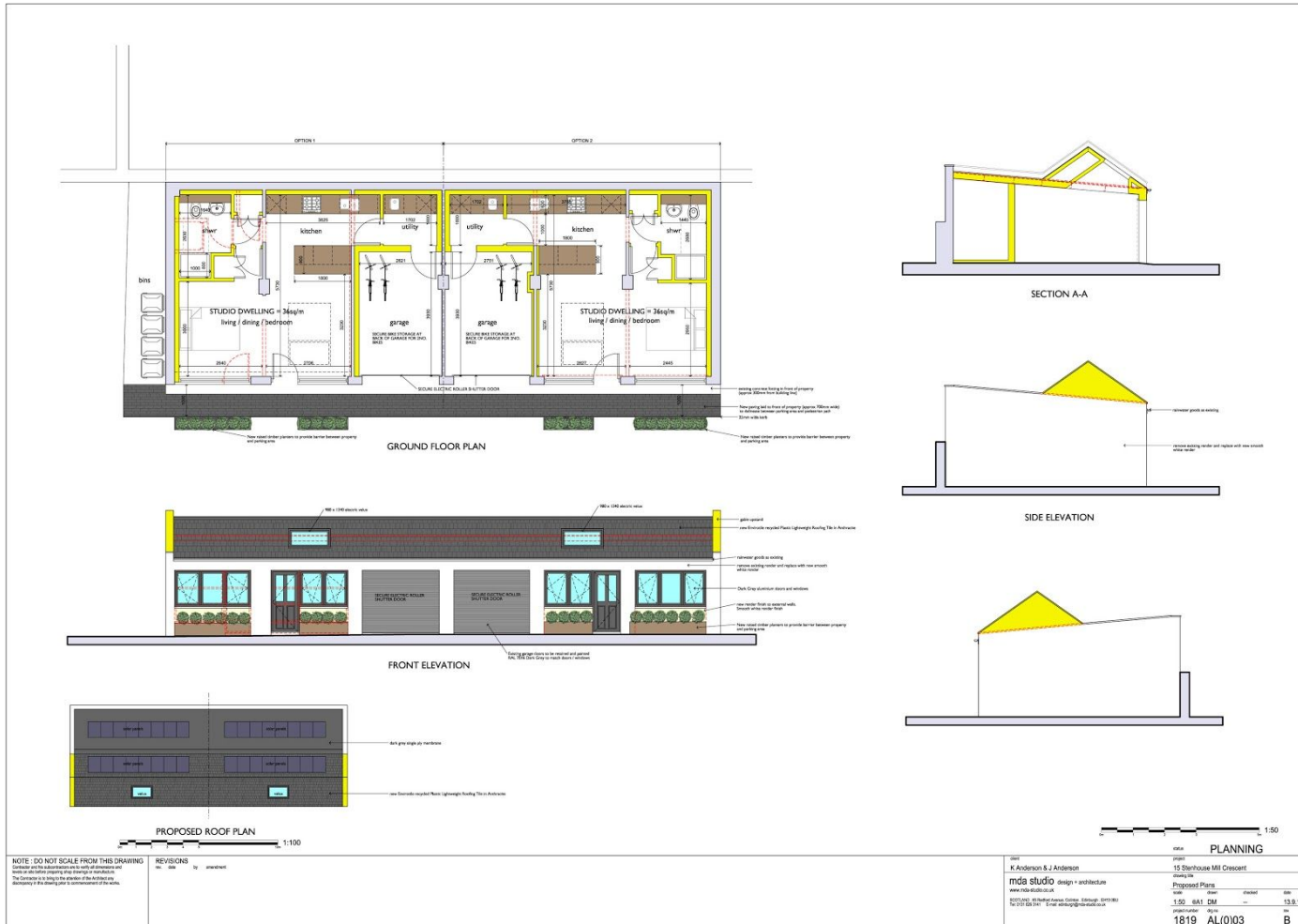
To address the two objections raised the following alterations were made to the design

1: The wall between bedroom and living area was omitted to create a studio apartment to satisfy planning and the apartment changing from a one bedroom classification (52sq/m min floor area) to a studio apartment classification (36sq/m min floor area)

2: After discussions with the Transportation department the agreement was for planters to be set at the front of the property and for a footpath to be designated (1m wide) in front of the properties. The footpath was to be at the same level as existing but with a contrasting material used to differentiate between road and footway.

The revised drawings were resubmitted to the council planning department on 12th April 2019. At this point the new application was assigned to a new planning officer for consideration. This was disappointing for the applicant and agent as the time spent liaising with the original planner seemed to have been wasted.

On submission of the new planning application the client and agent were both expecting that the new drawings complied fully with the planning department requests. It was thought that this new application would be procedural.



Copy of plans submitted for new planning application 19/01836/FUL -
 Planters added, footpath designated with material to contrast existing road, planters used to separate properties
 from road and provide privacy / protection.

1.4: Consequently, this Statement will aim to set out to the LRB members how the application can be considered favourably in terms of use and design with no significant adverse impact on the character of the property or the surrounding neighbouring properties, that would merit a refusal of the application. We strongly feel that the design and Change of Use proposed would only enhance the local area. A review of the decision along these lines would provide the LRB with the opportunity to over-turn the Planning Officers decision and approve the application.

1.5: The applicant seeks a determination of the review by written submissions and also by way of a site inspection to enable the members of the LRB to take into consideration the nature and character of the property and its surrounding context, in order to fully understand the justifications being presented for the alterations and Change of Use as proposed.

2.0: Site location and proposals

Location and context

2.1: The property is an existing row of 6 garages. 4 garages used for storage and 2 used as office space for a local Electronic Networking company.

The client has occupied the property for a considerable number of years to run their networking business. Since purchasing the property the local area has changed significantly mainly due to the change to the neighbouring HMP Prison.

The lane opposite the existing garages used to be used as the entrance / exit for young offenders to the prison with high security fences etc.

The surrounding / neighbouring buildings are largely residential with some vacant land located to the South. Industrial units are located to the east and the HMP Edinburgh Prison located to the West.

There are good transport connections to Edinburgh City Centre from the existing Stenhouse / Gorgie Road.



Internal photos of existing garages

2.2: The property has a lean-to roof construction falling back to front with solar panel on the roof.

2.3: It is NOT proposed for the building to increase in size.

2.4: The property lies outside of any Conservation Areas.

Details of the Proposal

2.5: The proposal is to convert the existing 6 garages / office space into 2 individual 1 bedroom studio apartments

The proposed scheme will provide much needed affordable accommodation in the Edinburgh area.

The internal layout of the dwellings will provide an open plan kitchen / living / dining space along with a shower room and 1No. Double bedroom area off the living space. A garage will also be provided for each dwelling which in turn will allow retaining a parking space to each dwelling in front of the garage.

The proposed change of use should also reduce the number of vans parked in the area due to the Electrom Networks business no longer located there. This can only be viewed as a benefit.

Externally it is proposed to remove the existing flat roof and provide a new pitched roof towards the front of the property to add more character to the building. The pitched roof will only be located on the front half of the property so that the alterations will have no impact to the properties behind No.15.

Externally the building will be rendered with a new smooth white render finish, dark grey aluminium / PVC windows and the pitched roof will have new Envirotile recycled Plastic Lightweight Roofing Tile in Anthracite

2.6 Each studio apartment will have the benefit of solar power from the panels on the flat and pitched roof section at the back of the property.

2.7 The large velux rooflights to the front of the property will flood the new living spaces with natural light. Not only does this provide added ceiling height to the new space but it also addresses that the property will gain substantial daylight and sunlight. These properties will be much brighter than many single aspect apartments built in modern flatted developments.

2.8 The new proposal complied with the requests from City of Edinburgh Council and it is worth noting that Transportation had no objections to the new proposal submitted.

3.0 Planning Policy context

Edinburgh Local Development Plan (2016)

3.1 The Development Plan for the application property comprises the approved SES plan Strategic Development Plan (June 2013) and the adopted Edinburgh Local Development Plan (November 2016) which replaced the previously adopted Edinburgh City Local Plan (2010).

3.2 Edinburgh Local Development Plan this is the most up to date statement of Council policy and the key policies relevant to this proposal, as stated in the Planning Officers Delegated Report, is Hou 5 & Hou 3.

Policy Hou 3 Private Green Space in Housing Development

Planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents

Policy Hou 5 Conversion to Housing

Planning permission will be granted for the change of use of existing buildings in non-residential use to housing, provided:

- a) a satisfactory residential environment can be achieved
- b) housing would be compatible with nearby uses
- c) appropriate open space, amenity and car and cycle parking standards are met
- d) the change of use is acceptable having regard to other policies in this plan including those that seek to safeguard or provide for important or vulnerable uses

Summary

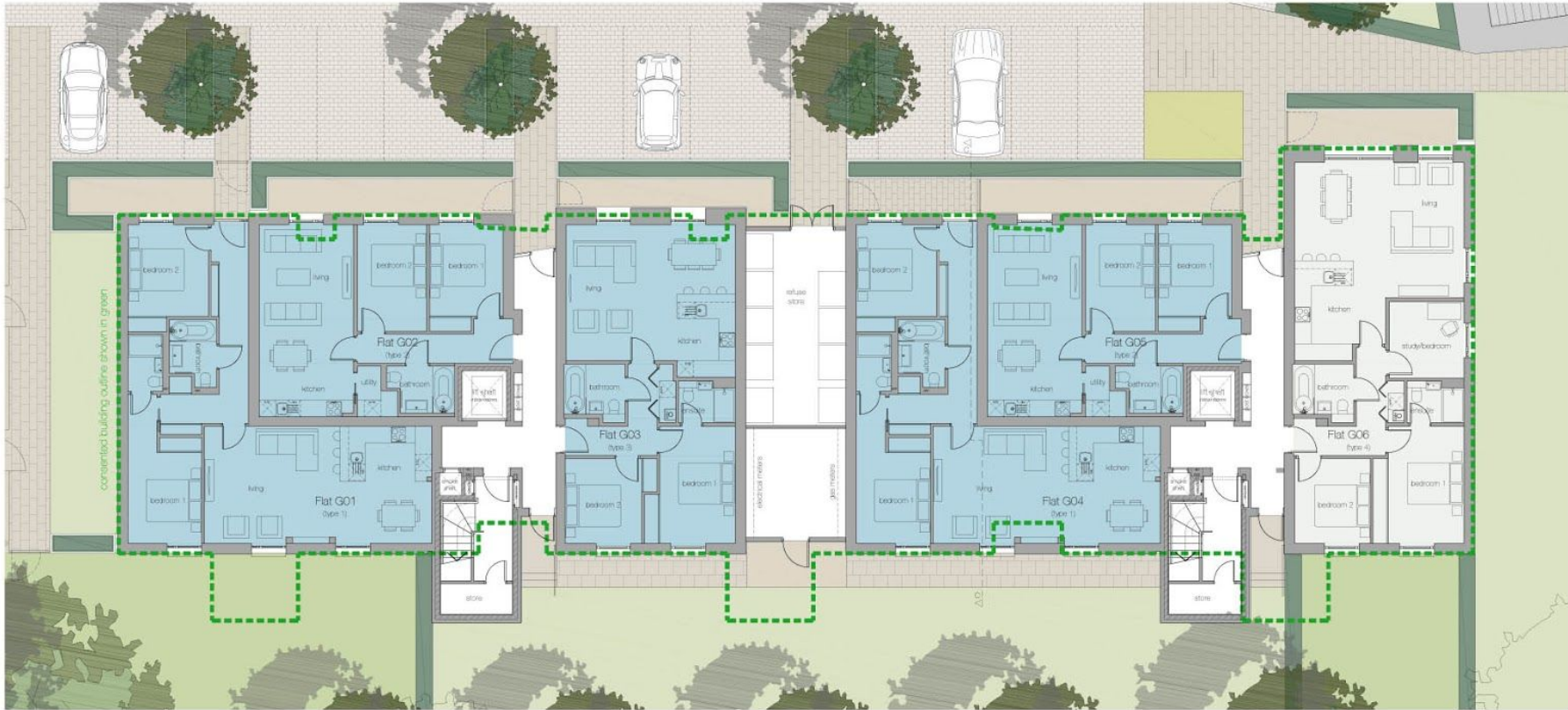
3.3 The review document sets out with reference to the proposed plans, that none of the policy or design guidance is prejudiced by the proposals submitted.

5.0 Conclusions

5.1 The applicants welcome the opportunity to have their application reviewed by the City of Edinburgh Council's Local Review Body and the LRB's support is sought to allow for a much needed accommodation to be provided in the area and also to enhance the local area with more footfall and residents.

5.2 The determining issues in the Review of this application are to determine whether the properties have sufficient communal open space and daylight amenity.

5.3 The proposals have been carefully considered and the large glazed windows on the front elevation combined with the large velux rooflight would flood the new dwelling with natural daylight. The services for the properties (bathroom / utility) are all located at the rear of each property to maximise the daylight to the main living areas. As also stated above many new developments built in Edinburgh have single aspect properties that have NOT been rejected by the planning department. See examples below:



Example of a new build flatted development in Edinburgh (2015) built with 2 bed single aspect properties.



Example of a new build flatted development in Edinburgh (2018) built with 2 bed single aspect properties

5.4 The Change of Use to the property can only enhance the local neighbourhood by turning garages currently used as storage and office space into 2 residential dwellings. Planning policy Hou 5 does states that a change of use for a shop unit would not be looked upon favourably by the council due to the potential reduction in local amenity. As these are not shop units and due to the single aspect properties being accepted on many other new build flatted developments (see above) we do not see how the Hou 5 policy can be applied to this application as a reason for refusal.

The proposal is to take end of use commercial structure and recycle them into dwelling houses. The council should be addressing the affordable housing crisis and allowing buildings like this to be turned into dwelling houses. City Of Edinburgh has an abundance of end of use buildings and brown field sites that could be used to address the housing crisis instead of constantly granting permission for new 4-5 bed luxury homes in the Edinburgh Green Belt.

5.5 To address the Hou 3 policy the applicant would like to highlight the following points for the LRB to consider:

1. During the initial planning application the Hou 3 policy and Hou 5 policy were not raised as a reason for refusal.
2. There is an abundance of green space within a short walk from the properties including Saughton park, Water of Leith and the Dell which amply offset any lack of amenity to the properties.
3. For a large number of busy people, having no garden to keep is a bonus and exactly what they are looking for. These properties will be low maintenance and are ideal for those who work shifts and night work and find it difficult to find the time for garden maintenance.
4. Studio apartments are generally part of a larger complex with communal gardens and common areas. There will generally be a monthly maintenance fee to be paid to the factors or building managers for the upkeep of the common areas and gardens. This creates additional costs and in some cases to levels beyond that affordable by key workers. This additional factoring expense is eliminated with this development.
6. These properties will be superbly insulated and all electric. They will have 4kw PV systems fitted and therefore will have very low carbon footprints.



View from existing property to HMP Prison. The high top van in the distance indicates the location of the former entrance / exit for young offenders to the prison with high security fences etc. This has now all been removed and has changed the area considerably.

5.6 Finally, it is respectfully requested that the LRB grants planning permission for the Change of Use to this property by way of the application proposals following their careful consideration of the relevant planning issues and of the case presented in this supporting Statement.

Appendix A: EXISTING AND PROPOSED PLANS SUBMITTED WITH PLANNING APPLICATION



Ordnance Survey (c) Crown Copyright 2018. All rights reserved. Licence number 100022432



LOCATION PLAN



PROPOSED SITEPLAN



status **PLANNING**

NOTE : DO NOT SCALE FROM THIS DRAWING

Contractor and his subcontractors are to verify all dimensions and levels on site before preparing shop drawings or manufacture. The Contractor is to bring to the attention of the Architect any discrepancy in this drawing prior to commencement of the works.

REVISIONS

rev. date by amendment



client
K Anderson & J Anderson

mda studio design + architecture
www.mda-studio.co.uk

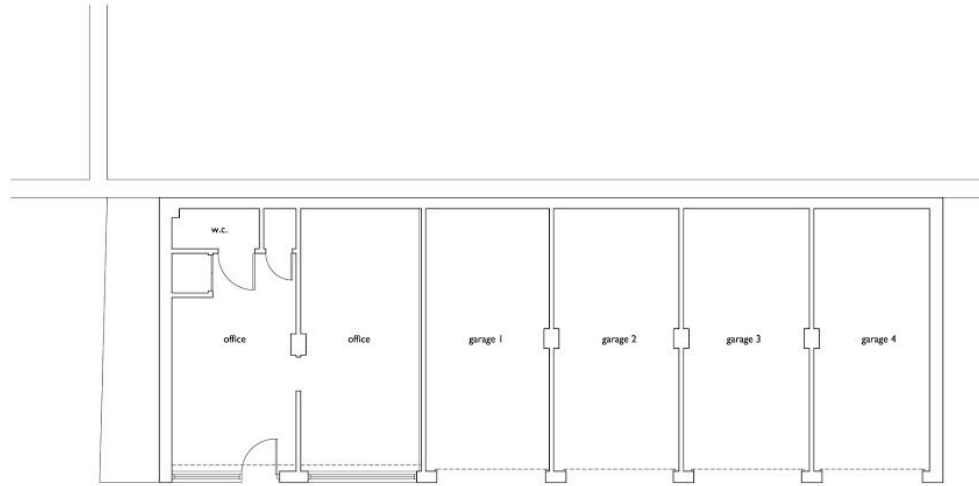
SCOTLAND, 65 Redford Avenue, Colinton, Edinburgh, EH13 0BU
Tel: 0131 629 3141E-mail: edinburgh@mda-studio.co.uk

project
15 Stenhouse Mill Crescent

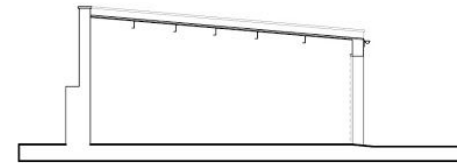
drawing title
Location Plan

scale	drawn	checked	date
1:1250 @A3	DM	-	20.9.18

project number	drg no	rev
1819	AL(0)01	-



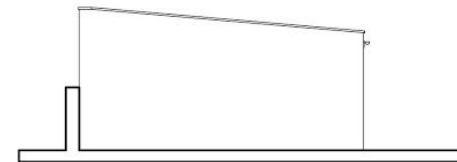
GROUND FLOOR PLAN



SECTION A-A



FRONT ELEVATION



SIDE ELEVATION



PLANNING

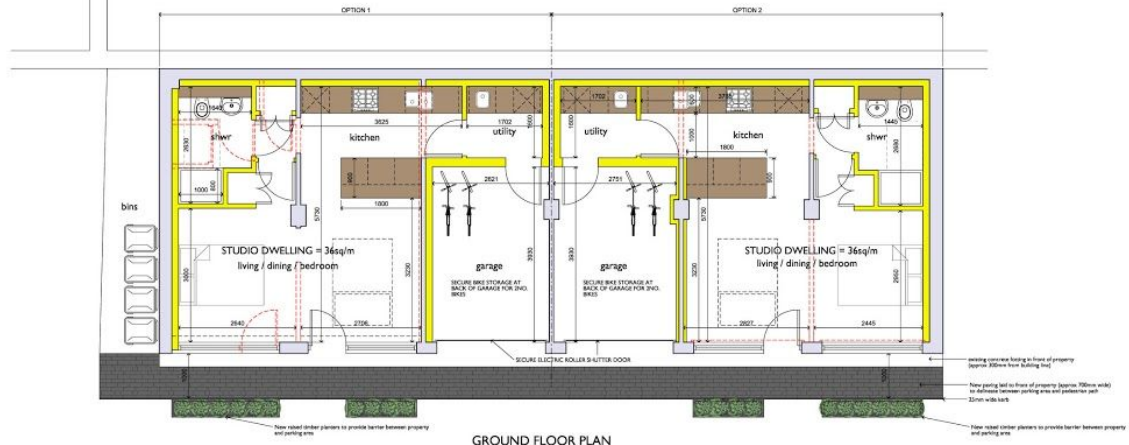
NOTE : DO NOT SCALE FROM THIS DRAWING
Contractor and his subcontractors are to verify all dimensions and levels on site before preparing to finalise any construction.
The Contractor is to bring to the attention of the Architect any discrepancy in the drawing prior to commencement of the works.

REVISIONS
rev. date by amendment

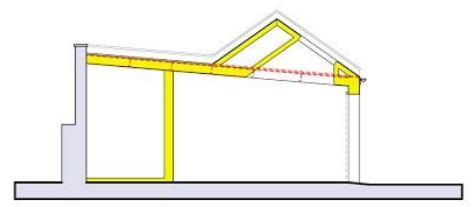
mda studio
design + architecture

client
K Anderson & J Anderson
www.mda-studio.co.uk
82071 (0145) 45 Holker Avenue, Colne, Edlington, YO13 3NU
Tel: 01753 526111 Email: info@mda-studio.co.uk

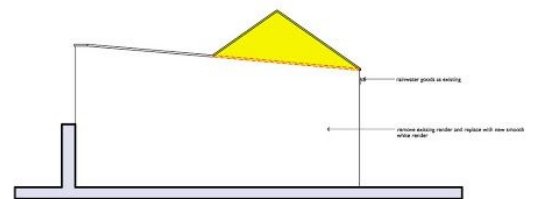
project	15 Stenhouse Mill Crescent		
drawing title	Existing Plans		
scale	drawn	checked	date
1:50	EA1	DM	13.9.18
project number	1819	AL(0)02	---



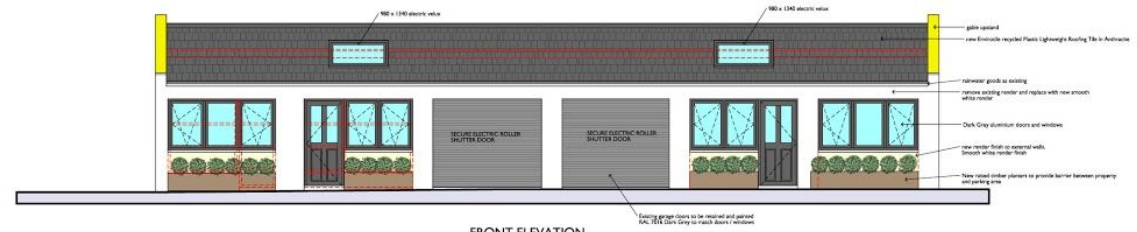
GROUND FLOOR PLAN



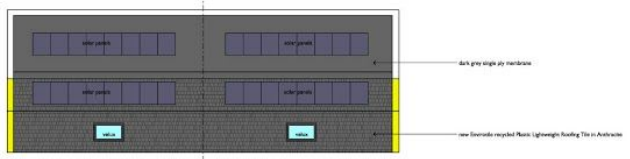
SECTION A-A



SIDE ELEVATION



FRONT ELEVATION



PROPOSED ROOF PLAN



NOTE: DO NOT SCALE FROM THIS DRAWING
 Contractor and his subcontractors are to verify all dimensions and levels on site before commencing any construction.
 The Contractor is to bring to the attention of the Architect any discrepancies in the planning plan at commencement of the works.

NO.	DATE	BY	REVISIONS



Client	15 Stenhouse Mill Crescent
Project	PLANNING
Designing firm	mda studio design + architecture
Scale	1:50 @ A1 DM
Date	13.9.18
Project number	1819 AL(0)03
Stage	B

This page is intentionally left blank

Bud Architecture
 FAO: Scott Martin
 10 Lochside Place
 Edinburgh Park
 Edinburgh
 United Kingdom
 EH12 9RG

Olecrose Ltd
 52 North Castle Street
 Edinburgh
 Scotland
 EH2 3LU

Decision date: 8 April 2019

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

Change of Use from residential to furnished holiday let (in retrospect)
 At Unit 1 108A West Bow Edinburgh EH1 2HH

Application No: 19/00691/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 12 February 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 and Enforced** 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:-

1. The use of the property for the purposes of short stay, commercial visitor accommodation has the potential to have a detrimental impact on the amenity of neighbouring residents. The development is contrary to Policy Hou7 (Inappropriate Uses in Residential Areas) of the Edinburgh Local Development Plan, as it could introduce activities that would cause significant noise and disturbance to other residents of the building.

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

Drawings 01, 02, 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 is not in compliance with policy Hou 7 of the Edinburgh Local Development Plan. The change of use will have a significant and detrimental impact on neighbouring residential amenity by virtue of increased noise and disturbance and is unacceptable.

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 Astrid Walker directly on 0131 529 3620.

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 19/00691/FUL At Unit 1, 108A West Bow, Edinburgh Change of Use from residential to furnished holiday let (in retrospect)

Item	Delegated Decision
Application number	19/00691/FUL
Wards	B11 - City Centre

Summary

The proposal is not in compliance with policy Hou 7 of the Edinburgh Local Development Plan. The change of use will have a significant and detrimental impact on neighbouring residential amenity by virtue of increased noise and disturbance and is unacceptable.

Links

Policies and guidance for this application	LDPP, LHOU07, NSG, NSBUS, CRPOLD,
--	-----------------------------------

Report of handling

Recommendations

1.1 It is recommended that this application be Refused and Enforced subject to the details below.

Background

2.1 Site description

The application site is located to the south end of West Bow. Grassmarket is located to the west of the site. The area comprises of mixed uses, including shops, hotels, restaurants and residential uses.

The property to which this application relates is located within a Category B listed (ref:LB30192 28/02/1975) four storey three bay Baronial terraced tenement block, with shops at the ground floor. The application property is a one bedroom flat on the first floor of the building which is accessed via a shared stair. There are two flats on the first floor, and two more on each floor above, with six flats in total within the building.

The site is located within the Edinburgh World Heritage Site.

This application site is located within the Old Town Conservation Area.

2.2 Site History

No planning history.

Main report

3.1 Description Of The Proposal

The application is for the change of use from a residential flat to a short stay commercial visitor accommodation (SSCVA). The site has been leased on this basis since 2015 and by the applicant since 2018.

Supporting Documents

The applicant has submitted the following documents which are available to view via planning and building online services:

-Supporting Planning Statement

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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) The proposal will have an adverse impact on the listed building or the character or appearance of the surrounding conservation area;
- c) Any impacts on equalities and human rights are acceptable;
- d) Any comments from nearby neighbours have been raised and addressed;
- e) Any comments from Community Councils/bodies have been raised and addressed.

a) Acceptable in Principle

Policy Hou 7 seeks to resist developments, including a change of use, which would have a materially detrimental impact on the living condition of nearby residents. The Council's non statutory Guidance for Business notes that in the case of short stay commercial leisure apartments, the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on amenity is greatest. It also notes that a change of use of flatted properties will generally only be acceptable where there is a private access from the street.

Evidence gathered by the council has demonstrated that the use of flats for the purposes of short stay commercial visitor accommodation (SSCVA) within stairs shared by other residents has the greatest potential to impact on the level of amenity that would be expected and associated within a residential development.

The flat which is the subject of this application is a one bed unit, situated on the 1st floor of a communal stair, with other flats sharing the stair and access off West Bow. The agent has advised that the property has been being used as a SSCVA since 2018 by the applicant, and since 2015 by a previous owner. This application seeks to authorise the current use to allow the rental of the property for short stay commercial visitor accommodation. The flat has only one bedroom and a sofa bed arrangement meaning that it can only be leased to a maximum of four persons at any one time.

The use of residential units for the purposes of SSCVA introduces activities and has characteristics that are not normally associated within residential properties. Although the flat is small, and would be unsuitable for larger groups, the proposal would have the potential to significantly and adversely affect the amenity of neighbouring residents; the turnover frequency would inevitably result in guests arriving and departing, often with luggage, and potentially at the weekend and in the evenings, creating noise and disturbance within the context of a communal stair.

There is the possibility that some of the guests would fail to show the same level of consideration for residential amenity that is normally found amongst people that occupy properties as their main place of residence, resulting in the potential for the development to constitute an undesirable and inappropriate change to the characteristics of the stair.

The proposal is therefore considered contrary to Policy Hou7 and the Council's Guidance for Business as it would result in an unacceptable impact on the living conditions of nearby residents.

b) Listed Building and Conservation Area

There are no physical alterations proposed to the property. The proposal would not therefore have any detrimental impact on the listed building or the character and appearance of the conservation area.

c) Equalities and Human Rights

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

d) Comments

A summary of the comments received:

Objection

- Shortage of full time permanent residential accommodation.

There is no policy presumption against the loss of residential units contained within the development plan, although as stated in section 3.a, above Policy Hou7 seeks to prevent development that would have a detrimental impact on neighbouring residential amenity.

- Massive increase in short term commercial visitor accommodation in the area.
- The application is an attempt to circumnavigate any future curtailment to short term lets or changes in legislation.
- Such proposals compromise the planning approach to the Old Town.

Planning permission is required for a change of use to a short stay commercial leisure apartment. Applications will be assessed on their own merits and in accordance with the relevant Edinburgh Local Development Plan Policies and relevant Council non statutory guidance at the time of application. Any development in breach of the relevant planning legislation will be subject to further investigation by Planning Enforcement.

Planning Legislation, the Edinburgh Local Development Plan, relevant Council non statutory guidance and the Conservation Appraisal for the Old Town all seek to preserve or enhance the character of the conservation area.

- Harmful impact on the local community, the character of the shared stairs on the street and the amenity of the area.

These comments have been addressed in section 3.3. (a)

e) Grassmarket Residents Association

The Grassmarket Residents Association have raised the following objections:

- The application is contrary to the Council's Guidance for Business which states that a change of use in flatted properties will generally only be acceptable where there is a private access.
- The application is contrary to policy Hou 7 as the property is accessed of a shared communal stair.
- Other issues include the pattern of activity, noise and disturbance to neighbours and the character of the area.
- The Grassmarket area has been flooded by Air B&Bs and other short term lets in recent years with attendant increase of waste disposal, late night noise as well as a general loss of amenity and reduction in the size of the permanent population.

These issues have been addressed in section 3. a above.

- This application, if successful, means the loss of yet another residential flat in the area.

There is no policy presumption against the loss of residential units contained within the development plan, although as states in section 3. a above, Policy Hou7 seeks to prevent development that would have a detrimental impact on neighbouring residential amenity.

The Old Town Community Council have objected on the following grounds:

- Loss of residential accommodation to short term holiday lets.

There is no policy presumption against the loss of residential units contained within the development plan, although as states in section 3. a above, Policy Hou7 seeks to prevent development that would have a detrimental impact on neighbouring residential amenity.

- Tenement buildings are particularly inappropriate for these uses. Both for the visitor and particularly for the remaining residents. It is hard to express the extent of amenity loss endured by people who may have lived on their stair a long time, to face a constant procession of frequently noisy or inconsiderate visitors.

These issues have been addressed in section 3. a above.

- Difficulty faced by owners who must share common parts with a business in obtaining home insurance, and in organising maintenance and common repairs etc.

This is not a material planning consideration.

- Particularly we oppose any such changes of use away from residential whilst there is ongoing action by CEC and the Scottish Government, to regulate this problem.

The proposal has been assessed above in accordance with the current framework of planning policy, as set out in section 3. a above.

The Old Town Association have raised the following objections:

- There is now an appalling shortage of genuine residential accommodation in the Old Town much exacerbated by the recent 'airBnB phenomenon'. We believe that this would breach established LDP policies especially HOU 7

There is no policy presumption against the loss of residential units contained within the development plan, although as states in section 3. a above, Policy Hou7 seeks to prevent development that would have a detrimental impact on neighbouring residential amenity.

- A common stair is private property, albeit shared amongst the community that is a tenement. Allowing a constant stream of strangers, frequently inconsiderate or sometimes even rowdy in this private space is not acceptable.

The impact on residential amenity is set out in section 3. a above.

- Approving this would effectively legitimatise what has now been recognised as an unacceptable use of a home. It would be inappropriate to grant this at the present time, and we oppose all changes of use away from residential whilst there are changes of legislation in the pipeline

The proposal has been assessed above in accordance with the current framework of planning policy, as set out in section 3. a above.

Conclusion

The proposal is not in compliance with policy Hou 7 of the Edinburgh Local Development Plan. The change of use would have the potential to create a significant, detrimental impact on neighbouring residential amenity by virtue of increased noise and disturbance caused by the high turnover of visitors associated with this type of use and is therefore, unacceptable.

It is recommended that this application be Refused and Enforced subject to the details below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The use of the property for the purposes of short stay, commercial visitor accommodation has the potential to have a detrimental impact on the amenity of neighbouring residents. The development is contrary to Policy Hou7 (Inappropriate Uses in Residential Areas) of the Edinburgh Local Development Plan, as it could introduce activities that would cause significant noise and disturbance to other residents of the building.

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

Two letters of representation have been received from nearby residents, objecting to the application.

The Old Town Association, Grassmarket Residents Association and the Old Town Community Council have also objected to the application.

Background reading / external references

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

Statutory Development

Plan Provision

The Edinburgh Local Development Plan and the relevant non statutory guidance.

Date registered

12 February 2019

Drawing numbers/Scheme

01, 02

Scheme 1

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

Contact: Astrid Walker, Planning Officer
E-mail:astrid.walker@edinburgh.gov.uk Tel:0131 529 3620

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the

public realm; the vitality and variety of different uses; and the continuing presence of a residential community

Appendix 1

Consultations

Waste and Fleet Services

Waste and Fleet Services would not expect to be the service provider for the collection of waste as this appears to be a commercial holiday let development.

Therefore, we will not provide a service as this is not household waste. Arrangements must be put in place to ensure that their waste is removed and disposed of legally. The Waste (Scotland) Regulations 2012 require that they also put in place to segregate paper, card, metals, plastics, glass and food for recycling. All waste bins will require to be stored off street and presented only during collection windows. An alternative may be to appoint a cleaning contractor who can remove the different materials to a different location; -there are implications to the latter, e.g. the contractor may need a waste carriers' licence, and so we recommend they seek guidance from SEPA if that is their preferred course of action.

Environmental Protection

The property is located at first floor level above an existing retail unit and is the first residential property accessed via a communal stairwell. The stair is accessed directly from West Bow. There are residential properties located above the application unit.

Environmental Protection have concerns that formalising the use of this property as a short-term let would likely lead to increased noise affecting the neighbouring residential amenity. This could be in the form of guest using the common stair and potential through noise within the flat such as music noise.

Therefore, Environmental Protection recommends the application is refused due to the likely adverse impacts it would have on existing residential amenity.

Transport Development

No objection to the development.

END

Comments for Planning Application 19/00691/FUL

Application Summary

Application Number: 19/00691/FUL

Address: Unit 1 108A West Bow Edinburgh EH1 2HH

Proposal: Change of Use from residential to furnished holiday let

Case Officer: Astrid Walker

Customer Details

Name: Mrs Elspeth Wills

Address: 3 Brown's Place EDINBURGH

Comment Details

Commenter Type: Residents Association

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing on behalf of the Grassmarket Residents' Association (GRASS) to object to the above planning application on the following grounds.

Our main reason for objection is the the application contravenes the Council's own policy as stated in its Guidance for Business 'Change of use in flatted properties will generally only be acceptable where there is a private access from the street,' (HOU7) This property is on a shared communal stair in a three storey building Other issues to be taken into consideration include the pattern of activity, noise and disturbance to neighbours and the character of the area. The Grassmarket area has been flooded by AirB&Bs and other short term lets in recent years with attendant increase in issues of waste disposal, late night noise etc as well as a general loss of amenity and reduction in the size of the permanent population.

This application, if successful, means the loss of yet another residential flat in the area

We trust that you will see fit to turn down this application and others like it.

Yours sincerely

Elspeth Wills

on behalf of GRASS

Comments for Planning Application 19/00691/FUL

Application Summary

Application Number: 19/00691/FUL

Address: Unit 1 108A West Bow Edinburgh EH1 2HH

Proposal: Change of Use from residential to furnished holiday let

Case Officer: Astrid Walker

Customer Details

Name: Mr samuel Piacentini

Address: 4f1 86 West Bow Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this application as it will have a detrimental impact on the Residential Community and lived Environment. I have lived in the Area for over 25 years. and in the last 20 years I have witnessed the severe decline of the full-time permanent resident population within the Old Town due to the dramatic increase in transient visitors who are being accommodated by a massive increase of short term letting properties through platform sites such as Airbnb. This application seeks to circumvent any future curtailment of Airbnb and enforced legislation by the Council. The City has an over abundance of visitor accommodation. What the Old Town lacks is full-time permanent resident accommodation. I respectfully ask you seriously consider my comments.

Comments for Planning Application 19/00691/FUL

Application Summary

Application Number: 19/00691/FUL

Address: Unit 1 108A West Bow Edinburgh EH1 2HH

Proposal: Change of Use from residential to furnished holiday let

Case Officer: Astrid Walker

Customer Details

Name: Mr Richard Parry

Address: 86/12 West Bow Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal as being detrimental to the residential amenity of this sensitively-located street on which I live. The importance of retaining a core of long-term residents (either tenants or owner-occupiers) is I believe increasingly recognised by the City. Applications for changes of use from residential to furnished holiday lets can, if approved, lead rapidly to a tipping-point that irreversibly changes the character of the streets on the street and compromises the planning approach to the Old Town. I believe that demand for furnished holiday lets should be met in ways other than changes of use at this address.

Comments for Planning Application 19/00691/FUL

Application Summary

Application Number: 19/00691/FUL

Address: Unit 1 108A West Bow Edinburgh EH1 2HH

Proposal: Change of Use from residential to furnished holiday let (in retrospect)

Case Officer: Astrid Walker

Customer Details

Name: Ms OLD TOWN ASSOCIATION

Address: 21 Carlyle Place, Edinburgh EH7 5SR

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: OLD TOWN ASSOCIATION

9/00691/FUL 1- 108A West Bow C/U residential to furnished holiday let

We strongly object to this proposal.

There is now an appalling shortage of genuine residential accommodation in the Old Town much exacerbated by the recent 'airBnB phenomenon'

We believe that this would breach established LDP policies especially HOU 7

A common stair is private property, albeit shared amongst the community that is a tenement.

Allowing a constant stream of strangers, frequently inconsiderate or sometimes even rowdy in this private space is not acceptable.

Approving this would effectively legitimatise what has now been recognised as an unacceptable use of a home.

It would be inappropriate to grant this at the present time, and we oppose all changes of use away from residential whilst there are changes of legislation in the pipeline

OTA Planning Secretary

Comments for Planning Application 19/00691/FUL

Application Summary

Application Number: 19/00691/FUL

Address: Unit 1 108A West Bow Edinburgh EH1 2HH

Proposal: Change of Use from residential to furnished holiday let (in retrospect)

Case Officer: Astrid Walker

Customer Details

Name: Mr Planning Secretary Old Town Community Council

Address: Flat 4, 112 Canongate, Edinburgh EH8 8DD

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: OLD TOWN COMMUNITY COUNCIL

9/00691/FUL 1- 108A West Bow Change of Use residential to furnished holiday let

The Community Council strongly object to this proposal.

There exists in the Old Town an extreme lack of available residential accommodation mostly due to rapid attrition of the stock by usage as short term and holiday lets.

Consenting this change of use would be in direct breach of LDP policy Hou 7

Tenement buildings are particularly inappropriate for these uses. Both for the visitor and particularly for the remaining residents. It is hard to express the extent of amenity loss endured by people who may have lived on their stair a long time, to face a constant procession of frequently noisy or inconsiderate visitors.

Not to mention the additional difficulty faced by owners who must share common parts with a business in obtaining home insurance, and in organising maintenance and common repairs etc.

To grant consent would effectively condone the illegitimate use of this dwelling, and mean the permanent loss of what should be a home.

Particularly we oppose ANY such changes of use away from residential whilst there is ongoing action by CEC and the Scottish Government, to regulate this problem.

Sincerely, OTCC Planning Secretary

From: Gina Bellhouse
Sent: 25 Sep 2019 10:27:10 +0000
To: Local Review Body;Aidan McMillan
Subject: FW: 1900691FUL.docx108a West Bow - 19/00125/REVREF

Hi Aidan,

Please can you add the response below from Environmental Protection to the LRB papers for West Bow on 30th Oct.

It should also be forwarded to the appellant for their information.

Many thanks,
Gina

From: Andrew Campbell
Sent: 18 September 2019 12:01
To: Astrid Walker <Astrid.Walker@edinburgh.gov.uk>
Subject: 1900691FUL.docx108a West Bow - 19/00125/REVREF

Dear Astrid,

Environmental Protection's original response to the 19/00691/FUL application is still valid. We have checked our database and there have been no complaints logged since that consultation response was sent.

Kind regards

Andrew Campbell | Environmental Health Officer | Environmental Protection | Housing and Regulatory Services | Directorate of Place | The City of Edinburgh Council | East Neighbourhood Centre 2.03, 101 Niddrie Mains Road, Edinburgh, EH16 4DS | 0131 469 5160 | 0777 0582 997 | andrew.campbell@edinburgh.gov.uk

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 100178706-001

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"/>	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"/>	Building Number:	<input type="text" value="108A"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="West Bow"/>
Company/Organisation	<input type="text" value="Olecrose Ltd"/>	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="EH1 2HH"/>
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="UNIT 1"/>
Address 2:	<input type="text" value="108A WEST BOW"/>
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="EH1 2HH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673432"/>	Easting	<input type="text" value="325518"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Change of Use from residential to furnished holiday let (in retrospect)

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.

We request that the original application is reviewed in light of the fact that the property has been used as a holiday let for a number of years without any issues.

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)

Drawings , statement, photographs

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00691/FUL

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

12/02/2019

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

08/04/2019

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 David Stewart

Declaration Date: 02/09/2019

Proposal Details

Proposal Name	100178706
Proposal Description	West Bow Appeal
Address	UNIT 1, 108A WEST BOW, EDINBURGH, EH1 2HH
Local Authority	City of Edinburgh Council
Application Online Reference	100178706-001

Application Status

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

Attachment Details

Notice of Review	System	A4
L-WB-001	Attached	A3
L-WB-002	Attached	A3
Planning Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

**108a 1 West Bow
Edinburgh
EH1 2HH**

**Proposed Change of Use from residential flat to furnished holiday let
- Supporting Planning Statement**

4th February 2019
Revision 00

Contents**Page**

Introduction

01

Location, Context & Access

02 - 04

Planning Assessment

05

Summary

06

Introduction

This statement has been prepared in support of an application for planning consent to change the existing use of the above property, from residential, to a short term holiday let.

The property subject of the application (the property) is a sui generis residential flat in accordance with the Town and Country Planning (Use Classes) Scotland) Order 1997.

The property is a one bedroom flat situated on the first floor of the three-storey tenement block. Within the tenement, there are two flats per floor, accessed via a shared stair and the main door for which is located at ground level from the West Bow – *please refer to graphic on Page 4.*

The property listing can be found at:

<https://www.airbnb.co.uk/rooms/7616134?s=51>

Having only one double bedroom, and a sofa bed arrangement available in the living/ kitchen area, the property is leased to a maximum of 4 persons at any one time. Whilst the minimum rental period available is one night, a review of the available rental history demonstrates that on average, the property was most often rented to accommodate two guests, and the average stay is 2-3 nights. As stated clearly on the particulars; no smoking, parties, or events are permitted in the property during the rental period.

The property has been renovated and furnished to a very high standard and leased by the current owner (applicant) since 2015. Guests are carefully vetted prior to booking and reminded to be considerate of other residents when arriving and departing. The property maintains an excellent five-star guest review rating on Airbnb and the applicant is not aware that any complaints have ever been lodged in relation to the use.



108a 1 West Bow, Edinburgh

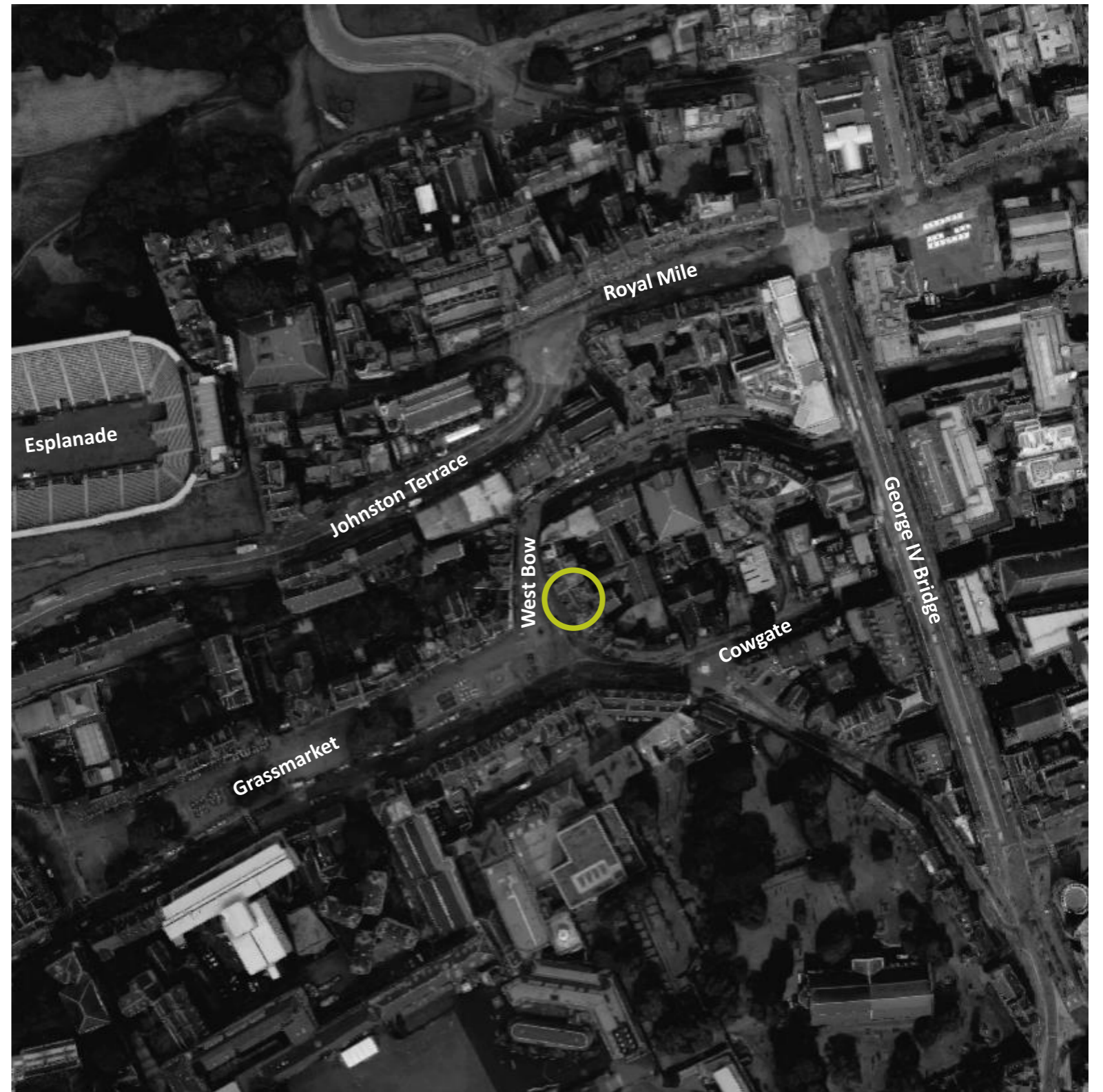
Location, Context & Access

Location

Located to the eastern end of Edinburgh's Grassmarket, 108 West Bow is a three storey B listed terraced tenement block with shops to ground floor. The living space of the property affords generous views westwards across the pedestrianised area of the Grassmarket, towards Edinburgh Castle.

The property is located within the Old Town conservation area. This part of the Old Town sees a broad range of uses co-existing, including pubs, restaurants, hotels, student accommodation, flats and shops, all of which are referred to in the property advertisement and undoubtedly form part of the attraction to guests.

This highly accessible location is within walking distance of the city centre and excellent public transport links including Waverley railway station. The location also offers easy access to many of the city's main tourist attractions including the Royal Mile and Edinburgh Castle.



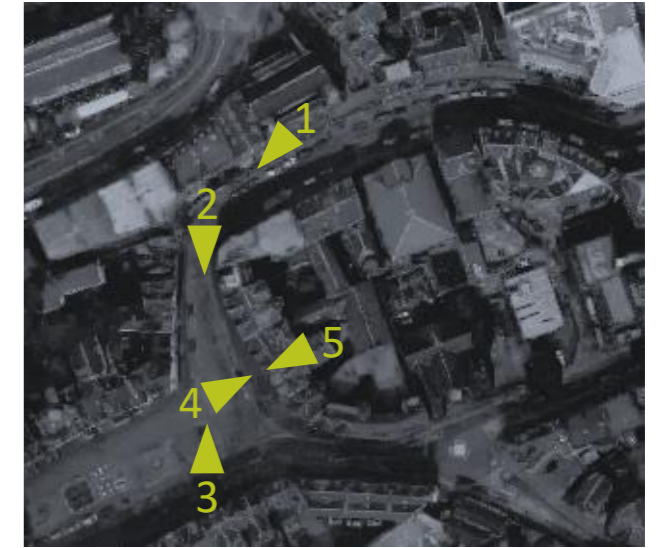
Context



1. View down Victoria Street towards West Bow & Grassmarket



2. View down West Bow to Grassmarket



View locations

Page 317



3. View from Grassmarket to West Bow



4. Street level access entrance to 108 West Bow



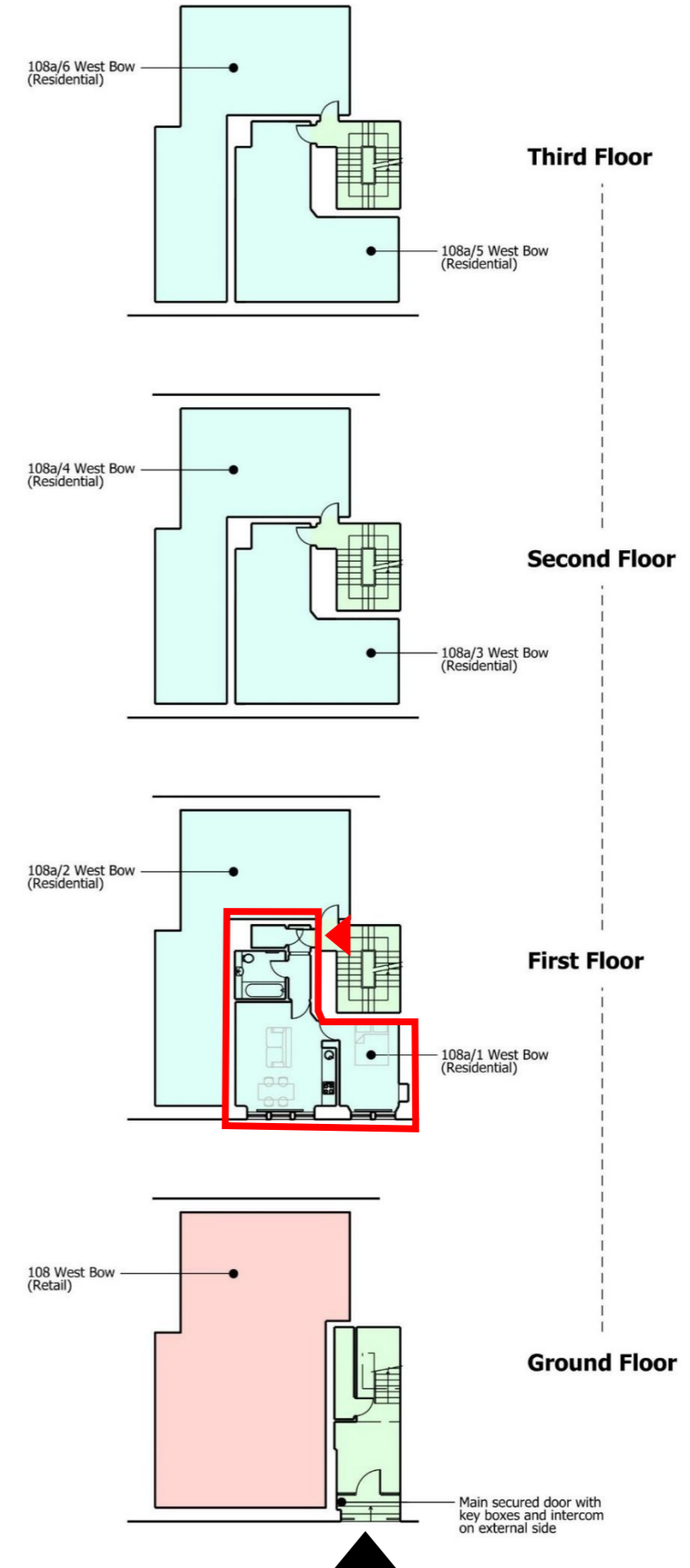
5. View from 108a 1 West Bow over Grassmarket

Access

The property is located at first floor level above an existing retail unit and is the first residential property accessed via a communal stairwell. The stair is accessed directly from West Bow.

Communal access via West Bow is denoted in the diagrams opposite by a black arrow.

Access to the property is denoted by the red arrow.



Planning Assessment:

Firstly, the need to obtain planning consent, as it may be considered that the current use does not result in a material change of use from a sui generis residential flat. However, given a number of comparable cases in the city recently, in which short term residential holiday lets have been deemed to be a material change of use, the applicant seeks to be proactive in preserving the ongoing operation of this use, demonstrating compliance with the relevant development plan policy considerations.

The proposed change of use requires to be assessed against the development plan, and in this case the determining issues relate to the principle of the change of use, and whether the proposal would be materially detrimental to the amenity of other residents.

Built environment:

- No internal works are proposed and as such there would be no impact upon the built heritage - either the listed building itself, or to the surrounding area.

Residential Amenity:

- The Grassmarket and West Bow form part of a well-established mixed-use area, very popular with tourists and as such a level of noise and disturbance in residing there might be expected, as alluded to in the letting advertisement. Due to the mixed of uses, this neighbourhood is thus unlikely to be considered as a predominantly residential area in the traditional sense.

- LDP Policy Hou7- Inappropriate Uses in Residential Areas - seeks to protect the living conditions of nearby residents from inappropriate uses, however does not preclude use of the flat as proposed. The purpose of the policy is to prevent conflict between non-residential uses in predominantly residential areas, and to prevent any further deterioration of living conditions in more mixed use areas; such as the Grassmarket one would presume.
- The shared stair of the building is probably the most likely point of noise and disturbance due to arrivals and departures.
- Operation of the flat for short term rentals has not resulted in any complaints or actions by the Council relating to noise and disturbance, demonstrating the compatibility of the use.
- Guests come and go via the property entrance which is the first doorway entrance at first floor level. Arrival and departure times are stipulated via the booking site, with arrivals no later than 10pm, and exit by 10am.
- Whilst it is noted that a main door access is preferable in accommodating such uses, the fact that this property is on the first floor, above a retail premises, and the first door accessible on the stair, meets the spirit of the policy, by minimising the likelihood of noise and disturbance elsewhere in the block (*please refer to graphic on Page 4*).
- It is also worth noting that the mixed-use nature of this area means that the property is located within close proximity to many properties of a similar nature.

Summary

In summary, operation of the property as a short term holiday rental causes no detriment to other residents or guests in this block. And is demonstrated to comply with the spirit of LDP Policy Hou7, the Council's key test in other similar cases.

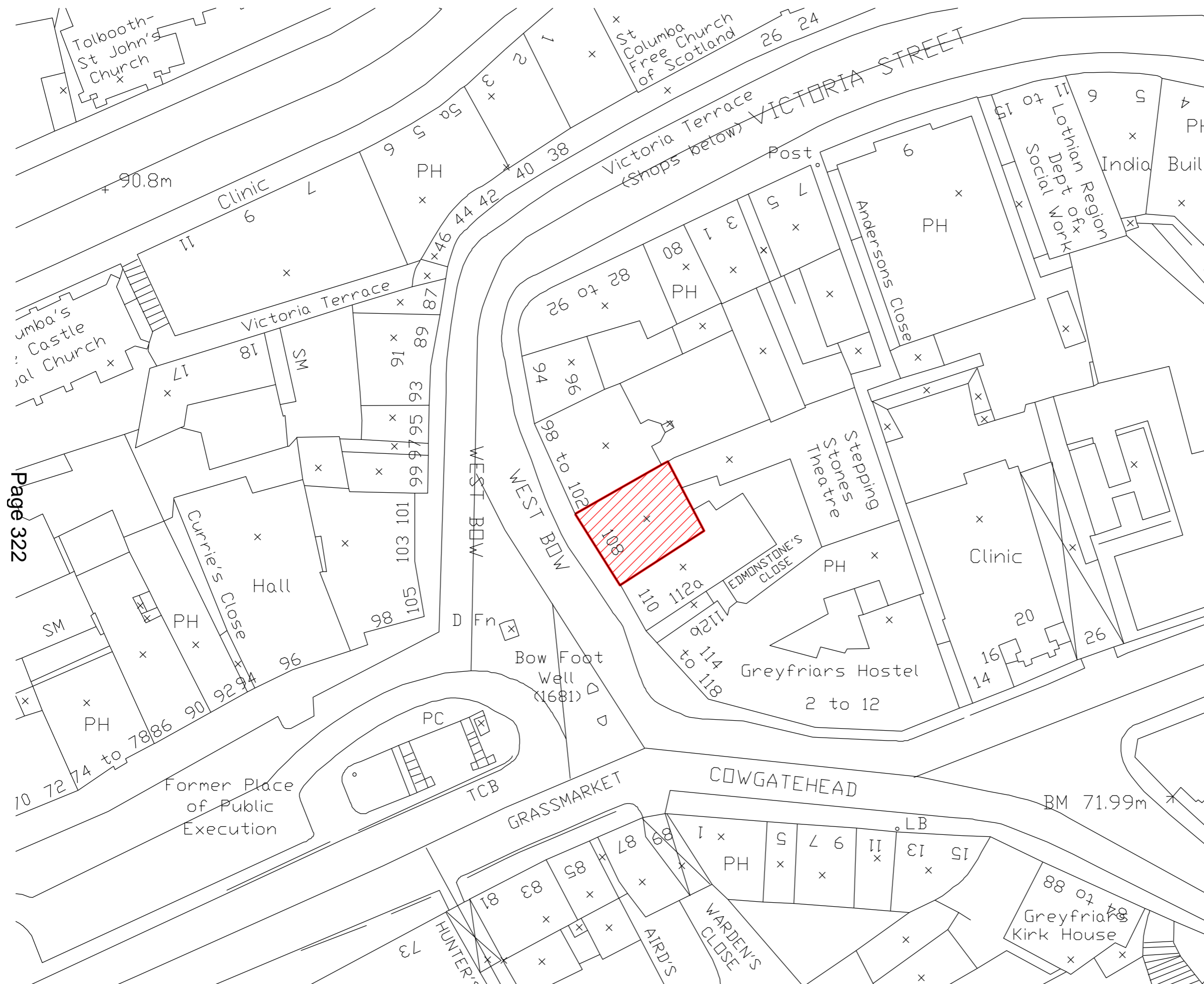
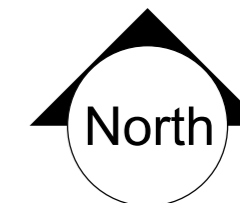
budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
m 07816665248
m 07738301730

www.budarchitecture.com



Legal Boundary



Page 322

Location Plan - (1:500)

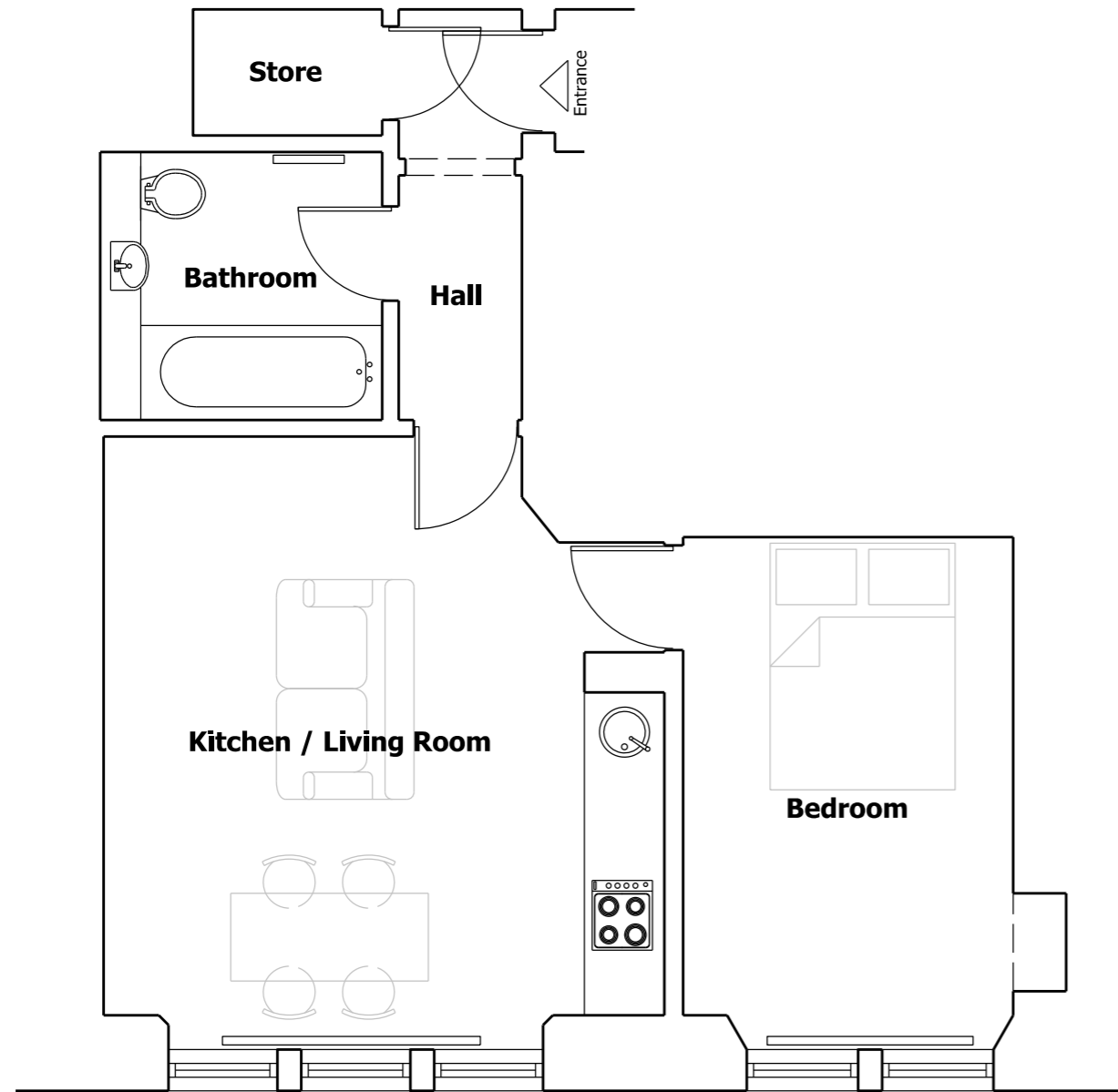
budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

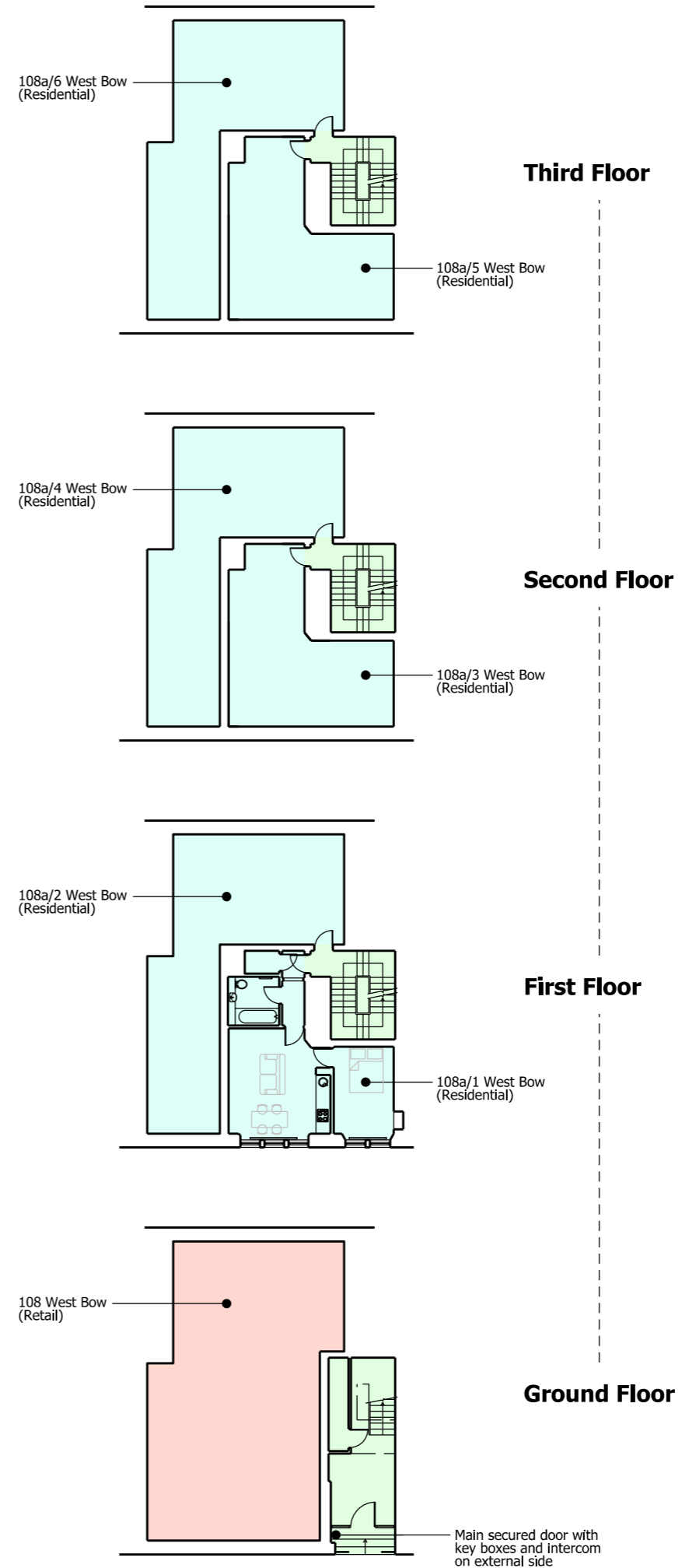
www.budarchitecture.com

PROJECT:
108a/1 West Bow
Edinburgh
EH1 2HH
TITLE:
Location Plan

SCALE @ A3: As Stated	CHECKED: DS	APPROVED: DS
PROJECT No: 18-055	DESIGN-DRAWN: DS	DATE: Feb 19
DRAWING STATUS: Planning		
DRAWING Size: A3	DRAWING No: L-WB-001	REV: --



○ Floor Plan (1:50 at A3)
108a/1 West Bow



○ Communal Areas (NTS)
108a/1 West Bow

budarchitecture

10 Lochside Place
Edinburgh Park
Edinburgh
EH12 9RG

www.budarchitecture.com

PROJECT:
108a/1 West Bow
Edinburgh
EH1 2HH
TITLE:
Floor Plan

SCALE @ A3: 1:50	CHECKED: DS	APPROVED: DS
PROJECT No: 18-055	DESIGN/DRAWING: DS	DATE: Feb 19
DRAWING STATUS: Planning		
DRAWING Size: A3	DRAWING No: L-WB-002	REV: --

This page is intentionally left blank

Wood Associates.
 FAO: Harry Wood
 11 St Fillans Terrace
 Edinburgh
 EH10 5NH

Mr Kenneth & Mrs Angela
 Notman.
 11 Zetland Place
 Edinburgh
 EH5 3LZ

Decision date: 22 July 2019

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

Forming a driveway and parking space to the front of the house.
 At 11 Zetland Place Edinburgh EH5 3LZ

Application No: 19/02454/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 23 May 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;

1. The application would be detrimental to neighbourhood character and to the character and appearance of the conservation area.

Reasons:-

1. To protect neighbourhood character and the character and appearance of the conservation area.

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

Drawings 01 to 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 proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or 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 Val Malone directly on 0131 529 3485.

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 19/02454/FUL
At 11 Zetland Place, Edinburgh, EH5 3LZ
Forming a driveway and parking space to the front of the
house.**

Item	Local Delegated Decision
Application number	19/02454/FUL
Wards	B04 - Forth

Summary

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or 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>	LEN06, LDES12, CRPTRI, 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 comprises a ground floor flat within a three storey, subdivided stone built villa, located on the south side of Zetland Place close to its junction with Stirling Road. To the west of the front garden area serving an upper flat, there is a detached block of two flat roofed garages each with an off-street parking space in front of them, one of which serves the application property.

This application site is located within the Trinity Conservation Area.

2.2 Site History

23 August 2018 planning permission granted for an extension to the side and rear, velux windows to front and rear, creation of off-street parking place, as amended to delete creation of the off-street parking space (18/02711/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the creation of an opening in the existing low stone boundary wall and the installation of a 5.5 metre deep and 3.2 metre wide off-street parking space. The parking space would be formed in Marshalls Drivesett Savana permeable mono-blocks. A set of 2.5 metre high metal gates (opening inwards) would be installed across the opening.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 proposed scale, form and design is acceptable, would accord with neighbourhood character and preserve or enhance the character or appearance of the conservation area
- (b). The proposal will cause an unreasonable loss to neighbouring amenity;
- (c). Any impacts on equalities or human rights are acceptable;
- (d). Any comments raised have been addressed.

(a). The Trinity Conservation Area Character Appraisal emphasises the wealth of detached villas set in substantial plots with generous spacing to their neighbours, the high quality stone built architecture of restricted height, the predominant use of traditional building materials (such as local sandstone for buildings and boundary walls), and the predominance of residential use.

Edinburgh Local Development Plan (ELDP) Policy Env 6 permits development which preserves or enhances the character or appearance of the conservation area, are consistent with the relevant conservation area character appraisal and preserves features such as boundary walls which contribute positively to the area's character. Policy Des 12 supports development which would not be detrimental to neighbourhood amenity and character. The non-statutory "Guidance for Householders" set out criteria to be taken account of in the formation of vehicle access and parking in residential gardens.

The proposal would involve removal of a 3.2 metre wide section of the original stone boundary wall and the creation of a second vehicular access to serve the application property. Removal of part of the stone boundary wall means loss of traditional and historic fabric which would be detrimental to the character and appearance of the conservation area and to ELDP Policies Env 06 and Des 12. Whilst it must be accepted that there are a number of vehicular access to properties in the Trinity Conservation Area, the general pattern is that they are formed to the sides of properties, rather than vehicles being parked directly in front of part of a principal elevation. Taking account of the non-statutory "Guidance for Householders" criteria, whilst the proposal does not transgress the portion of front garden taken up by paving, the depth of the parking area does not meet the required 6 metres (which could lead to problems of vehicles overhanging the pavement) and its width exceeds the recommended 3 metres. In addition, this guidance advises against the formation of two vehicular accesses to any individual property.

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders".

(b). The proposal meets the aims and objectives of the non-statutory "Guidance for Householders" in relation to the protection of neighbouring residential amenity, by way of daylight, loss of sunlight or privacy.

(c). There would be no impact on equalities and human rights.

(d). The public comments can be summarised and addressed, as follows:

Material Planning Considerations

Objection to the formation of a second vehicular access to the property - this is addressed in (a), above;

Concern with respect to loss of garden ground and creation of parking space in a front garden - this is addressed in (a), above;

Concern with respect to removal of the stone boundary wall, this would have a detrimental impact on the streetscape and erode the character of the conservation area - this is addressed in (a), above.

Non-material Considerations

Approval would set a precedent for further such applications - every application must be treated on its own merits.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The application would be detrimental to neighbourhood character and to the character and appearance of the conservation area.

Reasons:-

1. To protect neighbourhood character and the character and appearance of the conservation area.

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

Two representations have been received, objecting to the proposal, one from an amenity body and one from a community council. These are 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

The application site is identified as being within the urban area and a conservation area in the adopted Edinburgh Local Development Plan 2016.

Date registered

23 May 2019

Drawing numbers/Scheme

01 to 03.

Scheme 1

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

Contact: Val Malone, Senior planning officer
E-mail:val.malone@edinburgh.gov.uk Tel:0131 529 3485

Links - Policies

Relevant Policies:

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

The Trinity Conservation Area Character Appraisal emphasises the wealth of detached villas set in substantial plots with generous spacing to their neighbours, the high quality stone built architecture of restricted height, the predominant use of traditional building materials, and the predominance of residential use.

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

Appendix 1

Consultations

Transport Development has commented that it has 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 2018
http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guide_lines 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 19/02454/FUL

Application Summary

Application Number: 19/02454/FUL

Address: 11 Zetland Place Edinburgh EH5 3LZ

Proposal: Forming a driveway and parking space to the front of the house.

Case Officer: Val Malone

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Thank you for the opportunity to comment on the above planning application. The proposal concerns the enlargement of an opening in the front boundary wall of the property and subsequent conversion of a portion of the garden to create a parking space. The Forth & Borders Cases Panel of the AHSS has considered the proposal and wishes to make the following comments.

The Panel is concerned that since the property is located within the Trinity Conservation Area the removal of its boundary wall and fencing could detract from the current cohesion found within the neighbourhood. The Panel observed that neighbouring properties seem to retain their front gardens sans the parking spaces.

Accordingly, the AHSS wishes to object to the proposal. The excessive amounts removed from the front boundary wall could have a detrimental impact on the overall character of the streetscape and could set precedent for neighbouring properties to do the same, further eroding the conservation area. The proposals contravene Policy ENV6 of the Local Development Plan


11 Zetland Place Application 19/02456/FUL - Message (HTML)

FILE MESSAGE IDOX McAfee E-mail Scan

Ignore Delete Reply Reply All Forward More Meeting Move OneNote Mark Unread Categorize Follow Up Translate Find Related Select Zoom Insights

Delete Respond Move Tags Editing Zoom

Fri 21/06/2019 21:12

 Tricia Brindle <triciabrindle@gmail.com>
11 Zetland Place Application 19/02456/FUL

To Val Malone

Forming Driveway and Parking Space to the Front of the House
As the property already benefits from a garage with a parking space in front of it the creation of an additional separate parking space does not seem necessary. There are also concerns about breaking through the wall on the street frontage and the loss of garden ground to hard standing.
Tricia Brindle
Trinity Community Council

Sent from [Mail](#) for Windows 10

This page is intentionally left blank

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR + MRS	Ref No.	MR
Forename		Forename	HARRY
Surname	NOTMAN	Surname	WOOD
Company Name	—	Company Name	WOOD ASSOCIATES
Building No./Name	11 ZETLAND	Building No./Name	ARCHITECT
Address Line 1	PLACE	Address Line 1	11 ST HILLANS
Address Line 2	TRINITY	Address Line 2	TERRACE
Town/City	EDINBURGH	Town/City	EDINBURGH
Postcode	E15 3LZ	Postcode	E10 5HT
Telephone		Telephone	
Mobile	PER	Mobile	
Fax	PER	Fax	
Email		Email	
3. Application Details			
Planning authority	CITY OF EDINBURGH		
Planning authority's application reference number	11/02454/FNL		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 80px;"> 11 ZETLAND PLACE EDINBURGH E15 3LZ </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> FORMING A DRIVEWAY TO THE FRONT OF THE HOUSE </div>		

Date of application

23/5/19

Date of decision (if any)

22/7/19

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

TO COMPARE SIMILAR PROPERTIES IN THE AREA WITH DRIVEWAYS

7. Site inspection

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

Can the site be viewed entirely from public land?

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED SEPARATE DOCUMENT ✓

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

REPORT & PHOTOGRAPHS

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

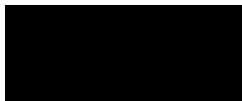
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

H. Wood

Date:

17/09/17

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

Appeal against the refusal of Application for Planning Permission

19/02454/FUL

At 11 Zetland Place, Edinburgh, EH5 3LZ

- Forming a driveway and parking space to the front of the house -

Reference:

Item Local Delegated Decision
Application number 19/02454/FUL
Wards B04 - Forth

Description of Application

The application proposes the creation of an opening in the existing low stone boundary wall and the installation of a 5.5 metre deep and 3.2 metre wide off-street parking space. The parking space would be formed in Marshalls Drivesett Savana permeable mono-blocks. A set of 2.5 metre high metal gates (opening inwards) would be installed across the opening.

Summary of decision to refuse Planning Permission

- The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area.
- The proposal does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders".
- There are no material planning considerations which would justify approval.

Assessment

The Assessment states that:

The proposal would involve removal of a 3.2 metre wide section of the original stone boundary wall and the creation of a second vehicular access to serve the application property. Removal of part of the stone boundary wall means loss of traditional and historic fabric which would be detrimental to the character and appearance of the conservation area and to ELDP Policies Env 06 and Des 12. Whilst it must be accepted that there are a number of vehicular access to properties in the Trinity Conservation Area, the general pattern is that they are formed to the sides of properties, rather than vehicles being parked directly in front of part of a principal elevation.

Taking account of the non-statutory "Guidance for Householders" criteria, whilst the proposal does not transgress the portion of front garden taken up by paving, the depth of the parking area does not meet the required 6 metres (which could lead to problems of vehicles overhanging the pavement) and its width exceeds the recommended 3 metres.

In addition, this guidance advises against the formation of two vehicular accesses to any individual property.

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders".

Appeal Arguments

The principal reason for wishing to create a driveway to the front of the property is to enable disabled access to the front door. Both the applicants' remaining parents are registered disabled and both have chronic and deteriorating mobility issues.

Appendix 1 shows the respective Blue Badges for Mrs E. Notman and Mrs. J Bolt. Additional medical evidence can be provided if required.

Whilst changes could be made (Planning authority providing) to the front path to the property, there would still be a challenge of finding a parking space outside the property.

The current driveway is not directly to the side of the property (as with many other properties in the district) and offers no direct access to the front door. In this regard, it should not be considered as providing access to the property but rather as a remote stand alone garage. It is also not wide enough to enable wheelchair access. Appendix 2 shows the existing remote driveway and its constraints. The dimensions 2.20m wide and 5.7m long.

If Planning Permission is not granted then it will become prohibitively difficult to obtain disabled visitor access to the property. Mr and Mrs Notman would consider this to be discriminatory against their elderly, disabled parents.

The Local Development Plan (ELDP) Policy Env 6 permits development which preserves or enhances the character or appearance of the conservation area, are consistent with the relevant conservation area character appraisal and preserves features such a boundary walls which contribute positively to the area's character. Policy Des 12 supports development which would not be detrimental to neighbourhood amenity and character.

Mr and Mrs Notman do not consider that the proposal would have a detrimental impact on the character of the area. Mr Notman has lived in the area for over 50 years and believes very strongly that the mix of architectural styles is one of the key features of Trinity. Appendix 3 shows evidence from around the Trinity area of

driveways that have been created to serve the variety of property types and styles. There are many examples of sections of walls being removed, as there are of driveways being in front of the primary elevation.

Appendix 4 is a picture of no. 10 Zetland Place which is directly opposite this property and is a mirror-image of no. 11. It shows that a "second" driveway has been created albeit the drive serving the garage is even less remote. Mr and Mrs Notman would argue the arrangements of no. 10 Zetland Place is completely in keeping with the characteristics of the Trinity district.

Mr and Mrs Notman consider that if the driveway is created in line with the character of the property then it would fit in well with the immediate neighbourhood and across the wider Trinity district. They note that their initial application may not be of acceptable scale, form or design and would be pleased to accommodate changes to these in order to make the application acceptable, as long as these still enabled direct access from the driveway into the front of the property.

Finally, Mr and Mrs Notman would ask consideration to be given to the support received from neighbours. There have been no objections received from local Trinity residents and indeed there have been a number of supportive comments received from all neighbours in close proximity regarding the proposal.

The design of this property is quite unique, and whilst acknowledging the importance of the Planning parameters, Mr and Mrs Notman consider that the current layout provides significant restrictions to modern living and to ensuring that elderly and disabled people are treated equally and with dignity and respect.

Whilst recognizing that policies and guidance exists for good reason we would respectfully request that the review consider the simple fact that apart from a remote architectural heritage body no one raised any objection and if granted the proposal will make no detrimental effect to anyone but will alleviate local parking issues and greatly assist the life of many people.

Appendix 1

Images of the Blue Badges for Mrs E Notman and Mrs J. Bolt as evidence of their disabled status and of the plea that they should not be treated less favourably than other regular visitors to the property.



Appendix 2

Pictures of the remote driveway that is not fit for purpose (and certainly not accessible for a wheelchair or walking frame) and should not be considered as a providing access to the property but rather as to access the remote garage.



Appendix 3

Pictures from around Trinity showing the wide range of driveway types and styles, many of which have had sections of walls removed and replaced by railings and some where the driveway is in front of the primary elevation of the property. These examples support the argument that, as long as construction is of acceptable scale, form and design, there is no detrimental impact to the character and appearance of the district. Further pictures can be provided if required.





Appendix 4

These pictures are of no. 10 Zetland Place which forms part of the 4 property building that is the mirror image of property that no. 11 Zetland Place is part of. No. 10 has the same remote garage / driveway and also has a driveway in front of the primary elevation providing access to the front door.



This page is intentionally left blank