

Notice of meeting and agenda

Planning Local Review Body (Panel 1)

10.00 am Wednesday, 26th February, 2020

Dean of Guild Court Room - City Chambers

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

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

Contacts

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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 15 January 2020 – 7 - 12
submitted for approval as a correct record.

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 13 - 16

6. Requests for Review

- 6.1** 10 Glenlockhart Bank Edinburgh – Erection of a new private dwelling house – application no 19/02444/PPP 17 - 82
- (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 of specific matters.
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- 6.2** 12 (Flat 1) Hutchison Crossway, Edinburgh – Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence – application no 19/04379/FUL. 83 - 112
- (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.
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- 6.3** 22 Inverleith Place, Edinburgh – Erection of a timber fence and trellis, (in retrospect) – application no 19/03313/FUL 113 - 164
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
-
- 6.4** 70 Salveston Gardens, Edinburgh – Form a roof dormer to rear of dwellinghouse – application no 19/04483/FUL 165 - 186
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the

basis of an assessment of the review documents only.

- 6.5** 14 (Flat 6), Edinburgh – Replace existing kitchen roof lights with cat slip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights – application no 19/03581/FUL 187 - 222

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

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

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

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

[Local Development Plan Online](#)

Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)

Edinburgh Local Development Plan Policy Des 2 (Development Design – Impact on Setting)

Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)

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

Edinburgh Local Development Plan Policy Del 1 (Developer Contributions and Infrastructure Delivery)

Edinburgh Local Development Plan Policy Env 4 (Listed Buildings – Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 6 (Conservation Areas – Development)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

Edinburgh Local Development Plan Policy Policy Hou 4 (Housing Density)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 4 (Design of Off-Street Car and Cycle Parking)

8. Non-Statutory Guidance

8.1 [Guidance for Householders](#)

[Listed Buildings and Conservation Areas](#)

[Edinburgh Design Guidance](#)

[Inverleith Conservation Character Appraisal](#)

[The New Town Conservation Area Character Appraisal](#)

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

Laurence Rockey

Head of Strategy and Communications

Membership Panel

Councillor 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 City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations.

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

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

Further information

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

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

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

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

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

Minutes

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

10.00am, Wednesday 15 January 2020

Present: Councillors Mary Campbell, Gordon and Mowat.

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 30 October 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 – 18 Bonaly Brae, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the re-submission of application following refusal for construction of 1.5 storey extension to front of house with dormer and roof lights. Re-model existing front dormer and form new dormer to rear fit concertina doors to side of existing extension at 18 Bonaly Brae, Edinburgh. Application No. 19/03241/FUL

Assessment

At the meeting on 15 January 2020, 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 - 03, Scheme 1, being the drawings shown under the application reference number 19/03241/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:

- That this was not a typical garage extension for this area and would adversely affect the streetscape due to its size.
- Most extensions forward of the building line were single storey.
- This might be a sensible use of space, however, the officer's reasons for refusal were robust.

Having taken all the above matters into consideration and although one of the members thought that the proposals might be a sensible use of space, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

The proposed front extension incorporating a front dormer was of an inappropriate scale, design and position and was not compatible with the existing building or neighbourhood character. It would be a visually prominent and obtrusive element in the street. It was therefore contrary to ELDP Policy Des 12 and also the non-statutory Guidance for Householders.

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

5. Request for Review – 4 Briery Bauks, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for an attic conversion with roof dormers at 4 Briery Bauks Edinburgh. Application No. 19/04337/FUL.

Assessment

At the meeting on 15 January 2020, 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 - 03, Scheme 1, being the drawings shown under the application reference number 19/04337/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:

- That the proposed conversion would adversely affect privacy, would have a detrimental impact on the street and might set a precedent for the future.
- That insufficient effort to align the dormers with the existing fenestration had been made.
- That the dormer interrupts the roofline with the adjoining properties.
- The proposals represented a significant intervention to the building of an adverse nature and would create a lack of balance to the roofline of the wider area.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

1. The proposal was contrary to the Second Proposed Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to the character of the host property and the neighbourhood.
2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the dormer windows were not of an acceptable scale, form or design to the detriment of the property and the wider area.

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

6. Request for Review – 15 Gilmerton Dykes Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed two storey extension to side of property at 15 Gilmerton Dykes Drive Edinburgh. Application No. 19/03114/FUL.

Assessment

At the meeting on 15 January 2030, 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 - 09, Scheme 1, being the drawings shown under the application reference number 19/03114/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:

- That the plans did not seem to be clear in relation to the extension of the property.
- Whether the location on a corner site would have a greater or less visual impact on the surrounding area.
- That the proposals should be more sensitive to the impact on the street.
- It was of no consequence that the extension was indistinguishable from the rest of the house as it created greater harmony.
- There was no significant detrimental impact and the proposals did improve the quality of living space in the dwelling.

- The proposals at 94 Gilmerton Dykes Drive were allowed to proceed, were in keeping with planning guidance and were quite similar to the current proposals.

Having taken all these matters into consideration, the LRB determined that the two-storey extension would not have a significant impact, was not detrimental to the character and appearance of the house and surrounding area and was not contrary to LDP Policy Des 12.

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

Decision

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

The following informatives:

- (a) The development hereby permitted 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' has 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)

7. Request for Review – 13 Hyvot Bank Avenue, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the creation of new driveway into the front garden at 13 Hyvot Bank Avenue Edinburgh. Application No. 19/03726/FUL.

Assessment

At the meeting on 15 January 2020, 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 - 02, Scheme 1, being the drawings shown under the application reference number 19/03726/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:

- If the existing fence was removed, the new opening would exceed the recommended maximum of 3 metres.
- It might not be possible to increase the run-in depth to 6 metres without disrupting pedestrian access.
- It would be necessary to remove/move the street lamp which was contrary to Guidance for Householders.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

1. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it did not meet the required safety and access standards for the formation of a vehicle run-in.
2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they did not meet the required safety and access standards for the formation of a vehicle run-in.

(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.

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Mrs Susan Bringhurst.
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Decision date: 27 September 2019

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

Erection of a new private dwelling house.
 At 10 Glenlockhart Bank Edinburgh EH14 1BL

Application No: 19/02444/PPP

DECISION NOTICE

With reference to your application for Planning Permission in Principle registered on 13 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 Des 1 as it does not draw upon the positive characteristics of the area and would be damaging to the character and appearance of the area around it.
2. The proposal does not comply with Adopted Edinburgh Local Development Plan Policy Des 4 as it will not have a positive impact upon its surroundings in terms of its positioning

3. The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 1, as the proposal is not compatible with other policies in the plan.
4. The proposal is contrary to the Edinburgh Design Guidance as it will be back-land development which would disrupt the spatial character 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 is contrary to policies Hou 1, Hou 4 and Des 1 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area. Insufficient information has been provided in order to confirm compliance with other relevant policies, however, concerns are raised in respect of creating a suitable residential environment for future occupants and the impact the proposal would have on neighbouring amenity.

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 in Principle 19/02444/PPP At 10 Glenlockhart Bank, Edinburgh, EH14 1BL Erection of a new private dwelling house.

| | |
|---------------------------|------------------------------------|
| Item | Local Delegated Decision |
| Application number | 19/02444/PPP |
| Wards | B09 - Fountainbridge/Craiglockhart |

Summary

The proposal is contrary to policies Hou 1, Hou 4 and Des 1 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area. Insufficient information has been provided in order to confirm compliance with other relevant policies, however, concerns are raised in respect of creating a suitable residential environment for future occupants and the impact the proposal would have on neighbouring amenity.

Links

| | |
|---|---|
| <u>Policies and guidance for this application</u> | LDPP, LDES01, LDES04, LDES05, LHOU01, LHOU04, LTRA02, LTRA04, LDEL01, LEN12, LEN21, NSG, NSGD02, 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 relates to No. 10 Glenlockhart Bank. A detached property which currently has a large detached swimming pool building to its rear garden.

2.2 Site History

07/00348/FUL- Erection of a conservatory to rear of dwelling house- Granted
12.02.2007

97/02888/FUL- Erect a dwelling house- Granted at Committee 17.12.1997

Main report

3.1 Description Of The Proposal

The application is for planning permission in principle for the erection of a new dwelling house to the rear garden grounds of an existing property.

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 housing at this site is acceptable;
- (b) The proposal is of an appropriate scale, form and design;

- (c) The proposal will result in a satisfactory residential environment;
- (d) The proposal will result in a satisfactory neighbouring environment;
- (e) The proposal would not impact upon road safety and parking;
- (f) The proposal would not materially impact upon protected trees;
- (g) The proposal would not materially impact upon flooding;
- (h) Any issues with regards to contributions towards schools infrastructure have been addressed
- (i) Any other issues are raised
- (j) Public comments have been addressed.

(a) The Principle of Development in this Location

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that housing development will be supported on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail below and in sections 3.3 (b- j).

Policy Hou 1 reflects the emphasis on delivery of the identified land supply. However it also sets out a mechanism through which to bring forward additional land if a 5 year supply is not maintained.

The latest assessment of the housing land supply in the City of Edinburgh is the 2018 Housing Land Audit and Completions Programme (HLACP), which was reported to Planning Committee on 3 October 2018. The supply of effective housing land and the anticipated programme of completions within the HLACP were agreed as reasonable with Homes for Scotland.

The HLACP examines both the supply of effective housing land (an input) and the expected delivery of new homes (the output). The 2018 HLACP concludes that there is more than sufficient effective housing land to meet the housing land requirements set by the SDP. The HLACP also demonstrates that that the five completions programme (previously referred to as the five year effective land supply) is above the five year completions target.

There is no shortfall in either the supply of effective housing land or the expected delivery of new homes over the next five years. That aside the proposed one dwelling house will not make a substantial contribution to any housing land supply and little weight can be placed on this consideration.

As the proposal does not comply with other policies contained within the LDP, the proposal does not comply with LDP policy Hou 1.

(b) Scale Form and Design

LDP policy Des1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area.

Policy Des 4 in the LDP states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact upon views having regard to

- (a) height and form,
- (b) scale and proportions, including the spaces between buildings
- (c) positioning of buildings and other features on the site
- (d) materials and detailing

Policy Hou 4 states that the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

The Edinburgh Design Guidance states that where back-land development would disrupt the spatial character of an area, it must be avoided.

The area surrounding the site is primarily residential in nature, characterised by large detached dwellings. The houses have private front and rear gardens which are quite substantial.

The application site is located directly behind the existing property, No. 10. The size of the plot is also smaller than others within the street. The nearby dwellings are characterised by their low density layout and a good degree of separation. While it is acknowledged that there is already a quite large detached swimming pool building to the rear of the site, this is still ancillary to the main use of the dwelling house and is part of the larger garden grounds.

Given the position of the site, directly behind No. 10 Glenlockhart Bank, and its limited size compared to other plots on the street, a dwelling house could not be constructed on this site that respects the established built form of the street in terms of density, positioning and layout.

The proposal is contrary to LDP policy Hou 4.

The proposed dwelling would be back land development which would disrupt the spatial character of the area and would have a detrimental impact on the character and appearance of the surrounding area. It also does not draw from positive aspects of the surrounding built environment. While not enough information has been provided in order to assess the suitability of the proposal in terms of its proposed height and form, materials and detailing, the established position of the site shows that the proposed building would be back land development not having similar characteristics to the surrounding dwellings and the established urban grain. The proposal would be damaging to the character and appearance of the surrounding area and the wider townscape and landscape.

The proposal is contrary to LDP policies Des 1, Des 4 and the Edinburgh Design Guidance.

(c) Residential Environment for future occupants

Planning permission will be granted for development as per LDP Policy Des 5 where future occupiers will have acceptable levels of amenity in relation to noise, daylight, sunlight privacy or immediate outlook.

The dimensions and final siting of the proposed house is not detailed in the submitted documents for this application and as such it is not possible to fully assess the eventual residential environment of the proposed house in detail. Details of the scale and form of the house would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted.

However the broad limitations placed upon any residential construction within this site can be acknowledged. The site in question is lined to the east and south by tall mature trees. The current building is constructed right up to the line of the trees to the east. There are therefore concerns with regards to obtaining adequate sunlight/daylight levels to any property constructed within the site as a result.

To move the property further away from the tree line could result in the building being constructed even closer to the rear of No.10. The distance between the front of the existing detached building and the rear elevation of No. 10 is approximately 15 metres. This would already be in breach of the Edinburgh Householder Guidance which states that the minimum recommended distance between windows is 18 metres. Moving the proposed building closer to the rear of No. 10 in order to move further away from the trees and to provide a greater element of sunlight/daylight to the rear of the proposal would result in either the building becoming much smaller in terms of its floor plan, compared to the existing structure, or it getting even closer to the rear of No.10.

Whilst the application site and No.10 are currently in the same ownership this may not be the case in the future. It is likely that ensuring adequate levels of sunlight/daylight to the property would result in a material loss of privacy to the future occupants of the dwelling.

The proposed dwelling would also have less available garden ground than that afforded to neighbouring properties. The proposed dwelling on the site would also have limited rear private garden ground and would be largely overlooked by the windows on the rear elevation of No.10.

This would result in the formation of private garden spaces which would not benefit from the levels of privacy afforded to other residents in the surrounding area, again to the detriment of prospective resident's future amenity.

It is likely that the proposal would not result in the creation of a satisfactory living environment for future occupiers.

(d) Neighbouring amenity

Planning permission will be granted for development as per LDP Policy Des 5 where the amenity of neighbouring developments will not be adversely affected.

The dimensions and final siting of the proposed house is not detailed in the submitted documents for this application and as such it is not possible to fully assess the potential impact of the proposal on the amenity of neighbouring residents in respect of overshadowing or loss of daylight. Detailed design matters and the scale and form of the house would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted.

That being said again the broad limitations placed upon any residential construction within this site can again be assessed. The site is to the south of the neighbouring property at No.12. The existing swimming pool building is constructed very near to the mutual boundary shared between No.10 and No.12. It is noted that this building is, however, single storey. A taller building on this site may cause a material loss of sunlight/daylight to the property and garden grounds of No. 12. Keeping the property as a single storey dwelling would again further restrict the potential size of the dwelling.

The plot is located directly behind the existing property, No. 10. It is already noted that it will be difficult to meet window to window distances between any proposed property on the site and those to the rear of No.10. It is also unlikely that the rear of the proposed dwelling could be sited as far back within the site (close to the trees to the east) as the existing swimming pool structure. A new residential property constructed within this site would likely cause a material loss of privacy to future residents of No. 10.

(e) Road Safety and Parking

LDP policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

LDP policy Tra 4 states the design considerations that will be taken into account where off street parking provision is required or considered to be acceptable.

The Roads Authority were consulted as part of the assessment of the application and have responded that they have no objections to the proposal. Details regarding proposed off street parking provision would be fully established in the separate application for the approval of matters specified in conditions.

(f) Trees

LDP policy Env 12 states that development will not be permitted if likely to have a damaging impact upon a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

Directly to the east of the application site is the Craiglockhart Hills conservation area and a defined special landscape area. Further details regarding how the proposed

dwelling would not damage any of these trees within the conservation area or harm the special landscape area would be fully established in the separate application for the approval of matters specified in conditions.

That being said given the proximity of the site to the trees within the defined conservation area and special landscape area, there are concerns that any future building on the site would severely damage the root structures of the protected trees.

(g) Flooding

LDP policy Env 21 states that planning permission will not be granted for development that would;

- (a) Increase a flood risk or be at risk of flooding itself
- (b) impede the flow of flood water
- (c) be prejudicial to existing or planned flood defence systems.

The site does not fall within an area which has been defined as being of flood risk. That being said a surface water management plan would be required to be submitted as part of the AMC application.

(h) School Infrastructure

LDP policy Del 1 states that proposals will be required to contribute to infrastructure provision where relevant and where commensurate to the scale of the proposed development.

Due to the size of the development there is no requirement for funds to be provided with regards to school infrastructure.

(l) Other matters

Whilst on site it was noted that the red line boundary of the proposal did not appear to continue up to the road. This means that this proposed development could become land locked, where access to the site could become disputed. It has already been alleged in representations that the applicants do not own what is a shared driveway required to access the site.

(j) Representations

Eight letters of objection and one letter of comment have been received in regards to the application.

Material objections-

The site is too small and its positioning is inappropriate - This has been addressed in section 3.3b.

Concerns regarding overlooking- This has been addressed in section 3.3d

Concerns regarding loss of sunlight/daylight -This has been addressed in section 3.3d

Noise and disturbance - Environmental Protection were consulted and had no objections.

Parking Concerns- This has been addressed in section 3.3e.

Flooding concerns- This has been addressed in section 3.3g.

Non material considerations-

Drainage is at overcapacity- This would be addressed under the required building warrant.

Potential damage to private road- This is not a material planning consideration.

Use of shared driveway, the applicants do not own all the land in question- This is a civil issue not a material planning consideration.

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 Des 1 as it does not draw upon the positive characteristics of the area and would be damaging to the character and appearance of the area around it.
2. The proposal does not comply with Adopted Edinburgh Local Development Plan Policy Des 4 as it will not have a positive impact upon its surroundings in terms of its positioning
3. The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 1, as the proposal is not compatible with other policies in the plan.
4. The proposal is contrary to the Edinburgh Design Guidance as it will be back-land development which would disrupt the spatial character 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

The application received 8 letters of objection and one neutral letter of comment. The points raised shall be addressed in section 3.3 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

Date registered 13 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 Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

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

Appendix 1

Consultations

ENVIRONMENTAL PROTECTION

Environmental Protection has no objections to the application.

The proposal is to provide a new, detached dwelling house within an area that is predominately residential. There do not appear to be any amenity issues.

ROADS AUTHORITY

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

1. The applicant should be aware that Glenlockhart Road is a private road, as defined under the Roads (Scotland) Act 1984, as is not maintained by the Council as roads authority;
2. Car and cycle parking to be a reserved matter. The proposed development will require to comply with the Council's parking standards.

WASTE SERVICES

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability. In particular, there is no indication of where these properties will present their bins, and there appears to be no road access.

For low density properties such as this house, we would recommend individual waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. There needs to be space allowed for the storage of these bins within the curtilage of the property, and for them to be presented on the kerb for collection.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them, but they must allow 12 week's notice.

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

For completeness, any commercial aspect using the site would need to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be separate storage space off street for segregated waste streams arising from commercial activities, outwith those for domestic waste.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, distance bins must be pulled, surfaces, slopes and so on. Confirmation that bins will be presented on the kerb is required.

Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

END

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Alan Collins

Address: 6 Glenlockhart bank Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Small private area. Drainage can't handle present capacity never mind another house squeezed in. Ridiculous to consider another inappropriate development in this street. The residents have just paid to have our road repaired after the last development and this will create more misery and damage .

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mr ALAN COLLINS

Address: 6 glenlockhart bank Craiglockhart EDINBURGH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Since being informed of this application I have circulated the application to ALL residents . In view of the fact this is a private road ,which has only just been repaired after the last building debacle in this road ,any disruption to access , road damage , services disruption has an effect on everyone living here ,

We have had two years of disruption while a completely oversized and inappropriate house has been build at No 5.

The road is narrow , The drainage is old , Street gulleys are few .Another new squeezed in house will impact greatly on this area . Therefore i object strongly to this house being built

Alan J Collins No 6

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mr MALCOLM FORTUNE

Address: 11 GLENLOCKHART BANK EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

We wish to make the following comments regarding this application.

This is a private road and we have all just paid for resurfacing works. There will be many heavy lorries (a) removing the old swimming pool and (b) carrying materials for the new house. The cost of repairing the damage must be born by Mrs Bringhurst.

There exists a huge driveway for No. 10 and No. 12 with no provision for drainage of rainwater which comes down our drive (No. 11). We have put in 2 cattle grids to stop it going further (at our expense) but we do require an undertaking that the enlarged driveway will take the water into the main drain which is nearby. I am happy to have a meeting to explain as we are the only neighbours who have this problem.

Other than that we have no objections

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Gary Fossett

Address: 8 Glenlockhart Bank Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear sir/madam.

I am writing to raise an objection to a new dwelling at number 10 Glenlockhart Bank on the grounds of

A) increased strain on existing drainage and sewage in the private road, which is already at capacity

B) increased strain on an already busy private road, which has recently been resurfaced

C) disruption caused by lorries accessing the site through the private road and parking on the private road

Regards

Gary

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Stewart Brown

Address: 12 Glenlockhart Bank Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Mr McIntosh

My wife and I are the owners of the property in closest proximity to the proposed site. We are therefore very familiar with the site and have examined the proposed application and supporting documents via this portal. Whilst we understand the need and pressure to increase housing stock generally, we strongly object to the planning application. There are a number of reasons for this which are set out below.

Firstly, despite the obligation to notify us as an adjoining owner, we were not notified of the application. We only found out when another neighbour told us about it. Being charitable, the letter may have gone missing in the post or (ironically) been delivered to 10 Glenlockhart Bank (the applicant address) as a proportion of our correspondence often ends up there. If so, it's surprising that it wasn't passed on by the tenants at number 10 though, so I doubt it arrived there either. I will resist the urge to allege that the non-notification was deliberate but, in any event, the required notification has not been provided.

Secondly, the site delineated in the application includes land which we, not number 10, own. This would affect the access to the proposed property. I am surprised that somebody can apply for planning permission for a plot which includes land owned by a third party. Although I am a solicitor myself, if matters proceed, we will have to obtain specialist legal advice on the matter.

Thirdly, there are a number of reasons that we object to the application itself.

Currently there is a one storey swimming pool building on the proposed site, more or less right up to the boundary with our back garden. This building is infrequently used and is not, obviously,

permanently occupied. Not that it's relevant to your considerations but it is somewhat annoying to have been assured by the brother of the applicant (from whom we bought our house in late 2016) that there were no plans to change the swimming pool building and nor would there be. (I have a recollection of being told that it was a condition of the planning permission for our house (which itself was built in the garden of number 10) that no further dwelling could be built, but I don't know this for certain.) Anyway, the swimming pool building overlooks/overshadows our house (it is up the hill from us) and is really quite close to our house. Clearly, if a new building were to be taller than one storey, we would be further overshadowed. This would result in a reduction in sunlight/daylight to our property. In any event, whether the new building was one storey or more, our lounge, dining hall, toilet, bathroom and multiple bedrooms (including children's) would be overshadowed/overlooked by the new (occupied vs. unoccupied) building. It would also greatly reduce our privacy (changing from an unoccupied outbuilding with one window (unused because it's unoccupied) to an occupied house overlooking us). An occupied dwelling would clearly also result in greater noise and disturbance to us than at present.

Traffic and parking - the street is a small private road (more or less single carriageway) with limited space for parking. The road has recently been repaired following building works undertaken elsewhere in the street. At present, the tenants in number 10 own six vehicles, some of which they park on our land without our permission. The addition of further cars related to a new dwelling behind number 10 would a) cause more traffic to be using the road and driveway putting further pressure on the road (which already struggles with the current levels of use) and b) increase the danger to the children playing in the road. Additionally, number 10 (and this will be the case for the new house too) access their property by using our and also their monoblock driveways. These steep driveways will not support further traffic and will certainly not cope with building vehicles using them. Access is also likely to be impeded to our property during any building works.

Currently, run-off from the proposed site diverts through our property via a drainage system which is broken and floods. This system certainly couldn't take any additional load and also could not take any sewage from the new property (if the intention is to run the sewage down to Glenlockhart Valley and not into Glenlockhart Bank itself).

I understand that there are also issues with the sewage/drainage in Glenlockhart Bank which were identified during recent road/related repairs. I have been advised that the sewage/drainage is "at capacity". Apart from the sewage issue, in heavy rains, the road floods and the houses down the slope from number 10 are reportedly deluged. The addition of a further dwelling (with further hard landscaping/run off) would only exacerbate this. At the very least, I'd have thought consideration would need to be given to lifting the road and upgrading the sewage/drainage system as a condition of any planning permission.

I am somewhat disappointed that the owner did not contact us to discuss matters and, whilst no doubt permitted by the rules/regulations, chose the first two weeks of the summer holidays (when people are most likely to be away) to make the neighbour notifications (and even then didn't

manage to notify all of the neighbours required).

I'd be happy to discuss things with you or, if the matter is to be decided by councillors, with them.
I'd also be happy to meet you at the site if that would be of assistance.

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Penni Brown

Address: 12 Glenlockhart Bank, Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm shocked by this application. Susan has not spoken to us about this. The area she has in plan as her driveway actually belongs to us at number 12.

Traffic and parking - the street is a small private road (more or less single carriageway) with limited space for parking. The road has recently been repaired following building works undertaken elsewhere in the street. At present, the tenants in number 10 own six vehicles. The addition of further cars related to a new dwelling behind number 10 would a) cause more traffic to be using the road, putting further pressure on the road (which already struggles with the current levels of use) and b) increase the danger to the children playing in the road.

Currently, run-off from the proposed site diverts through our property via a drainage system which is broken and floods. This system certainly couldn't take any additional load and also could not take any sewage from the new property (if the intention is to run the sewage down to Glenlockhart Valley and not into Glenlockhart Bank itself).

I understand that there are also issues with the sewage/drainage in Glenlockhart Bank which were identified during recent road/related repairs. I have been advised that the sewage/drainage is "at capacity". Apart from the sewage issue, in heavy rains, the road floods and the houses down the slope from number 10 are reportedly deluged. The addition of a further dwelling (with further hard landscaping/run off) would only exacerbate this. At the very least, I'd have thought consideration would need to be given to lifting the road and uprating the sewage/drainage system as a condition of any planning permission.

Penni

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mr MALCOLM FORTUNE

Address: 11 GLENLOCKHART BANK EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

We wish to make the following comments regarding this application.

This is a private road and we have all just paid for resurfacing works. There will be many heavy lorries (a) removing the old swimming pool and (b) carrying materials for the new house. The cost of repairing the damage must be born by Mrs Bringhurst.

There exists a huge driveway for No. 10 and No. 12 with no provision for drainage of rainwater which comes down our drive (No. 11). We have put in 2 cattle grids to stop it going further (at our expense) but we do require an undertaking that the enlarged driveway will take the water into the main drain which is nearby. I am happy to have a meeting to explain as we are the only neighbours who have this problem.

Other than that we have no objections

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Lynda Armstrong-Martin

Address: 4 Glenlockhart Bank EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Traffic and parking - the street is a small private road (more or less single carriageway) with limited space for parking. The road has recently been repaired following building works undertaken elsewhere in the street. At present, the tenants in number 10 own six vehicles. The addition of further cars related to a new dwelling behind number 10 would a) cause more traffic to be using the road, putting further pressure on the road (which already struggles with the current levels of use) and b) increase the danger to the children playing in the road.

Currently, run-off from the proposed site diverts through our property via a drainage system which is broken and floods. This system certainly couldn't take any additional load and also could not take any sewage from the new property (if the intention is to run the sewage down to Glenlockhart Valley and not into Glenlockhart Bank itself).

I understand that there are also issues with the sewage/drainage in Glenlockhart Bank which were identified during recent road/related repairs. I have been advised that the sewage/drainage is "at capacity". Apart from the sewage issue, in heavy rains, the road floods and the houses down the slope from number 10 are reportedly deluged. The addition of a further dwelling (with further hard landscaping/run off) would only exacerbate this. At the very least, I'd have thought consideration would need to be given to lifting the road and upgrading the sewage/drainage system as a condition of any planning permission.

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: CC Community Council Mowat

Address: c/o 54a2 Craiglockhart Loan Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Dear Sir,

The writer represents Craiglockhart Community Council and at this evening's Community Council Meeting (attended by Councillor Gavin Corbett), there were complaints received from residents living in Craiglockhart Bank. One neighbour from No 8 Craiglockhart Bank (Ms K Fossett) as well as Mr J Corbett also of Craiglockhart Bank expressed concern. The former had not received Notification of the application and the latter seemed very concerned after having had a large construction project constructed next to his property over the past year or so.

As the applicant has submitted under the auspices of 10 Craiglockhart Bank that I believe the properties neighbouring within the 20m boundary rule should be notified, of which No 8 would fit into this category.

The Council should think very carefully before considering this application as it is clear the neighbours that received Notification have all objected (that were served) - this looks to be 7 No. Concerns were expressed about the drainage and run off by building more accommodation on that site as well as the number of cars that would use the single road that is Glenlockhart Bank. The writer was advised that 6 vehicles already park on the driveway and use the road that would become choked by adding a further large property on the land that is all a part of No 10.

This site could become very controversial and before a lot of money is expended on developing it, for which there is no detail available on the website, the applicant would be well advised to talk to the neighbours and explain the proposal in more depth rather than drop this application that seems to have got the neighbours back up.

This would be our advice at this stage.

Comments for Planning Application 19/02444/PPP

Application Summary

Application Number: 19/02444/PPP

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Erection of a new private dwelling house.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Frank Hepburn

Address: 4 Glenlockhart Valley Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this application on the grounds that it will affect the drainage in our garden. Before the construction of the house above us (12 Glenlockhart Bank), owned by Mr and Mrs Brown, any water collecting from around the swimming pool and the then rose garden below it was channelled into a field drain which ran down to and continued below our garden, eventually flowing into the land-water drainage system in our street. This field drain was broken and disrupted during the construction of 12 Glenlockhart Bank. There was considerable trouble and expense to remedy this. I fear that the delicate arrangement which has for the most part held over the years will be altered for the worse by the new construction, which will place a lot of pressure on the existing drainage. We know from experience how much flooding of our garden could take place.

Date 7 August 2019

Our ref. Glenlockhart
1902444

Dear Robert

**TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997
ERECTION OF A NEW PRIVATE DWELLING HOUSE. AT 10 GLENLOCKHART
BANK, EDINBURGH, EH14 1BL
REFERENCE NUMBER: 19/02444/PPP
WARD NO: B09**

I have been asked to provide my comments as a consultee to this application on behalf of the Waste and Cleansing Services.

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at justine.stansfield@edinburgh.gov.uk

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability. In particular, there is no indication of where these properties will present their bins, and there appears to be no road access.

For low density properties such as this house, we would recommend individual waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. There needs to be space allowed for the storage of these bins within the curtilage of the property, and for them to be presented on the kerb for collection.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them, but they must allow 12 week's notice.

Waste and Cleansing Services

Seafield Depot, 1 Fillyside Road, Edinburgh EH7 6RD

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

For completeness, any commercial aspect using the site would need to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be separate storage space off street for segregated waste streams arising from commercial activities, outwith those for domestic waste.

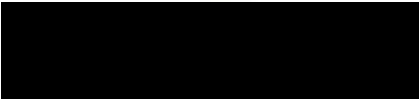
Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, distance bins must be pulled, surfaces, slopes and so on. Confirmation that bins will be presented on the kerb is required.

Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

 Yours sincerely

Justine Stansfield
Technical Officer

To: Robert McIntosh
From: Claire Devlin, Environmental Protection

Date: 05/07/2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

19/02444/PPP | Erection of a new private dwelling house. | 10 Glenlockhart Bank Edinburgh EH14 1BL

Environmental Protection has no objections to the application.

The proposal is to provide a new, detached dwelling house within an area that is predominately residential. There do not appear to be any amenity issues.

Should you wish to discuss the above please contact me on 0131 469 5685.

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 100221066-001

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: RFA Development Planning

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

First Name: * Richard Building Name: Melford House

Last Name: * Finc Building Number: 3

Telephone Number: * Address 1 (Street): * Walker Street

Extension Number: Address 2:

Mobile Number: Town/City: * Edinburgh

Fax Number: Country: * Scotland

Postcode: * EH3 7JY

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="Mrs"/> | 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="Susan"/> | Building Number: | <input type="text" value="15"/> |
| Last Name: * | <input type="text" value="Bringhurst"/> | Address 1 (Street): * | <input type="text" value="Greenhill Gardens"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="Edinburgh"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="Scotland"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="EH10 4BN"/> |
| 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="10 GLENLOCKHART BANK"/> |
| 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="EH14 1BL"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="670391"/> | Easting | <input type="text" value="322803"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

Application for Planning Permission in Principle for the erection of a new private dwelling house.

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 are seeking a Notice of Review as we are aggrieved by the decision made by the City of Edinburgh Council in respect of this application on the 27 September 2019 under delegated powers. Please see Notice of Review Report and Supporting Documentation.

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)

Notice of Review Supporting Report Statement by Gray MacPherson Architects and Spatial Plans Application Form Site Location Plan List of Neighbours Notified by CEC Report of Handling Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/02444/PPP

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

13/06/2019

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

27/09/2019

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 *

Further written submissions 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 fully examine the Reasons for Refusal and allow rebuttal of the Councils conclusions, including a site visit to assess the layout and character of the area as well as the potential impact of development.

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 Richard Finc

Declaration Date: 23/12/2019

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100166371-001

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

Type of Application

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

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

Description of Proposal

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

Application for Planning Permission in Principle for the erection of a new private dwelling house.

Is this a temporary permission? *

Yes No

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

Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

| | | | |
|---|----------------------------|--|--------------------|
| Company/Organisation: | Gray Macpherson Architects | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Gray Macpherson | Building Name: | Tigh-na-geat House |
| Last Name: * | Architects | Building Number: | 1 |
| Telephone Number: * | | Address 1 (Street): * | Damhead Farm |
| Extension Number: | | Address 2: | Lothianburn |
| Mobile Number: | | Town/City: * | Edinburgh |
| Fax Number: | | Country: * | Scotland |
| | | Postcode: * | EH10 7DZ |
| Email Address: * | | | |
| Is the applicant an individual or an organisation/corporate entity? * | | | |
| <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity | | | |

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|------------|--|-------------------|
| Title: | Mrs | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | |
| First Name: * | Susan | Building Number: | 15 |
| Last Name: * | Bringhurst | Address 1 (Street): * | Greenhill Gardens |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | Edinburgh |
| Extension Number: | | Country: * | Scotland |
| Mobile Number: | | Postcode: * | EH10 4BN |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

10 GLENLOCKHART BANK

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH14 1BL

Please identify/describe the location of the site or sites

Northing

670391

Easting

322803

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

870.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Private domestic / swimming pool.

Access and Parking

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

Yes No

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

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

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

Water Supply and Drainage Arrangements

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

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

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

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

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

Trees

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

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

All Types of Non Housing Development – Proposed New Floorspace

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

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Gray Macpherson Architects

On behalf of: Mrs Susan Bringham

Date: 22/05/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Gray Macpherson Architects

Declaration Date: 22/05/2019

Payment Details

Pay Direct

Created: 22/05/2019 15:39

Proposal Details

| | |
|--|---|
| Proposal Name | 100221066 |
| Proposal Description of a New Dwelling-house. | Planning Permission in Principle for the Erection |
| Address EH14 | 10 GLENLOCKHART BANK, EDINBURGH, 1BL |
| Local Authority | City of Edinburgh Council |
| Application Online Reference | 100221066-001 |

Application Status

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

Attachment Details

| | | |
|---------------------------------|----------|----|
| Notice of Review | System | A4 |
| GLENLOCKHART LRB REVIEW | Attached | A4 |
| SPATIAL CHARACTER 1 | Attached | A4 |
| SPATIAL CHARACTER 2 | Attached | A4 |
| STATEMENT BY GRAY MACPHERSON | Attached | A4 |
| Application Form | Attached | A4 |
| Neighbour Notification | Attached | A4 |
| Report of Handling | 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 |

STATEMENT BY GRAY MACPHERSON ARCHITECTS

INTRODUCTION.

Craiglockhart Bank is a Cul-de-sac consisting predominantly of large exclusive family homes of varying architectural styles dating from early 1900s to the present day. The houses are arranged along the access road and terminate around the cul-de-sac turning circle at the end of the road. There is a rather dramatic fall across the end of the site which slopes from South East to South West. Many of the houses have been clearly adapted and extended over time including the addition of outhouses with the gardens.

CONTEXT

When looking at the layout of the houses on a 2-dimensional plan, the layout and special relationship appears fairly linear. The reality is quite different. The change in level across the site means that each of the houses is viewed at differing levels. Some houses are viewed looking down onto their roofs and some houses are viewed head on. The large houses to the back of the site, are high up and accordingly have a completely different character to the houses below.

SPATIAL RELATIONSHIPS

The overall effect of this creates the impression of a site that is quite random that has naturally evolved over time. This also affects the spatial relationship between the houses. Some plots appear to be shoe-horned into the space while others appear to be set into generous gardens. There is no consistency but a rich variety of spaces and this is the essence and quality of this site.

CONCLUSION

In our opinion, the inclusion of a house, where a building currently happily sits within the context of this space, will in no way dilute or alters the character of this location.

**NOTICE OF REVIEW: 10 GLENLOCKHART BANK,
EDINBURGH, EH14 1BL**

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF A NEW PRIVATE
DWELLINGHOUSE**

PREPARED BY


Rick Finc Associates.
Planning and Development Consultants

ON BEHALF OF

Mrs Susan Bringhurst

DECEMBER 2019

**RFA (Development Planning) Ltd
3 Walker Street
Edinburgh
EH3 7JY
Tel 0131 226 6166
Email: alexander@rickfincassociates.com**

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Contents

| | | |
|----------|-------------------------------|-------------------------------------|
| 1 | Introduction | 1 |
| 2 | General Comments | Error! Bookmark not defined. |
| | Handling and Reporting..... | Error! Bookmark not defined. |
| 3 | Grounds of Appeal..... | 6 |
| | Reason 1 | 6 |
| | Reason 2 | 7 |
| | Reason 3 | 8 |
| | Reason 4 | 8 |
| 4 | Conclusions | 10 |

1 Introduction

- 1.1 This appeal to City of Edinburgh Council Local Review Body (LRB), is on behalf of Mrs Susan Bringhurst (the applicant). The applicant sought planning permission in principle for the erection of a new private dwelling house on land at 10 Glenlockhart Bank, Edinburgh, EH14 1BL. RFA Development Planning has lodged this appeal as the applicant is aggrieved with the decision made by the Chief Planning Officer and disagrees with the Reasons for Refusal.
- 1.2 The proposal was refused by the City of Edinburgh Council on a delegated decision on dubious grounds. The case officer assessed it as being damaging to the character and appearance of the surrounding area, having a negative impact on its surroundings in terms of its positioning and being disruptive of the spatial character of the area. No substantive evidence was provided, and we fundamentally disagree with the decision.
- 1.3 The application (REF 19/02444/PPP) was validated by the Council on the 13th of June 2019 with a decision made through delegated powers on the 27th of September 2019. We now seek resolution through the Council's LRB in order to reverse the decision, as it is considered that the Reasons for Refusal are grossly unjustified.
- 1.4 It is appreciated that planning authorities find the redevelopment of constrained sites within existing residential areas challenging to deal with because of the precedent an approval would set for development elsewhere. However, it is hoped that the members of the LRB will recognise that this application is for planning permission in principle where the focus is on the suitability of the principle of the development rather than the finer details of the proposal (such as the design, scale, house type etc), which will be assessed under a subsequent 'approval of matters specified in conditions' (AMC) application.
- 1.5 The application was submitted by Gray MacPherson Architects who have submitted a brief Design Statement as Appendix 1.
- 1.6 The application was subject to pre application discussions with the Planning Department. Furthermore, Glenlockhart Bank is not a conservation area or subject to any special designation or design briefs. We would ask members of the LRB to conduct a site visit and take a common-sense approach to what is a reasonable householder proposition.

Statutory Basis

- 1.7 Under S 43A (12) of the Town and Country Planning (Scotland) Act 1997, and Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008, we await the decision of the LRB and any reasons relating to the terms on how this decision was reached.

- 1.8 The Development Plan consists of the extant City of Edinburgh Local Development Plan (2016) and the South East Scotland Strategic Development Plan Authority (SESplan), Strategic Development Plan (SDP) for the South East Scotland area (2013 as amended).
- 1.9 Section 25 of the Town and Country Planning Scotland Act 1997 (as amended), specifies that that determination of planning applications 'shall be made in accordance with the Development Plan unless material considerations indicate otherwise'. It is supplemented by Section 37(2) which states that 'In dealing with an application the planning authority shall have regard to the provisions of the Development Plan as far as material to the application and any other material considerations.
- 1.10 The applicant does not consider that the provisions of the Act has been fairly complied with by the Council in reaching their decision. The Council has identified two relevant planning policies from the Local Development Plan. However, it is difficult to see how these relate to this case and can be as reasons for refusal.
- 1.11 As stated above the Act and the Development Management Procedures specify that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. Technically the adopted LDP and its policies are now out of date but need to be used as a basis for this decision, despite that they do not deal well with applications of this nature.
- 1.12 Material considerations to be used in any planning application decision are not well defined by the Act but are specified in the Development Management Procedures. They must relate to the site and the particular application as well as being properly evidenced in terms of what can be deemed a good decision.
- 1.13 Planning decisions need to be properly justified and evidenced under the Act and the relevant Development Management Procedures. The appellant has concerns as described within the following section that the Reasons for Refusal are not evidenced and do not provide proper, e reasons, and that the Council's LRB should not subscribe to these in terms of future implications or recourse to any subsequent legal challenge or review.
- 1.14 Reasons need to be intelligible and adequate (ref Wordie Property Co Ltd v Secretary of State for Scotland 1984 SLT). The section on Planning Issues within the Officer's Recommendation Report does not allow the applicant to understand why matters were decided and how conclusions were reached on the principal planning and design issues.

2 Handling and Reporting

- 2.1 In advance of addressing the Reasons for Refusal RFA would like to make members of the LRB aware of the context relating to the planning process. This is a simple, straightforward application for a local resident that should be relatively uncontentious in this area.

Permission in Principle

- 2.2 We are concerned about the way in which the application has been assessed, especially given that it is for planning permission in principle and not any approval of detailed planning. The application is for Planning Permission in Principle (PPiP), not a Full Planning Application under the Planning Act. Given that this is the case the level of information provided is commensurate with this and in conformity with the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 2.3 Section 59 of the Town and Country Planning Scotland Act 1997 (as amended), specifies that planning permission in principle *'is planning permission (granted in accordance with the provisions of regulations or a development order) subject to a condition, imposed under section 37 (1)(a), that the development in question will not be begun until certain matters (which may, but need not be, particularised in the application) have been approved by the planning authority or as the case may be the Scottish Ministers.'*
- 2.4 It is accepted that following the approval of a PPiP further detail will be required to be submitted and approved in the form of a second application before any construction can commence on site. Detail relating to siting, design, layout, external appearance and finishing materials are aspects of a proposal which are commonly attached to the decision notice of approved planning permissions in principle.
- 2.5 In the report of handling the case officer discusses the suitability of the proposal in relation to several criteria. They note that *'the dimensions and final siting of the proposed house is not detailed in the submitted document for this application and as such it is not possible to fully assess the potential impact of the proposal on the amenity of neighbouring residents in respect of overshadowing or loss of daylight'*. It has evidently been recognised that full details are not required to be submitted at this stage.
- 2.6 We do not accept that the site is constrained in terms of the potential positioning of the proposed dwelling and that it can meet urban design and highway standards. However, we feel that as a result of this the application has been incorrectly assessed in a similar fashion to that of an application for full planning permission or for approval of matters specified in conditions. The case officer makes a number of conclusions and judgements which we feel cannot reasonably

be made on the level of information which has been submitted in order to assess this planning permission in principle.

2.7 Examples of this are as follows:

- *“Given the position of the site, directly behind No. 10 Glenlockhart Bank, and its limited size compared to other plots on the street, a dwelling house could not be constructed on this site that respects the established built form of the street in terms of density, positioning and layout.”* This statement contradicts other comments made by the case officer and assumes a uniform street form and layout which is not the case.
- *“The proposed dwelling would be back land development which would disrupt the spatial character of the area and would have a detrimental impact on the character and appearance of the surrounding area.”* This is a highly subjective conclusion and it could be argued that there is no detrimental impact on character or appearance.

2.8 The above issues are discussed further in subsequent chapters and at this stage only the principle of development is being assessed. If the City of Edinburgh Council is concerned about the detail which will come forward through a subsequent application, then they should consider the attachment of planning conditions.

2.9 Additionally, the case officers’ conclusions are undermined by the fact that there is a substantial swimming pool building currently on the site and the fact that the City of Edinburgh Council’s Roads Authority and Environmental Protection Service have no objections to the proposal. This suggests that the site is in fact capable of accommodating a dwelling house and without detriment to neighbouring amenity.

3 Grounds of Appeal

- 3.1 This section considers the 4 reasons why the planning application was refused as noted in the Decision Notice. Our response for the reasons for refusal and grounds of appeal is as follows:

Reason 1

- 3.2 Reason 1: *The proposal is contrary to adopted Edinburgh Local Development Policy Des 1 as it does not draw upon the positive characteristics of the area and would be damaging to the character and appearance of the area around it.*
- 3.3 Glenlockhart Bank is a Cul-de-sac consisting of established family homes of varying architectural styles dating from early 1900s to the present day (please refer to the supporting photographs which illustrate the nature of the residential development present at Glenlockhart Bank). Many of the houses have been altered and extended into gardens and had outhouses erected within their domestic curtilage which has changed the character over time.
- 3.4 Additionally, the area is on a slope with some of the houses being viewed looking down onto their roofs and some being viewed head on. The houses adjacent to the application site are high up and have an entirely different character from those which are down below. It is this diversity which makes it an attractive non homogeneous location.
- 3.5 For a development proposal to have an adverse impact on the character and appearance on the area around it, the area's character and appearance must be identifiable and follow a clear pattern. For the reasons noted we believe that this cannot be said of the houses at the end of the cul-de-sac at Glenlockhart Bank. The development which is seeking approval would in fact be in tune with the high level of juxtaposition in the area.
- 3.6 The case officer notes in their handling report that the area surrounding the site is characterised by large detached dwellings. This is a broad generalisation as there are varying plots and some dwellings appear to be subdivided. The proposed plot is easily large enough to accommodate a normal family home. However, in appraising the wider area there are in fact a number of relatively small dwelling houses at the end of Glenlockhart Valley. The appeal site could therefore potentially accommodate a dwelling house of a similar scale without it needing to be a large house.
- 3.7 In principle a dwelling house could be comfortably accommodated on site. This is reinforced by the fact that both the City of Edinburgh Council's Roads Authority and Environmental Protection Service have raised no objections. The application is for PPIP. How the development will impact on the character and appearance of the area can only be fully assessed when the detail on

design, scale and layout etc are submitted as part of the subsequent AMC application.

- 3.8 The positive characteristics of the area could therefore be enhanced, and we do not see how the development could be 'damaging' to the character and appearance of neighbouring dwellings.

Reason 2

- 3.9 Reason 2: *The proposal does not comply with Adopted Edinburgh Local Development Plan Policy Des 4 as it will not have a positive impact upon its surroundings in terms of its positioning.*
- 3.10 Policy Des 4 states: *"Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to the position of buildings and other features on site."*
- 3.11 As discussed in relation to Reason 1 the character of the wider area is mixed and does not follow a distinct pattern in terms of coherent layout or standard design. The footprints of neighbouring houses also vary greatly and have been modified over time into suburban development.
- 3.12 It is appreciated that the size of the proposed plot is a sub-division in comparison to other plots on the street. However, given the existing level of contrast between dwelling houses within the area in terms of design, layout, proportions, footprint, topographical positioning and positioning on the street we feel that the implications of erecting a new dwelling house on a smaller plot for the wider area will be negligible.
- 3.13 Additionally, the fact that there is a large detached swimming pool currently on the site sets a precedent for development. The case officer concludes that a dwelling house could not be constructed on the site that respects the established built form of the street in terms of density, positioning and layout. This is a purely subjective view and unsubstantiated by any evidence in relation to plot ratios.
- 3.14 Whilst it is accepted that the plot size is smaller than immediately neighbouring plots on the street, the site is directly behind No. 10 Glenlockhart Bank and the swimming pool is an ancillary structure and not a dwelling house, this does not justify the case officer's conclusion. There is a structure on site and so to state that the erection of a new structure in its place will not be respectful of the built form of the street in terms of density, positioning and layout is unjustified.
- 3.15 In terms of positive impact, the new plot would be in a heavily landscaped setting and achieve all necessary standards required by the Council in terms of privacy amenity and daylighting. It will have a greater positive impact than the continuing modification of existing houses promoted

as householder applications.

Reason 3

- 3.16 Reason 3: *The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 1, as the proposal is not compatible with other policies in the plan.*
- 3.17 Policy Hou 1 relates to the delivery of the housing land supply and relevant infrastructure. We agree with the case officers' analysis on the subject which was that given the proposal is for a single dwelling house it will not make a substantial contribution to any housing land supply and therefore little or no weight can be placed on this consideration. It is therefore not clear why this has been included as a Reason for Refusal and should be withdrawn as such.
- 3.18 The emphasis and objectives of Hou1 relate to maintaining land supply as part of balanced communities rather than individual one- off plots. It is acknowledged that the appeal site is within the urban area.
- 3.19 Policy Hou 1 also states that housing proposals which will contribute to the delivery of the housing land supply will be supported provided they are compatible with other policies in the plan. The case officer concluded that this was not the case and that the proposal be refused on this basis and this is the only element Policy Hou 1 which is applicable to this application. This issue is not grounds for refusal on its own because it can ultimately only be addressed through addressing the other reasons for refusal.

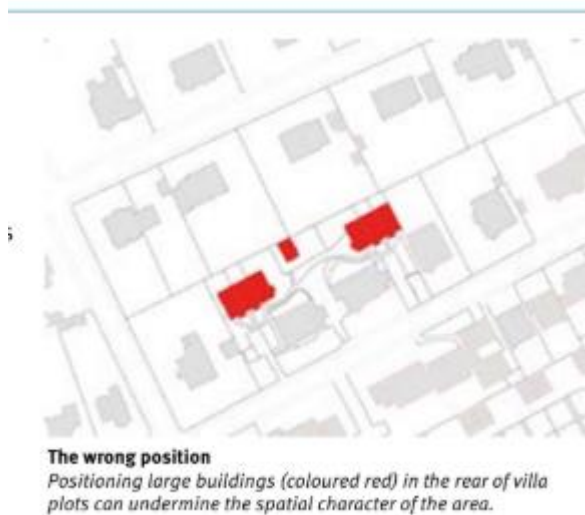
Reason 4

- 3.20 Reason 4: *The proposal is contrary to the Edinburgh Design Guidance as it will be back-land development which would disrupt the spatial character of the area.*
- 3.21 The Edinburgh Design Guidance (EDG), is 'non-statutory' and is open to a level of interpretation as such. EDG does not provide any definition of 'back-land development' or explain why it is unfavourable, as implied by the case officer. Its only mention is in relation to density of development and the positioning of buildings on a site. It states that where back land development would disrupt the spatial character of the area, it must be avoided, and the applicant clearly does not want this outcome.
- 3.22 The case officer states that the proposed dwelling house would be back land development which would disrupt the spatial character of the area and have a detrimental impact on the character and appearance of the area surrounding it. We disagree with this because there is in fact no spatial relationship between the dwelling houses at the end of the cul-de-sac on Glenlockhart Bank as illustrated by the supporting plans ('spatial character 1' and spatial character 2') within Appendix 1. These provide the LRB with actual evidence in relation to the

wider layout and design of the area as existing and proposed.

3.23 Distances between the neighbouring dwelling houses vary greatly with one another with some invariably closer together than others. Additionally, the dwelling houses which are accessible from the end of the cul-de-sac are set back from the road by different distances from one another making for an irregular spatial distribution with no overall conformity.

3.24 Page 45 of the EDG gives an example of when the spatial character of the area would be adversely affected by development to the rear of an existing dwelling house, this is illustrated in the diagram below. The street pattern illustrated in this example is clearly an example of a linear street pattern, where plots are of a similar size and directly beside one another. Introducing the dwelling houses highlighted in red certainly would disrupt the spatial character of the area. This example is not comparable to the development under question because the spatial distribution of the dwelling houses at the end of the cul-de-sac at Glenlockhart Bank is irregular.



3.25 The EDG is 'non statutory' guidance which does not carry the same weight as LDP planning policy when assessing the merits of a proposed development. We have reviewed the EDG in detail and cannot see why the appeal proposal is contrary to any guidance therein. Additionally, in respect of this development proposal, the EDG's detail on spatial character is seemingly not applicable because there is no clear spatial character present.

3.26 We would urge the members of the LRB to take a pragmatic view of how the EDG is applied and ask the Council to be less restrictive in that it can permit normal infill developments such as the proposal currently at appeal in this case. The appellant is not requesting any kind of relaxation but wishes to work within existing policy and guidance.

4 Conclusions and Recommendations

- 4.1 The land at Glenlockhart Bank provides the opportunity for an additional plot to be sited within the available plot without detriment to the character amenity and privacy of the area. This is a normal infill type development which complies with the Councils design and related policies in the LRB and Edinburgh Design Guidance. The site is not in a conservation area nor does it have any other designations that should preclude normal development.
- 4.2 We would emphasise that the development is for Planning Permission in Principle only and that all detailed design matters would be reserved for AMSC applications to be subsequently determined by the Council. A high-quality infill development within a landscaped setting will make best use of the available land and redundant swimming/ recreational area. In terms of siting and positioning we have provided additional evidence to confirm acceptability within the overall layout.
- 4.3 The application should be determined in accordance with the development plan – The City of Edinburgh LDP and associated Edinburgh Design Guidance. As intimated the proposed development would replace an existing structure and make a positive contribution to the residential area in accordance with LDP Policies DES1 and DES 4. The Edinburgh Design Guide does not prohibit this type of development in appropriate circumstances.
- 4.4 It is contended that the LDP does not adequately deal with development proposals such as this appeal which relies on the interpretation of rather subjective design policies. My client is therefore relying on the discretion of the LRB. In particular we believe that there are compelling reasons to approve the proposals and that these considerations outweigh any policy restrictions that the planning officials may have in this regard.
- 4.5 In essence there are no real objections from the community, neighbours or consultees to Planning Permission in Principle. Each of the Council Departments consulted suggest that conditions could be used to specify detailed matters required by the Planning Department in order to progress this matter (AMSC).
- 4.6 Scottish Planning Policy and the LDP states that housing development will be supported on suitable sites in the urban area, provided proposals are compatible with other policies in the plan. The application site is defined as being part of the urban area in the adopted LDP. On the level of information that is required to assess a PPI application the density, layout and positioning of the proposed dwelling is acceptable due to the fact that it is on the same site as an existing building, and the consultation responses from City of Edinburgh Council services confirm that it could meet roads and amenity standards.
- 4.7 On the level of information that is required to assess a PPI application the proposal is

acceptable in relation to policies which seek to protect the character and integrity of the wider area. There is no clear pattern in terms of the positioning of residential plots, the design of neighbouring dwelling houses varies significantly, and the age of neighbouring dwelling houses varies significantly. Additionally, the topography of the area exacerbates these contrasts. The proposal should therefore be considered acceptable because it will have no adverse implications within the context of these developmental features and is therefore acceptable in principle.

- 4.8 Whilst the EDG is 'non statutory' guidance which should not be given the same weighting as planning policy, especially in relation to identifying reasons for refusing an application we do not see any conflict with this guidance. Accordingly, within the context of this proposal the EDG does not indicate that the proposal is unacceptable in layout or design terms.
- 4.9 Accordingly, and for the reasons specified above, we respectfully request that the LRB reverses the decision of the Director of Planning and permits Planning Permission in Principle for residential development on this site.

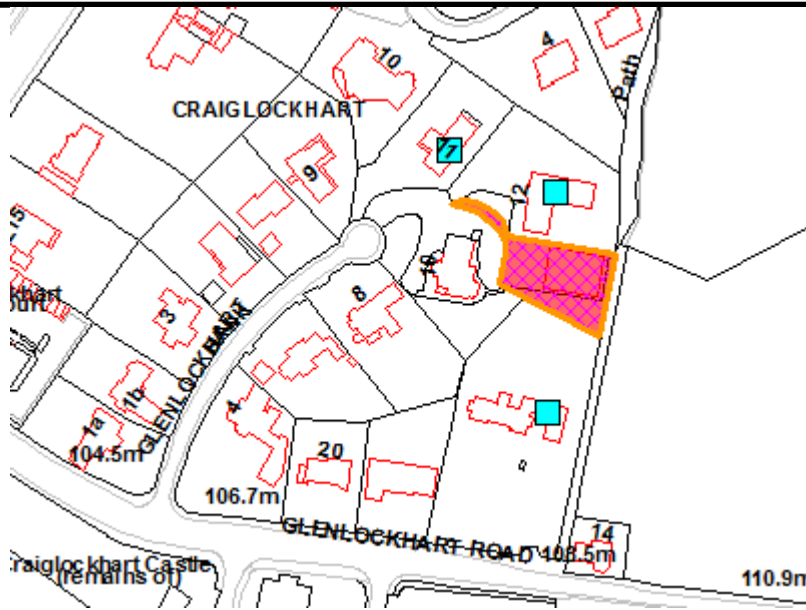
APPENDICES

- Appendix 1 Statement / Spatial Plans (Gray MacPherson Architects)
- Appendix 2 Application Form
- Appendix 3 Glenlockhart Bank- Site Location Plan
- Appendix 4 Neighbours Notified
- Appendix 5 CEC Report of Handling
- Appendix 6 CEC Decision Notice



RFA Development Planning Ltd
3 Walker Street
Edinburgh
EH3 7JY
Tel 0131 226 6166
Email: rick.finc@rickfincassociates.com

Neighbours Notified for 19/02444/PPP Date 2 July 2019



Location Plan

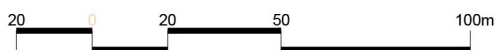
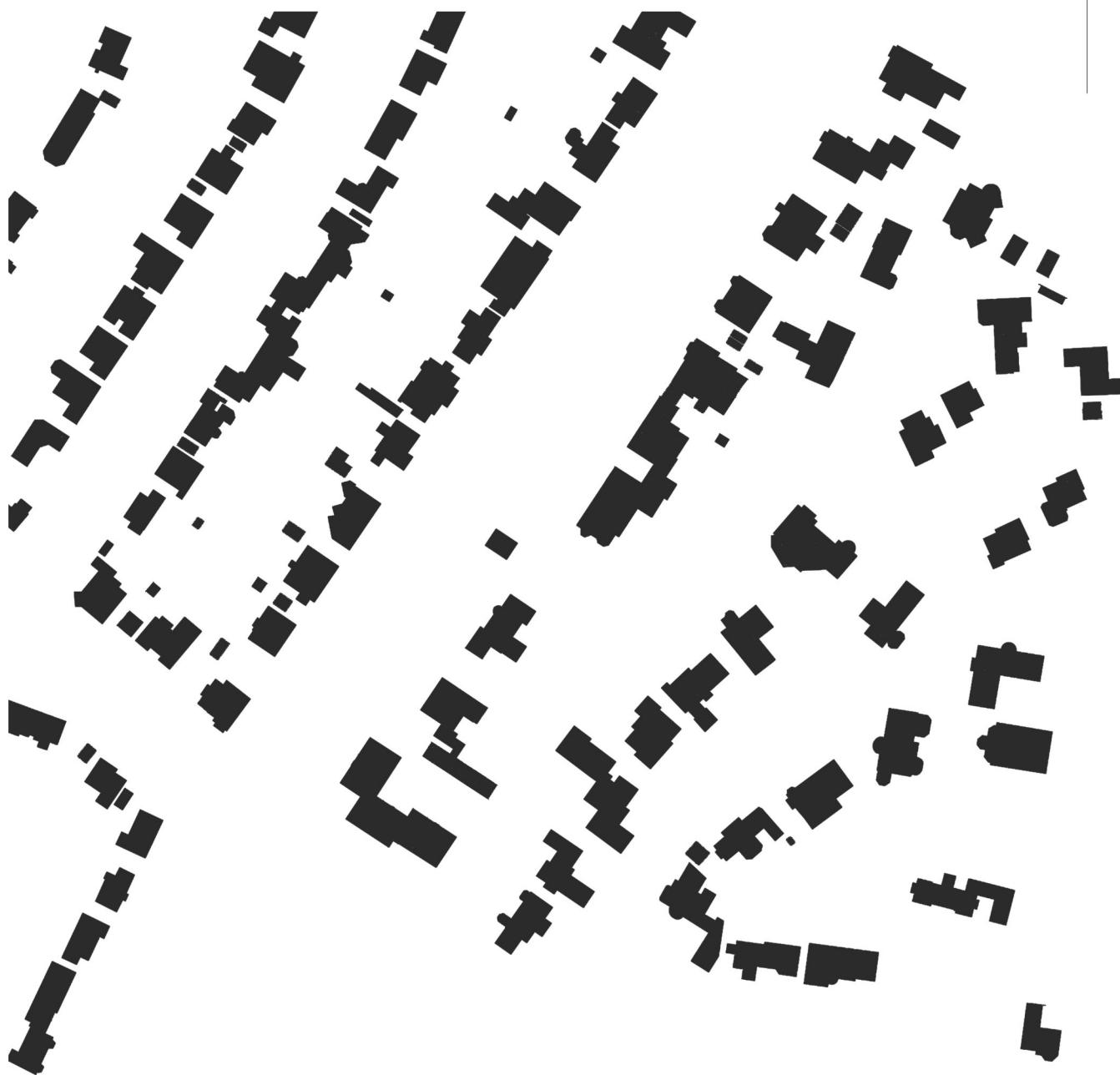
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Number 100023420 The City of Edinburgh Council 2012.

16 Glenlockhart Road Edinburgh EH14 1BN

12 Glenlockhart Bank Edinburgh EH14 1BL

11 Glenlockhart Bank Edinburgh EH14 1BL

Merchants Of Edinburgh Golf Club 10 Craighill Gardens Edinburgh EH10 5PY



Client: Susan Bringham

Job: 10 Glenlockhart Bank

Title: Townscape Map
Existing

Scale: 1:2000 @ A4

Date: 09.12.2019

Job No: 614

Dwg No: P03

Rev:

note:
this drawing must not be scaled from or used for
measurements. check all dimensions on site.

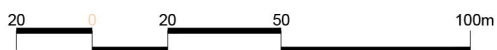
Page 80

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tel. 0131 445 2223
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Client: Susan Bringham

Job: 10 Glenlockhart Bank

Title: Townscape Map
Proposed

Scale: 1:2000 @ A4

Date: 09.12.2019

Job No: 614

Dwg No: P04

Rev:

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architects LLP

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note:
this drawing must not be scaled from or used for
measurements. check all dimensions on site.

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Ms Elizabeth Flynn
 12 Flat 1
 Hutchison Crossway
 Edinburgh
 Scotland
 EH14 1RT

Decision date: 18 November 2019

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

Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.
 At Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Application No: 19/04379/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 20 September 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 would not accord with neighbourhood character and would be detrimental to the 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 and 02A., 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 or form, would be detrimental to neighbourhood character and amenity and does not comply with Edinburgh Local Development Plan Policies Des 12 and Env 12 and to 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 19/04379/FUL
At Flat 1, 12 Hutchison Crossway, Edinburgh
Formation of new two vehicle driveway in part of front
garden using slabs and gravel with access via sliding metal
gate formed within existing steel fence.**

| | |
|---------------------------|------------------------------------|
| Item | Local Delegated Decision |
| Application number | 19/04379/FUL |
| Wards | B09 - Fountainbridge/Craiglockhart |

Summary

The proposal is not of an acceptable scale or form, would be detrimental to neighbourhood character and amenity and does not comply with Edinburgh Local Development Plan Policies Des 12 and Env 12 and to the non-statutory "Guidance for Householders". There are no material planning considerations which would justify approval.

Links

| | |
|--|-----------------------|
| Policies and guidance for this application | LDES12, LEN12, NSHOU, |
|--|-----------------------|

Report of handling

Recommendations

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

Background

2.1 Site description

The application site is a ground floor flat in a three storey block of flats on the north-east side of Hutchison Crossway. The flats themselves are set back from the street, with a grass strip with trees between the pavement and the carriageway of the road. The ground floor flat owns all of the garden area to the front of the block.

2.2 Site History

No relevant planning history on Uniform for this property.

Other relevant applications:

24 March 2019 planning permission granted for the formation of a new vehicle access to the front garden with a gate and gravel parking area at Flat 2, 12 Hutchison Crossway, (17/00303/FUL).

10 November 1998 planning permission granted for the formation of a vehicular access at 46 Hutchison Crossway, (98/00074/CEC). This does not appear to have been implemented.

24 September 1997 planning permission refused for formation of a run-in at 38 Hutchison Crossway, (97/01151/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the formation of a driveway 6 metres wide by 7.5 metres long in mixed slabs and gravel within the front garden area. It would be accessed by a tarmac strip over the current grass verge, 3 metres wide. A metal gate would secure the 3 metre wide entrance to the garden.

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 proposed scale, form and design is acceptable and would accord with neighbourhood character;
- (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 proposed driveway would measure 7.5 by 6 metres in size, which represents 33.2% of the front garden area. The non-statutory "Guidance for Householders" advises that parking spaces in front gardens should be a maximum of 21 square metres or 25% of the area, whichever is the greater. This parking space would exceed this criterion and would be an overly dominant feature in this amenity space, detracting from its green character.

The adjoining front garden contains a parking space; that front garden, however, is considerable larger and its parking space only represents 14.5% of its area. Notwithstanding the presence of this parking space, run-ins or parking spaces in front gardens are not a characteristic of Hutchison Crossway or this general residential area.

More critically, the removal and paving over of the grass verge would have an adverse effect on the health and future of the mature tree to the north. Grass verges and mature trees are a striking characteristic of Hutchison Crossway and make a very positive contribution to the amenity of this area. Edinburgh Local Development Plan Policy (ELDP) Env 12 presumes against development likely to have a damaging impact on trees worth of retention unless necessary for good arboricultural reasons and, if permission would be forthcoming, replacement planting would be required to offset any loss to amenity. Historical photographs indicate that there previously was a tree closer to the access path to No. 12 and this proposal would adversely affect the ability to re-plant a tree here.

There are no objections on transport grounds and Hutchison Crossway is not a controlled parking area. On balance, however, amenity issues are considered to take precedence over transport considerations in this instance.

The proposal is not of an acceptable scale or form, would be detrimental to neighbourhood character and does not comply with ELDP Policies Des 12 and Env 12 and to the non-statutory "Guidance for Householders".

(b). The proposal complies with the aims and objectives of the non-statutory "Guidance for Householders" in relation to the protection of neighbouring residential amenity.

(c). There would be no impact on equalities and human rights.

(d). The public comments can be summarised and addressed as follows:

Inaccuracies in the proposed drawings submitted - these were minor and have been corrected.

Objection to the proposal on the grounds of the effect it would have on on-street parking, in a street with heavy demand for this - there are no parking restrictions currently on this street and this issue is not within the scope of planning legislation.

More spaces specifically for users with disabilities should be provided - not within the scope of planning legislation.

The driveway is not necessary - necessity is not a ground for refusal of a planning application.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal would not accord with neighbourhood character and would be detrimental to the 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

Four representations have been received from members of the public; 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 in the adopted Edinburgh Local Development Plan 2016.

Date registered

20 September 2019

Drawing numbers/Scheme

01 and 02A.,

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

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

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

Appendix 1

Consultations

ROADS AUTHORITY ISSUES

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

1. Any off-street parking space should comply with the Council's Guidance for Householders (see http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders) including:
 - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - b. 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;
 - c. Any gate or doors must open inwards onto the property;
 - d. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
 - e. 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 19/04379/FUL

Application Summary

Application Number: 19/04379/FUL

Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

Customer Details

Name: Miss Azra Ciloglu

Address: 12/4 Hutchison Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is limited parking in the street as is at the moment. Another driveway in the street which is not required is just unnecessary

Comments for Planning Application 19/04379/FUL

Application Summary

Application Number: 19/04379/FUL

Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

Customer Details

Name: Mr Tarik Ciloglu

Address: 12/6 Hutchison Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is limited parking in the street as is at the moment. Another driveway in the street which is not required is just unnecessary

Comments for Planning Application 19/04379/FUL

Application Summary

Application Number: 19/04379/FUL

Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

Customer Details

Name: Miss Elizabeth Raven

Address: 14/1 Hutchison Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If 2 parking spaces are to be created in this garden then another 2 spaces cannot be used on the street to allow access. It does not seem fair for the other residents who do not have gardens to have less parking spaces than they previously had. When there is a rugby or football match or a concert at Murrayfield the residents can't move their cars or they can't get back into the street. I have chronic fatigue and need to hire taxis to do my shopping, if they can't park near my flat it is a problem. Football and rugby fans will park on the grass verges or double park if there is no space.

Comments for Planning Application 19/04379/FUL

Application Summary

Application Number: 19/04379/FUL

Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

Customer Details

Name: Mrs catherine mckenzie

Address: 14/6 edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:A full and comprehensive comments letter has been submitted to Edinburgh Council planning department

Week ending eleventh of October 2019 and to date awaiting a response...

From: Planning
Sent: Mon, 10 Feb 2020 15:50:37 +0000
To: Local Review Body;Val Malone
Subject: FW: Planning appeal for 12/1 hutchison crossway edinburgh

From: Cath Mckenzie [REDACTED]
Sent: 10 February 2020 10:05
To: Planning [REDACTED]
Subject: Planning appeal for 12/1 hutchison crossway edinburgh

I'm emailing you on the concerns that 12/1 hutchison crossway edinburgh has made an appeal for her driveway .. On the first case this applicant was refused and it was due to neighbours and the environment scotland .There was no appeal on this refusal..... I have read this ladies appeal letter and found it to be a lot of lies...I have lived here for 26 years and never had any difficulties in parking. Also would like to add this lady's daughter uses her disability car for her own use and the own off the car only uses the car around once or twice a month if your lucky.. I seen the pictures that she has given you and is not off hutchison crossway edinburgh and there is the pdsa and a church and the bowling club which should not be included. I would like to also add that this applicant has never used a wheelchair in her 26 years that I have lived here.... I think you should take good look at the rufusal from yourself... I will take this further if this applicant get her driveway as the environment will be interested. Your mrs c mckenzie.

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 100224062-001

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

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"/> |
| First Name: * | <input type="text" value="Elizabeth"/> | Building Number: | <input type="text" value="12-1"/> |
| Last Name: * | <input type="text" value="Flynn"/> | Address 1 (Street): * | <input type="text" value="Hutchison Crossway"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text" value="██████████"/> | 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="EH14 1RT"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text" value="██"/> | | |

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

FLAT 1

Address 2:

12 HUTCHISON CROSSWAY

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH14 1RT

Please identify/describe the location of the site or sites

Northing

671700

Easting

322454

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)

Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The reason I wish a review as I do not agree with the refusal. The character of the neighbourhood now includes driveways, please see attached photo's. Heavy demand for parking in the area thus causing congestion, please see supporting photo's. I am disabled, and have great difficulty walking even short distances, with limited mobility. Using a stick and sometimes a wheelchair. I do have a blue badge for my car allowing partial independence, at this time a driveway would make this better.

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)

I was not aware that officer making the decision was not party to all details given on my application and that they would not be aware that I had sent a copy of my blue badge, and that I am disabled. Also because of the reason for refusal I have researched the area for other driveways, please see supporting documents with photos.

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)

-Description of character of the local area and further information regarding application. -Listing driveways granted and photos of all driveways in use and explaining and showing heavy congestion.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/04379/FUL

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

20/09/2019

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

18/11/2019

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: Ms Elizabeth Flynn

Declaration Date: 12/01/2020

Proposal Details

| | |
|------------------------------|--|
| Proposal Name | 100224062 |
| Proposal Description | I am appealing the refusal of my proposed plans for a driveway at the above address. |
| Address | FLAT 1, 12 HUTCHISON CROSSWAY, EDINBURGH, EH14 1RT |
| Local Authority | City of Edinburgh Council |
| Application Online Reference | 100224062-001 |

Application Status

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

Attachment Details

| | | |
|--------------------------|----------|----|
| Notice of Review | System | A4 |
| A Location Plan | Attached | A4 |
| Proposed plans | Attached | A4 |
| Photo | Attached | A4 |
| Photograph | Attached | A4 |
| Supporting Documents | Attached | A4 |
| Supporting Photographs 1 | Attached | A4 |
| Supporting Photographs 2 | Attached | A4 |
| Notice_of_Review-2.pdf | Attached | A0 |
| Application_Summary.pdf | Attached | A0 |
| Notice of Review-001.xml | Attached | A0 |

The local character is currently made up of gardens and driveways.

The following Residential Properties with driveways that cross grassy embankments and or footpaths all enter and exit onto Hutchison crossway are as follows:

- First – The house next to church has 2 access routes one to a driveway and one to a garage.
- No 1 Hutchison Crossway
- 12 flat 2 Hutchison Crossway – application Granted March 2019
- 42 Hutchison Crossway – application Granted November 1998
- 46 Hutchison Crossway – application Granted November 1998
- Commercial:
- 2 Hutchison Crossway PDSA
- 9 Hutchison Crossway St Cuthbert's School
- Bainfield Bowling Club

As I am disabled, and have great difficulty walking even short distances, with limited mobility, using a walking stick and sometimes a wheelchair. I do have a blue badge for my car allowing partial independence at this time a driveway would make this better.

I would like to be able to come and go to my home of many years with ease.

Due to the increase in traffic over the many years I have lived here it has become increasingly difficult to park close by, I would be grateful to have a dedicated parking area. This would I believe also help to keep traffic off this section of the road, as does the driveway next door.

Currently due to the high congestion within this street at all times of day and evening I have resorted to having family meet me and take me home, at other times I have tried to wait in my car until a space became available, I am unfortunately not able to do this.

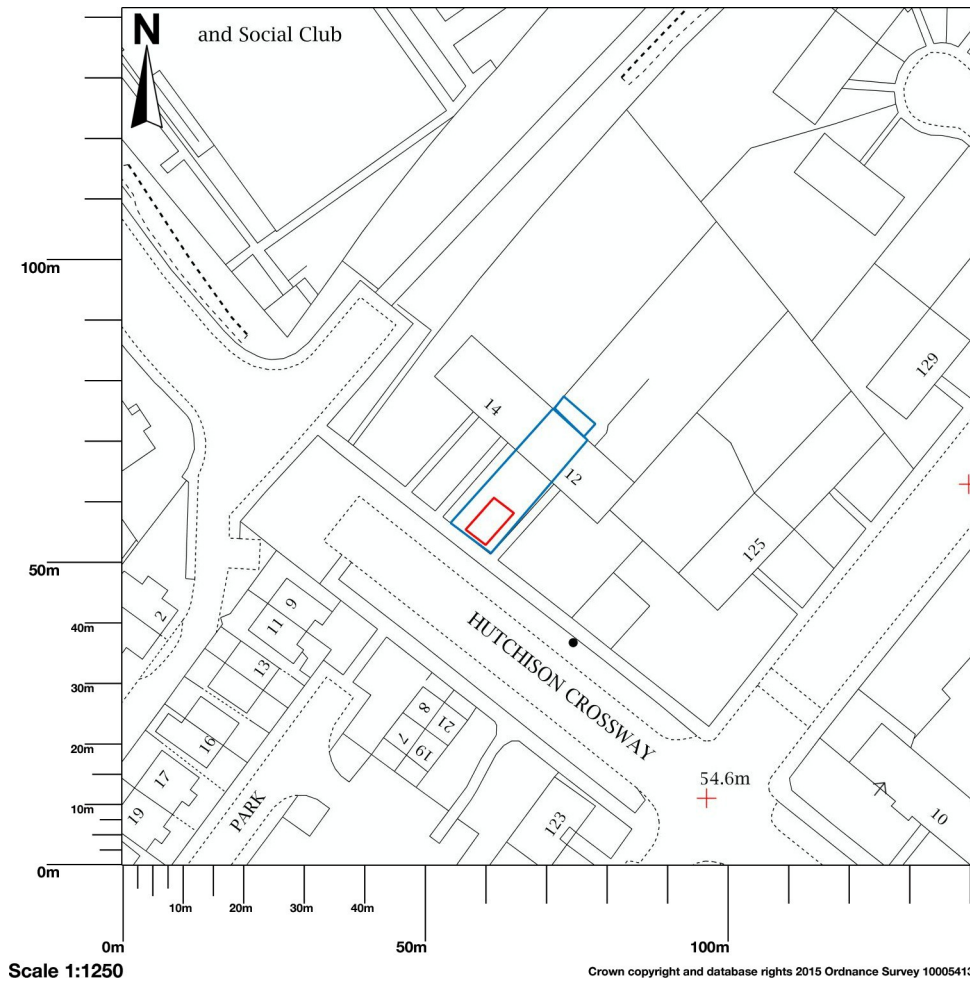
Regarding the neighbourhood character I have checked online and found that applications for driveways in Hutchison Crossway have been granted over the years. These are listed above.

The consideration on the trees it has also been noted that all of the majority of the above noted driveways are much closer to trees than this application.

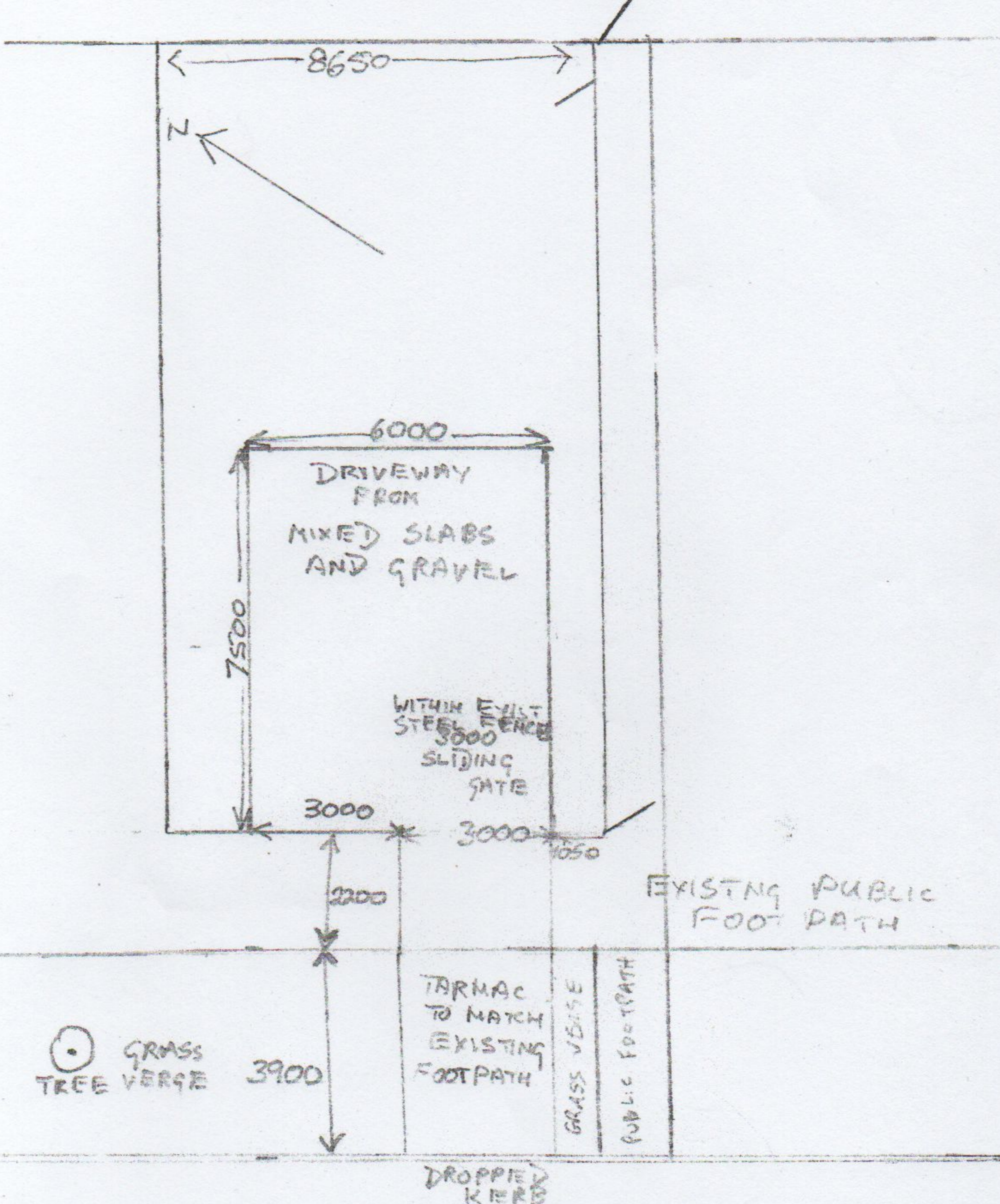
I would also be prepared to reduce the size/area of the driveway within my garden

I await your reply and hopefully any information that would allow parking within my garden Thank you.

12/1, Hutchison Crossway, Edinburgh, EH14 1RT



Map area bounded by: 322382,671630 322524,671772. Produced on 08 September 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/383919/521067



1 2 3 4 5

File Name: Proposed Formation of Driveway.
 Scale: 1 : 100
 12/1 Hutchison Crossway
 Edinburgh, EH14 1RT
 E. Flynn Date: 8 Sept 2019



HUTCHISON
CROSSWAY

SB56 HND

Page 107





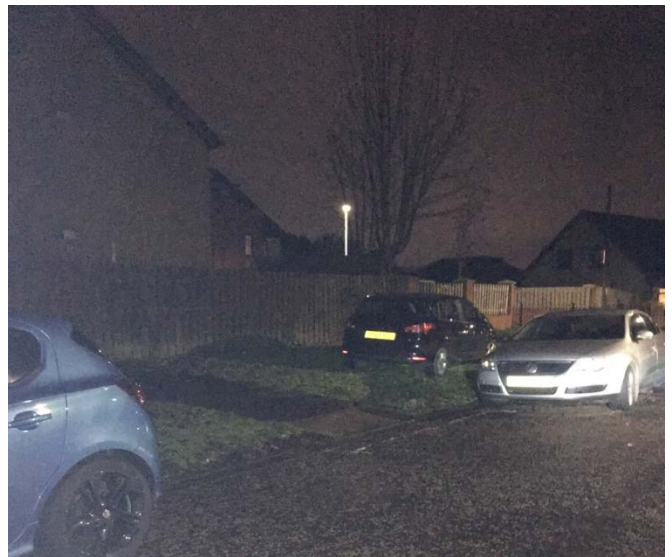
Car parked over white line and communal path.



Driveway of 12/2 Hutchison Crossway (next door to proposed driveway)



Car parked on double yellow lines.



Car parked on grassy embankment of Hutchison Crossway.



Hutchison Crossway full of cars, on different dates.





Garage/
Driveway next to
church on
Hutchison
Crossway



1 Hutchison
Crossway
Driveway.

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Holder Planning.
 FAO: James Wall
 5 South Charlotte Street
 Edinburgh
 United Kingdom
 EH2 4AN

Mr Shane Teague.
 22 Inverleith Place
 Edinburgh
 EH3 5QB

Decision date: 8 October 2019

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

Erection of a timber fence and trellis, (in retrospect).
 At 22 Inverleith Place Edinburgh EH3 5QB

Application No: 19/03313/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 6 August 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 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 proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would damage the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it does not draw from the positive characteristics of the surrounding area.

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

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

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

The proposals form an incongruous and intimidating addition to the curtilage of the property and are contrary to Policy Des 1 and Env 6 of the Edinburgh Local Development Plan and Guidance for Householders. It is recommended that the timber fence and trellis are refused and enforced. There are no material considerations that 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 Adam Gloser directly on .



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 19/03313/FUL At 22 Inverleith Place, Edinburgh, EH3 5QB Erection of a timber fence and trellis, (in retrospect).

| | |
|---------------------------|--------------------------|
| Item | Local Delegated Decision |
| Application number | 19/03313/FUL |
| Wards | B05 - Inverleith |

Summary

The proposals form an incongruous and intimidating addition to the curtilage of the property and are contrary to Policy Des 1 and Env 6 of the Edinburgh Local Development Plan and Guidance for Householders. It is recommended that the timber fence and trellis are refused and enforced. There are no material considerations that outweigh this conclusion.

Links

| | |
|---|---|
| <u>Policies and guidance for this application</u> | LDPP, LDES01, LEN06, NSG, NSLBCA, NSHOU, OTH, CRPINV, |
|---|---|

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 property is a detached dwellinghouse on the north side of Inverleith Place.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes a 3 metre high trellis which will run along the forward-facing boundary wall which fronts on to Inverleith Place. The application also proposes a 1.8 meter high timber fence that will run along the west boundary wall to the front of the property. (in retrospect)

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 will preserve or enhance the character and appearance of the conservation area;
- b) The proposal will result in an unreasonable loss of neighbouring amenity;
- c) Any public comments raised have been addressed.

a) Conservation area

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

The Inverleith Conservation Area Character Appraisal highlights that private gardens and open space dominate the landscape character of the conservation area. The character appraisal emphasises that a combination of "open space and private garden grounds" help to "emphasise the spaciousness of the area".

The timber fence with the attached trellis is not characteristic to the conservation area. The trellis projects over the boundary hedge to a total height of 3 meters.

The trellis, by virtue of its height, introduces a visually incongruous and intimidating addition to the curtilage of the property, which in turn, adversely detracts from the wider appearance of the neighbourhood and conservation area. In addition, the trellis, by virtue of its massing, hinders the relationship between the house and the conservation area by creating a self-contained and isolated unit, which in turn, adversely affects the character of the Inverleith Conservation Area.

The timber fence is of an inappropriate design that is outwith the character of the surrounding area and does not positively contribute to the overall sense of place of the Inverleith Conservation Area.

The timber fence and trellis have a materially detrimental impact on the character of the conservation area and are not acceptable.

b) Neighbouring amenity

The proposal does not have an adverse impact on neighbouring amenity in terms of loss of privacy, daylighting and overshadowing.

c) Public comments:

Material consideration:

- The trellis is higher than the hedge, addressed under section 3.3(a)
- The trellis is not in keeping with the surrounding area, addressed under section 3.3(a)

- The fence is not in keeping with the surrounding area, addressed under section 3.3(a)

Conclusion

In conclusion, the timber fence and trellis form and incongruous and intimidating addition to the property and are contrary to Policy Des 1 and Env 6 of the Edinburgh Local Development Plan and Guidance for Householders. It is recommended that the timber fence and trellis are refused and enforced. There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused and Enforced subject to the details below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would damage the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it does not draw from the positive characteristics of the surrounding 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 has received one comment objecting the application.

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 6 August 2019

Drawing numbers/Scheme 01-04,
Scheme 1

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

Contact: Adam Gloser, Assistant Planner
E-mail:adam.gloser@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

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 Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 19/03313/FUL

Application Summary

Application Number: 19/03313/FUL

Address: 22 Inverleith Place Edinburgh EH3 5QB

Proposal: Erection of a timber fence and trellis, (in retrospect).

Case Officer: Adam Gloser

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 application proposal includes erection of a timber fence and trellis (in retrospect) and relates to a Victorian house in the Inverleith Conservation Area. The house is a traditional building of the beginning of the nineteenth century and a fine example of the predominant built character in the Conservation Area with its dwellings of restricted height, particular scale and accurate proportions in combination with visually permeable open and green spaces.

The applicant wishes to erect 1.8 m open-boarded timber fence to either side of the driveways and, in addition to it, a 3 m pleached hedge to the driveways and to the frontage, so the central part of the front yard could be privately isolated.

The panel has discussed the case, and is concerned about the disruption to the rhythm of the existing spaciousness of the area and uniformity of the streetscape by creation of visually impermeable, extended and obtrusive by its height hedge.

The physical parameters of the proposed hedge contradict to the requirements stated in the Guidance for Householders (p. 18), establishing maximum height of the front walls and fences in 1 m, or (like in current case) according to already established in the neighbourhood, which is, without any doubt, less than 3 m. Even that the pleached hedge is not forming a front boundary by itself, it still has a strong and dramatic impact on visual perception of the street.

Also, the scale, colour and pattern of the open-boarded timber fence, painted in grey colour, do not fit or complement traditional scenic characteristics, thus this proposal doesn't contribute positively to the identity and quality of the area.

The importance of the largely unspoiled streetscape is stressed in the Conservation Area Character Appraisal (p.13, p.15). According to the appraisal, such changes 'have a cumulative effect on the appearance of the area', what was proved by the provided examples in the application.

Accordingly, the panel wishes to object to the application.

The panel has discussed the case, and is concerned about the loss of the high quality conservatory, which appears to be contemporary or nearly contemporary with the house. For demolition to be justified, the applicant needs to demonstrate that the conservatory is beyond repair (see the city's guidance on Listed Buildings and Conservation Areas, 2016, p. 11).

We are also concerned about the materials and design of the building. The rubble stone fails to complement the ashlar of the villa; the single ply membrane is a poor quality material in a high quality context, and the aluminium windows are unsuitable to be seen in juxtaposition to the timber windows of the house. The guidance is clear that 'high quality materials which complement the main building' are required (p. 11). The extension is too square in profile, the windows and rooflight are off centre, and the zinc fascia is too heavy for the environment.

Accordingly, the panel wishes to object to the application

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 100223510-001

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: | Holder Planning | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Robin | Building Name: | |
| Last Name: * | Holder | Building Number: | 5 |
| Telephone Number: * | | Address 1 (Street): * | South Charlotte Street |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Edinburgh |
| Fax Number: | | Country: * | Scotland |
| | | Postcode: * | EH2 4AN |
| 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="Shane"/> | Building Number: | <input type="text" value="22"/> |
| Last Name: * | <input type="text" value="Teague"/> | Address 1 (Street): * | <input type="text" value="Inverleith Place"/> |
| 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="Midlothian"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="EH3 5QB"/> |
| 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="22 INVERLEITH PLACE"/> |
| 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="EH3 5QB"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="675675"/> | Easting | <input type="text" value="324623"/> |
|----------|-------------------------------------|---------|-------------------------------------|

Description of Proposal

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

Erection of a timber fence and trellis (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.

See separate Local Review Body 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)

Local Review Body Statement Application Form Planning Supporting Statement Location Plan & Site Layout Application Site Photographs Precedent in Surrounding Area Photographs Elevations Officers Handling Report Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/03313/FUL

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

06/08/2019

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

08/10/2019

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 Robin Holder

Declaration Date: 06/01/2020

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 100172886-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Erection of a timber fence and trellis

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

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/05/2019

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

This planning application is made in retrospect as the applicant was unaware of the need for permission for the works. The applicant had not realised that a 1.8m timber fence would require planning permission, as this would be permitted development outside of a conservation area and there are timber fences in the surrounding area. Furthermore, the applicant had not realised that a trellis, which is used simply to support the growth of the pleached hedge, would require planning permission.

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: | Holder Planning | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | James | Building Name: | |
| Last Name: * | Wall | Building Number: | 5 |
| Telephone Number: * | | Address 1 (Street): * | South Charlotte Street |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Edinburgh |
| Fax Number: | | Country: * | United Kingdom |
| | | Postcode: * | EH2 4AN |
| Email Address: * | | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|--------|--|------------------------|
| Title: | Mr | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | c/o Holder Planning |
| First Name: * | Shane | Building Number: | 5 |
| Last Name: * | Teague | Address 1 (Street): * | South Charlotte Street |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | Edinburgh |
| Extension Number: | | Country: * | UK |
| Mobile Number: | | Postcode: * | EH2 4AN |
| Fax Number: | | | |
| Email Address: * | | | |

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

22 INVERLEITH PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 5QB

Please identify/describe the location of the site or sites

Northing

675675

Easting

324623

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: James Wall

On behalf of: Mr Shane Teague

Date: 09/07/2019

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr James Wall

Declaration Date: 09/07/2019

Payment Details



Created: 09/07/2019 16:19

Proposal Details

| | |
|---|--|
| Proposal Name | 100223510 |
| Proposal Description (Retrospective) | Erection of a timber fence and trellis |
| Address | 22 INVERLEITH PLACE, EDINBURGH, EH3 |
| 5QB | |
| Local Authority | City of Edinburgh Council |
| Application Online Reference | 100223510-001 |

Application Status

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

Attachment Details

| | | |
|---|----------|----|
| Notice of Review | System | A4 |
| LRB Review Statement | Attached | A4 |
| Document 1 Planning Application Form | Attached | A4 |
| Document 2 Planning Application Supporting Statement | Attached | A4 |
| Document 3 Location Plan and Site Layout | Attached | A3 |
| Document 4 Application Site Photographs | Attached | A4 |
| Document 5 Precedent in Surrounding Area Photographs | Attached | A4 |
| Document 6 Elevations | Attached | A3 |
| Document 7 Officers Handling Report | Attached | A4 |
| Document 8 Decision Notice | Attached | A4 |
| Notice_of_Review-2.pdf | Attached | A0 |
| Application_Summary.pdf | Attached | A0 |
| Notice of Review-001.xml | Attached | A0 |

SUPPORTING STATEMENT

Erection of a timber fence and trellis

22 Inverleith Place, Edinburgh

9th July 2019

HolderPlanning

CONTENTS

| | | |
|-----|---------------------------------|---|
| 1.0 | INTRODUCTION | 2 |
| 2.0 | ASSESSMENT OF DEVELOPMENT | 3 |
| 3.0 | CONCLUSION | 8 |

1.0 INTRODUCTION

- 1.1 This statement has been prepared on behalf of Mr S Teague in support of a retrospective planning application for the erection of a timber fence and trellis at 22 Inverleith Place, Edinburgh.
- 1.2 The following plans and documents have been submitted with this statement:
 - Location Plan and Site Layout
 - Photographs of the Application Site (02 Application Site)
 - Photographs showing examples of similar timber fences and pleached hedges in the surrounding area (03 Precedent in the Surrounding Area)
- 1.3 This planning application is made in retrospect as the applicant was unaware of the need for permission for the works. The applicant had not realised that a 1.8m timber fence to either side his driveway would require planning permission, as this would be permitted development outside of a conservation area and there are timber fences in the surrounding area. Furthermore, the applicant had not realised that a trellis, which is used simply to support the growth of the pleached hedge, would require planning permission. Indeed, we question whether this particular trellis, with its thin timber latticework falls within the definition of development, particularly as the trellis will be almost invisible once the hedge has matured. In this regard it should be distinguished from a more substantial 'trellis fence' which would be bulkier in appearance and not necessarily rendered invisible by growing vegetation.
- 1.4 We have visited the property to view the works which had been undertaken and have formed our own opinion that the works are appropriate to the character of the conservation area.

2.0 ASSESSMENT OF DEVELOPMENT

- 2.1 The works that have been undertaken comprise a narrow timber trellis latticework for a 'pleached hedge' on the frontage of the property and 'open screen' timber fencing on either side of the front driveway. The trellis is required to support the pleached hedge and will be rendered invisible as the hedge matures. The fencing comprises horizontal slats of narrow breadth, which have been stained charcoal grey to harmonise with the driveway paving and original black metal entrance gates. The overall effect is to provide privacy with a minimal visual impact through the subtle use of materials, soft landscaping and colour.
- 2.2 The key policy considerations relating to this planning application are contained within the Edinburgh City Council Local Development Plan (ELDP). The property falls within the Inverleith Conservation Area and the Character Appraisal for that is also a material consideration in the assessment.

Edinburgh Local Development Plan (ELDP)

- 2.3 The relevant planning policies which this application is to be assessed against are Policy Des 1 Design Quality and Context and Policy Env 6 Conservation Areas.

Policy Des 1 Design Quality and Context

- 2.4 *Policy Des 1 states that "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."*
- 2.5 The timber fence is of excellent contemporary design built using high quality natural materials (see Drawing 02, photographs 3 and 4). It is unobtrusive in its design and of a height below the maximum fence height of 2 metres allowed by permitted development rights for properties outside of conservation areas. There are many other timber fences in the surrounding area which have a significantly greater visual impact, which can be seen in photographs 'Drawing 03 Precedent in Surrounding Area' submitted with this application. In our view, the style and colour of the fencing is attractive and does no harm to the character of the conservation area. Being side fences, they are not at all visible from wider viewpoints and are therefore very discrete in their impact.
- 2.6 In our view, the pleached hedge when mature will have a positive impact on the character and appearance of the area around it. The trellis is simply there to support the development of the hedge much in the same way that bamboo canes provide structural support for plants. Pleaching is the technique used to weave and intertwine branches of trees into a hedge in order for them to grow along a flat plane and the reason why a trellis is required. It is an old fashioned technique which has gained popularity in contemporary garden design. There are many examples of pleached hedges at Inverleith Place some of

which can be seen in 'Drawing 03 Precedent in Surrounding Area' submitted with this application. Once the hedge has matured the trellis will be almost invisible from view (see the photograph below which shows a more mature pleached 'Red Robin' hedge).

- 2.7 The hedge draws upon positive characteristics of the conservation area by way of the large trees and natural features which dominate the area. The hedge itself is a Photinia x fraseri 'Red Robin' hedge. It is recognised by many experts as a shrub of great horticultural value. It has been described as:
- 2.8 **Gardener's World:** "Photinia x fraseri 'Red Robin' is a choice of Photinia, with eye-catching juvenile growth the colour of sealing wax, similar to a pieris.... The Royal Horticultural Society has given it its prestigious Award of Garden Merit (AGM).
- 2.9 **The Guardian:** "Photinia x fraseri 'Red Robin' produces a dazzling display of young scarlet foliage in spring which, along with crimson stems, contrasts fabulously with the mature green foliage further down the plant.



2.10

Photograph 1. Example of a pleached Red Robin hedge once matured

- 2.11 In summary, the development is of the highest design quality and would have a positive impact on the surrounding area.

Policy Env 6 Conservation Areas - Development

- 2.12 Policy ENV 6 states that 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*

The Inverleith Conservation Area Character Appraisal (ICACA) is the relevant character appraisal which this application should be considered against.

Having undertaken an assessment of the ICACA, these proposals are compatible with the context of the ICACA and would contribute positively to the area (see the assessment below).

The ICACA acknowledges that more contemporary styles of development are acceptable with the 'Special Characteristics – Materials and Details' section of the appraisal stating that "the variety of treatments, dressings and decoration allows variety and a sense of changing tastes and technologies over time". As explained above, the fence is unobtrusive and of a height significantly lower than the maximum height allowed through permitted development rights in areas outside of a conservation area.

The conservation area is characterised by its large mature trees and extensive gardens. Neighbouring multiple neighbouring properties have tall, mature trees within their gardens and there are many examples of similar pleached hedges in the conservation area (see 03 Precedent in Surrounding Area). The hedge would not be out of place and would enhance the conservation area.

b) Preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and

The development not only preserves features in the conservation area but helps promote their growth. The trellis is there as a supporting structure which enables the growth of the pleached hedge of which is an excellent example of garden design. Once the hedge has matured it will have a considerable positive impact on the character of the area. There would be no adverse impact on hedges, boundary walls, railings, paving and other features which contribute positively to the area.

c) Demonstrates high standards of design and utilises materials appropriate to the historic environment. 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.

As we have explained above, the development is of the highest quality using traditional materials which are in-keeping with the surrounding area.

Inverleith Conservation Area Character Appraisal

The property falls within the Inveleith Conservation Area and therefore the Inverleith Conservation Area Character Appraisal is a material consideration. The document is not intended to give prescriptive instructions on what designs or styles will be acceptable in the area but rather provides an analysis of what makes the area special and distinctive.

The analysis of Inverleith's character and appearance focuses on the features which make the area special and distinctive. These are divided into two sections: 'Structure' and 'Key Elements'.

Structure

- Landscaped spaces dominate the area, contrasting with surrounding, denser development.
- The substantial amount of open space allows panoramic views across to the city skyline.
- The conservation area is characterised by playing fields, a public park and the Royal Botanic Garden.
- The urban form comprises a finger-like development pattern, with some denser development to the east and around the margins.
- The predominant character is one of large Victorian houses in large plots, with Georgian villas and terraces to the east of the area.
- The street layout follows a loose grid pattern with wide streets.

The trellis and pleached hedge would contribute positively to the appearance and character of the area by creating a high-quality landscaped space. The fence would have no impact on the Structure of the ICACA.

Key Elements

- Georgian and Victorian dwellings of restricted height, generous scale and fine proportions.
- The variety of architectural forms and styles contribute to the overall character.
- Unusual building types such as historic estate houses, educational buildings, churches and landscape features add to the area's interest.
- Fettes College dominates the skyline.
- A common palette of traditional, natural materials gives the area a sense of uniformity.
- Spacious streets, with some surviving traditional detailing and boundaries.
- The predominance of recreational open spaces and parkland uses.
- The contrast between activity in Inverleith Row and the general tranquillity in other areas.
- The concentration of educational establishments.

There are a number of similar fences in the conservation area and the fence built using natural materials (timber) and is of the highest quality in design. The ICACA also states the following in relation to Materials and Details of the area:

“A common palette of traditional, natural materials gives the area a sense of uniformity. However, the variety of treatments, dressings and decoration allows variety and a sense of changing tastes and technologies over time.”

The development accords with the Key Elements of the conservation area.

3.0 CONCLUSION

- 3.1 For the reasons presented in this supporting statement, it is considered that the development of a timber fence and trellis are supported by the relevant Local Development Plan Policies: Policy Des 1 and Policy Env 6 and accord with the Inverleith Conservation Area Character Appraisal. On this basis, therefore, planning permission should be granted.

LOCAL REVIEW BODY STATEMENT

Erection of a timber fence and trellis (in retrospect) at
22 Inverleith Place, Edinburgh

Planning Reference: 19/03313/FUL

January 2019

HolderPlanning

CONTENTS

| | | |
|-----|---|----|
| 1.0 | INTRODUCTION | 2 |
| 2.0 | DESCRIPTION OF DEVELOPMENT..... | 4 |
| 3.0 | REFUSAL REASONS & ASSESSMENT OF DEVELOPMENT | 6 |
| 4.0 | CONCLUSION | 12 |

1.0 INTRODUCTION

- 1.1 This Statement has been prepared on behalf of Mr S Teague (the ‘appellant’) in support of a Review of the refusal of a retrospective planning application for the erection of a timber fence and trellis at 22 Inverleith Place, Edinburgh, EH3 5QB (application ref: 19/03313/FUL).
- 1.2 The planning application was made in retrospect as Mr Teague had not realised that a 1.8m timber fence to either side of the driveway would require planning permission. Indeed, the fence would have been permitted development if it had been outwith a conservation area. As regards the trellis, in our professional opinion it is not necessarily the case that this even requires planning permission in a conservation area. It is a very insignificant structure comprising slim pieces of timber latticework to support the growth of a pleached hedge, and will be virtually invisible when the hedge has matured.
- 1.3 For some reason the unauthorised works came to the attention of the Council and Mr Teague was made aware of the need for planning permission, at which point he contacted Holder Planning. We inspected the works and advised Mr Teague that in our professional opinion the fence and trellis had been undertaken sympathetically and were not out of character with the conservation area. We further advised him that the trellis element probably did not constitute a material building operation but that it would be safer to apply for it, given the planning officer’s view that it did constitute development
- 1.4 We were extremely surprised and disappointed when the planning application was refused, for the reasons we explain in this statement. We respect and support the work of planning officers in the City of Edinburgh, but in this particular case we respectfully suggest that the response has been over-zealous. We fully understand that there will be occasions where householders erect fences of heights and/or materials that are not appropriate to the character of conservation areas, but that is not the case here.
- 1.5 The Officer’s Handling Report (Review Document 7) states that the fence and trellis would ***“form an incongruous and intimidating addition to the property”***.

Respectfully, this is not a reasonable conclusion to reach. The scale and materials are proportionate and sympathetic to the existing house and the surrounding character. This, in our view, would be appreciated at a site visit, but we trust that the photographs contained in this statement and the supporting documents will convey the point well enough.

1.6 The planning application comprised the following documents:

- Application Form (Review Document 1)
- Planning Supporting Statement (Review Document 2)
- Location Plan and Site Layout (Review Document 3)
- Application Site Photographs (Review Document 4)
- Precedent in Surrounding Area Photographs (Review Document 5)
- Elevations (Review Document 6)

2.0 DESCRIPTION OF DEVELOPMENT

- 2.1 22 Inverleith Place is a large detached property situated within the Inverleith Conservation Area. It is not a listed building.
- 2.2 The works which have been undertaken comprise a narrow timber trellis latticework for a 'pleached' hedge as well as 'open screen' timber fencing on either side of the front driveway.
- 2.3 The trellis is required to support the pleached hedge and will be rendered almost invisible as the hedge matures.
- 2.4 The fencing comprises horizontal slats of narrow breadth, which have been stained charcoal grey to harmonise with the driveway paving and original black metal entrance gates. The overall effect is to provide privacy with a minimal visual impact through subtle use of materials, soft landscaping and colour.
- 2.5 The extent of the works can be seen in photographs 1 and 2 below (further photographs can be seen in Review Document 4 which have been submitted with this Statement).



Photograph 1. 22 Inverleith Place, 1.8m timber side fence



Photograph 1. 22 Inverleith Place, trellis and pleached hedge

- 2.6 Neighbouring properties and properties in the wider Conservation Area have a variety of garden and boundary styles including pleached hedges in the style implemented by Mr Teague. Indeed, Mr Teague took inspiration from the existing attractive examples of such hedging nearby. Please can the LRB Members review these photographs in Review Document 5. They also show some examples of fencing on nearby properties which are in our view a little incongruous in colour and style, and Mr Teague was keen to ensure that the fencing materials he used were more discreet and attractive in style and colour. Photograph 1 above, in our opinion shows how well this has been done. A yellow/brown coloured fence would not have integrated so well.

3.0 REFUSAL REASONS AND ASSESSMENT OF DEVELOPMENT

3.1 The Council issued the Decision Notice (Review Document 8) on 8th October 2019 determining that the application for Planning Permission was refused and enforced by way of Local Delegated Decision.

3.2 The application was refused for the following reasons:

a) *The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas – Development, as the proposal would damage the character and appearance of the conservation area.*

b) *The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it does not draw from the positive characteristics of the surrounding area.*

3.3 As we explain further throughout this Statement, we consider these refusal reasons to significantly overstate the impact of the development for the following reasons:

- We do not agree that the proposals would damage the appearance and character of the Conservation Area. Quite the contrary in our view.
- The fence is a standard size made from narrow slatted timber, stained dark grey to tie in with paving materials and cast iron railings.
- The trellis is simply a supporting structure to enable the growth of a pleached hedge, which when mature will render the trellis almost invisible.

3.4 The key policy considerations relating to this planning application are contained within the Edinburgh Local Development Plan (ELDP). The property falls within the Inverleith Conservation Area and therefore the Inverleith Conservation Area Character Appraisal is also a material consideration in the assessment.

EDINBURGH LOCAL DEVELOPMENT PLAN (ELDP)

3.5 The refusal reasons refer to Policies Des 1 and Env 6.

POLICY DES 1 – DESIGN QUALITY AND CONTEXT

- 3.6 Policy Des 1 states that *“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.”*
- 3.7 The timber fence is of excellent contemporary design built using high quality natural materials (see Review Document 4, photographs 3 and 4). It is unobtrusive in its design and of a height below the maximum fence height of 2 metres allowed by permitted development rights for properties outside of conservation areas. There are many other timber fences in the surrounding area which have a significantly greater visual impact, which can be seen in photographs ‘Review Document 5, 03 Precedent in Surrounding Area’ submitted with this statement. In our view, the style and colour of the fencing is attractive and does no harm to the character of the conservation area. Being side fences, they are not at all visible from wider viewpoints and are therefore very discrete in their impact.
- 3.8 In our view, the pleached hedge when mature will have a positive impact on the character and appearance of the area around it. The trellis is there to support the development of the hedge much in the same way that bamboo canes provide structural support for plants. Pleaching is the technique used to weave and intertwine branches of trees into a hedge in order for them to grow along a flat plane which is why a trellis is required. It is an old-fashioned technique which has gained popularity in contemporary garden design. There are already a few examples of pleached hedges on Inverleith Place, some of which can be seen in ‘Drawing 03 Precedent in Surrounding Area’ submitted with this statement. Once the hedge has matured the trellis will be almost invisible from view (see Photograph 3 below which shows a mature pleached ‘Red Robin’ hedge).

3.9 The hedge draws upon positive characteristics of the conservation area by way of the large trees and natural features which dominate the area. The hedge itself is a Photinia x fraseri 'Red Robin' hedge. It is recognised by many experts as a shrub of great horticultural value. It has been described as:

3.10 **Gardener's World:** "Photinia x fraseri 'Red Robin' is a choice of Photinia, with eye-catching juvenile growth the colour of sealing wax, similar to a pieris.... The Royal Horticultural Society has given it its prestigious Award of Garden Merit (AGM).

3.11 **The Guardian:** "Photinia x fraseri 'Red Robin' produces a dazzling display of young scarlet foliage in spring which, along with crimson stems, contrasts fabulously with the mature green foliage further down the plant.



Photograph 3. Example of a pleached Red Robin hedge once matured

3.12 In summary, the development is of good design quality and would have a positive impact on the surrounding area.

POLICY ENV 6 - CONSERVATION AREAS - DEVELOPMENT

3.13 Policy ENV 6 states that 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*

3.14 The Inverleith Conservation Area Character Appraisal (ICACA) is the relevant character appraisal which this application should be considered against.

3.15 Having undertaken an assessment of the ICACA, in our view these proposals are compatible with the context of the ICACA and would contribute positively to the area (see the assessment below).

3.16 The ICACA, within the 'Special Characteristics – Materials and Details' section of the appraisal, acknowledges that more contemporary styles of development are acceptable stating that *"the variety of treatments, dressings and decoration allows variety and a sense of changing tastes and technologies over time"*. As explained above, the fence is unobtrusive and of a height significantly lower than the maximum height allowed through permitted development rights in areas outside of a conservation area.

3.17 The Conservation Area is characterised by its large mature trees and extensive gardens. Many neighbouring properties have tall, mature trees within their gardens and there are many examples of similar pleached hedges in the conservation area (Review Document 5, 03 Precedent in Surrounding Area). The hedge will not be out of place or intimidating within this context.

b) *Preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal*

3.18 The development not only preserves features in the conservation area but helps promote enhance the green landscaping of the area. Once the hedge has matured it will have a positive impact on the character of the area. There would be no adverse impact on hedges, boundary walls, railings, paving and other features which contribute positively to the area. The effect of refusing the trellis is to disallow the hedge, which in itself would not need planning permission.

c) *Demonstrates high standards of design and utilises materials appropriate to the historic environment. 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.*

3.19 As we have explained above, the development is of the highest quality using materials which are in-keeping with the surrounding area.

INVERLEITH CONSERVATION AREA CHARACTER APPRAISAL

3.20 The property falls within the Inverleith Conservation Area and therefore the Inverleith Conservation Area Character Appraisal (ICACA) is a material consideration. The ICACA is not intended to give prescriptive instructions on what designs or styles will be acceptable in the area but rather provides an analysis of what makes the area special and distinctive.

3.21 The analysis of Inverleith's character and appearance focuses on the features which make the area special and distinctive. These are divided into two sections: 'Structure' and 'Key Elements'.

STRUCTURE

- Landscaped spaces dominate the area, contrasting with surrounding, denser development.
- The substantial amount of open space allows panoramic views across to the city skyline.
- The conservation area is characterised by playing fields, a public park and the Royal Botanic Garden.
- The urban form comprises a finger-like development pattern, with some denser development to the east and around the margins.
- The predominant character is one of large Victorian houses in large plots, with Georgian villas and terraces to the east of the area.
- The street layout follows a loose grid pattern with wide streets.

3.22 The trellis and pleached hedge would contribute positively to the appearance and character of the area by creating a high-quality landscaped space. The fence would have no impact on the Structure of the ICACA.

KEY ELEMENTS

- Georgian and Victorian dwellings of restricted height, generous scale and fine proportions.
- The variety of architectural forms and styles contribute to the overall character.
- Unusual building types such as historic estate houses, educational buildings, churches and landscape features add to the area’s interest.
- Fettes College dominates the skyline.
- A common palette of traditional, natural materials gives the area a sense of uniformity.
- Spacious streets, with some surviving traditional detailing and boundaries.
- The predominance of recreational open spaces and parkland uses.
- The contrast between activity in Inverleith Row and the general tranquillity in other areas.
- The concentration of educational establishments.

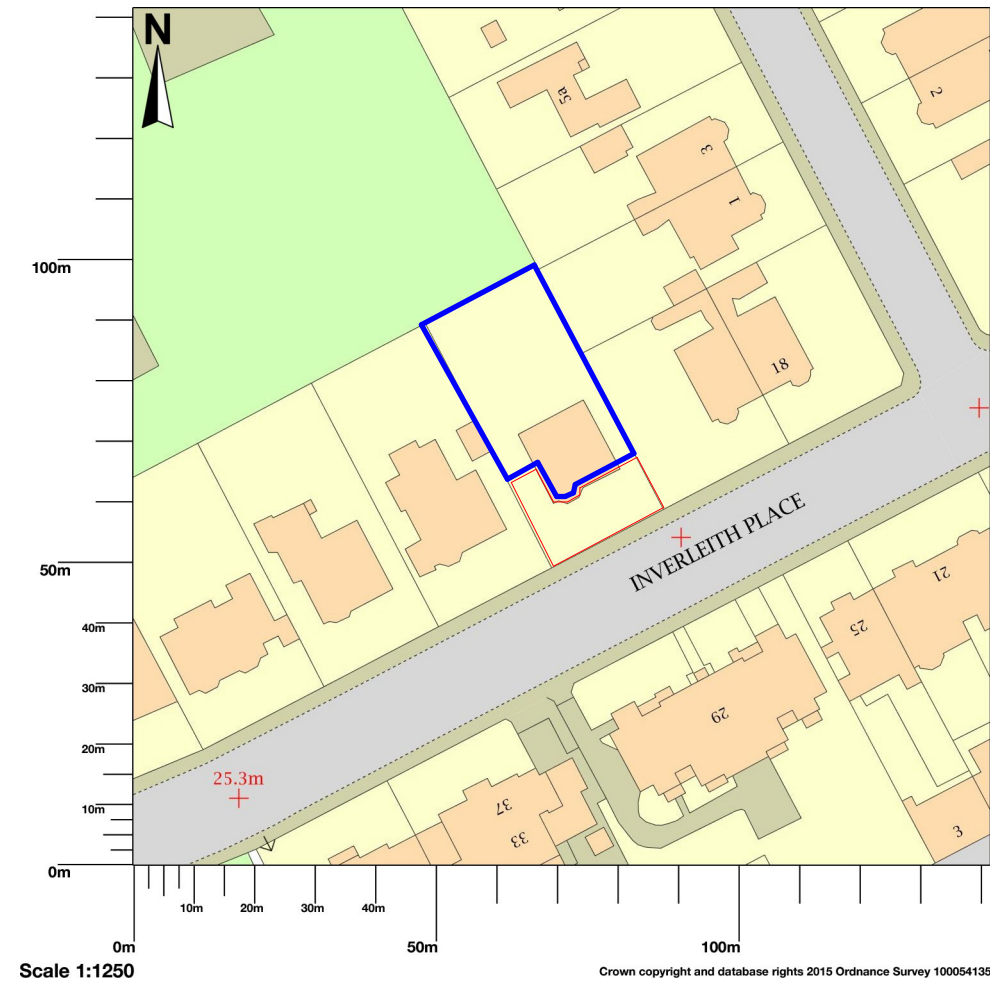
3.23 There are a number of timber fences in the conservation area and this particular fence is well-designed and discreet. The ICACA also states the following in relation to Materials and Details of the area:

“A common palette of traditional, natural materials gives the area a sense of uniformity. However, the variety of treatments, dressings and decoration allows variety and a sense of changing tastes and technologies over time.”

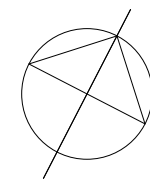
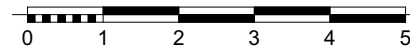
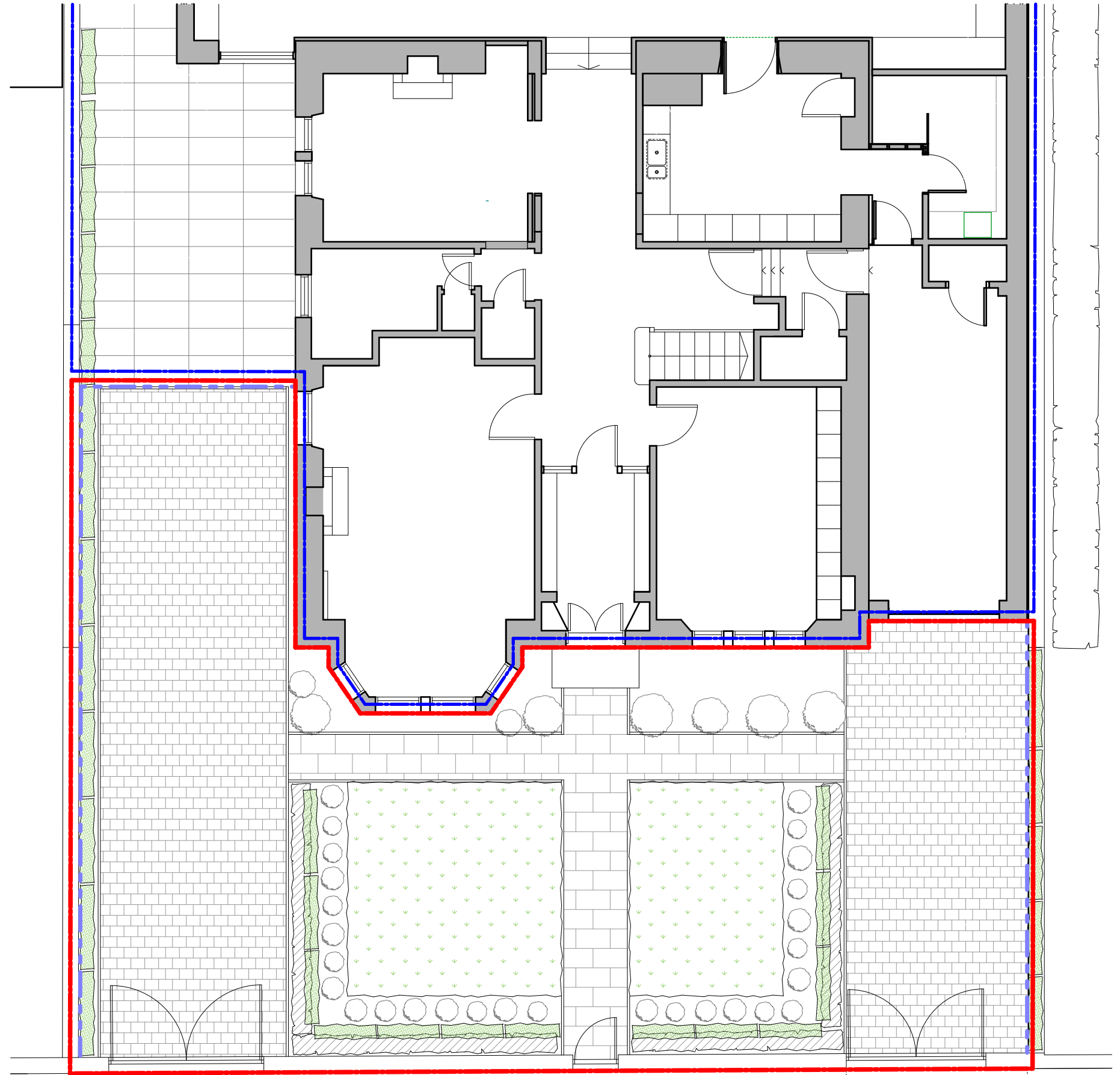
3.24 The development therefore accords with the Key Elements of the conservation area.



4.0 CONCLUSION

- 4.1 In our view, the fence and trellis are perfectly appropriate to their surroundings. They are the outcome of a thoughtful approach to garden design which has taken account of the character of the conservation area.
- 4.2 The fence is unobtrusive, well-designed and of a height significantly lower than the maximum height allowed through permitted development rights in areas outside of a conservation area.
- 4.3 The trellis is simply a supporting structure which enables the growth of the pleached hedge, which when mature will render the trellis almost invisible. It is a good example of garden design, which is seen elsewhere on Inverleith Place.
- 4.4 The conservation area is characterised by its 'landscaped spaces which dominate the area'. The trellis and pleached hedge would contribute positively to the appearance and character of the area by creating a high-quality landscaped space.
- 4.5 We therefore respectfully request that this Review is allowed, and that planning permission is granted.



SITE LOCATION PLAN 1:1250



-  3m high Photinia x fraseri 'Red Robin' pleached hedge- see photographs 1 & 2 on Sheet 2 for further detail.
-  1.8m tall timber fence- see photographs 3 & 4 on Sheet 2 for further detail.

| | Scales @ A3 | Project No. 1701 | Originator S1 Developments | Project 22 Inverleith Place, Edinburgh | Layout Title Site Layout | <table border="1"> <thead> <tr> <th colspan="7">Drawing Number</th> </tr> <tr> <th>project</th> <th>originator</th> <th>zone</th> <th>level</th> <th>type</th> <th>role</th> <th>number</th> <th>rev</th> </tr> </thead> <tbody> <tr> <td>1901</td> <td>CB</td> <td>-</td> <td>-</td> <td>0</td> <td>-</td> <td>01</td> <td></td> </tr> </tbody> </table> | Drawing Number | | | | | | | project | originator | zone | level | type | role | number | rev | 1901 | CB | - | - | 0 | - | 01 | |
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| 1901 | CB | - | - | 0 | - | 01 | | | | | | | | | | | | | | | | | | | | | | | |



photograph 1



photograph 2



photograph 3



photograph 4

| | | | | | | | | | | | | | |
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| | Scales @ A3 | Project No. 1701 | Originator S1 Developments | Project 22 Inverleith Place, Edinburgh | Layout Title Application Site | Drawing Number | | | | | | | |
| | | | | | | project | originator | zone | level | type | role | number | rev |
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example of pleached hedge at inverleith place



example of pleached hedge at inverleith place



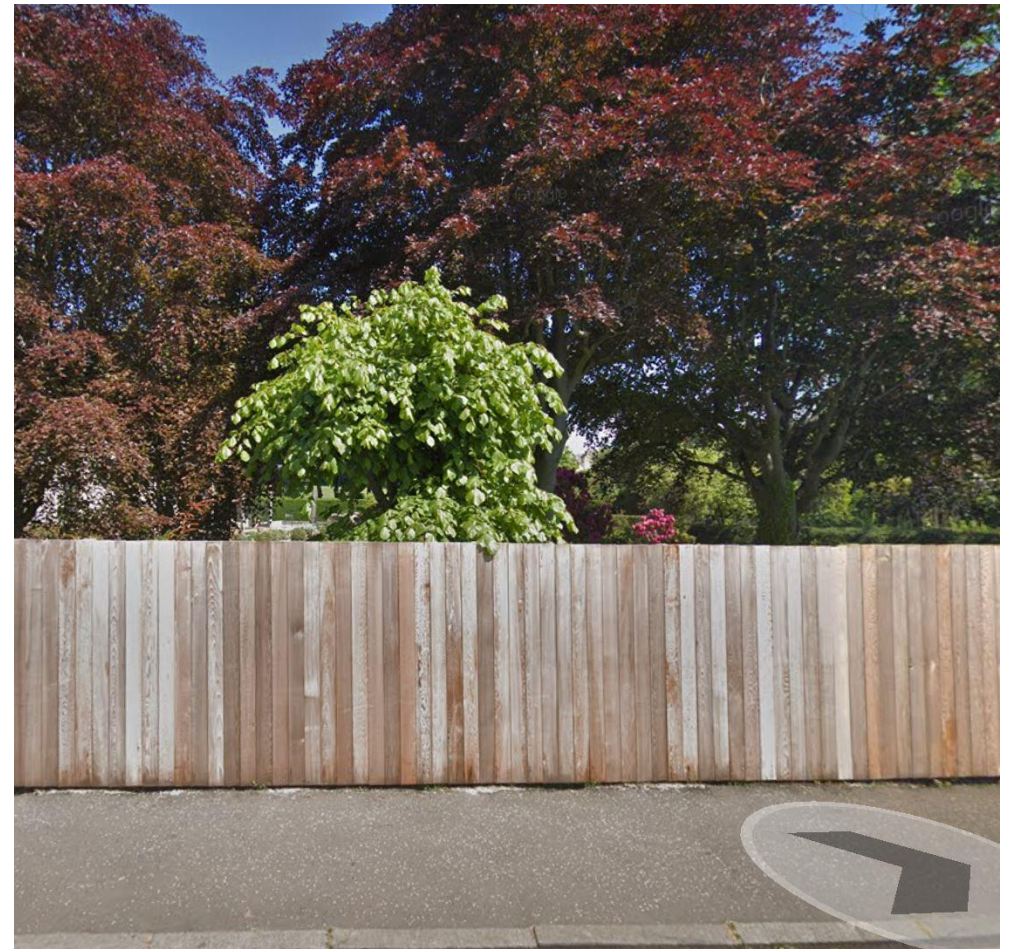
example of pleached hedge at inverleith place



example of timber fence at arboretum road

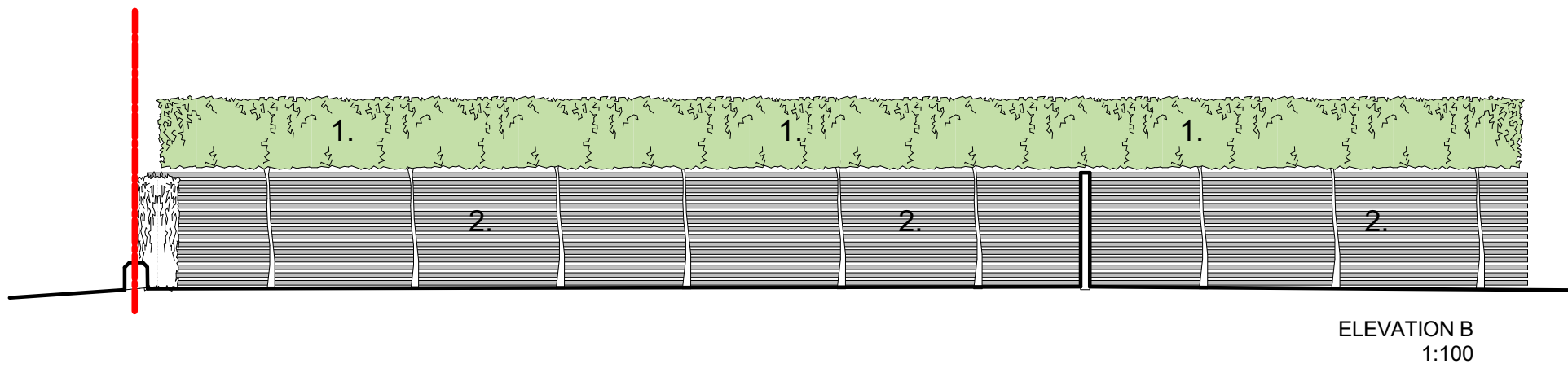
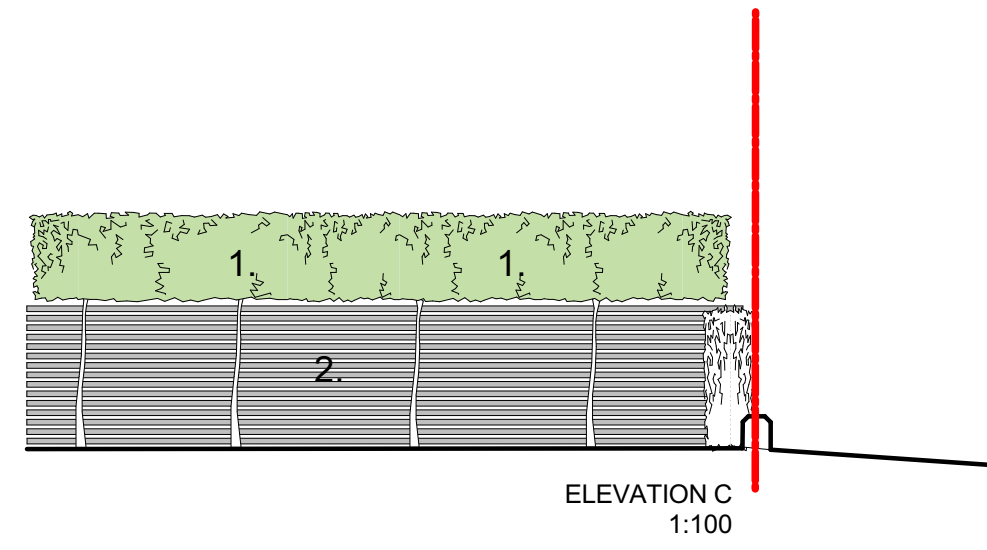
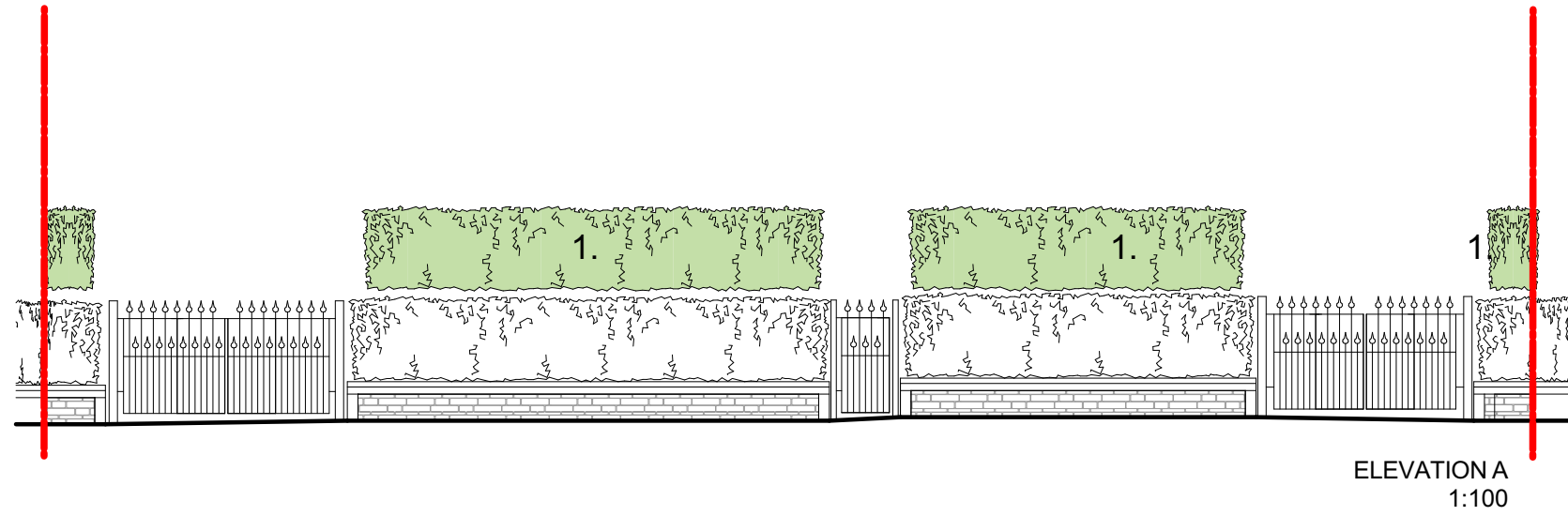


example of timber fence at inverleith place



example of timber fence at arboretum road

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| | Scales @ A3 | Project No. 1701 | Originator S1 Developments | Project 22 Inverleith Place, Edinburgh | Layout Title 03 Precedent in Surrounding Area | Drawing Number | | | | | | | |
| | | | | | | project | originator | zone | level | type | role | number | rev |
| | | | | | | 1901 | CB | - | - | 0 | - | 03 | |



- 1. 3m high Photinia × fraseri 'Red Robin' pleached hedge- see photographs 1 & 2 on Sheet 2 for further detail.
- 2. 1.8m high timber open boarded fence painted grey- see photographs 3 & 4 on Sheet 2 for further detail.

| | | | | | | | | | | | | | |
|--|-------------|-------------|-----------------|--------------------------------|--------------|----------------|------------|------|-------|------|------|--------|-----|
| | Scales @ A3 | Project No. | Originator | Project | Layout Title | Drawing Number | | | | | | | |
| | | 1701 | S1 Developments | 22 Inverleith Place, Edinburgh | Elevations | project | originator | zone | level | type | role | number | rev |
| | | | | | | 1901 | CB | - | - | 0 | - | 04 | |

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FEM Building Design.
FAO: Dougie Mack
8 Plantain Grove
Lenzie
Glasgow
G66 3NE

Mr Joe Mbu & Ms Janice Riddell.
70 Salvesen Gardens
Edinburgh
EH4 5JR

Decision date: 5 November 2019

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

Form a roof dormer to rear of dwellinghouse.
At 70 Salvesen Gardens Edinburgh EH4 5JR

Application No: 19/04483/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 20 September 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 Des 12 in respect of Alterations and Extensions, as it impacts on the character and appearance of the existing building and the streetscene; and neighbouring amenity.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they impact on the character and appearance of the existing building and the streetscene; and neighbouring amenity.

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 proposed dormer window represents an incongruous addition to the rear elevation of the host property in terms of scale, form and design and has an adverse impact on residential amenity. The proposal is contrary to LDP Des 12 and the non-statutory Guidance for Householders.

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

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

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 19/04483/FUL At 70 Salvesen Gardens, Edinburgh, EH4 5JR Form a roof dormer to rear of dwellinghouse.

| | |
|---------------------------|--------------------------|
| Item | Local Delegated Decision |
| Application number | 19/04483/FUL |
| Wards | B01 - Almond |

Summary

The proposed dormer window represents an incongruous addition to the rear elevation of the host property in terms of scale, form and design and has an adverse impact on residential amenity. The proposal is contrary to LDP Des 12 and the non-statutory Guidance for Householders.

Links

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

Report of handling

Recommendations

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

Background

2.1 Site description

The property is a semi-detached residential dwelling with front and rear gardens.

The surrounding area is characterised by semi-detached and terraced residential dwellings. These properties remain relatively unchanged in terms of their external appearance. Additions to the externals of these dwellings are characterised by being subordinate and subservient in nature and mainly in the form of roof lights to the respective roof plans.

2.2 Site History

19/02304/FUL - Application withdrawn for; Install front and rear roof dormers - (19/02304/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for a dormer window to the rear elevation.

Dimensions:

Width - 4 metres (roof plan width - 8.6 metres).

Projection - 2.4 metres.

Distance to boundary - 5.5 metres.

Materials:

Tiles - Rosemary.

Fenestration design - uPVC.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the

development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal is of an acceptable scale, form and design and compatible with neighbourhood character.
- 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) Scale, form and design -

Policy Des 12 (Alterations and Extensions) of the adopted Edinburgh Local Development Plan (LDP) 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 existing building...and will not be detrimental to neighbourhood amenity and character'.

The non-statutory Guidance for Householders states that the relationship between a dormer and its surroundings is particularly important. Dormers should be of such a size that they do not dominate the form of the roof. Dormers should not come to the edges of the roof. There should be visible expanses of the roof on all 4 sides. Where possible, the dormer should align with existing fenestration on the building's elevation.

The roofscapes of Salvesen Gardens and the surrounding area are characterised by relatively unaltered roof plans. The main additions to the roof plans are roof lights with dormer windows rarely featuring. Dormer windows that do feature within the vicinity are minimal in size to the primary elevation and are subservient and subordinate in their relationship to the host property.

In terms of the building, the proposed dormer window to the rear elevation of the property is of a size, scale and design that will dominate the roof form and in turn that elevation of the building. It is not subservient and subordinate in relation to the existing roof.

The proposed materials would be acceptable in this instance.

The proposal does not comply with the LDP Policy Des 12 and the non-statutory Guidance for Householders and would have a detrimental impact upon the character and appearance of the host property and the surrounding area.

b) Neighbouring Amenity -

Policy Des 12 (Alterations and Extensions) of the adopted Edinburgh Local Development Plan (LDP) states that planning permission will be granted for alterations and extensions to existing buildings which 'will not result in an unreasonable loss of privacy or natural light to neighbouring properties'. The non-statutory Guidance for Householders states that 'all extensions and alterations will be required to ensure adequate daylighting, privacy and sunlight both for themselves and neighbours'.

When assessing neighbouring amenity, It is important that reasonable levels of privacy to existing buildings are maintained. When calculating against the criterion established in the non-statutory Guidance for Householders, the proposal fails on privacy in that it is only 5.5 metres to the nearest boundary in relation to 39 Salvesen Crescent; and not the required 9 metres. as a result, the rear garden of 39 Slavesen Crescent would be detrimentally impacted upon in terms of privacy.

This breach would represent an unacceptable departure from the non-statutory Guidance and the proposal would be unacceptable on the impact on privacy.

The proposal does not comply with the LDP Policy Des 12 and the non-statutory Guidance for Householder.

c) Human Rights -

The proposal was assessed in terms of human rights. No impacts were identified.

d) Public Representations -

No representations were 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 the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it impacts on the character and appearance of the existing building and the streetscene; and neighbouring amenity.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they impact on the character and appearance of the existing building and the streetscene; and neighbouring amenity.

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

No representations have been received.

Background reading / external references

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

Statutory Development

Plan Provision Edinburgh Local Development Plan.

Date registered 20 September 2019

Drawing numbers/Scheme 01-02,
Scheme 1

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

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Appendix 1

Consultations

No consultations undertaken.

END

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100147099-004

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: F.E.M Building Design

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

First Name: * Douglas Building Name:

Last Name: * Mack Building Number: 8

Telephone Number: * Address 1 (Street): * Plantain Grove

Extension Number: Address 2: Lenzie

Mobile Number: Town/City: * Glasgow

Fax Number: Country: * Scotland

Postcode: * G66 3NE

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|--|--|---|
| Title: | <input type="text" value="Other"/> | You must enter a Building Name or Number, or both: * | |
| Other Title: | <input type="text" value="Mr & Mrs"/> | Building Name: | <input type="text"/> |
| First Name: * | <input type="text" value="Joseph & Janice"/> | Building Number: | <input type="text" value="70"/> |
| Last Name: * | <input type="text" value="Mbu"/> | Address 1 (Street): * | <input type="text" value="Salvesen Gardens"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="Edinburgh"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="Scotland"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="EH4 5JR"/> |
| 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="70 SALVESEN GARDENS"/> |
| Address 2: | <input type="text"/> |
| Address 3: | <input type="text"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text" value="EDINBURGH"/> |
| Post Code: | <input type="text" value="EH4 5JR"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="676458"/> | Easting | <input type="text" value="321559"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

From a roof dormer to rear of dwellinghouse

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The reason we are seeking a review of the refusal of Planning Permission at 70 Salvesen Gardens, Edinburgh, is that the reasons for refusal, are in our opinion unsubstantiated.

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)

Photographs x 4 Aerial photo of area Architectural Drawing Appeal statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/04483/FUL

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

20/09/2019

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

05/11/2019

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Douglas Mack

Declaration Date: 13/01/2020

Proposal Details

| | |
|------------------------------|-------------------------------------|
| Proposal Name | 100147099 |
| Proposal Description | Alter & extend dwellinghouse |
| Address | 70 SALVESEN GARDENS, EDINBURGH, EH4 |
| 5JR | |
| Local Authority | City of Edinburgh Council |
| Application Online Reference | 100147099-004 |

Application Status

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

Attachment Details

| | | |
|--|----------|----------------|
| Notice of Review | System | A4 |
| Planning Appeal Statement | Attached | Not Applicable |
| Aerial Photo | Attached | Not Applicable |
| Rear Dormer 5 Salvesen Crescent | Attached | Not Applicable |
| Rear Dormer 5 Salvesen Crescent 2 | Attached | Not Applicable |
| Original front dormers in locale | Attached | Not Applicable |
| Original front dormers in locale 2 | Attached | Not Applicable |
| Existing and proposed floor plans and elevations | Attached | A1 |
| Planning Decision Notice | Attached | Not Applicable |
| Notice_of_Review-2.pdf | Attached | A0 |
| Application_Summary.pdf | Attached | A0 |
| Notice of Review-004.xml | Attached | A0 |

The reason we are seeking a review of the refusal of Planning Permission at 70 Salvesen Gardens, Edinburgh, is that the reasons for refusal, are in our opinion unsubstantiated. The reason provided that 'the proposed dormer window represents an incongruous addition to the rear elevation of the host property in terms of scale, form and design and has an adverse impact on the residential amenity' is unjustified in this particular circumstance. We would also suggest that a precedence has been set by the property at 5 Salvesen Crescent which faces onto the same rear garden areas as 70 Salvesen Gardens having an existing rear roof dormer (see photographs provided). It is our opinion that our proposal will not have any greater impact on the immediate area than that which the existing property at 5 Salvesen Crescent suggests at present. We would therefore request that the Local Review Body share the opinion that the proposal will not have a detrimental effect on the existing site and property area or it's surrounding environment. The existing housing development built approximately 70 years ago is formed by a number of different house types including those with roof dormers on the front elevation which appear to be original features (see photographs provided)

The reason for refusal states that 'the proposal in its scale, form and design has an adverse impact on the residential amenity. The existing rear gardens in this area are formed adjacent to each other with the dwellinghouses facing onto these in a rectangular shape. The rear of these dwellinghouses therefore allow for overlooking from all first floor windows onto the neighbouring gardens which therefore means little private amenity is afforded to the existing rear gardens. The roof dormer would not have any greater impact on residential amenity than exists at present.

To summarise, It is our opinion that the proposed roof dormer will not have a negative impact on the amenity of the surrounding area and the wider street scene and will not cause any greater adverse impact to the residential amenity than that exists at present. The fact that an existing rear roof dormer faces onto the same garden space as we propose this dormer to face onto, in our opinion, indicates a precedence has been set in the immediate vicinity. We would also suggest that proposal does not impact character and appearance of the host property, it's immediate neighbours and the wider street scene. We would, therefore request that you consider our appeal in a manner which leads to a favourable outcome for my client.



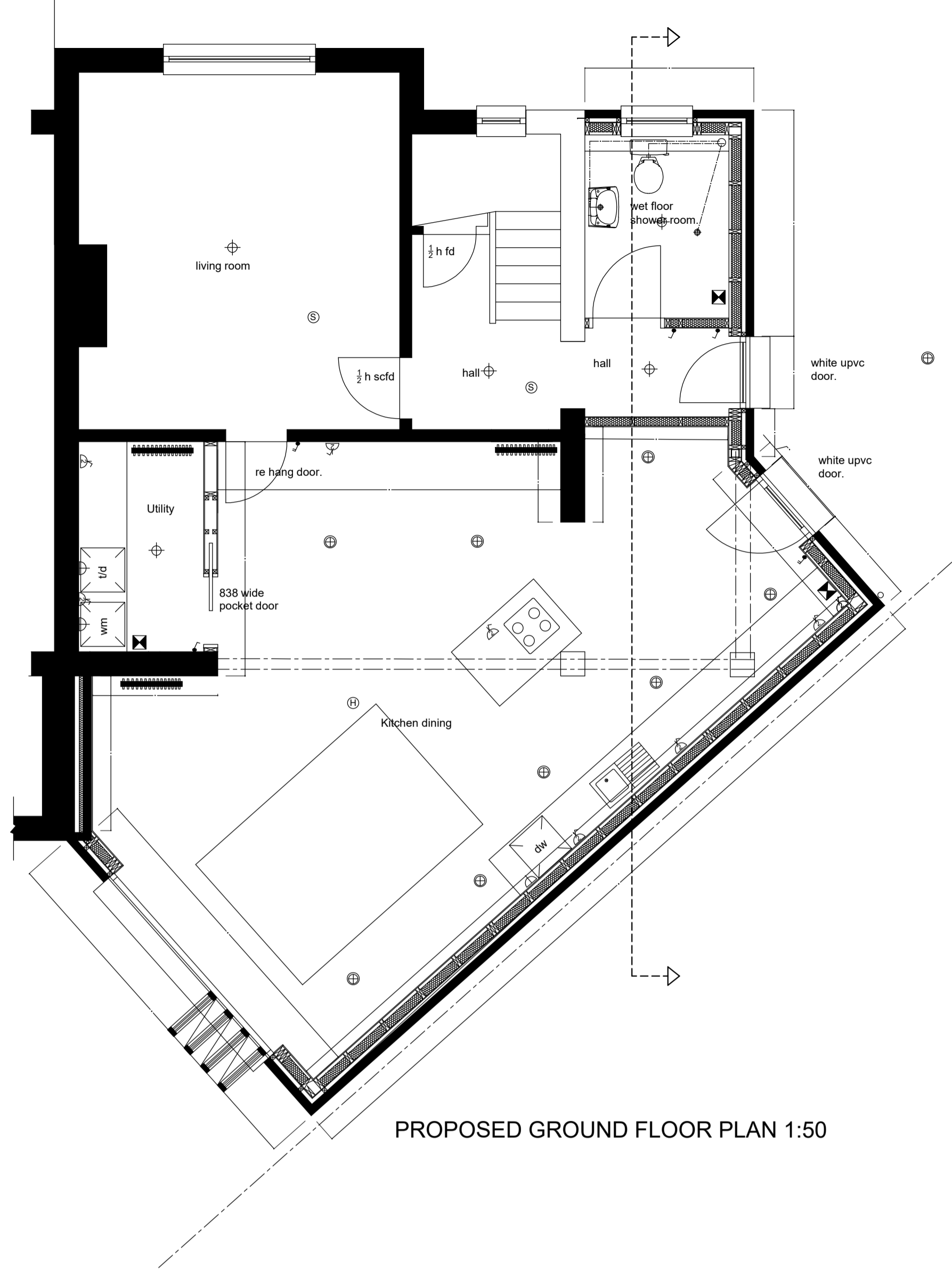
70 Salvesen Gardens



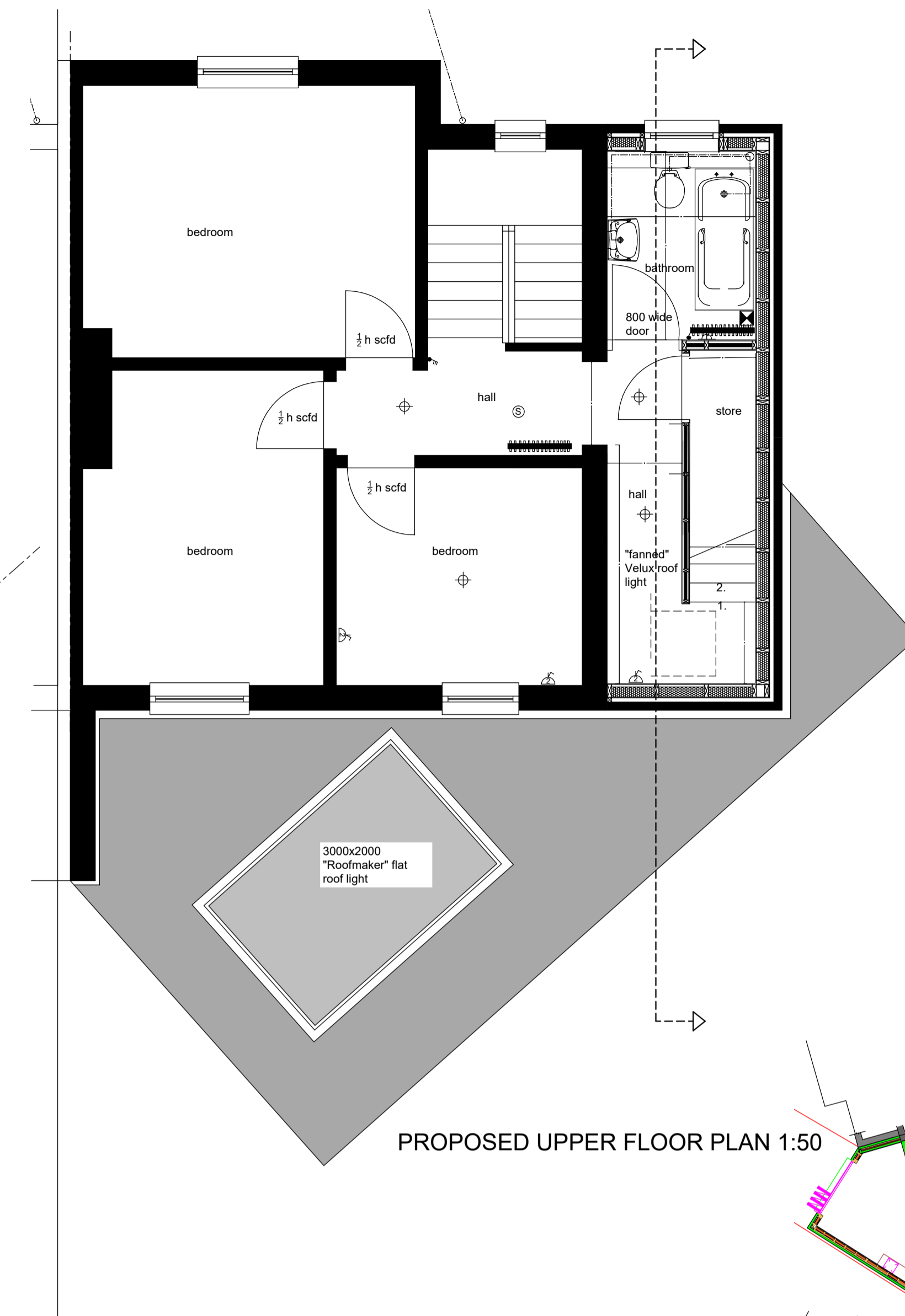
SALVESEN GDNS.



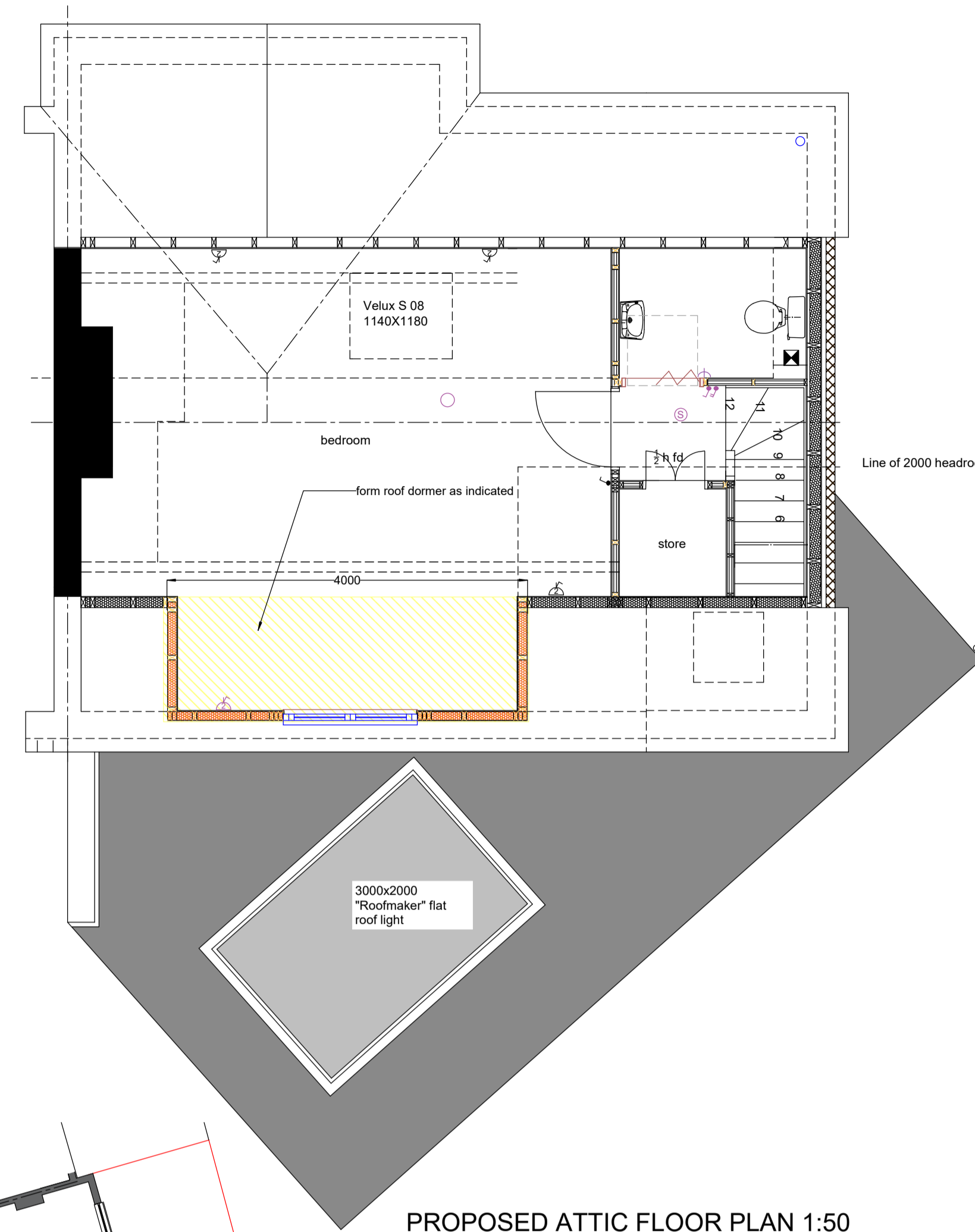




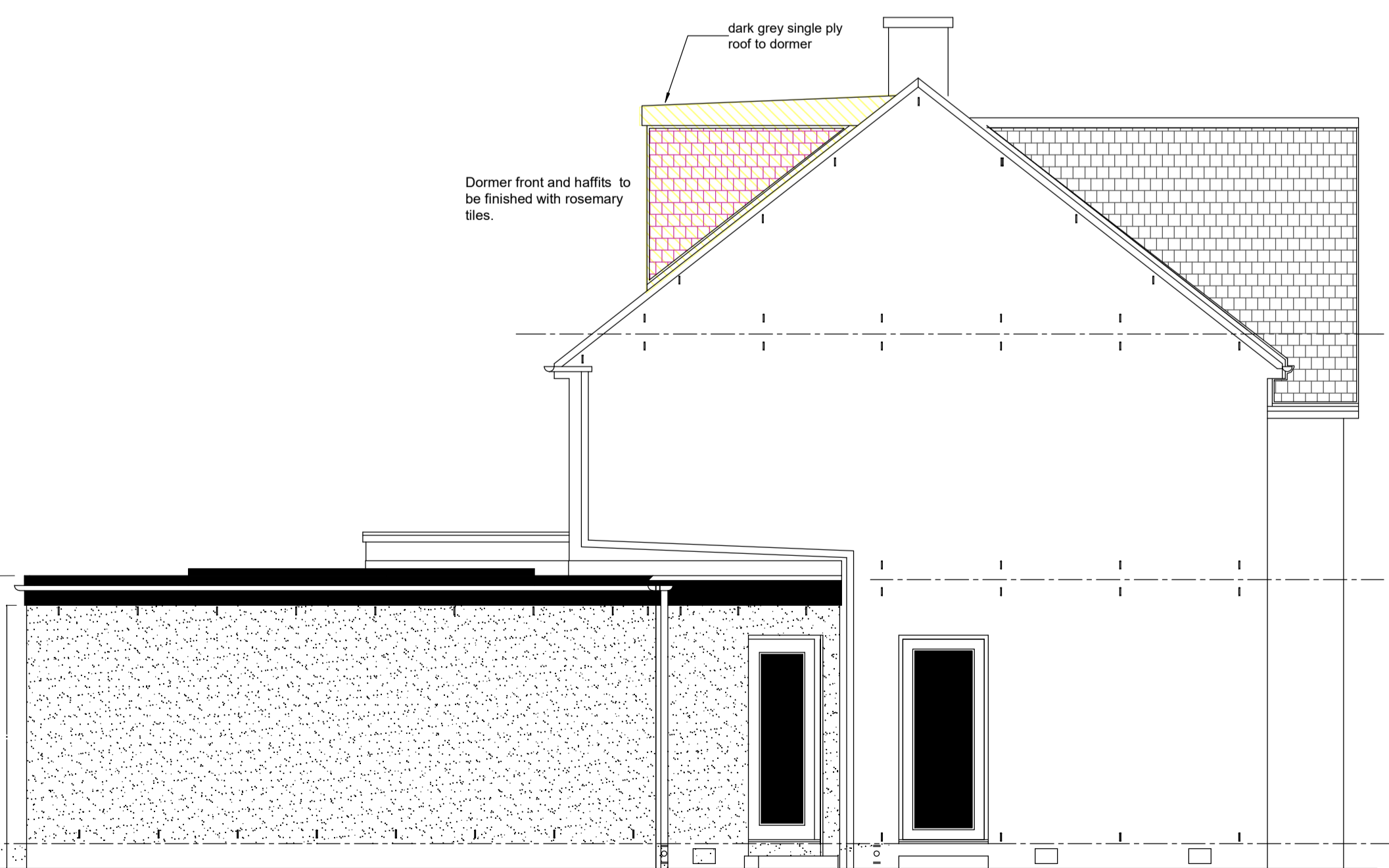
PROPOSED GROUND FLOOR PLAN 1:50



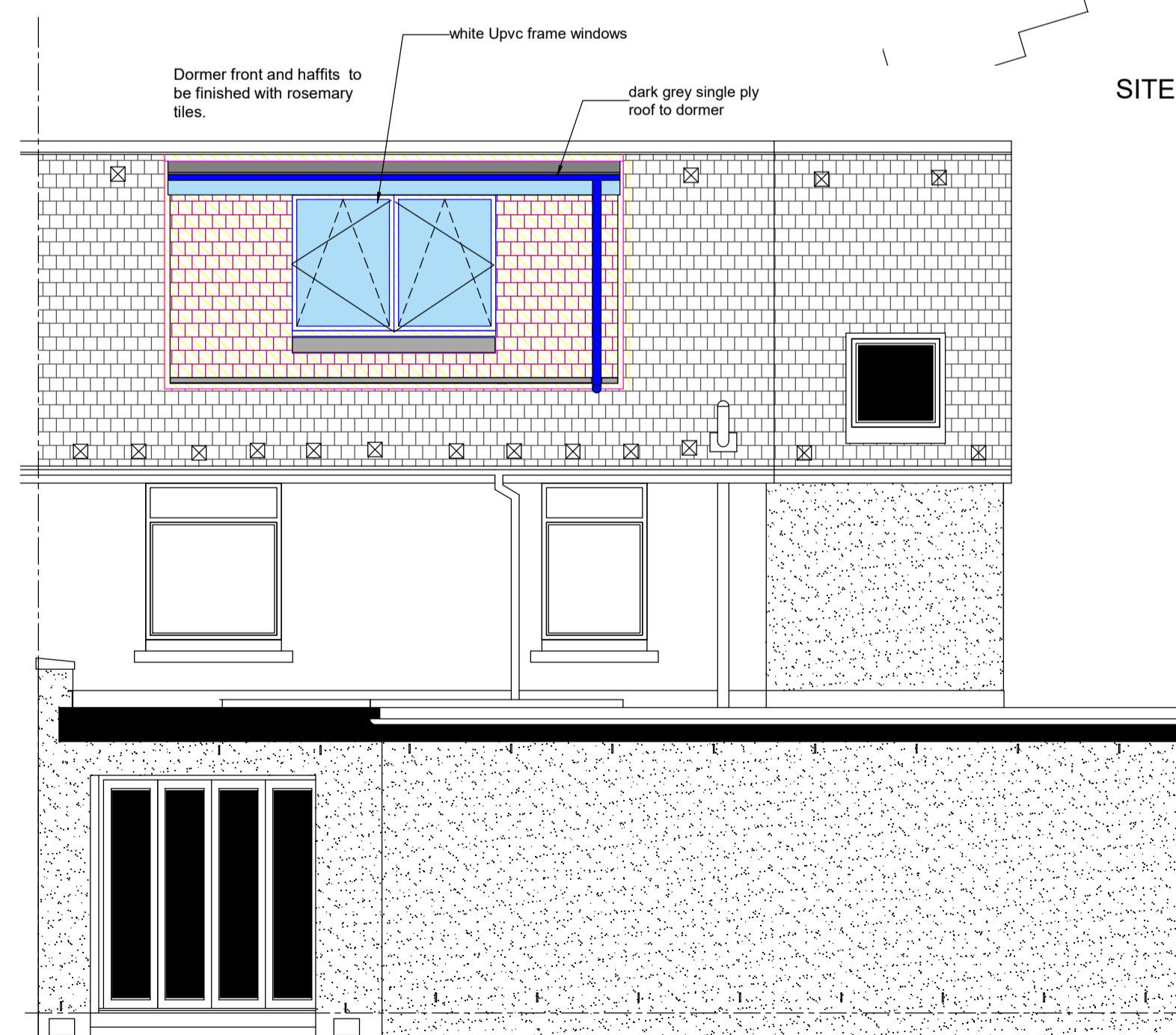
PROPOSED UPPER FLOOR PLAN 1:50



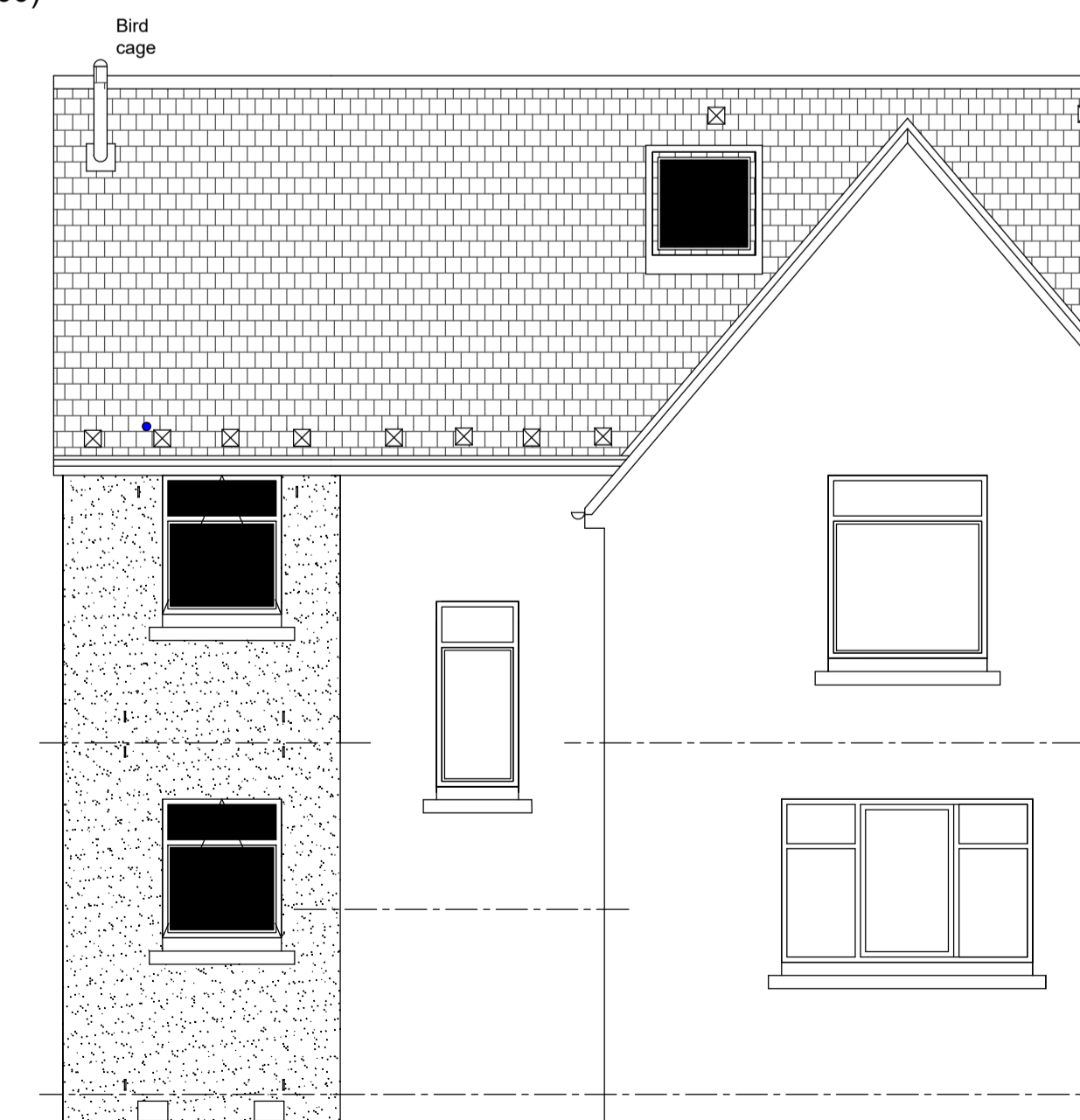
PROPOSED ATTIC FLOOR PLAN 1:50



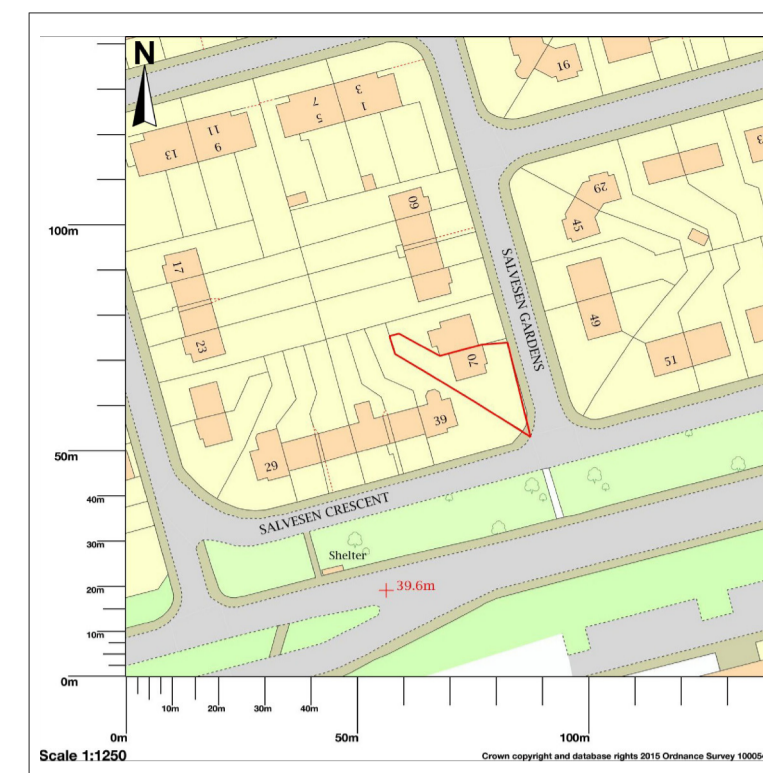
PROPOSED END ELEVATION 1:50



PROPOSED REAR ELEVATION 1:50



EXISTING FRONT ELEVATION 1:50



This drawing is the copyright of FEM building design and should not be reproduced in part or whole without prior permission.
The Construction (Design and Management) Regulations 2015 (CDM2015) requires all contractors to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. Principal contractor to plan, manage and monitor construction work carried out either by all contractors or by workers under the contractor's control, so ensuring that, as far as is reasonably possible, is carried out without risks to health and safety. (Note: if the householder carries out the works themselves, it is classed as DIY and CDM 2015 does not apply).
All dimensions to be checked on site prior to works commencing.
Drawings must not be scaled. All dimensions are to be checked by contractor.

Client:
Mr & Mrs Mbu
70 Salvesen Gardens
Edinburgh

Project:
Proposed roof dormers

Drawing Number:
19/Mbu/PP/003 (-Rev)



Studio DuB.
 FAO: Gordon Duffy
 17A-2 West Crosscauseway
 EDINBURGH
 United Kingdom
 EH8 9JW

Mr Dean Kerslake.
 Flat 6
 14 York Place
 Edinburgh
 EH1 3EP

Decision date: 24 September 2019

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

Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.
 At Flat 6 14 York Place Edinburgh EH1 3EP

Application No: 19/03581/FUL

DECISION NOTICE

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

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

Conditions:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would detract from the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed alterations will not be in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.

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

Drawings 1-9, 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 development plan and Council's non-statutory guidance as the alterations would be detrimental to the character and appearance of the New Town Conservation Area. It will have an adverse impact on the unique architectural and historical character of the listed building. 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 Jennifer Zochowska directly on 0131 529 3793.

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 19/03581/FUL

At Flat 6, 14 York Place, Edinburgh

Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

| | |
|--------------------|--------------------------|
| Item | Local Delegated Decision |
| Application number | 19/03581/FUL |
| Wards | B11 - City Centre |

Summary

The proposal does not comply with the development plan and Council's non-statutory guidance as the alterations would be detrimental to the character and appearance of the New Town Conservation Area. It will have an adverse impact on the unique architectural and historical character of the listed building. There are no other material considerations to outweigh this conclusion.

Links

| | |
|--|--|
| Policies and guidance for this application | 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 lies on the north side of York Place. The property is a top floor flat of a 18th century terraced classical stone built house. It is Category A listed building and was listed on 14.09.1966 (LB ref 29980). It is within a street of similar designed properties. The surrounding area is predominantly residential in nature and is characterised by classical style houses and flats.

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

2.2 Site History

29 July 2019 - An application for listed building consent was submitted to replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights (application number 19/03582/LBC). This is pending decision.

Main report

3.1 Description Of The Proposal

The proposal is to replace the existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

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 proposal will preserve or enhance the character and appearance of the New Town Conservation Area;
- b) The proposal will have an adverse impact on the unique architectural and historical character of the listed building,
- c) The proposal will have an adverse impact on residential amenity; and
- d) Any comments raised have been addressed.

a) Character and Appearance of the New Town Conservation Area

Policy Env 6 of the LDP 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 conservation area character appraisal. The New Town Conservation Area Character Appraisal highlights the important role which original historic buildings play in contributing to the wider character of the area , stating: *The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, strongly contributes to the character of the area.*

The rear of the building is visible from Dublin Street Lane South and the proposed alterations to the roof profile will be visible from this public elevation. The proposed dormer by way of its design and relationship with the existing bow -fronted dormer will have a detrimental impact on the character and appearance of the conservation area.

The proposal will have a detrimental impact on the character and appearance of the New Town Conservation Area.

The proposal does not comply with LDP policy Env 6.

b) Impact on the Unique Architectural and Historical Character of the Listed Building

Policy Env 4 of the adopted Edinburgh Local Development Plan (LDP) states that proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures

or diminish its interest and where any additions are in keeping with other parts of the building.

While the rear elevations along the north side York Place exhibit a mix of dormers,, they are generally traditional in their appearance and do not incorporate the features proposed here. Historic Environment Scotland have concerns that the proposed dormer would negatively impact on the appearance and character of this former townhouse.

The non-traditional form of the proposed structure and visibility from street level would have an adverse impact on the unique architectural and historical character of the listed building and does not comply with LDP policy Env 4.

c) Residential Amenity

There is existing overlooking at upper levels so the proposal will have no significant effect on the residential amenity.

d) Public Comment

No comments have been received.

Conclusion

The proposal does not comply with the development plan and Council's non-statutory guidance as the alterations would be detrimental to the character and appearance of the New Town Conservation Area. It will have an adverse impact on the unique architectural and historical character of the listed building. There are no other material considerations to outweigh this conclusion.

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 6 in respect of Conservation Areas - Development, as the proposal would detract from the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed alterations will not be

in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.

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 9th August 2019 and no representations were received.

Background reading / external references

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

Statutory Development

Plan Provision

The site lies within the urban area of the Edinburgh Local Development Plan where it is designated as lying within New Town Conservation Area.

Date registered

29 July 2019

Drawing numbers/Scheme

1-9,
Scheme 1

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

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

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.

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 19/03581/FUL

Application Summary

Application Number: 19/03581/FUL

Address: Flat 6 14 York Place Edinburgh EH1 3EP

Proposal: Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

Case Officer: Jennifer Zochowska

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 proposals are for alterations to a category A Listed building in the New Town Conservation Area, within Edinburgh's World Heritage Site. The Forth & Borders Cases Panel of the AHSS has considered the proposal and wishes to make the following comments.

While considering these alterations we must note the considerable changes being made to the roof of this A listed building. As a panel we fundamentally disagree with the section of the design statement which states "A change to the roof scape of the subjects would make little difference to the context either of this particular former single house, or to the group as a whole." We feel that adding a dormer to this roof would be considerably detrimental to both the original curved dormers and the roof in general. Council "Listed Buildings and Conservation Area" Guidance, under the heading "Roofs" on page 7, clearly states "The roof, which includes parapets, skews, chimney heads and chimney pots, is an important feature of a building. The retention of original structure, shape, pitch, cladding (particularly colour, weight, texture and origin of slate and ridge material) and ornament is important". The panel firmly agrees that adding a dormer to this roof structure is not acceptable. Furthermore, adding even more roof lights would further contravene the aforementioned guidance.

Accordingly, the AHSS wishes to object to the proposal.

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 100174760-006

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: | Studio DuB | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Gordon | Building Name: | |
| Last Name: * | Duffy | Building Number: | 17A-2 |
| Telephone Number: * | [REDACTED] | Address 1 (Street): * | West Crosscauseway |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | EDINBURGH |
| Fax Number: | | Country: * | United Kingdom |
| | | Postcode: * | EH8 9JW |
| Email Address: * | [REDACTED] | | |

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" value="Flat 6"/> |
| First Name: * | <input type="text" value="Dean"/> | Building Number: | <input type="text" value="14"/> |
| Last Name: * | <input type="text" value="Kerslake"/> | Address 1 (Street): * | <input type="text" value="York Place"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="Edinburgh"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="UK"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="EH1 3EP"/> |
| 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 6"/> |
| Address 2: | <input type="text" value="14 YORK PLACE"/> |
| 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 3EP"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="674328"/> | Easting | <input type="text" value="325679"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

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.

Our Appeal, based on the supporting documentation attached hereto demonstrates: We have gone to great pains to arrive at a carefully thought through proposal designed to be in keeping with the "character and appearance of the conservation area". The proposal will be in keeping with the rest of the buildings and will not cause "unnecessary harm to the historic structure". Analysis and design show the proposals would not diminish the historic interests of the building and are "justified".

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)

FUL_Grounds of Appeal rear of 17 Dublin St 11.03 Proposed Perspective Views 15_02774_LBC-02_-
_EXISTING_SITE_LAYOUT-3124140 15_02774_LBC-03_-_PROPOSED_WORKS_TO_REAR_YARD-3124142 16_03285_LBC-
EXISTING__PROPOSED_FLOOR_PLAN__ELEVATION-3447717 18_06714_LBC-
REPORT_DETAILING_PROPOSED_AND_PAST_WORK-4036349 Ariel view front 2-42 York Place Ariel view rear 2-42 York
Place rear 8-18 York Place rear 26 & 28 York Place Rooftop view 2-18 York place

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/03581/FUL

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

29/07/2019

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

24/09/2019

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)

Such that review body members can truly understand the context

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 Gordon Duffy

Declaration Date: 23/12/2019

Proposal Details

| | |
|------------------------------|---|
| Proposal Name | 100174760 |
| Proposal Description | Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights. |
| Address | FLAT 6, 14 YORK PLACE, EDINBURGH, EH1 3EP |
| Local Authority | City of Edinburgh Council |
| Application Online Reference | 100174760-006 |

Application Status

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

Attachment Details

| | | |
|---|----------|----------------|
| Notice of Review | System | A4 |
| 11-03 Proposed Perspective Views | Attached | A3 |
| 15_02774_LBC-02_-_EXISTING_SITE_LAYOUT-3124140 | Attached | A3 |
| 15_02774_LBC-03_-_PROPOSED_WORKS_TO_REAR_YARD-3124142 | Attached | A3 |
| 16_03285_LBC-EXISTING___PROPOSED_FLOOR_PLAN___ELEVATION-3447717 | Attached | A3 |
| 18_06714_LBC-REPORT_DETAILING_PROPOSED_AND_PAST_WORK-4036349 | Attached | A4 |
| Ariel view front 2-42 York Place | Attached | Not Applicable |
| Ariel view rear 2-42 York Place | Attached | Not Applicable |
| FUL_Grounds of Appeal | Attached | A4 |
| Rootop view 2-18 York place | Attached | Not Applicable |
| rear 8-18 York Place | Attached | Not Applicable |
| rear 26 and 28 York Place | Attached | Not |

| | | |
|--------------------------|----------|---------------------------------|
| rear of 17 Dublin St | Attached | Applicable Not Applicable |
| Notice_of_Review-2.pdf | Attached | A0 |
| Application_Summary.pdf | Attached | A0 |
| Notice of Review-006.xml | Attached | A0 |

Dear Sir or Madam

I purchased the garden flat (BF2, also known as 6/1 on electoral role) in October 1994. The patio doors and windows had been installed many years prior to this and, I was informed, were Crittall iron metal windows. These were draughty, insecure and inefficient in terms of heat retention. Any original 1800's timber / sash windows had disappeared many years prior to this – so there was no real precedent. Historical plans, of which I have a copy c1947, do not even correspond to the window openings that I inherited e.g. a single door opening shown leading to a back green. So, to an extent, it is unknown what the original configuration may have been.

For the reasons above I decided that replacement was necessary. For all other alterations I was aware that I must contact the Council for various consents and obtained the necessary warrants and completion certificates. These are on file at the Planning Department e.g. drainage, ventilation etc. Given this, I asked a Council representative and was told that I would not need permission since what I was proposing was on a “like for like” basis. When one is told that something is not needed it is not obvious that this should be obtained in writing.

For installation I chose a well respected company that was funded entirely by the Council called Blindcraft. “Like for like” was specified and the order was given to them on that basis. Visually the new French doors and two fixed windows were very similar – see attached photos – to the Crittall. I also specified “Georgian bars” to make the windows resemble Georgian panes. **At no time was I told that there would be a requirement for timber or that the units should be single glazed.** The finished product was a vast improvement (visually and environmentally) over the metal windows and, in my opinion, enhance the property. Given this I duly paid with a cheque made payable to “Edinburgh City Council”. In fact the windows probably look far more like the original windows that were there. Heat loss is also greatly minimised.

I was at ease with my decision given that I thought I had done the right thing. I would never intestinally cause negative impact to a listed building and am satisfied personally that the impact is positive.

Fourteen years later during the sale of the property the purchasers solicitor requested that he be shown the certificate of “Listed Building Consent” and this was the first time that I became aware that this may need to be obtained.

The sale concludes on 21st September and thus I would request that early attention may be given to this matter and that an assessment on the impact on the character of the listed building be carried out as soon as possible.

Thank you for your help.



Chartered Architects Interior and Urban Designers

17a/2 West Crosscauseway

EDINBURGH EH8 9JW

tel: 0131 668 1536

e-mail: StudioDuB@mac.com

Grounds of Appeal
Flat 6, 14 York Place, Edinburgh, EH1 3EP

“Application No: 19/03581/FUL

DECISION NOTICE

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

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

Conditions:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would detract from the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed alterations will not be in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.”

Grounds:

I would like to demonstrate with some site photos and drawings that we have gone to great pains to arrive at a proposal designed to enhance rather than **“detract from the character and appearance of the conservation area”**, ensuring that our proposal would have minimal impact:

Please refer to three photos of the Listed urban block as seen from the Mews and and three ariel screenshots. I think that our proposal -as also shown in

the attached computer views- achieves through modest intervention an acceptable balance between enhanced amenity for the applicant with minimal intervention of the Listed fabric viewed from the back court adjoining the subjects *and* from the Mews, especially in comparison with other more visible, bulky additions here and elsewhere.

The status quo of the rear roofscape and elevations of York Place are heterogeneous as seen today compared with the front face and tell the story of evolving historic fabric in the City, therefore we invite you to consider our proposal with these present day views in mind. I expect you will concur with the case officer there is indeed “a mix of dormers” and therefore we invite you to consider the impact of our proposal as “in keeping with the rest of the buildings” ie part of this evolving tradition.

We cannot force other owners to return the Listed fabric to what it was when first built. As such the City, to move forward accepts the “mis-en-scène” and I would hope that our proposal could be viewed as a carefully thought through alteration that *does not cause* “harm to the historic structure”, please note the following:

- The face of the proposed dormer will align with the others either side, this means it has been designed to be set back from the original curved dormer ie is subservient and will not compete with it or its neighbours in terms of alignment and design and clearly *does not cause any* “diminution of its interest”.
- The scale of our proposal is very modest in comparison with the existing over-arching roofscape context hereto.
- No character of the original building has been retained within the apartment further to the 2001 change of use of the subjects
- A close examination of the context shows that the dormer and features proposed here (in lieu of the existing modern pattern roof windows) would have minimal impact to the subjects, would be invisible from the Mews street scene (the eye being drawn to the unsympathetic roof alterations, balconies, stairs and the like) and thus have a negligible impact overall and as such are “justified”.

I also cite 3 applications *granted* Planning and/or Listed Building Consent at the 2-42 York Place urban block within the last 5 years and I invite you to review and to compare the grounds for refusal hereto / set against our application proposals with these applications with benefit of Consent:

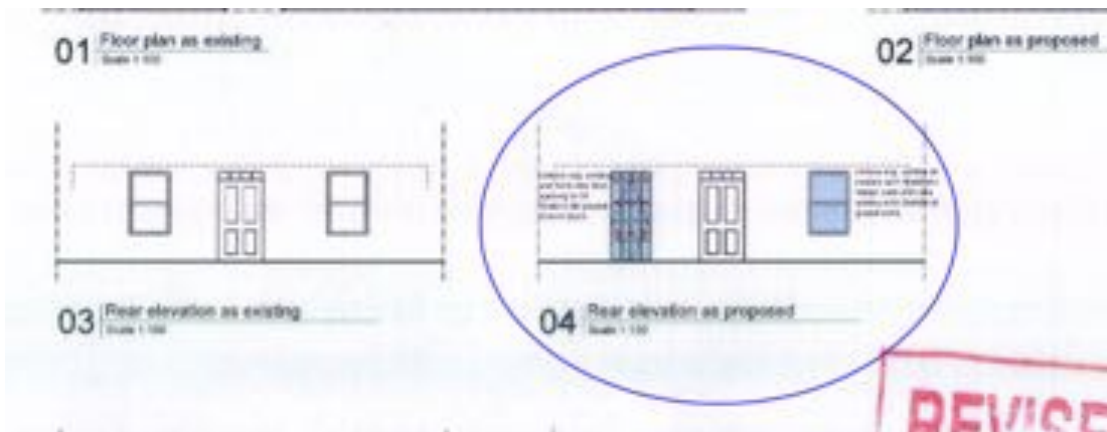
15/02431/FUL & 15/02774/LBC_22 York Place:

Consent granted to remove a 4m wide section of garden wall and excavate / remove garden ground to enable an opening to provide 3 additional car parking spaces and platform lift - The platform lift could have been installed and garden ground preserved without the creation of the additional car spaces...the existing provision already being in excess of Zone 1 requirements for business use per extract from Edinburgh Design Guide



| | |
|-------------------|-------------------------|
| Class 4: Business | 1 per 500m ² |
|-------------------|-------------------------|

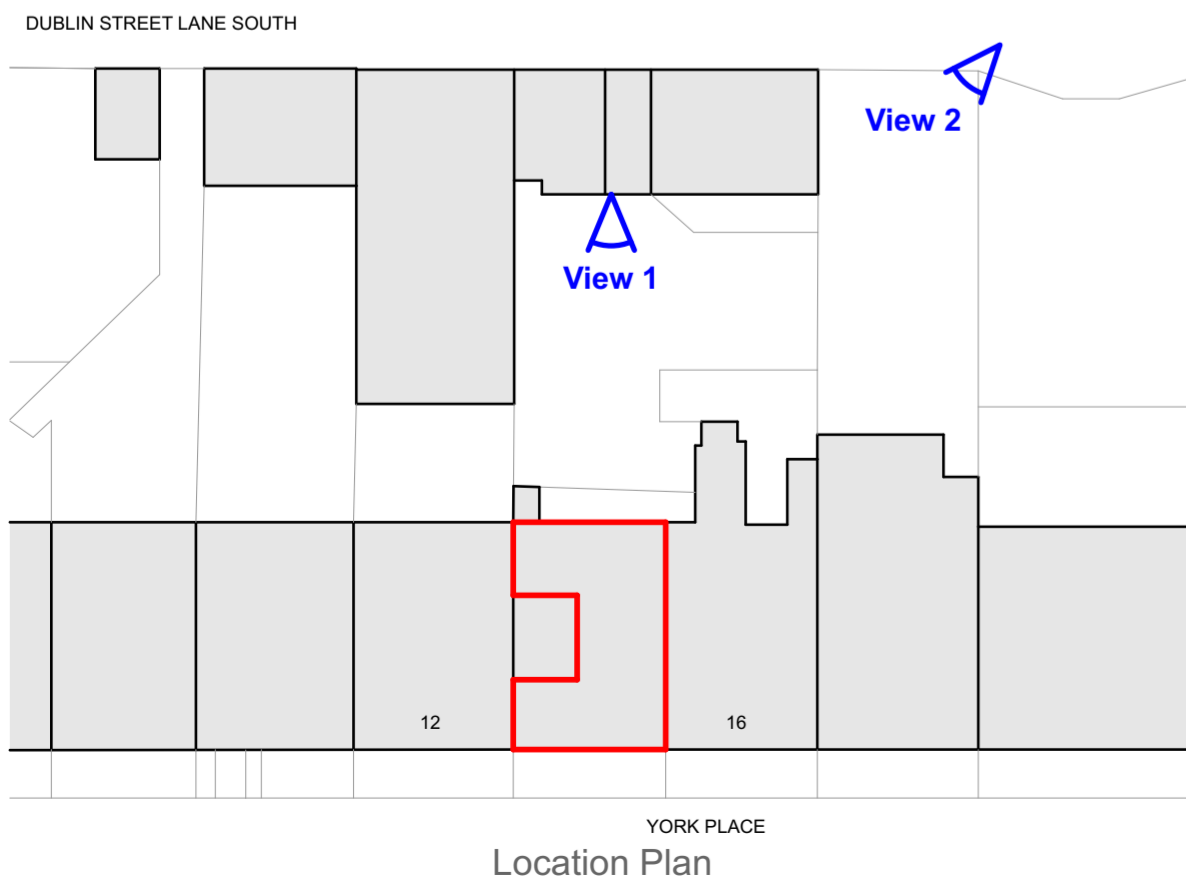
16/03288/FUL & 16/03285/LBC_Flat 1 14 York Place:
Consent granted to form a French door to increase amenity within - Per application drawings, directly visible at the rear of the subjects



18/06714/LBC_BF2 6 York Place:

Consent granted for ugly plastic windows 'in retrospect' - **The unsuitability of the proposal is clearly evident in terms of materials, size and proportion regardless of the nature of the application**





Studio DUB
17a/2 West Crosscauseway
Edinburgh
EH8 9JW
0131 668 1536
studiodub@mac.com

14/6 YORK PLACE
EH1 3EP

Dean Kerslake

Proposed Perspective Views

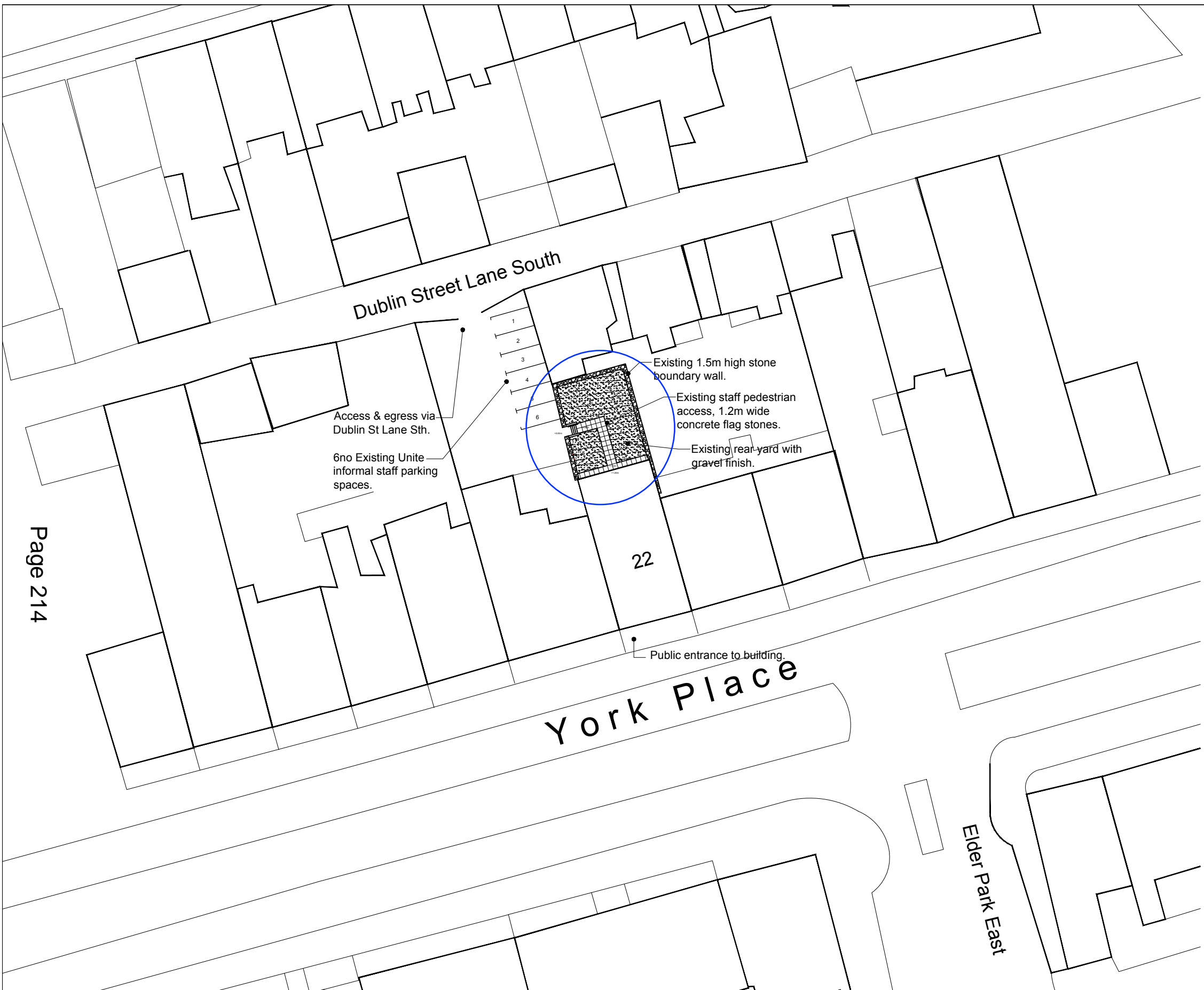
927.11.03

Scale:
1:500
Drawing Status:
Planning

Drawn by: Remi Lecomte
Checked by: Gordon Duffy
Date: 12/12/2019

3 cm ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE THREE CENTIMETERS (3 cm) EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.



Page 214



1. Existing Rear Yard.



2. Existing Rear Yard.



3. Existing Rear Yard.

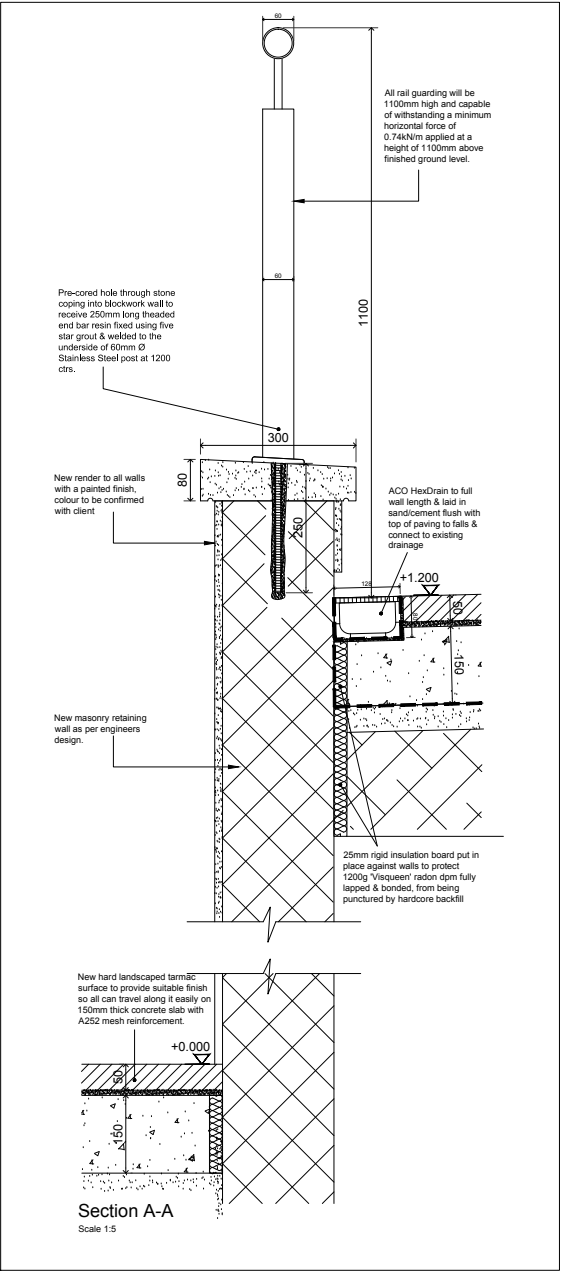
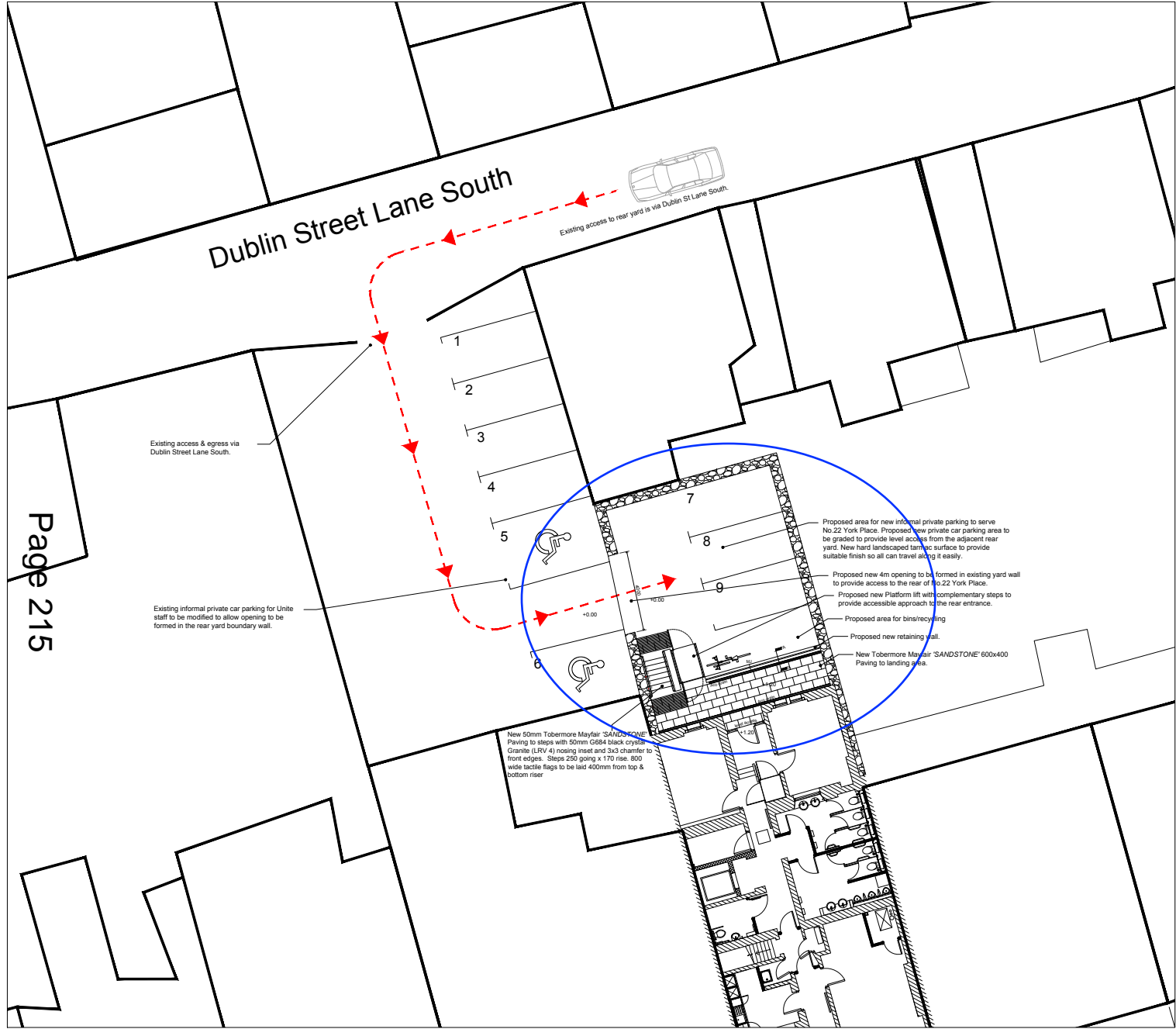
| revision | drawn | approved | date | description |
|----------|-------|----------|------|-------------|
| - | - | - | - | - |

Notes:

| | | | |
|--|---------------|---------------------------|--|
| PROJECT Alterations to Office UNITE Edinburgh, 22 York Place | | CLIENT UNITE The Union | |
| CONTENT EXISTING SITE LAYOUT | | | |
| SCALE 1:500 | SIZE A3 | DATE 23.02.2015 | NORTH STATUS FOR PLANNING |
| DRAWN pk | CHECKED RY | APPROVED BM | JOB NO. B13-1373 DRAWING NO. PL002 REVISION - |

CONSARC CONSERVATION
 THE GAS OFFICE | 4 CROMAC QUAY | ORMEAU ROAD | BELFAST | BT7 2JD
 consarc-design.co.uk | TEL: +44 (0)28 9082 8400 | mail@consarc-design.co.uk

Figured dimensions to be taken in preference to scaled dimensions. Site dimensions are to be checked prior to commencement of all work and discrepancies reported immediately. All dimensions are in millimetres. © Consarc Design Group Ltd



| revision | drawn | approved | date | description |
|----------|-------|----------|------|-------------|
| | | | | |

Notes:

Notes:

| DATE | BY | DESCRIPTION |
|------------|----|--------------|
| 12.02.2015 | RY | FOR PLANNING |

PROJECT: Alterations to Office UNITE Edinburgh, 22 York Place

CLIENT: UNITE The Union

PROPOSED WORKS TO REAR YARD

SCALE: 1:100

DATE: 12.02.2015

FOR PLANNING

PROJECT NO: B13-1373

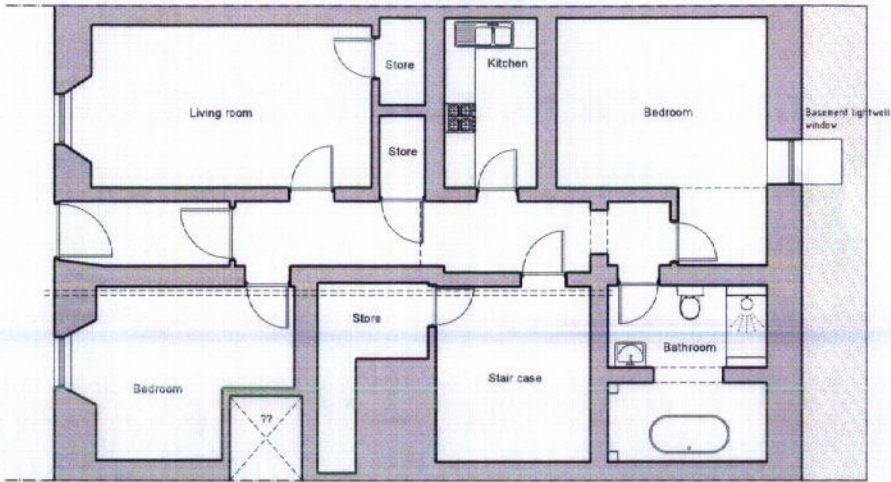
PL003

CONSARC CONSERVATION

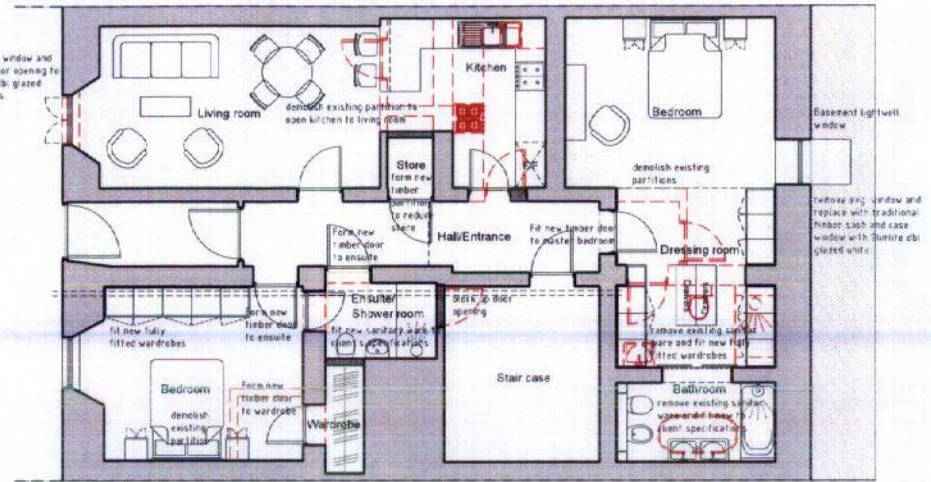
THE SAS OFFICE | 4 CROMBIE QUAY | GLENHAY ROAD, BELFAST BT7 2JG

CONSARC DESIGN CO. LTD. | TEL: +44 (0)28 9682 8800 | email@consarc-design.co.uk

Page 215



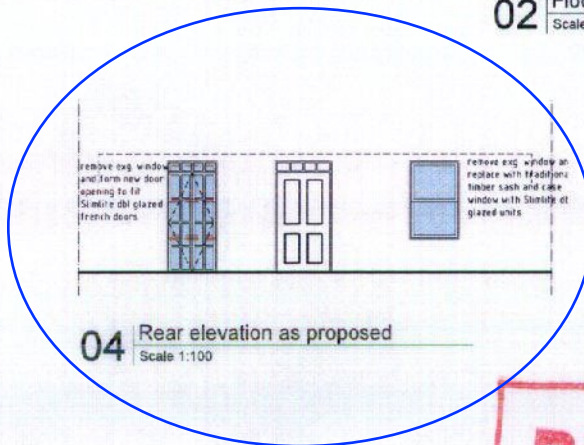
01 Floor plan as existing
Scale 1:100



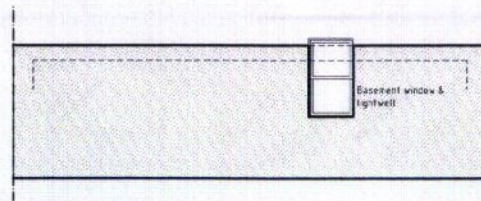
02 Floor plan as proposed
Scale 1:100



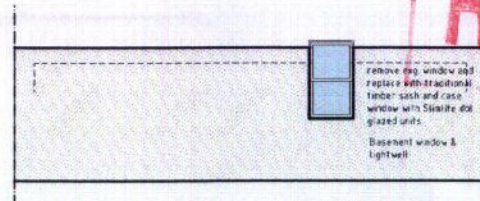
03 Rear elevation as existing
Scale 1:100



04 Rear elevation as proposed
Scale 1:100



05 Window & Lightwell section as existing
Scale 1:100



05 Window & Lightwell section as proposed
Scale 1:100

RevA: 07.09.2016. LBG. French door to bedroom removed. The window only will be replaced.

RevA: 08.07.2016. LBG. Front elevation added (Lightwell window in basement level)

16/ 3289/Full + 3285/1/2

PLANNING & STRATEGY

DRAWING No. DO REF

02A

- 7 SEP 2016

| MEETING | AGENDA ITEM | DECISION |
|---------|-------------|----------|
| | | |
| | | |
| | | |

REVISED PLANS

- existing construction
- new construction
- removals / dountakings

0 1 2 3 4 5
Scale in metres (1:100)

Project
ALTERATIONS & REFURBISHMENT
14/1 YORK PLACE
EDINBURGH, EH1 3EP

Drawing
EXISTING AND PROPOSED
FLOOR PLAN & ELEVATION

Drawing Category: **PLANNING**

NGP architecture Ltd.
Federation House
222 Queensferry Road
Edinburgh EH4 2BN

telephone 0131-603 7540
mail@ngparchitects.co.uk
www.ngparchitects.co.uk

| | | |
|-------------------|-------------------|-----------|
| Scale 1:100@A3 | Date JUNE 2016 | By LBG |
| Job No 16-014 | Drawing no P02 | Rev B |



Homogeneous nature of front face 2-42 York Place



14 York Place, EH1,
Edinburgh EH1 3

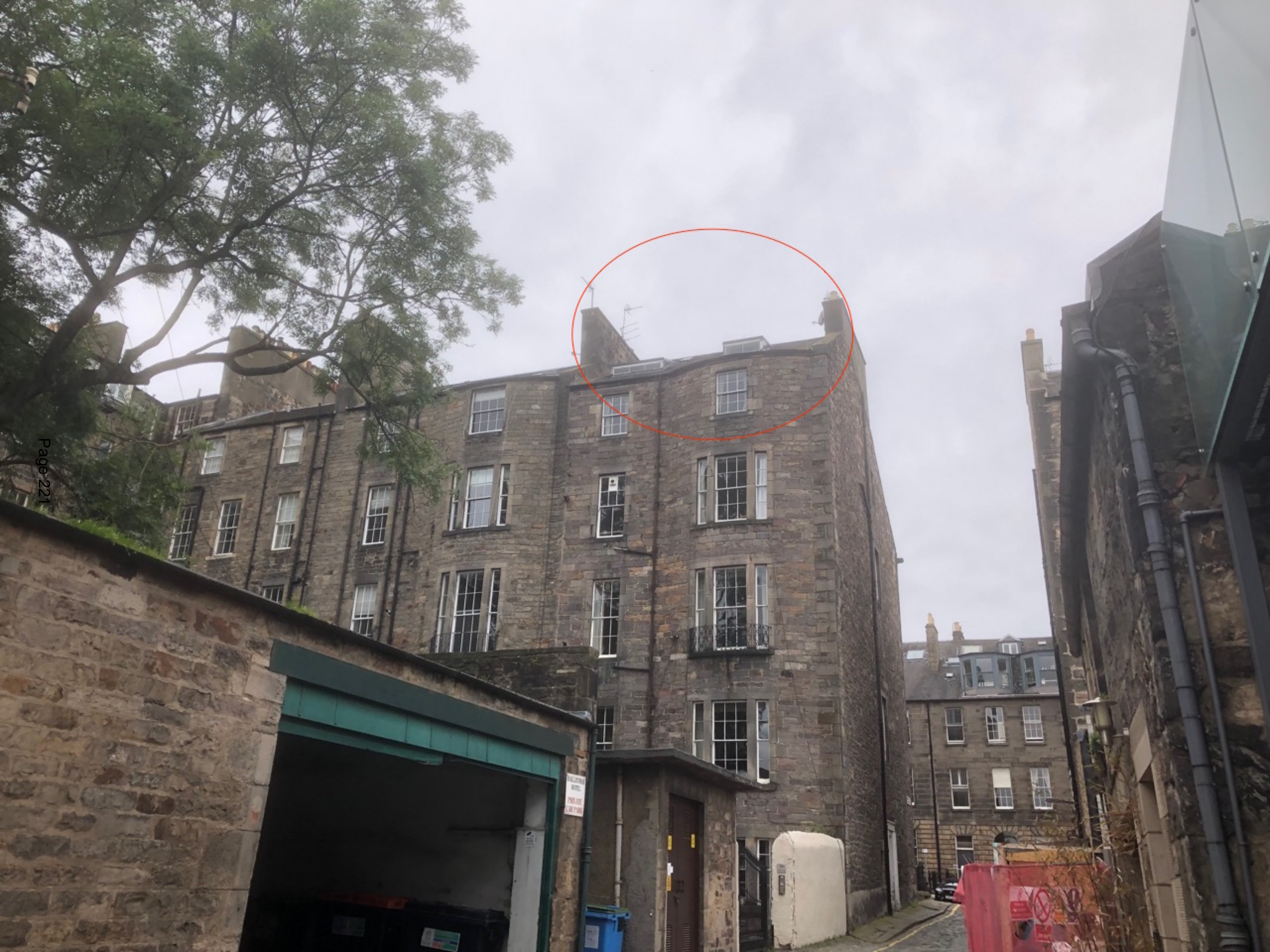


14 York Place, EH1,
Edinburgh EH1 3

Heterogeneous nature of rear of 2-42 York Place







Call-slip dormer type
referred to in photo

Unsympathetic alteration
to roof of 18 York Place

Non homogenous mix of number &
type of dormers 6 to 18 York Place

Much altered rear elevations
12, 16, 18, 22, 28 & 32-38 York Place

14 York Place