

Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00 am Wednesday, 2nd December, 2020

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

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 Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

Contacts

Email: blair.ritchie@edinburgh.gov.uk

Tel: 0131 529 4085

1. Appointment of Convener

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

2. Order of Business

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

3. Declaration of Interests

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

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 2) – 4 November 2020 – 7 - 14
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 15 - 18

6. Requests for Review

- 6.1** 169 Bruntsfield Place, Edinburgh – Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated with cowl 1000mm above eaves – application no 20/01190/FUL. 19 - 42
- (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 ...
- 6.2** 5 Cluny Gardens, Edinburgh – Amendment to Permission (ref: 19/04488/FUL) relating to new vehicle entrance, boundary wall and changes to external stairs to lower garden – application no 20/03062/FUL. 43 - 126
- (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.
- 6.3** 2 Cramond Crescent, Edinburgh – Conversion and extension of attic, replace conservatory walls with solid walls, move conservatory, create porch to front – application no 20/03152/FUL. 127 - 160
- (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** 11 Grange Court, Edinburgh – Replacement windows and doors – application no 20/02900/FUL. 161 - 204
- (a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

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

6.5 3 Ladysmith Road, Edinburgh – Garden office and deck to rear of lower flat (part retrospective) (as amended) – application no 20/00793/FUL. 205 - 258

(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 ...

8. Non-Statutory Guidance

8.1 Eg Guidance for Householders

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

Andrew Kerr

Membership Panel

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

Information about the Planning Local Review Body (Panel 2)

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

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

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

Further information

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

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

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

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

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

Minutes

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

10.00am, Wednesday 4 November 2020

Present: Councillors Booth, Child, Munn, Osler and Rose.

1. Appointment of Convener

Councillor Rose was appointed as Convener.

2. Minutes,

To approve the minute of the Local Review Body (LRB Panel 1) of 30 September 2020 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 – 52 Saughton Mains Gardens, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to demolish existing buildings and redevelop the site for mixed, predominantly residential use, with flatted development and retail floor space at 52 Saughton Mains Gardens Edinburgh. Application No. 20/01318/FUL

Assessment

At the meeting on 4 November 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, 03A-07A, 08B, being the drawings shown under the application reference number 20/01318/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
 - Edinburgh Local Development Plan Policy Del 1 (Developer Contributions and Infrastructure Delivery)
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Policy Des 2 (Coordinated Development)
 - Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy Des 6 (Sustainable Buildings)
 - Edinburgh Local Development Plan Policy Des 7 (Layout design)
 - Edinburgh Local Development Plan Policy Des 8 (Public Realm and Landscape Design)
 - Edinburgh Local Development Plan Policy Des 13 (Shopfronts)
 - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy Env 22 (Pollution and Air, Water and Soil Quality)
 - Edinburgh Local Development Plan Policy Hou 1 (Housing Development)
 - Edinburgh Local Development Plan Policy Hou 2 (Housing Mix)
 - Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)
 - Edinburgh Local Development Plan Policy Hou 4 (Housing Density)
 - Edinburgh Local Development Plan Policy Hou 6 (Affordable Housing)
 - Edinburgh Local Development Plan Policy Ret 6 (Out-of-Centre Development)
 - Edinburgh Local Development Plan Policy Ret 11 (Food and Drink Establishments)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
 - Edinburgh Local Development Plan Policy Tra 4 (Design of Off Street Car and Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
 - Edinburgh Design Guidance
 - Guidelines - on affordable housing
- 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:

- Although there were eight grounds for refusal, it had to be decided if all the grounds for refusal were relevant.
- That all the grounds for refusal should be upheld.

It was evident that this was not currently a great environment and that this area would benefit from redevelopment. However, the proposal was not considered to be an outstandingly attractive development.

Having taken all the above matters into consideration, although one of the members thought that not all of the grounds for refusal were relevant, 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 and that all the grounds for refusal should apply.

Decision

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

Reasons for Refusal:

1. The proposal was contrary to LDP Policy Des 2 a) Co-ordinated Development and Edinburgh Design Guidance, in that it had failed to satisfactorily consider the effective development of the adjacent land and regeneration of the wider site as part of a coordinated design and development proposal.
2. The proposal was contrary to LDP Policies Des 1 Design Quality and Context, in that it had not been demonstrated that the development would create or contribute towards a sense of place. The proposed design had not been based on an overall concept that drew upon the positive character of the surrounding area.
3. The proposal would be contrary to LDP Policy Des 4 - Development Design - Impact upon Setting, parts a) b) c) and d) and the Edinburgh Design Guidance by virtue of the proposed height and form, scale and proportions, position of buildings on the site and materials and detailing. The proposal would not result in a positive impact to the surroundings and had not sought to draw upon the positive characteristics of the locality and wider townscape.

4. The proposal would be contrary to LDP Policy Des 7 a) and Des 8, Public Realm and Landscape Design and the Edinburgh Design Guidance in that the proposed design has not demonstrated a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces and services. The proposal had failed to consider the planting of trees to provide a setting for buildings, boundaries and road sides and create a robust landscape structure, as stipulated through LDP Policy Des 8 c).
5. The proposal would be contrary to LDP Policy Hou 4 a) and b) Housing Density and the Edinburgh Design Guidance in that the design and development concept had not adequately considered the characteristics of the surrounding area nor would it result in an attractive residential environment and safeguard living conditions within the development.
6. The proposal was contrary to LDP Policy Hou 3 a) and the Edinburgh Design Guidance in that the proposals did not make adequate provision for private greenspace and would fail to achieve a standard of 10 square metres per flat. The location, quality and detail of the various spaces is inadequate for the scale and nature of the proposed development.
7. The proposal was contrary to LDP Policies Hou 2, Hou 6 and Edinburgh Design Guidance in that it had not been demonstrated through an Affordable Housing Statement that the requirements of the Council's Affordable Housing Policy had been fully addressed, that the homes had been designed to RSL standards and requirements or that the proposed house types would meet a range of housing needs, including those of families, older people and people with special needs and having regard to the character of the area and its accessibility.
8. The proposal was contrary to LDP Policy Des 5 a) and Edinburgh Design Guidance in that it had not been demonstrated that future occupiers would have acceptable levels of amenity in relation to noise, daylight, sunlight and immediate outlook. The proposals did not address requirements of the Edinburgh Design Guidance in relation to the proportion of single aspect flats. No Noise Assessment had been provided to demonstrate impacts arising from the proposed commercial retail premises at ground floor level and other potential noise sources.

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

Dissent

Councillor Rose requested that his dissent be recorded in respect of the above item.

5. Request for Review – Old Dairy House, Dundas Home Farm, South Queensferry

Details were submitted of a request for a review submitted for refusal of planning permission for construction of single storey extension to North and West Elevations of existing house at 16A Skerryvore Loan Edinburgh. Application No. 20/01981/FUL.

Assessment

At the meeting on 4 November 2020, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-04 Scheme 1, being the drawings shown under the application reference number 20/01981/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their 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:

- A previous application for a side extension had been granted, however, there was some confusion about whether this was at the side or rear of the property.
- The rejected applications had been for two storey proposals, whereas this was a one storey proposal, contrary to what was detailed on page 2 of the report of handling.
- Clarification was sought regarding the front elevation of the property. It was confirmed that this was located to the north, overlooking the area of open space.
- That this application should be refused as it would be detrimental to the character of the area for reasons detailed in the report of handling.
- Guidance on households was clear on extensions and building lines, irrespective of whether a front elevation should be treated as a side elevation. This was a "wrap around" extension and was not acceptable.

- That this was a distinctive location and design guidance encouraged the creation of new and distinctive places. This was a unique, end-terraced property and was also a fairly new development.
- This was the first building to have an extension of this type and should not be rejected for these design reasons. The purpose of the policy was to encourage innovation and design in the layout of new building streets and spaces and local distinctiveness should be encouraged.
- One of the purposes of planning guidance was for the design and adaptation of premises for high quality accommodation. In this case, the applicant wanted to make the premises suitable for his family.
- That this was an improvement on the original proposals which had been granted.
- There had been some confusion about the issue of the front elevation. The view of the extension provided clarification by specifying the location of the door.
- Considering the application that had been granted and the situation of the house, this application was not as clear cut as first appeared. This gave a definition of how the house was accessed.

Having taken all the above matters into consideration and although some of the members were opposed to granting the application, the LRB determined that by reason of its distinctive location and that it was a relatively new development, it was not contrary to Edinburgh LDP Policy Des 12 in respect of Alterations and Extensions and the non-statutory Guidance for Householders.

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

Motion

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 the 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 constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
 - (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- moved by Councillor Rose, seconded by Councillor Munn.

Amendment

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

Reasons for Refusal:

The proposal was contrary to Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions and the non-statutory Guidance for Householders. The proposed development was of an inappropriate scale, form and design and was not compatible with the existing building, terrace, or neighbourhood character.

- moved by Councillor Child, seconded by Councillor Booth

Voting

For the motion - 3 votes

(Councillors Munn, Osler and Rose.)

For the amendment - 2 votes

(Councillors Booth and Child.)

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 the 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 constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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

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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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BSD Associates
FAO: Oliver Shields
The Old School House
46 Wellshot Drive
Cambuslang
Glasgow
G72 8BN

Mr Guiseppie Crolla
169 Bruntsfield Place
Edinburgh
Scotland
EH10 4DG

**Decision date: 9 September
2020**

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

Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated with cowl 1000mm above eaves.
At 169 Bruntsfield Place Edinburgh EH10 4DG

Application No: 20/01190/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 10 March 2020, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **mixed decision** in accordance with the particulars given in the application.

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

1. This permission relates to shopfront and stallriser only.

1. In order to recognise the elements of the application which are compatible with the character of the listed building and conservation area..

Reason for Refusal:-

1. 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.
2. The proposed external galvanized duct fails to preserve the character and setting of the listed building and fails to preserve or enhance the character and appearance of the conservation area.

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

Drawings 1-5, 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 alterations on the rear elevation do not comply with the development plan and non-statutory guidance whilst those on the shopfront front do. The proposals to the shopfront will preserve the character and appearance of the conservation area but the proposals to the rear will have a detrimental impact on the character and appearance of the conservation area and to the character of the listed building.

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 at jennifer.zochowska@edinburgh.gov.uk.

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 20/01190/FUL
At 169 Bruntsfield Place, Edinburgh, EH10 4DG
Proposed alterations to existing takeaway. Renew existing
extract flue with new galvanized external duct terminated
with cowl 1000mm above eaves.**

Item	Local Delegated Decision
Application number	20/01190/FUL
Wards	B10 - Morningside

Summary

The proposed alterations on the rear elevation do not comply with the development plan and non-statutory guidance whilst those on the shopfront front do. The proposals to the shopfront will preserve the character and appearance of the conservation area but the proposals to the rear will have a detrimental impact on the character and appearance of the conservation area and to the character of the listed building.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES13, LEN06, LEN04, NSG, NSBUS, NSLBCA, OTH, CRPMAR,
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Report of handling

Recommendations

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

Background

2.1 Site description

Hippolyte Jean Blanc, begun 1882. 7, 4-storey and attic tenements with curved frontage including corner tenement and shops at ground floor, 17th century/Queen Anne details. (Lb ref 26861) Category B and was listed on 12 December 1974

This application site is located within the Marchmont, Meadows And Bruntsfield Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for alterations to the shop front to replace the existing fascia board and signage. A new galvanized external duct terminated with cowl 1000mm above eaves is proposed to the rear of the building.

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 or appearance of the conservation area;
- b) the proposals will have an adverse impact on the character of the listed building;
- c) there will be any adverse impact on residential amenity; and
- d) any comments made have been addressed.

a) 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.

Policy Des 13 of the LDP states that planning permission will be granted for alterations to shopfronts, which are improvements on what already exists and relate sensitively and harmoniously to the building as a whole.

Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal identifies Bruntsfield as *principally residential with shops and other commercial activities occupying ground floor units of tenement properties on the principal roads*. The original features on these older buildings should be preserved and reinstated into the new design. In this case the new fascia fits into the existing proportions within this row of shops which have retained many of their traditional features and architectural details. The existing stallrisers and cornicing is to be retained in the new shop front. The proposed materials complement the existing shopfronts. This accords with LDP Policies Env 6 and Des 13

The existing business uses a duct, which rises up a chimney. The proposed duct would emerge from the basement through the top sash of one window and run horizontally across another window, blocking its top sash, before rising vertically on the rear elevation to chimney level. Being to the rear of the building, the impact on the character of the conservation area will be reduced, but it will still form an intrusive and unsympathetic addition, to the detriment of the character of the area.

b) Impact of proposal on the Character of the Listed Building

LDP Policy Env 4 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.

The building lies within a group of listed buildings where the ground floor premises are commercial. The design and materials of the new shop front retain the existing detailing.

The proposed galvanized duct would alter the character of the rear elevation of this tenement. This duct would cause unnecessary damage to the rear tenement wall and adversely affect its character.

Whilst there is an example of a similar duct on the rear wall of the adjoining property , these works are unauthorised and do not comply with these guidelines. There is no form of precedent in planning, and should not be used as an example to follow.

This element of the proposal does not comply with LDP Policy Env 4.

c) Impact on Residential Amenity

The application site is located on the ground floor with residential properties immediately above. The positioning of the flue above roof height will allow for cooking odours to be dispersed.

It is considered that the amenity of neighbours will be maintained.

d) Public Comments

- alter the character of the rear elevation and cause unnecessary damage to the rear tenement wall - addressed in section 3.3b

Conclusion

The proposed alterations on the rear elevation do not comply with the development plan and non-statutory guidance whilst those on the shopfront front do. The proposals to the shopfront will preserve the character and appearance of the conservation area but the proposals to the rear will have a detrimental impact on the character and appearance of the conservation area and to the character of the listed building.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to shopfront and stallriser only.

1. In order to recognise the elements of the application which are compatible with the character of the listed building and conservation area..

Reason for Refusal:-

1. 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.

2. The proposed external galvanized duct fails to preserve the character and setting of the listed building and fails to preserve or enhance the character and appearance of the conservation area.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

The application was advertised on 27th March 2020 and Architectural Heritage Society for Scotland objected to the proposal.

Material Considerations

- alter the character of the rear elevation and cause unnecessary damage to the rear tenement wall

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 Bruntsofield / Morningside Town Centre and Marchmont, Meadows and Bruntsofield Conservation Area.

Date registered

10 March 2020

Drawing numbers/Scheme

1-5,
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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses,

conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

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 Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

Appendix 1

Consultations

No consultations undertaken.

END



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100240562-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="BSD Associates"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Oliver"/>	Building Name:	<input type="text" value="The Old School House"/>
Last Name: *	<input type="text" value="Shields"/>	Building Number:	<input type="text" value="46"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="46 Wellshot Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Cambuslang"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="G72 8BN"/>
Email Address: *	<input type="text" value="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"/>
First Name: *	<input type="text" value="Guiseppie"/>	Building Number:	<input type="text" value="169"/>
Last Name: *	<input type="text" value="Crolla"/>	Address 1 (Street): *	<input type="text" value="Bruntsfield 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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 4DG"/>
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="169 BRUNTSFIELD 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="EH10 4DG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672068"/>	Easting	<input type="text" value="324534"/>
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Description of Proposal

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

Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated with cowl 1000mm above eaves. At 169 Bruntsfield Place Edinburgh EH10 4DG.

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 client would like to a review of the mixed decision notice on the refusal of the proposed external duct to the rear of the property. The existing extraction duct is currently concealed internally within the shared chimney and taken to atmosphere which does pose a Health and Safety (Fire) risk as it cannot be easily maintained. Along with a new cooking range the proposed external duct would solve this issue and reduce the risk. (Statement provided in Supporting Documents)

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

Yes No

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

The existing extraction duct is currently concealed internally within the shared chimney (with flats above) and taken to atmosphere. This does pose a Health and Safety (Fire) risk as it cannot be easily maintained. Along with a new cooking range the proposed external duct would solve this issue and reduce the risk.

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

Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/01190/FUL

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

18/03/2020

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

09/09/2020

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 Oliver Shields

Declaration Date: 15/10/2020

Proposal Details

Proposal Name	100240562
Proposal Description	Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated 1000mm above eaves.
Address	169 BRUNTSFIELD PLACE, EDINBURGH, EH10 4DG
Local Authority	City of Edinburgh Council
Application Online Reference	100240562-002

Application Status

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

Attachment Details

Notice of Review	System	A4
01 Location and block plan	Attached	A2
02 Plan and elevs as existing	Attached	A2
03 Site photographs as existing	Attached	A2
04 Plans and elevations as proposed	Attached	A2
Proposed image sheet	Attached	A2
Review Notice	Attached	A0
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

15/10/2020

City of Edinburgh Planning Local Review Body
G.2
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Application No: 20/01190/FUL
Decision date: 9 September 2020

Our client would like a review of the mixed decision notice on the refusal of the proposed external duct to the rear of the property at 169 Bruntsfield Place Edinburgh EH10 4DG.

The existing extraction duct is currently concealed internally within the shared chimney and taken to atmosphere which does pose a Health and Safety (Fire) risk as it cannot be easily maintained. Along with a new cooking range the proposed external duct would solve this issue and reduce the risk. The client is also prepared to powder coat the duct to a sympathetic stone colour to reduce visual impact.

As well as our clients property there are currently other external extraction ducts to the rear of commercial properties along Bruntsfield Place that are currently operating hot food premisses. We feel that the proposed external duct as part of the overall proposed refurbishment will enhance the existing property.

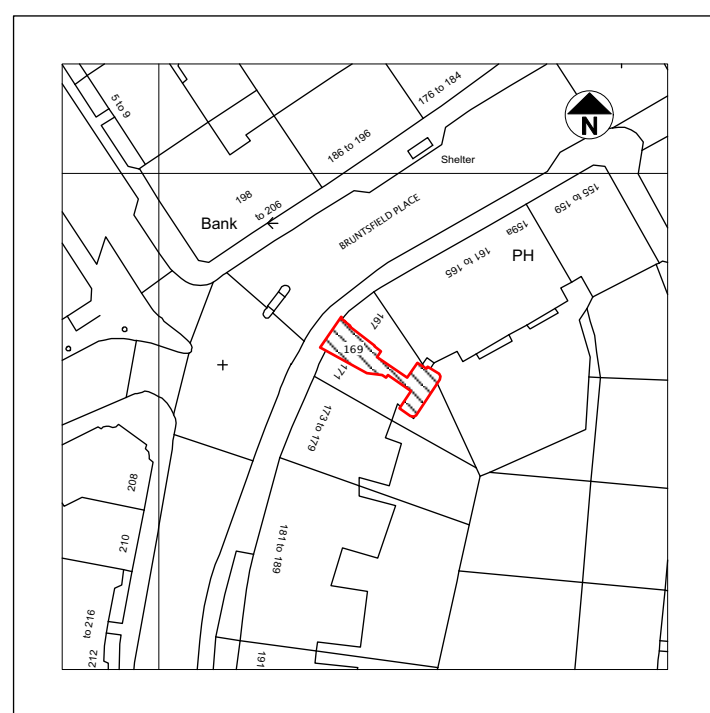
Regards,
Oliver Shields

Senior Designer
BSD Associates

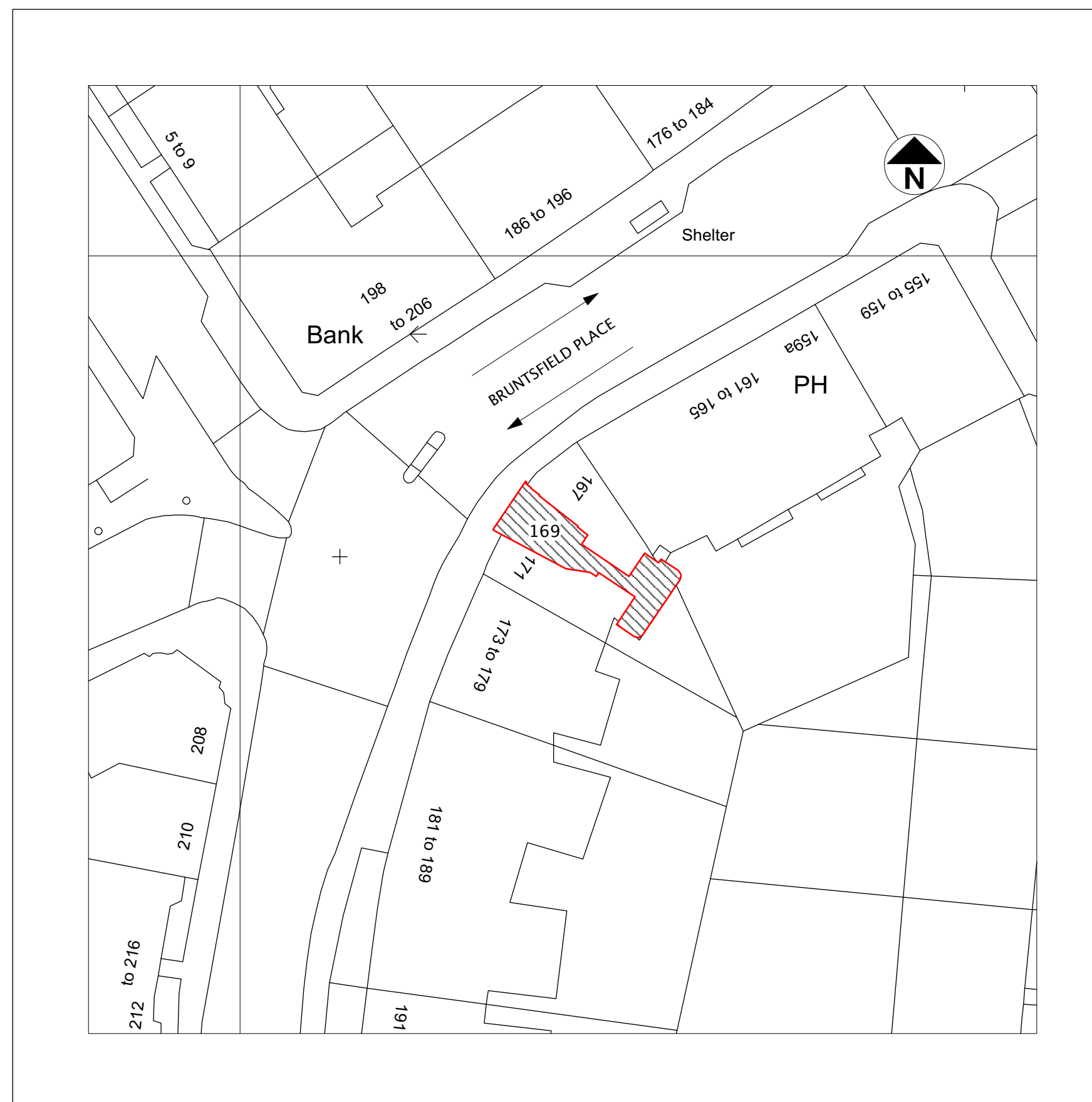
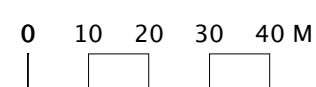
NOTES

All dimensions to be verified on site by contractors.
Any discrepancies of dimensions to be reported to designer/architect.

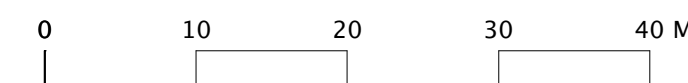
Internal footprint = 67.5sqm



LOCATION PLAN 1 : 1250



BLOCK PLAN 1 : 500



DESIGN STATEMENT

Our client Globetrotter is a successful family run fish and chip shop based in Edinburgh. We have been tasked with re-branding and designing a new takeaway as part of refurbishment works along with renewing the existing cooking range and extraction duct.

Our aim is to transform the existing shop unit by exposing the original high ceilings with plaster cornice to highlight the traditional detailing that reflects the ornate timber shopfront surround and fascia.

Status : **PLANNING**

Client : GLOBETROTTER

Project : Proposed alterations and replacement of existing extraction duct / flue to existing takeaway at 169 Bruntsfield Place, Edinburgh EH10 4DG.

Title : LOCATION & BLOCK PLAN

Date : 24 / 2 / 2020 Drawn : OS
Checked : BS Scale : as indic. on A2

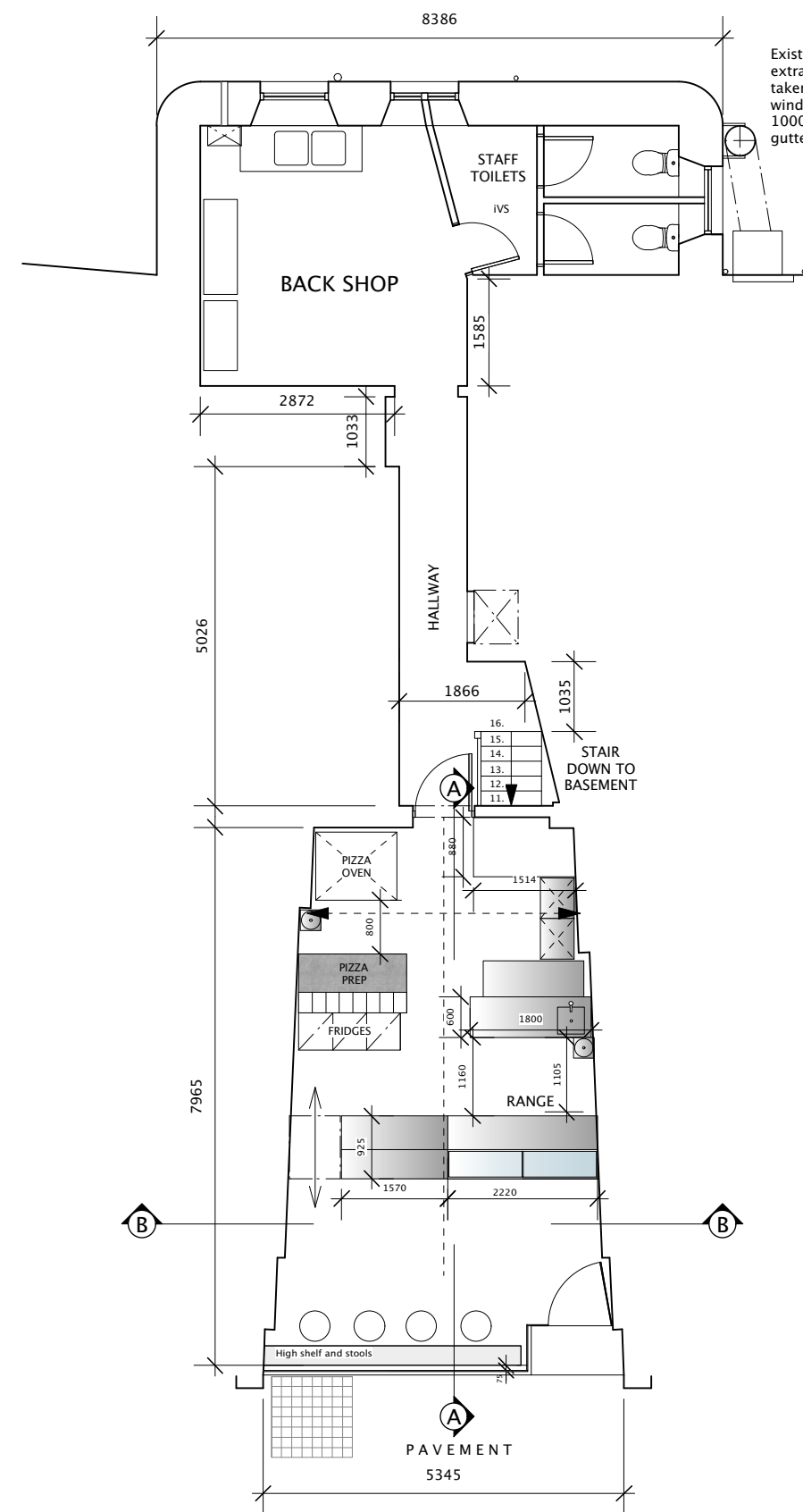
Project no.1902 Drw no.01 Rev.-

BSD
Associates

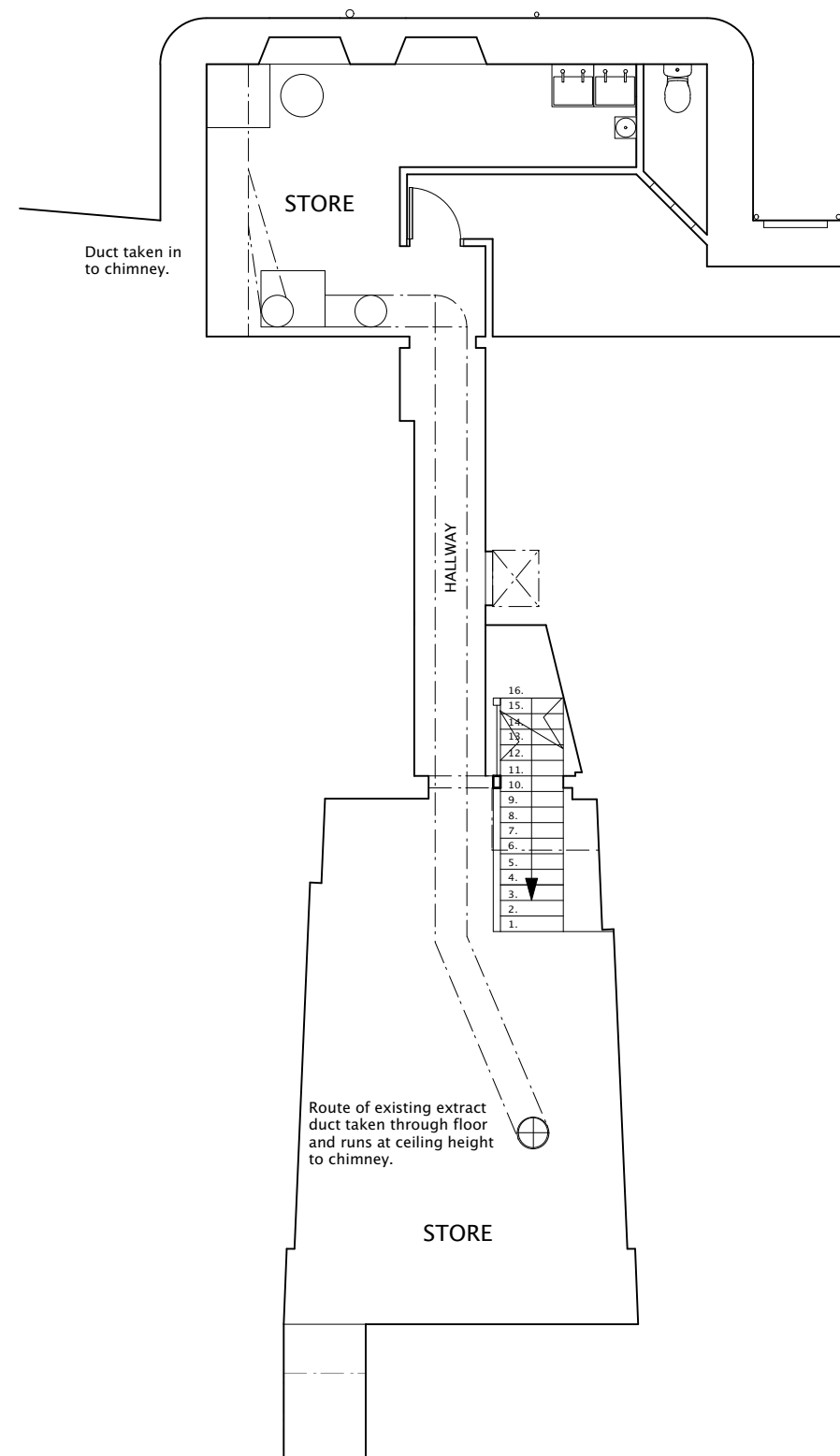
The Old school House - 46 Wellshot Drive - Cambuslang - Glasgow - G72 8BN Email : brian@bsdassociates.com - Tel : 0141 641 2129
This drawing is the property of BSD Associates and must not be reproduced without prior consent.

NOTES

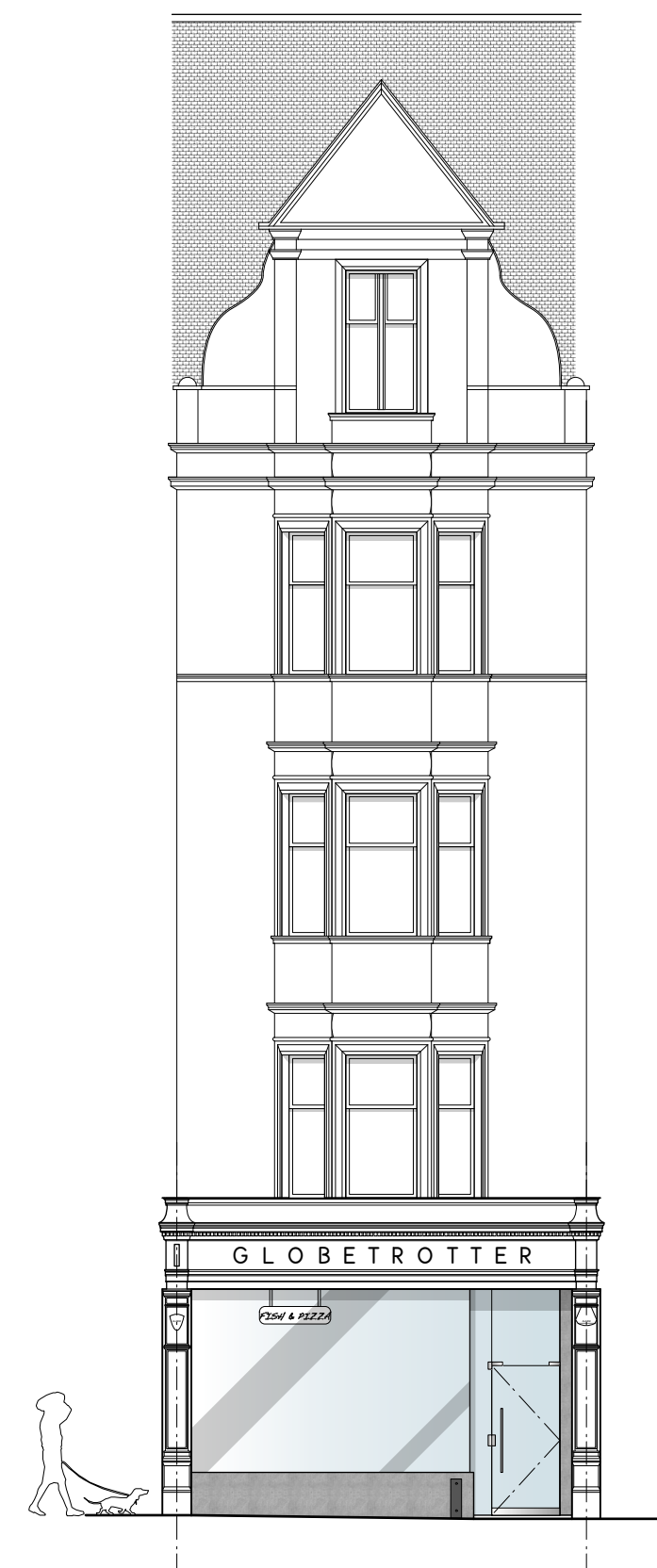
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Any discrepancies of dimensions to be reported to designer/architect.



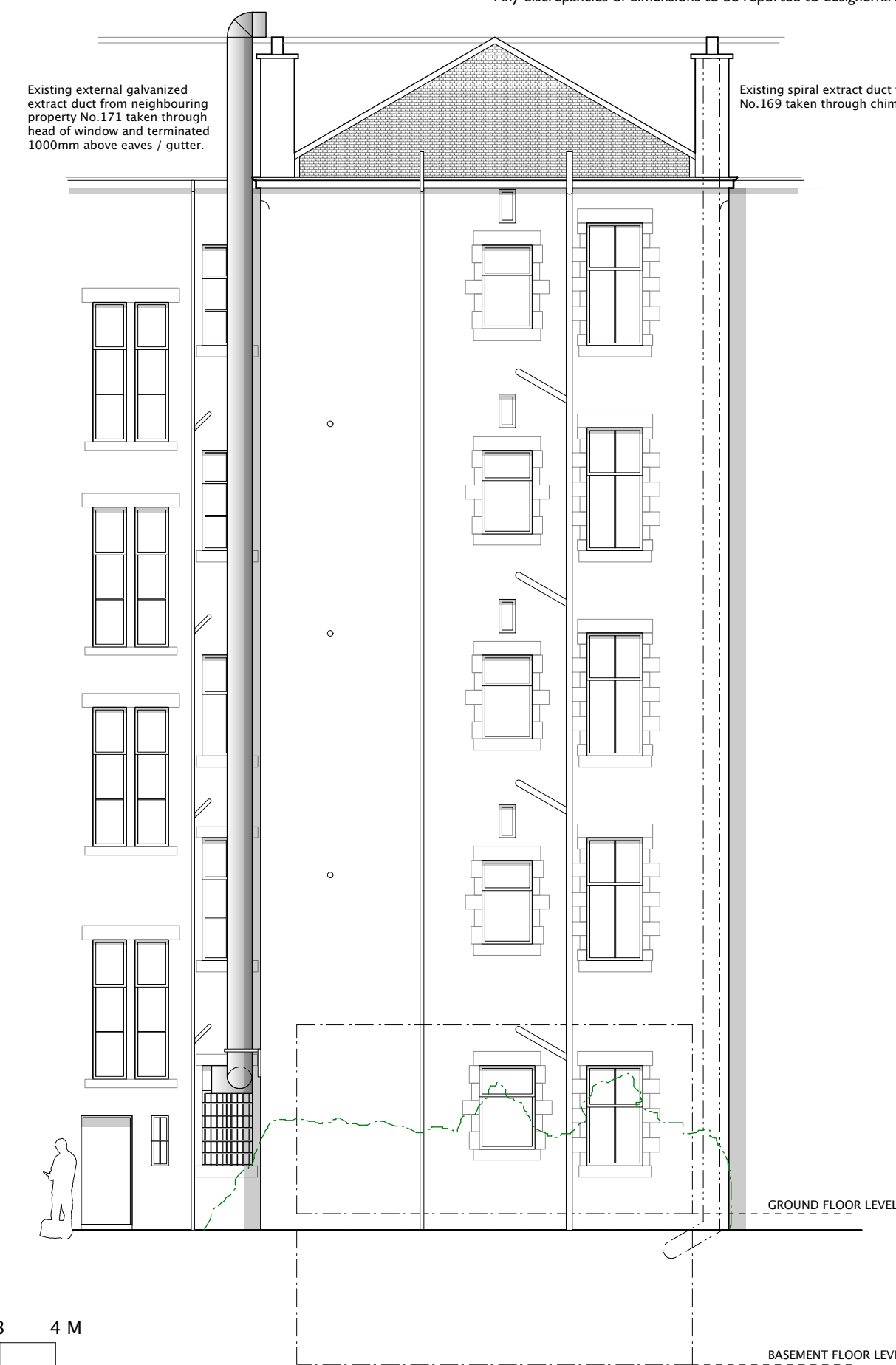
GROUND FLOOR PLAN AS EXISTING
1 : 100



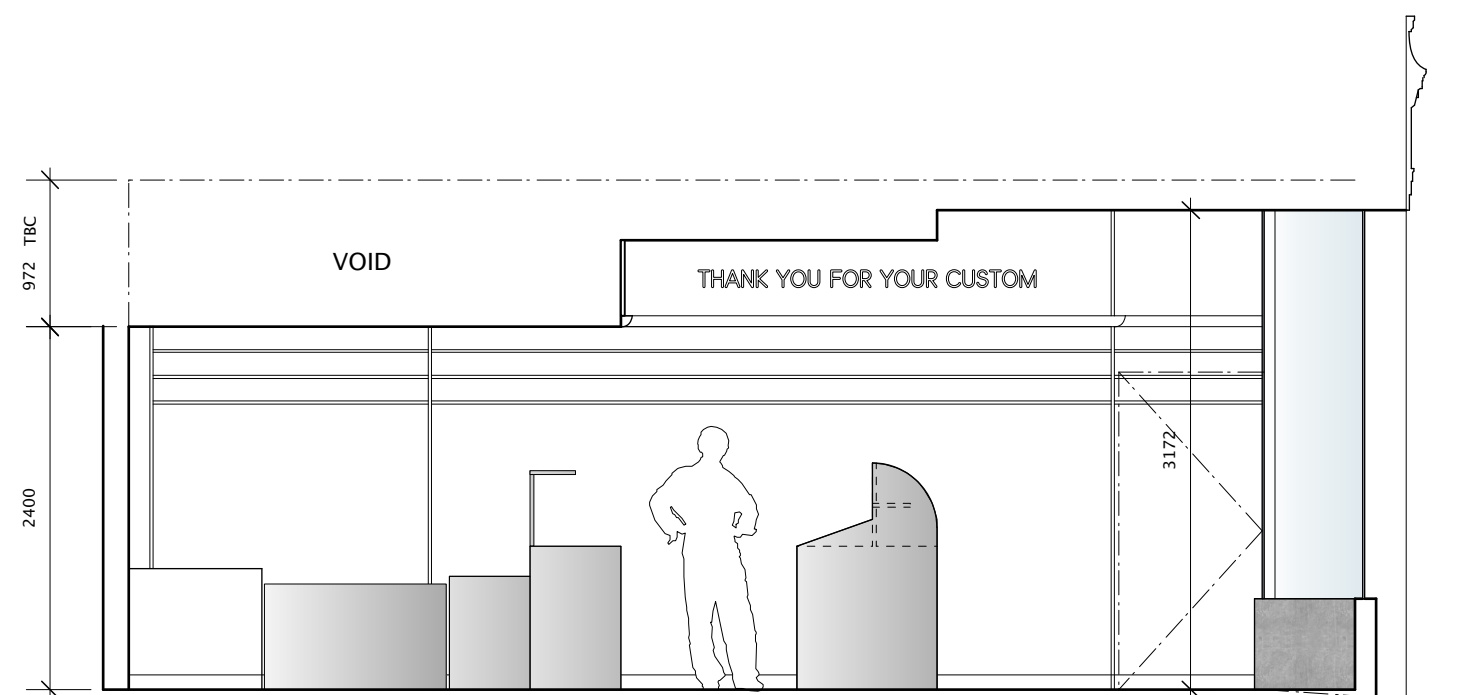
BASEMENT PLAN AS EXISTING
1 : 100



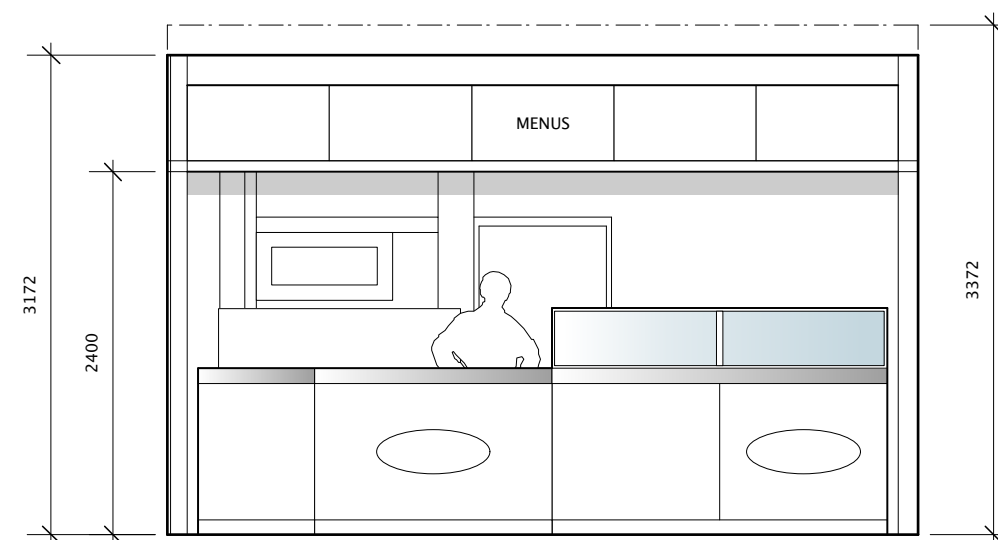
EXTRACT FRONT ELEVATION AS EXISTING
1 : 100



EXTRACT REAR ELEVATION AS EXISTING
1 : 100



GROUND FLOOR SECTION a - a AS EXISTING
1 : 50



GROUND FLOOR SECTION b - b AS EXISTING
1 : 50

Status : **PLANNING**

Client : GLOBETROTTER

Project : Proposed alterations to existing takeaway at 169 Bruntsfield Place, Edinburgh EH10 4DG

Title : PLAN + ELEVATIONS AS EXISTING

Date : 6 / 1 / 20 Drawn : os
Checked : BS Scale : as indic. on A2

Project no.1902 Drw no.02 Rev.-

BSD Associates

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NOTES

All dimensions to be verified on site by contractors.
Any discrepancies of dimensions to be reported to designer/architect.



FRONT ELEVATION FROM BRUNTSFIELD PLACE



NEIGHBOURS AT No.171 EXISTING GALVANIZED EXTRACT DUCT



EXISTING PAINTED EXTRACT DUCT TO TERRACE

Status : **PLANNING**

Client : GLOBETROTTER

Project : Proposed alterations to existing takeaway at 169
Bruntsfield Place, Edinburgh EH10 4DG

Title : SITE PHOTOGRAPHS

Date : 4 / 3 / 2020 Drawn : os
Checked : BS Scale : as indic. on A2

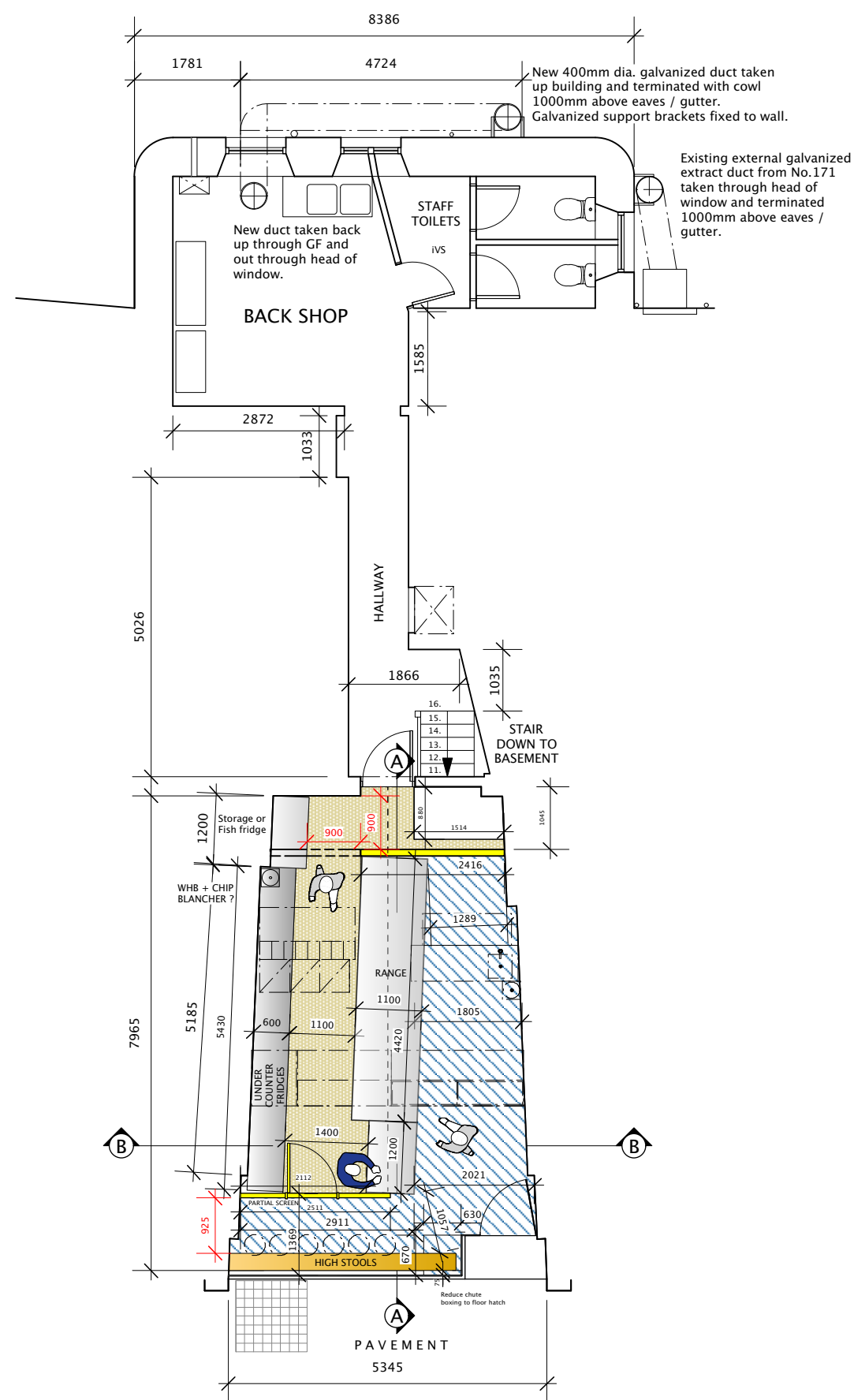
Project no.1902 Drw no.03 Rev.-

BSD
Associates

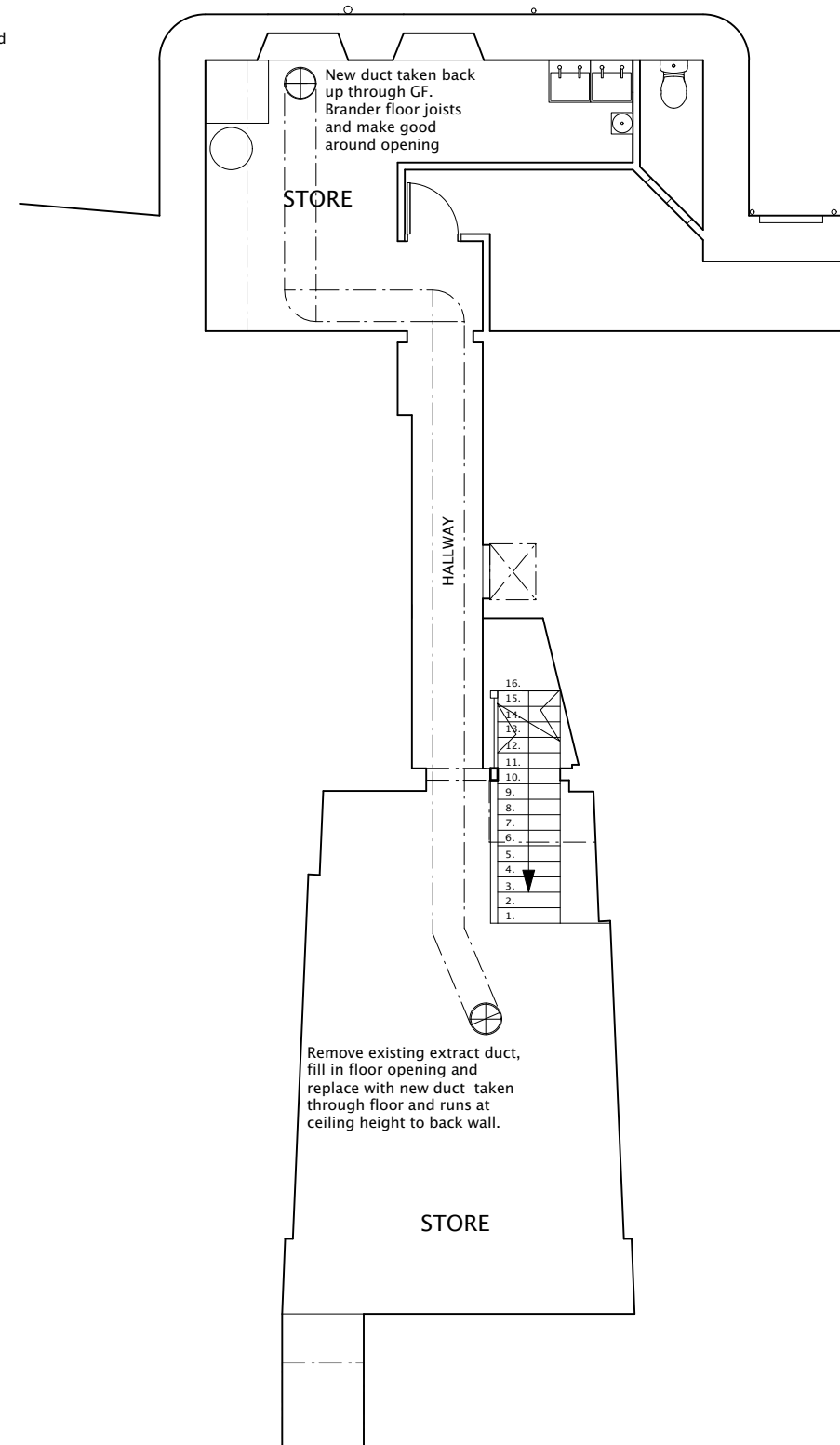
The Old school House - 46 Wellshot Drive - Cambuslang - Glasgow -
G72 8BN Email : brian@bsdassociates.com - Tel : 0141 641 2129
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NOTES

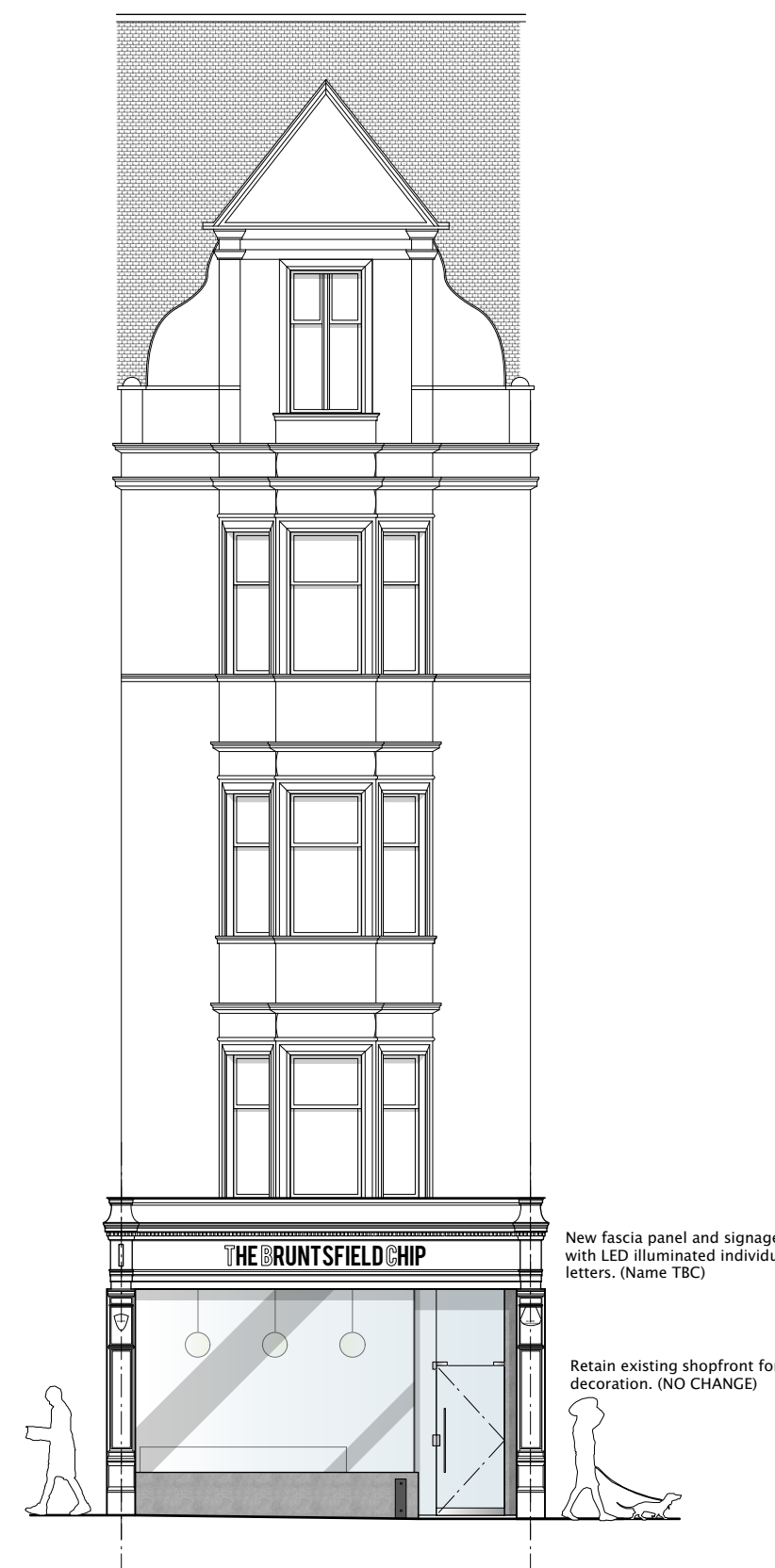
All dimensions to be verified on site by contractors.
Any discrepancies of dimensions to be reported to designer/architect.



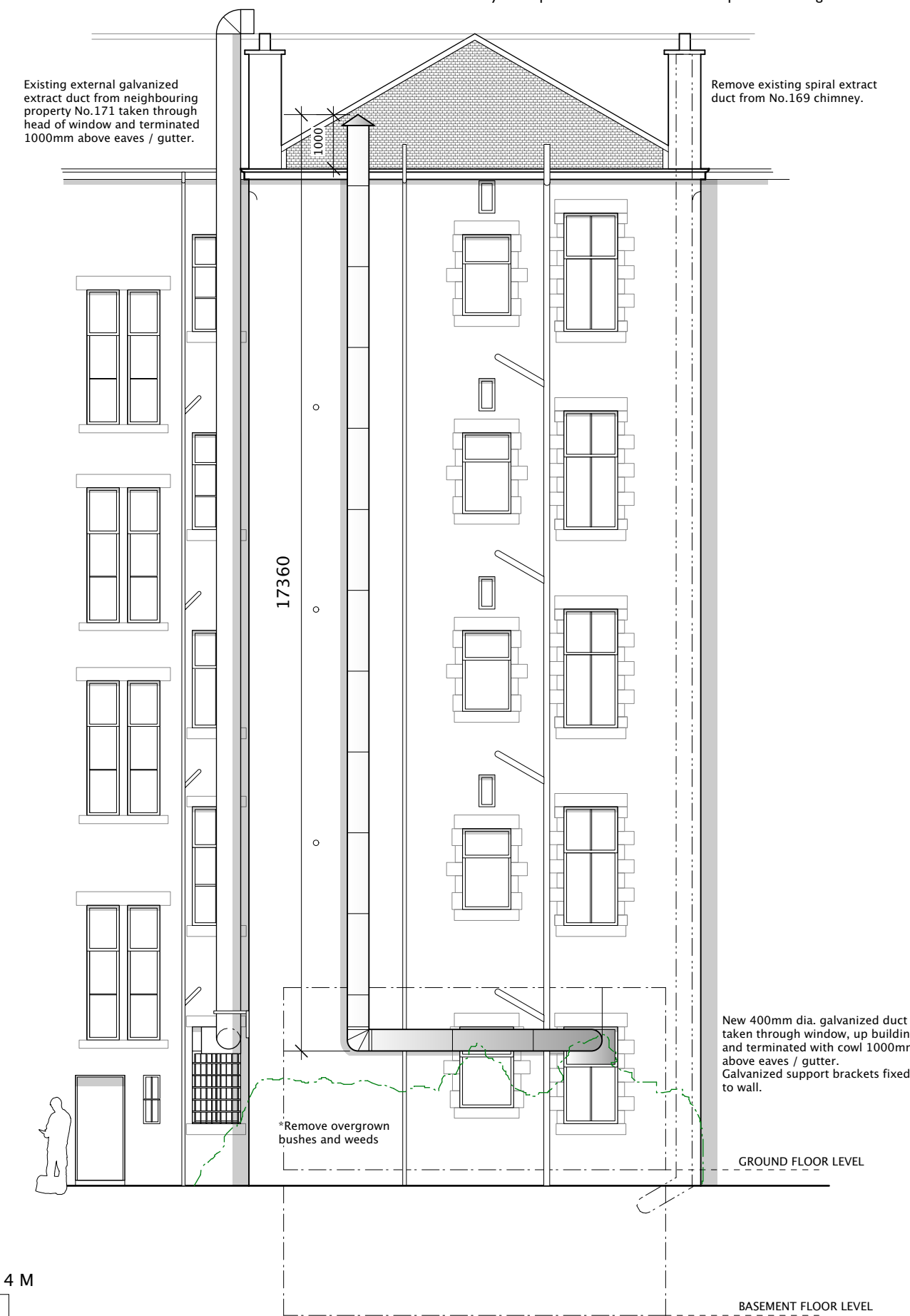
GROUND FLOOR PLAN AS PROPOSED
1 : 100



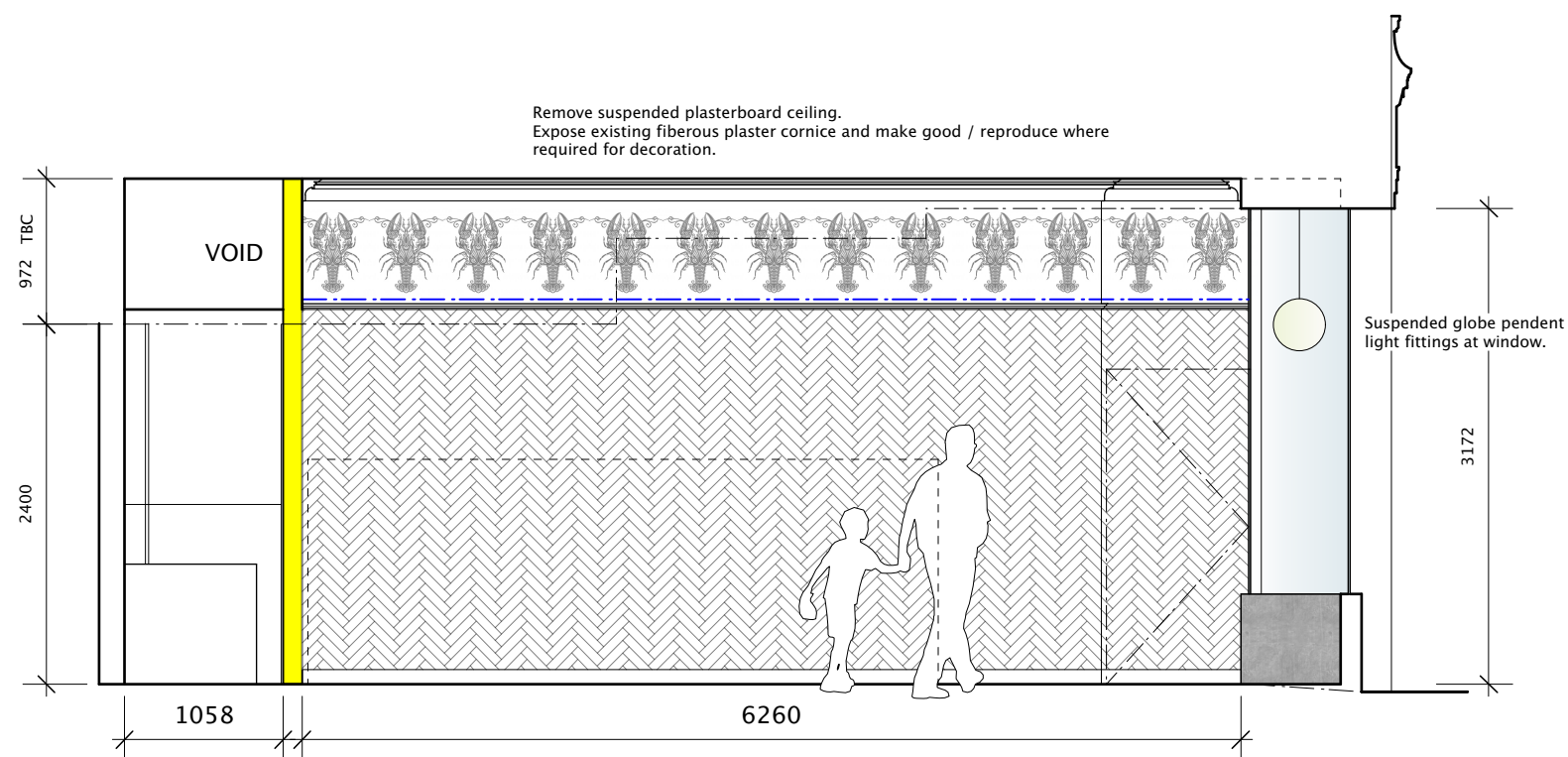
BASEMENT PLAN AS PROPOSED
1 : 100



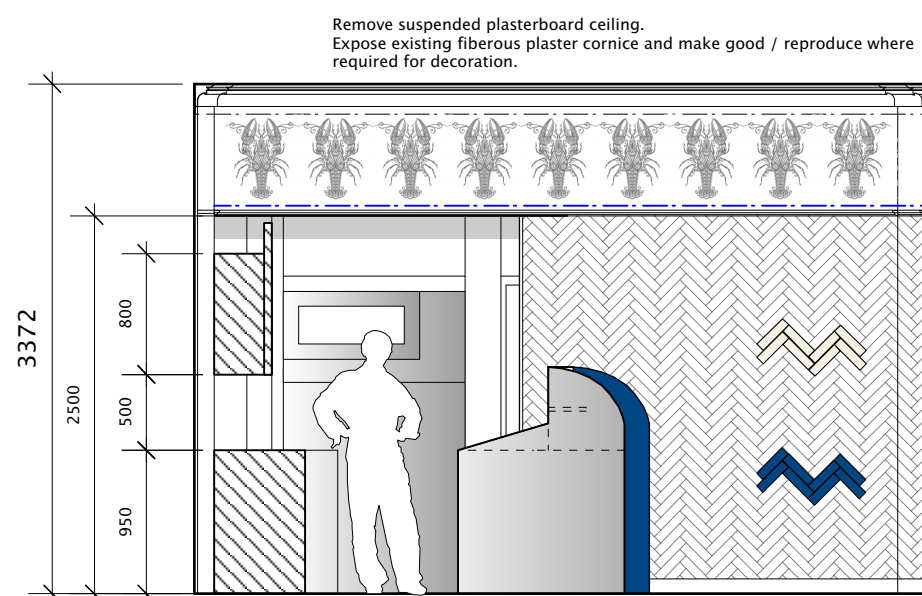
EXTRACT FRONT ELEVATION AS PROPOSED
1 : 100



EXTRACT REAR ELEVATION AS PROPOSED
1 : 100

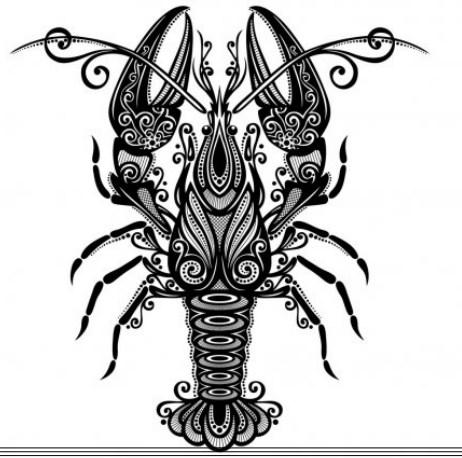
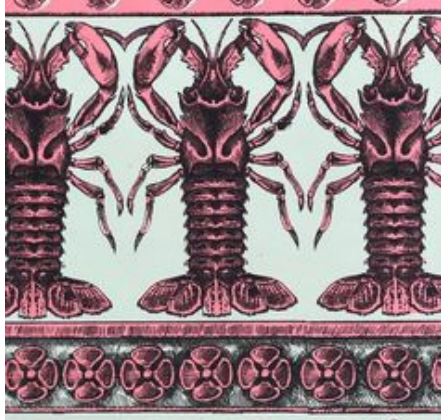
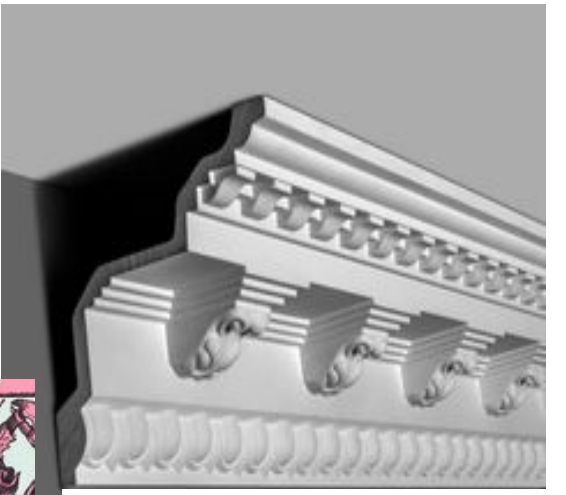


GROUND FLOOR SECTION a - a AS PROPOSED
1 : 50



GROUND FLOOR SECTION b - b AS PROPOSED
1 : 50

Status : PLANNING
Client : GLOBETROTTER
Project : Proposed alterations to existing takeaway at 169 Bruntsfield Place, Edinburgh EH10 4DG
Title : PLANS + ELEVATIONS AS PROPOSED
Date : 4 / 3 / 2020 Drawn : OS Checked : BS Scale : as indic. on A2
Project no.1902 Drw no.04 Rev.-
BSD Associates
<small>The Old school House - 46 Wellshot Drive - Cambuslang - Glasgow - G72 8BN Email : brian@bsdassociates.com - Tel : 0141 641 2129 This drawing is the property of BSD Associates and must not be reproduced without prior consent.</small>



THE BRUNTSFIELD CHIP

ONE SIX NINE
BRUNTSFIELD

Iain Cameron Architect.
 14 Forthview Terrace
 Edinburgh
 EH4 2AE

Mr Demarco
 5 Cluny Gardens
 Edinburgh
 EH10 6BE

Decision date: 5 October 2020

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

Amendment to Permission (ref: 19/04488/FUL) relating to new vehicle entrance, boundary wall and changes to external stairs to lower garden at 5 Cluny Gardens, Edinburgh.
 At 5 Cluny Gardens Edinburgh EH10 6BE

Application No: 20/03062/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 28 July 2020, 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 adversely impact on the character and setting of the villa property, and fails to preserve or enhance the character or appearance of the Morningside Conservation Area contrary to Edinburgh Local Development Plan policy Env 6 (Conservation Areas - Development) and policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

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

Drawings 01, 02, 03, 04, 05, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal would adversely impact on the character and setting of the villa property, and fails to preserve or enhance the character or appearance of the Morningside Conservation Area contrary to Edinburgh Local Development Plan policy Env 6 (Conservation Areas - Development) and policy Des 12 (Alterations and Extensions).

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

Should you have a specific enquiry regarding this decision please contact Lewis McWilliam directly at lewis.mcwilliam@edinburgh.gov.uk.

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 20/03062/FUL
At 5 Cluny Gardens, Edinburgh, EH10 6BE
Amendment to Permission (ref: 19/04488/FUL) relating to
new vehicle entrance, boundary wall and changes to external
stairs to lower garden at 5 Cluny Gardens, Edinburgh.**

Item	Local Delegated Decision
Application number	20/03062/FUL
Wards	B10 - Morningside

Summary

The proposal would adversely impact on the character and setting of the villa property, and fails to preserve or enhance the character or appearance of the Morningside Conservation Area contrary to Edinburgh Local Development Plan policy Env 6 (Conservation Areas - Development) and policy Des 12 (Alterations and Extensions).

Links

<u>Policies and guidance for this application</u>	LDPP, LEN06, LDES12, NSG, NSLBCA, NSHOU, OTH, CRPMON,
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Report of handling

Recommendations

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

Background

2.1 Site description

The proposal relates to a semi-detached villa property located on the north side of Cluny Gardens in a residential area. The site contains a garage to the east with planning consent to be converted to a separate dwelling.

This application site is located within the Morningside Conservation Area.

2.2 Site History

The site has the following planning history:

1994- planning permission refused for part change of use to children's day nursery (reference a 02055/94).

1995- appeal against above refusal of planning permission for part change of use to children's day nursery dismissed.

1999- planning permission granted for alterations, extensions and subdivision of house to form 2 flats (reference 99/01974/FUL).

2000- planning permission refused for extension to dwelling on three levels (reference 00/00253/FUL). The reason for refusal related to Local Plan policy and the scale, design and materials proposed for the extension.

2001- planning permission granted to extend the dwellinghouse. It was a revised scheme, original scheme ref 01/00523.

2009 - Planning permission refused for extension and conservatory (Ref: 09/00239/FUL). The reason for refusal relates to the proposed use of materials inappropriate for the conservation area.

2019 - Planning permission granted for the transformation of two flats into a single dwelling and demolition of existing extension (Ref: 19/04486/FUL).

2019 - Planning permission granted for the sub division of plot and conversion of existing garage/studio to dwelling (as amended). (Ref: 19/04488/FUL).

2020 - Planning permission granted for a new vehicle turntable within existing driveway, boundary wall and changes to external stairs to lower garden for new house in grounds of 5 Cluny Gardens (Ref: 20/03062/FUL).

Recent Enforcement History:

2010 - Hardstanding to front - Unauthorised development (Hardstanding) - Enforcement Notice Served (Ref: 10/00420/EOPDEV).

2014 - Hardstanding to front - Non-compliance with enforcement notice - No Further Action (Ref: 14/00772/ECOND).

2018 - Solar Panels to front - Unauthorised development (Hardstanding) - No Further Action (18/00261EOPDEV).

Main report

3.1 Description Of The Proposal

The application proposes the following works;

-New vehicle access

In addition, the plans include the following:

-Formation of boundary wall, vehicle turn table and changes to external staircase (including steps and railings): These works have been assessed under the corresponding planning application 20/03061/FUL which has consent.

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 scale, form, design and impact on conservation area

- b) There would be no unreasonable loss to neighbour's residential amenity
- c) There would be no adverse impact on road safety
- d) Any material comments have been received.

a) Scale, form, design and impact on conservation area

The proposal is for a new vehicular access to serve the main property 5 Cluny Gardens. The existing access would serve the garage with consent to be converted to a dwelling under planning application 19/04888/FUL.

The works to form a new vehicular turn table, stone boundary wall and alterations to the staircase have been granted permission subject to a condition for detail of all external materials. These elements of the proposal have therefore not been assessed as part of this planning application.

LDP policy Env 6 (Conservation Area - Development) states:

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

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

The Morningside Conservation Area Character Appraisal (MCACA) emphasises that:

'The architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.'

Within this conservation area, the arrangement of the villa with its front garden and boundary wall is a key characteristic of the area. It is important that this relationship is maintained. Where driveways have been introduced, these are largely located to the side of the original villa to maintain the front garden and limited to one driveway to a villa property.

The Guidance for Householders refers to the loss of original walls or railings and adverse effect this can have on the character and setting of an area.

For this property, in line with the majority of the conservation area, the existing stone boundary wall delineates the front boundary of the proposal site and its width mirrors that of the adjoining villa. It forms part of the property's frontage and in tandem with natural features is part of the extensive setting of the villa property.

The position of the existing vehicular access to the west side of the site, is mirrored on the adjoining villa to the east. The extent of these openings is modest and their position to the far side of the property's boundaries preserves the front garden and appears discreet in the context of the overall villa setting.

The proposal would remove a 3m wide section of the existing boundary wall adjacent to the existing opening and add a second vehicle access. This is disruptive to the setting of the original villa by virtue of eroding a feature that contributes positively to the character and setting of the property. It is recognised that the design and material of the gate is in keeping with those prevalent in the area. However, its inclusion results in further visible exposure of extensive hardstanding designed primarily for parking within the property's front garden. In this regard, it incrementally erodes the character and setting of the original villa property.

On Cluny Gardens, previous alterations have been carried out to the front boundary wall. However, the existing openings are primarily for pedestrian access gates and a single vehicle access to the side of properties. The exception to this is 15 Cluny Gardens, where there are two vehicle accesses at the front. This arrangement predates current policy and there is no planning history for these works. It therefore does not set a precedence for the assessment of this proposal.

Notwithstanding the above, two vehicular accesses is not a prevalent characteristic of the conservation area. The cumulative width of the two openings is in excess of properties in the surrounding area. The level of interference with the front boundary wall detracts from the setting of the villa property and leads to incremental erosion to the detriment of the character and appearance of the conservation area.

It is recognised the plot has been subdivided and permission granted (ref: 19/4488/FUL) to convert the garage to a residential dwelling. The external alterations to the garage are minimal in scale and the existing vehicle access retained under this consent as a communal entrance for both properties. In this regard, this permission did not raise the same issues outlined in this proposal in terms of the adverse impact on the original villa and its setting.

Further, the associated works approved under the separate permission (20/03061/FUL) form an informal boundary to the two properties and omit parking for the main property. No highway objection was received regarding the loss of parking for no.5 and the granting of this previous consent does not give grounds to approve additional vehicular accesses as part of this subsequent proposal.

In light of the above, the proposals fail to preserve or enhance the character or appearance of the conservation area. The proposal is therefore contrary to the Local Development Plan (LDP) Policy Env 6, Policy Des 12 and the non-statutory guidance.

b) Neighbouring Amenity

The proposal does not result in any unreasonable impact on neighbour's amenity.

The proposal complies with LDP policy Des 12 and the non-statutory guidance.

c) Road safety

No objections have been received from highways subject to the inclusion of informative / conditions where appropriate should permission be granted.

d) Public comments

No comments have been received.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal would adversely impact on the character and setting of the villa property, and fails to preserve or enhance the character or appearance of the Morningside Conservation Area contrary to Edinburgh Local Development Plan policy Env 6 (Conservation Areas - Development) and policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

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	Policies - Edinburgh Local Development Plan - Urban Area
Date registered	28 July 2020
Drawing numbers/Scheme	01, 02, 03, 04, 05, Scheme 1

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

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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 Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

Appendix 1

Consultations

Roads Authority:

No objections subject to the following conditions/informatives:

Any off-street parking space should comply with the Council's Guidance for Householders dated 2018

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

- a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
- b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth) and at a maximum width of 3.0m (4.8m with transistions);
- c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- d. Any gate or doors must open inwards onto the property;
- e. Any hard-standing outside should be porous;
- f. Electric vehicle charging infrastructure should be considered for this development;
- g. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

END

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100318552-001

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:	JM Planning Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	MacCallum	Building Number:	31
Telephone Number: *		Address 1 (Street): *	Kilburn Wood Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Roslin
Fax Number:		Country: *	UK
		Postcode: *	EH25 9AA
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="Dan"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Demarco"/>	Address 1 (Street): *	<input type="text" value="Cluny 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="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 6BE"/>
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="5 CLUNY 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="EH10 6BE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="670859"/>	Easting	<input type="text" value="324604"/>
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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)

Amendment to Permission (ref: 19/04488/FUL) relating to new vehicle entrance, boundary wall and changes to external stairs to lower garden

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See Supporting Statement

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

Yes No

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

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

Application Drawings; Decision Notice; Officer's Report of Handling; Photographs of the Site; Images of Streetscene Examples; Document containing Trail of Emails; JMPS Supporting Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/03062/FUL

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

20/07/2020

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

05/10/2020

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 John MacCallum

Declaration Date: 19/10/2020

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100287943-001

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)

Amendment to Permission reference 19/04488/FUL relating to new vehicle entrance, boundary wall and changes to external stairs to lower garden at No.5 Cluny Gardens, Edinburgh

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:	Iain Cameron Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Iain	Building Name:	
Last Name: *	Cameron	Building Number:	14
Telephone Number: *		Address 1 (Street): *	Forthview Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Midlothian
		Postcode: *	EH4 2AE
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:	
First Name: *	Dan	Building Number:	5
Last Name: *	Demarco	Address 1 (Street): *	5 Cluny Gardens
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH10 6BE
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:

5 CLUNY GARDENS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH10 6BE

Please identify/describe the location of the site or sites

Northing

670859

Easting

324604

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Material Variation new application required

Title:

Mrs

Other title:

First Name:

Anna

Last Name:

Grant

Correspondence Reference Number:

5 Cluny Gardens

Date (dd/mm/yyyy):

08/07/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

937.00

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)

dwelling house

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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

2

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes

No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes

No

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Existing arrangements retained

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

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: Iain Cameron

On behalf of: Mr Dan Demarco

Date: 27/07/2020

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 principal 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)

Supporting Statement to clarify proposals

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)

Supporting statement

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 Iain Cameron

Declaration Date: 27/07/2020

Payment Details



Created: 

Proposal Details

Proposal Name	100318552
Proposal Description	New vehicle entrance, boundary wall and changes to external stairs to lower garden
Address	5 CLUNY GARDENS, EDINBURGH, EH10 6BE
Local Authority	City of Edinburgh Council
Application Online Reference	100318552-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Site Location Plan	Attached	A3
Existing Site Plan	Attached	A3
Proposed Site Plan	Attached	A3
Proposed East Elevation	Attached	A3
Street Elevations	Attached	A3
Planning Application Form	Attached	A4
Report of Handling	Attached	A4
Architects Supporting Statement	Attached	A4
Decision Letter	Attached	A4
CG1 - 20_03061_FUL Location Plan	Attached	A3
CG2 - 20_03061_FUL Existing Site Plan	Attached	A3
CG3 - 20_03061_FUL Proposed Site Plan	Attached	A3
CG4 - Existing Wall and Hedge	Attached	Not Applicable
CG5 - Existing Wall and Hedge	Attached	Not Applicable
CG6 - Existing Wall and Hedge	Attached	Not Applicable
CG7 - Existing Wall and Hedge	Attached	Not Applicable
CG8 - 2 Cluny Gardens	Attached	Not Applicable
CG9 - 8 Cluny Gardens	Attached	Not Applicable
CG10 - 25 Cluny Gardens	Attached	Not Applicable
CG11 - 29 Cluny Gardens	Attached	Not Applicable
CG12 - 36 Cluny Gardens	Attached	Not Applicable

CG13 - 42 Cluny Gardens	Attached	Not Applicable
CG14 - 46 Cluny Gardens	Attached	Not Applicable
CG15 - 47 Cluny Gardens	Attached	Not Applicable
CG16 - 60 Cluny Gardens	Attached	Not Applicable
CG17 - 61 Cluny Gardens	Attached	Not Applicable
CG18 - 66 Cluny Gardens	Attached	Not Applicable
CG19 - 71 Cluny Gardens	Attached	Not Applicable
CG20 - 105 Cluny Gardens	Attached	Not Applicable
CG21 - Trail of Emails	Attached	A4
JMPS Supporting Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



Chartered Architect
www.iaincameronarchitect.co.uk

5 Cluny Gardens, Edinburgh

Material Amendments to Planning Consents

Supporting Statement

Planning Consent was approved on 22 November 2019 for :

1. Application for the reinstatement of the main house into one dwelling and the demolition of the existing extension at lower ground. **19/04486/FUL**
2. Application for the sub division of the plot and conversion of the existing garage/studio to a single dwelling. **19/04488/FUL**

The proposed amendments are minimal but overall they will assist in creating easier and more practical accessing arrangements for the 2 individual properties by separating out the accessing arrangements for each. In that respect, the dedicated means of access for each property, both in terms of foot access to the buildings and for access to and from the car parking areas, will help to improve residential amenity for the occupiers of each property, more so compared with the previously approved access arrangements.

An initial enquiry to Anna Grant was made on 8th July and Anna confirmed that the changes were material and would require a new application.

Two separate applications have been made and they should be considered in tandem.

1. Variation to 19/04486/FUL

Retain the existing vehicle access as dedicated access whilst providing a vehicle turntable which will enable the vehicle to turn within the site and exit in forward gear.

Remove the existing external stair, which is currently shared and provide a dedicated stair to the lower garden.

Provide a new low stone boundary wall/hedge between the front driveways to separate parking.

2. Variation to 19/04488/FUL

Form new 3 metre wide vehicle entrance for dedicated access to the main house. Provide new electrically operated and remote controlled sliding gate.

Remove the existing external stair, which is currently shared and provide a dedicated stair to the lower garden.

Provide a new low stone boundary wall/hedge between the front driveways to separate parking.



Existing street view of 3 – 7 Cluny Gardens

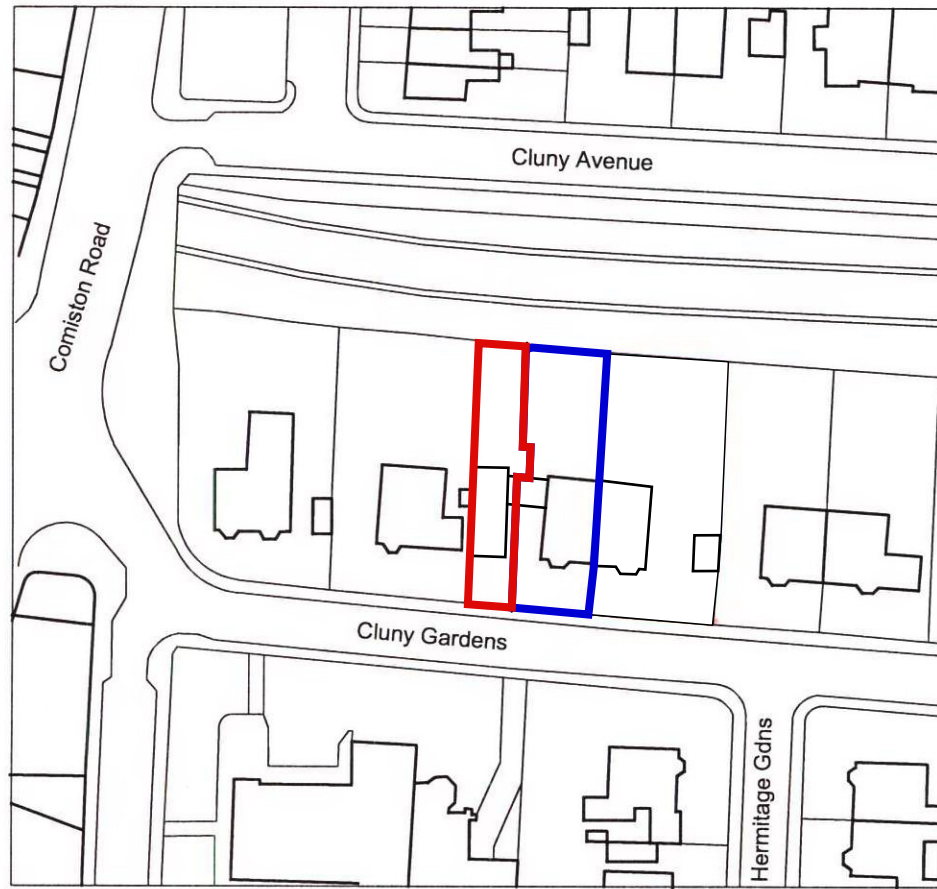
Conclusion



These proposals are minor amendments and aim to improve access and ownership arrangements. There will be no increased parking as a consequence.

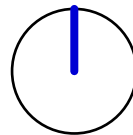
We look forward to receiving your decision on this application.

Iain Cameron

B Arch (Hons) Dip Arch RIBA RIAS



application boundary 
land under same ownership 



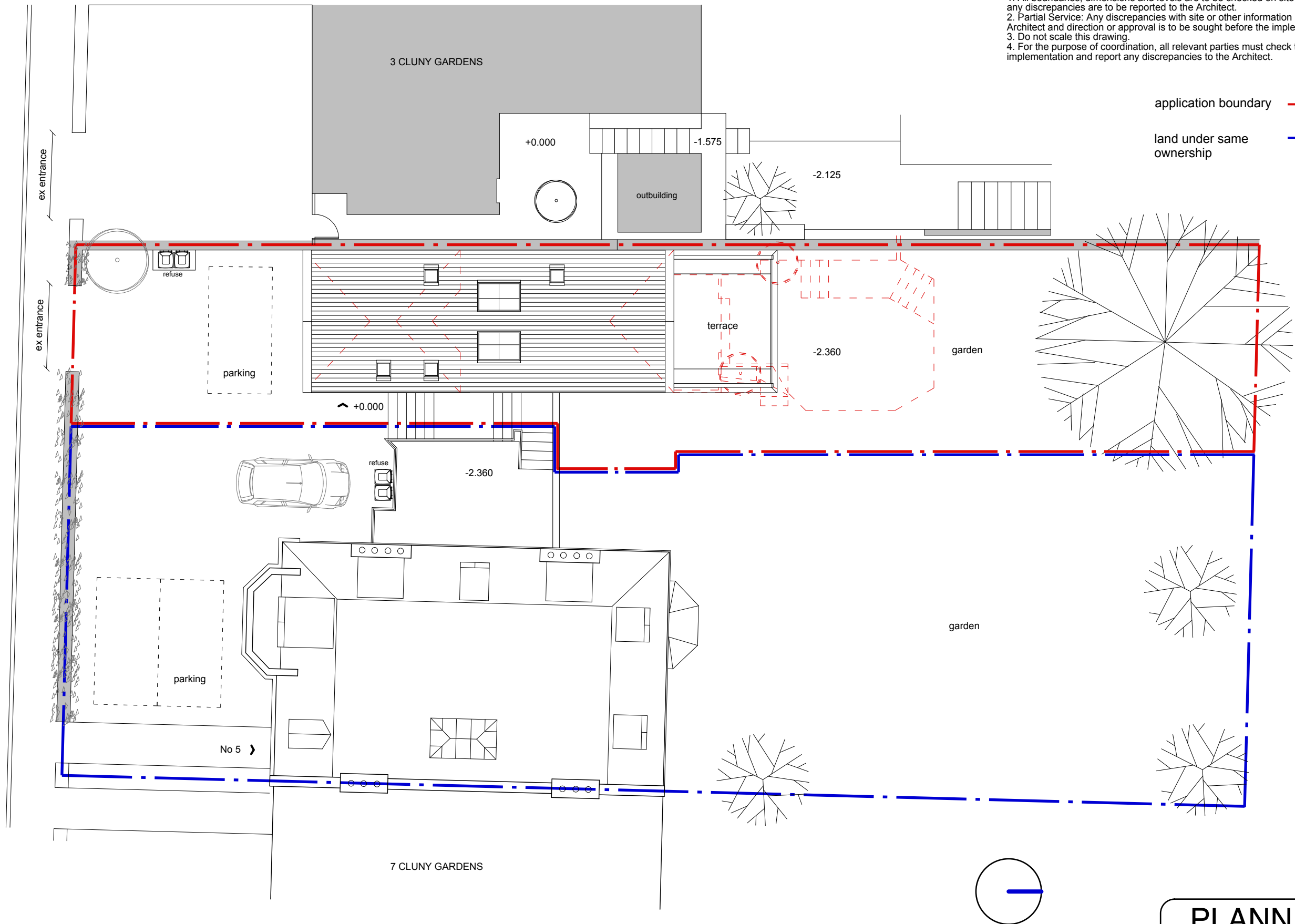
PLANNING

NOTES:

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3. Do not scale this drawing.
4. For the purpose of coordination, all relevant parties must check this information prior to implementation and report any discrepancies to the Architect.

application boundary - - -

land under same ownership - - -



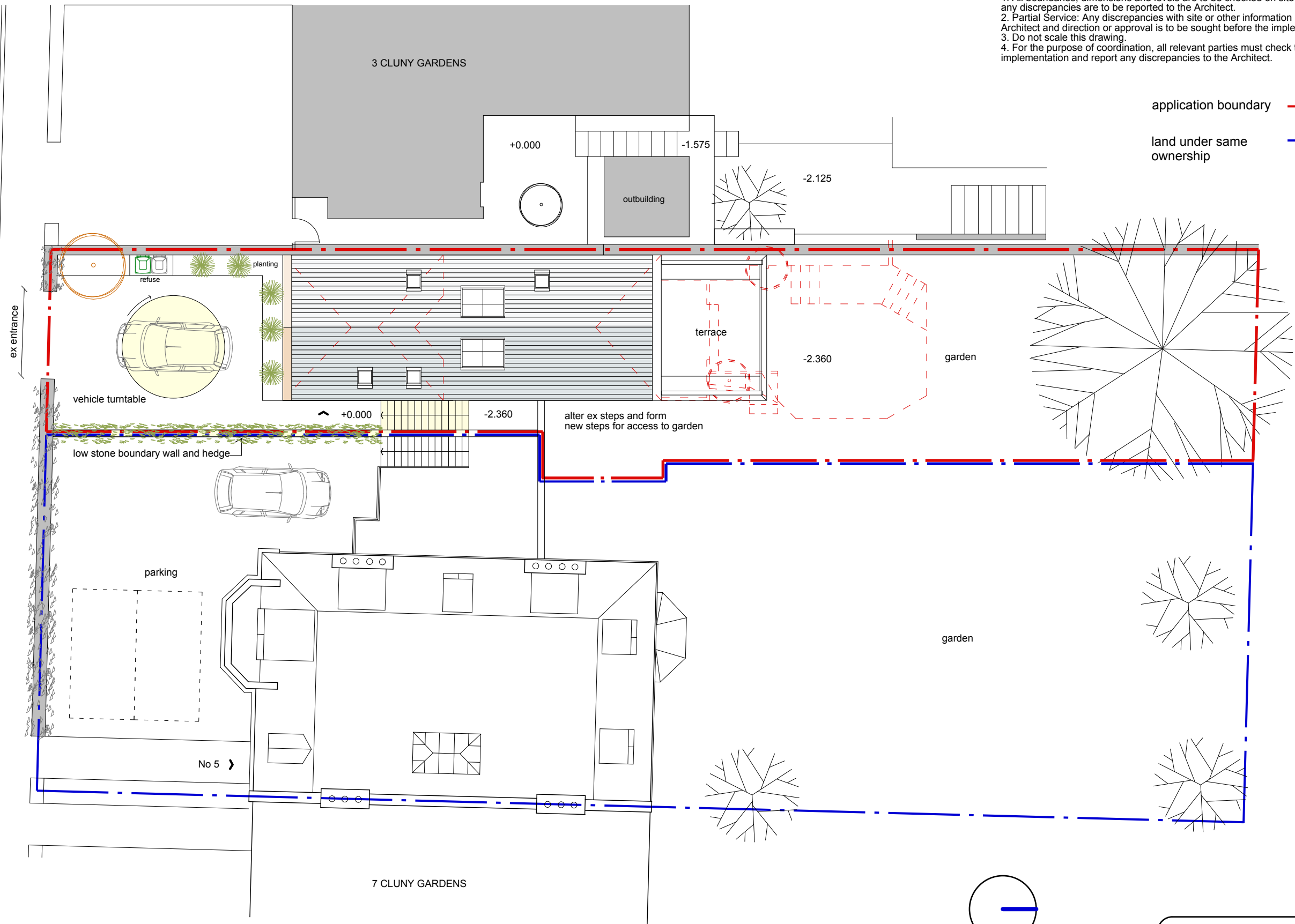
PLANNING

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application boundary — — — — —

land under same ownership — — — — —



PLANNING





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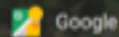
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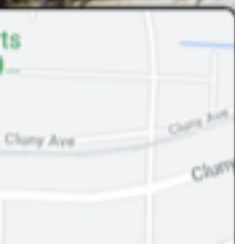
2 Cluny Gardens

Edinburgh, Scotland



Street View

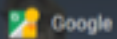
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Google

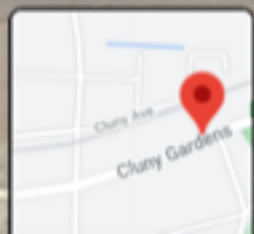


8 Cluny Gardens
Edinburgh, Scotland



Street View

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Google

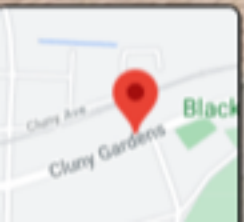


25 Cluny Gardens
Edinburgh, Scotland

Google

Street View

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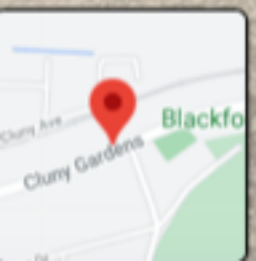
29 Cluny Gardens

Edinburgh, Scotland

Google

Street View

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Google

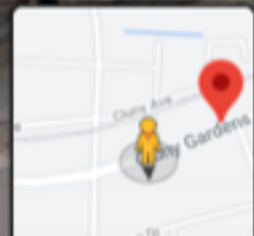
36 Cluny Gardens

Edinburgh, Scotland

Google

Street View

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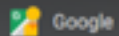


Google



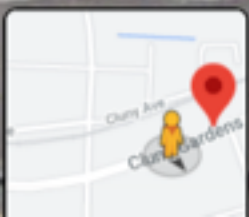
42 Cluny Gardens

Edinburgh, Scotland



Street View

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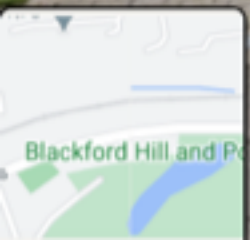


46 Cluny Gardens
Edinburgh, Scotland

Google

Street View

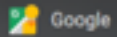
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Google

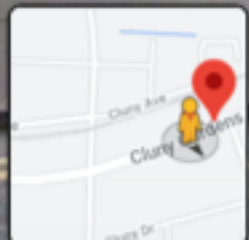
47 Cluny Gardens

Edinburgh, Scotland



Street View

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Google



PRODUCTION CG21

Email Trail between Planning Officials, Anna Grant and Lewis McWilliam and Agent, Iain Cameron Architect

Note – contact details have been removed for the purposes of compliance with GDPR.

On 28 Sep 2020, at 16:28, Anna Grant wrote:

Dear Iain,

I understand that Lewis has subsequently been in contact and the reports are not with me for signing off. Whilst I cannot get directly involved in the discussion of the merits of an application; I am happy to discuss any complaints you have regarding the management and handling of the application.

This week is tricky for me for as I'm focussed on training new starts so it would need to be next week. If you would like to arrange a day/time so I can call you? 9-10am is looking pretty clear next week (except Friday).

Kind Regards

Anna

From: Iain Cameron
Sent: 28 September 2020 11:56
To: Anna Grant
Subject: Fwd: Ref: 20/03062/FUL 5 Cluny Gardens

Dear Anna,

I emailed Lewis on Friday following our telephone discussion. I have not had a response and the determination date was yesterday. You have indicated your reluctance to get involved, can a Team Manager or Service manager please call me.

Thank you

Iain

From: Iain Cameron
Subject: Re: Ref: 20/03062/FUL 5 Cluny Gardens
Date: 25 September 2020 at 11:20:05 BST
To: Lewis McWilliam

Lewis,

Thank you for calling this morning.

It was extremely helpful to understand your reasons for refusing the application. You agreed that the feature that gives Cluny Gardens its character is the large stone properties. The wall in your own words is subservient and despite agreeing with me that this feature is not unique to the area and has been eroded over the years you felt that the loss of a small section of the wall was more important than the other benefits to road safety with the vehicle turntable and high quality design, all of which you approve.

I am disappointed with your evaluation of the application and the singular reason, Policy Env 6 is very weak. You did not agree that there were compelling reasons to approve the proposal as offered in Section 64. The application is targeted for determination on 27th September. I would like to agree to extend this until 1 October to allow me to discuss with my client and I would also like to discuss this with your Team Manager. Can you please provide the name and contact details.

I regret that you give me no alternative but to pursue this to appeal with the LRB.

Regards
Iain Cameron

On 24 Sep 2020, at 23:18, Iain Cameron

Dear Lewis,

I look forward to your call this morning. Is it possible you can call before 10am.

I have consulted and taken advice from John McCallum, Planning Consultant who has over 30 years experience. My comments are therefore shared and very much supported by John. To allow you to prepare, here is a brief list of the relevant issues which I have already raised which I would like to discuss:

1. Site visit : Have you made a visit to the site to observe the existing streetscape and can you advise when this was carried out.
2. Are you confident/certain that the alterations to existing properties precedes the adoption of the Edinburgh Local Development Plan.
3. If no approvals or enforcement actions have been made against these alterations, are they not then considered to be accepted.
4. Policy Env 6 : You have advised that the proposals are contrary to this Policy.

174 The purpose of the policy is to protect and, where possible, enhance the character and appearance of Edinburgh's main conservation areas. By controlling the demolition of buildings and ensuring new development is of an appropriate design and quality...

- (i) This is the single reason for your refusal
- (ii) the proposals use materials appropriate to the conservation area and are to a high standard of design
- (iii) new walls are constructed in natural stone and where possible salvaging stone from the existing building
- (iv) new gates will be traditional cast iron and will provide enclosure and maintain the character of the streetscape
- (v) you have confirmed that there is no planning control over the hedge.

(vi) the hedge will be retained to retain enclosure, privacy and maintain the character of the streetscape
(vii) the formation of a new vehicle access will not adversely impact on the character of the area and it has been documented that a sizeable number of properties have removed hedges and formed larger openings in the boundary walls which I assume were carried out to improve access and visibility
(viii) you have agreed to the vehicle turntable, new access stairs to lower ground and the new stone boundary wall between properties

5. It is also important and significant that the applications received no comments/objections from the public or the various Conservation Groups.

6. Transportation : they had no objections and we have agreed to comply with all conditions including electric vehicle charging points to both properties. The provision of a vehicle turntable within the existing entrance will allow vehicles to exit in a forward gear and will greatly improve road traffic safety. This must be seen as a very positive addition. The vehicle turntable is dependant on the approval of the new access.

7. Listed Buildings and Conservation Areas (updated February 2019) Part 2 Conservation Areas : the proposals comply with this non statutory guidance.

8. The loss of the hedge which would be permissible would in my opinion have a far greater impact on the streetscape

These proposals together with the approved consent to convert the existing garage/studio and reinstate the main house to single ownership are being carried out with the main objective to retain the existing street pattern and character. In short, your only objection is the loss of a small section of wall which you interpret as contrary to LDP Policy Env 6.

Section 64 of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 allows for any compelling reasons for approving the proposals if they do not comply with the development plan.

Regards

Iain

On 24 Sep 2020, at 08:34, Lewis McWilliam wrote:

Hi Iain,

I am happy to give you a call on Friday morning on my return from leave.

Lewis

Lewis McWilliam | Planning Officer| Locals 2 and Householders – City Wide | Planning and Building Standards | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG

From: Iain Cameron

Sent: 24 September 2020 08:25

To: Lewis McWilliam

Cc: Anna Grant

Subject: Re: Ref: 20/03062/FUL 5 Cluny Gardens

Dear Lewis,

Thank you for your email and note your comments.

I specifically said that I am not suggesting this sets a precedent but what it does illustrate, if you actually were able to make a site inspection, and I have many times, is that the character of boundary walls/hedges along Cluny Gardens has been eroded over many years, and whilst I appreciate the spirit of Policy Env 6, your implementation of the Policy and the minor loss of wall that this application proposes is really negligible to the street pattern and character. You have formed an opinion and I had hoped that you would have accepted my invitation to discuss this on the telephone but unfortunately

you have not given me that opportunity. Can I assume that you have been unable to make a site visit and therefore Google Street Views and your own personal assessment are the basis of your decision. This application and the approved consent for the conversion of the studio/garage have been carried out to a very high standard and with the intention of maintaining the street pattern and character.

I had also hoped that you might have informed me that you had discussed this with colleagues and reviewed my comments with them. We will not withdraw the application but I would very much wish to discuss this with Anna Grant and by copy of this email can I ask Anna if you call me to discuss further.

I am on site meetings all morning and my mobile number is XXXXXXXXXX

Many thanks

Iain

On 24 Sep 2020, at 07:35, Lewis McWilliam wrote:

Dear Iain,

Thank you for your response.

I note the images highlighted below of properties on the street. Predominantly, these alterations appear to have been carried out before the adoption of the Edinburgh Local Development Plan. In this regard, they don't set precedence for the assessment of this proposal. Notwithstanding this, the loss of the front boundary wall, would further erode the character of the conservation area and is contrary to policy and guidance.

You would have the right to appeal against the City Council's decision to the Local Review Body. If you can update the plans to include all external materials for application 20/03061/FUL and send these across to me by the end of this week I can put that application forward for approval. I am on leave today, but can pick up any updated drawings sent through tomorrow.

Kind regards,

Lewis

Lewis McWilliam | Planning Officer| Locals 2 and Householders – City Wide | Planning and Building Standards | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG

From: Iain Cameron
Sent: 22 September 2020 14:32
To: Lewis McWilliam
Cc: Anna Grant
Subject: Re: Ref: 20/03062/FUL 5 Cluny Gardens

Dear Lewis,

Thank you for your email and I note your comments.

I had hoped that you would have called me to allow us to discuss the proposals in detail. Your comments are generally supportive of the proposals, however as you highlight there is no planning control over hedges, so the only issue we have is the removal of a 3 metre section of low wall. This will be replaced with traditional gates to retain the sense of enclosure. I don't believe these proposals have an adverse impact on the character of the area for the reasons previously outlined and the improvements to the existing vehicle access and safety must be considered with the minor loss of the hedge and low boundary wall. I have read Policy Env 6 and agree with the spirit of the Policy but when I look at the properties along Cluny Gardens it is very clear that the character of walls and hedges has already in the majority of properties been widened and hedges thinned. I have attached a random selection from Google Street view.

<image002.png><image003.png><image004.png><image005.png><image006.png><image007.png>
<image008.png><image009.png><image010.png><image011.png><image012.png><image013.png>
<image014.png>

Anna,

I have left you a message and would welcome the opportunity to discuss this with yourself.

I look forward to hearing from you.

Many thanks

Iain Cameron
Dip Arch B Arch (Hons) RIBA RIAS

On 22 Sep 2020, at 13:50, Lewis McWilliam wrote:

Dear Iain,

The additional works (including proposed retaining wall, vehicle turn table and stairs) are acceptable subject to the plans for the corresponding application 20/03061 being updated to show all external materials. If these plans can be updated and I can put that planning application forward for approval. If this can be done by Friday 25th I can put the recommendation forward the following week.

In regard to planning application 20/03062/FUL, the creation of the vehicular access would impact on the conservation area through the loss of the front wall and hedging. There is no planning control over the hedge, however, in tandem with the front boundary wall these are features that contribute positively to the character of the conservation area. Removal of this section of the front boundary wall would not preserve or enhance the conservation area contrary to the LDP policy Env 6. The design of the replacement gate is noted, however the proposal is still unacceptable in terms of the loss of these features.

It is noted that no representations have been received, however, the applications are primarily assessed having regard to relevant policy and guidance.

The application (20/03062/FUL) will be recommended for refusal on the 28th September - you would have the right to appeal against the City Council's decision to the Local Review Body.

Kind regards,

Lewis McWilliam | Planning Officer| Locals 2 and Householders – City Wide | Planning and Building Standards | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG

From: Iain Cameron
Sent: 21 September 2020 11:25
To: Lewis McWilliam
Subject: Re: Ref: 20/03062/FUL 5 Cluny Gardens

Dear Lewis,

I trust you enjoyed your short break and thank you for forwarding the response from Transportation. This is very helpful and together with your own response on 16th September I would like to make the following comments:

The proposals are intended to improve the vehicle access to the properties and also to clarify the boundaries. The treatment of new low stone boundary walls between the plots is proposed to maintain the character of the existing properties and the area itself. We have consulted with immediate neighbours and it is also important and significant that the applications received no comments/objections from the public or the various Conservation Groups.

Listed Buildings and Conservation Areas (updated February 2019)

1. The property is within the Morningside Conservation area. I cannot see any reference in Part 2 of this document that would oppose the formation of a new vehicle entrance.
2. There is no Policy that would prevent anyone from removing the hedge in its entirety. There is evidence at various properties on Cluny Gardens where partial widening and removal of hedges have been undertaken. I assume that this has been done to improve access and visibility and that no permissions have been obtained and/or were necessary. I am not suggesting this sets a precedent and indeed we have no desire to remove the hedge.
3. The removal of a section of a 3 meter section of hedge and wall does not have a significant impact on the streetscape or the character of the area.
4. Traditional steel gates area proposed to the new entrance and this maintains the sense of enclosure. In addition a vehicle turntable is proposed within the existing entrance and will allow vehicles to exit safely in forward gear. This is surely a very welcome and positive proposal to vehicle and pedestrian safety.
5. In response to Transportation comments, I have discussed this with the applicant and they would be prepared to provide electric vehicle charging to both properties. All other comments are noted and will be complied with too.

I would appreciate if you would review your position and would welcome the opportunity to discuss this with you.

Kind regards

Iain Cameron
Dip Arch B Arch (Hons) RIBA RIAS

On 21 Sep 2020, at 08:58, Lewis McWilliam wrote:

Hi Iain,

Thanks for the email, apologies for the delay in a response - I was also on leave myself Wednesday (16/9) afternoon until Friday (18/9).

I had emailed a highways officer in regard to the proposal who raised no objections subject to the following standard condition/ informative as appropriate:

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018 http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:

Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
Access to any car parking area is to be by dropped kerb (i.e. not bell mouth) and at a maximum width of 3.0m (4.8m with transistions);

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;

Any gate or doors must open inwards onto the property;

Any hard-standing outside should be porous;

Electric vehicle charging infrastructure should be considered for this development;

The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

No other consultations had been carried out as part of the assessment.

Kind regards,

Lewis

Lewis McWilliam | Planning Officer| Householders – City Wide | Planning and Building Standards | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG

From: Iain Cameron
Sent: 17 September 2020 15:06
To: Lewis McWilliam
Subject: Re: Ref: 20/03062/FUL 5 Cluny Gardens

Dear Lewis,

Sorry to be chasing you again, but I would like to have the responses from the Consultations before I can take a decision on this application.

I know people will be working from home and things are taking long.

Look forward to hearing from you.

Many thanks

Iain

On 16 Sep 2020, at 11:45, Iain Cameron wrote:

Dear Lewis,

I will discuss this with my client but in the meantime can you forward the responses from Consultations for my attention.

Thank you

Iain

On 16 Sep 2020, at 09:19, Lewis McWilliam wrote:

Hi Iain,

I am also dealing with the corresponding application 20/03062/FUL, please find the following assessment below:

20/03062/FUL

The site lies within the Morningside Conservation Area, therefore LPD Policy Env 6 and the conservation character appraisal are applicable. Policy Env 6 states the following:

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

Further, the character appraisal states the following:

The gardens are well tended and are particularly important in terms of greening the area and offering a mature landscape setting. Most gardens are defined by low stone walls and hedging.

The proposal involves part removal of the front boundary wall, and hedging. This boundary treatment is characteristic of the local area. Their prevalence in bordering the front boundary of houses and visible position adjacent to the street is such that they contribute positively to the visual amenity of the area. Removal of these features and the creation of the vehicular access would have an adverse impact on the character and appearance of the conservation area contrary to the above policy and guidance. In this regard, it is not considered that the application could be supported therefore would be recommended for refusal on Monday 28th September. Should you wish to withdraw the application in advance of this please let me know.

Kind regards,

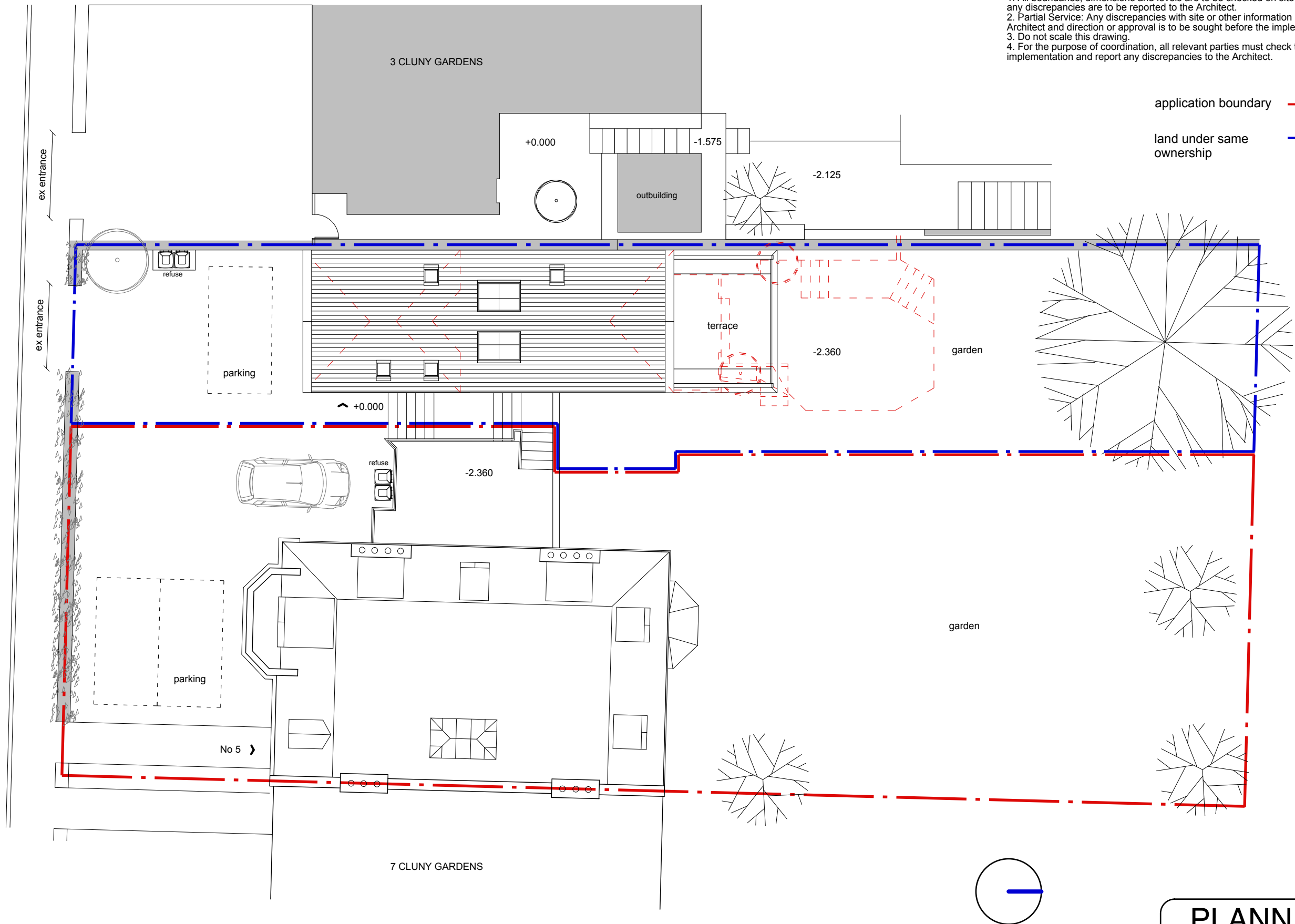
Lewis McWilliam | Planning Officer| Householders – City Wide | Planning and Building Standards | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG

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4. For the purpose of coordination, all relevant parties must check this information prior to implementation and report any discrepancies to the Architect.

application boundary - - -

land under same ownership - - -



PLANNING

SUPPORTING STATEMENT FOR A NOTICE OF REVIEW

To The City of Edinburgh Council's Planning Local Review Body

Application Reference 20/03062/FUL

**Amendment to Permission Ref: 19/04488/FUL (corrected as
19/04486/FUL) relating to new vehicle entrance, boundary wall and
changes to external stairs to lower garden**

at 5 Cluny Gardens, Edinburgh EH10 6BE

Prepared by

JM PLANNING SERVICES

On behalf of

Mr Dan Demarco

19th October 2020

List of Contents

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1.0 Introduction	3
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PL/DDM/ICA/CGE/074/LRB
Supporting Statement V1. Final
19th October 2020
John MacCallum BSc. (Hons), MRTPI
Planning Consultant

1.0 INTRODUCTION

1.1 A Notice of Review has been submitted by JM Planning Services on behalf of Mr Dan Demarco whose planning application (Ref. 20/03062/FUL) for “Amendment to Permission (Ref: 19/04488/FUL (corrected to 19/04486/FUL)) relating to new vehicle entrance, boundary wall and changes to external stairs to lower garden” at 5 Cluny Gardens, Edinburgh EH10 6BE was refused on 5th October 2020 under delegated powers. The application was originally submitted by Iain Cameron Architect.

1.2 The application was refused by the Planning Case Officer for the following reason:

“The proposal would adversely impact on the character and setting of the villa property, and fails to preserve or enhance the character or appearance of the Morningside Conservation Area contrary to Edinburgh Local Development Plan policy Env 6 (Conservation Areas - Development) and policy Des 12 (Alterations and Extensions) and the non-statutory guidance.”

1.3 Although it is not explicitly stated in the reason for refusal, it is of particular relevance to this Review that the refusal relates solely to a 3 metre section of low front stone boundary wall which is proposed to be removed (along with corresponding hedge section which exists inside the property) for the formation of a new access and driveway entrance for the property. It is evident from the Planning Officer’s assessment of the application that the other aspect of the proposal relating to the minor alteration affecting the arrangement of external stairs to the lower garden for the property is acceptable, although it is significant that a mixed decision which the Council often issues in circumstances where component parts of an application are both acceptable and unacceptable, has not been effected in this instance.

1.4 The applicant seeks a determination of the Review by written submissions only. The supporting documentation included within the Review submission papers is considered to be sufficient to assist the Planning Local Review Body (PLRB) members in their consideration of the application.

1.5 The Notice of Review and the accompanying documents which were submitted as part of the planning application are included, as required, as well as this supporting Statement. Photographs (Production Nos. CG4 to CG7) of the front view of the property showing the wall and hedge as they presently exist are included to assist the PLRB on the basis that a site inspection might not be possible at this time.

1.6 In addition, the following are also included as supporting information as part of this submission:

- (i) an email trail between the Architect and Planning Case Officer (Production No. CG21) and emails between the Transportation and Planning Case Officials (within the body of this Statement).
- (ii) photographs (Production Nos. CG8 to CG20) showing other examples of vehicular accesses along Cluny Gardens submitted by the Architect in support of the application during the consideration of the application.

1.7 This is not new information being introduced for the Review, but rather it represents additional supporting details which were the matter of discussion and consideration during the processing of the application. It is understood that they can be accepted on that basis as part of the PLRB’s consideration of this Review.

2.0 BACKGROUND

2.1 Recent Planning History

2.1.1 It is considered beneficial for the PLRB's full understanding of this Review to explain at the outset what has been granted permission in the past relative to the amendments subsequently sought. These relate to proposals under the most recent 2 planning permissions granted in 2019 for the property at No. 5 Cluny Gardens, as well as another amendment permission (Application Reference 20/03061/FUL) which was submitted concurrently with the application which is the subject of this review.

(i) 19/04486/FUL - Planning permission granted for the transformation of two flats into a single dwelling and demolition of existing extension at No. 5 Cluny Gardens

2.1.2 This application was necessary as the works to demolish an extension at lower ground level required planning permission by virtue of the main property at the time being subdivided into 2 separate flats. If no external alterations had been necessary, the reinstatement of the property to a house would not have required planning permission.

2.1.3 The application was subsequently approved with an area for car parking at the front being retained to share with the new house being created (the subject of the application below).

(ii) 19/04488/FUL - Planning permission granted for the sub-division of plot and conversion of existing garage/studio to dwelling at No. 5 Cluny Gardens.

2.1.4 This proposal sought to convert the existing garage/studio building at the (west) side of the main property (No.5) which is separated by a gap in which there is a void containing steps leading down to a lower courtyard and entrance to the lower flat at No. 5. The removal of the extension linking the main house and the rear of the garage/studio at the lower ground level, as per the application above, facilitated the separation of the 2 buildings as part of the subdivision of the property.

2.1.5 The application was approved on the basis that the design details were deemed acceptable as they preserved the appearance of the existing building to the street while other alterations to the roof and short extension to the rear were suitable to create an appropriate level of living accommodation in the conversion.

(iii) 20/03061/FUL - Planning permission granted for Amendment to Permission (Ref. 19/04488/FUL) relating to a new vehicle turntable within existing driveway, boundary wall and changes to external stairs to lower garden for new house in grounds of 5 Cluny Gardens (NOT 20/03062/FUL as it is stated incorrectly in the Case Officer's Report of Handling).

2.1.6 This application sought an amendment to the original permission for the garage conversion to enable the new house to have its own dedicated car parking directly in front of the building by making use of the existing driveway entrance. With this front parking area being enclosed by a dividing wall along its eastern boundary, thereby subdividing the existing hardstanding area, the subsequent reduction in area reduced the ability for vehicles to turn, hence the turntable was devised as a suitable solution.

2.1.8 That amendment application was approved on 29th September 2020 before determination of the amendment application which is the subject of this review and which has been submitted simultaneously.

2.2 Purpose of the Amendment Applications (20/03061/FUL and 20/03062/FUL)

2.2.1 Following the approval of the 2019 applications, which confirmed that the Council had accepted the principle of the subdivision and garage conversion to a house and the reinstatement of No.5 to a single house, the accessing arrangements for each property were given further thought. In that regard, it is considered possible that each property might, in time, wish to have their own dedicated vehicular entrance and it was deemed best, in a practical sense, to address the matter now as part of the overall proposals and hence the submission of the 2 concurrent amendment applications. Accordingly, the proposed amendments devised a suitable way for each property to have their own individual accessing arrangements.

2.2.2 While the original 2019 consents can still be implemented as approved, the new arrangements under the 2 amendment applications were considered to be an overall improvement on the situation from that which had been initially approved.

2.2.3 The consequences of the approval of the other amendment (20/03061/FUL) are that the existing property at No.5 loses its means of vehicular access to what had been previously proposed to be a shared access and car parking area at the front for both properties. The application which is the subject of this review was submitted simultaneously with the other corresponding amendment application to specifically address that potential scenario. It was intended that if one application was accepted then there was an expectation that the other would also be accepted to ensure both properties had their own dedicated vehicular access and car parking arrangements.

2.2.4 The situation is also further exacerbated if the other amendment permission (20/03061/FUL) is implemented as it will lead to pedestrian access being denied to the lower basement and rear garden of No. 5 as the stairs providing existing access to No.5 are to be removed and replaced with a dedicated set of stairs for each property. Only the set of stairs for the new house will then be able to be formed.

3.0 DETAILS OF THE PROPOSALS

3.1 Points of Clarification

3.1.1 The proposals relate to amendments to planning permission Ref. **19/04486/FUL**. However, before describing the proposals, there are several matters that require clarification for the PLRB to fully understand the application proposals.

3.1.2 Firstly, the application is NOT, as incorrectly stated in the description, an amendment to planning permission Ref. 19/04488/FUL (which relates to a separate but associated permission for the subdivision of the property and conversion of existing garage/studio building to a new house). Instead it is an amendment to planning permission Ref. **19/04486/FUL** for alteration works to No.5 which also involved its reinstatement to a single house.

3.1.3 Secondly, the application form (for this review application only) referenced the previous permission incorrectly. However, this was clearly a typing error as the Supporting Statement submitted with each amendment application clearly identifies the correct references.

3.1.4 The Case Officer's Report of Handling also states the following when describing the application details:-

“ In addition, the plans include the following:

-Formation of boundary wall, vehicle turn table and changes to external staircase (including steps and railings)”.

3.1.5 This statement is not correct, as these features form part of application Ref 20/03061/FUL and do **NOT** form part of this application – while they were shown on the Proposed Site Plan, they were for information purposes only as part of this review application to illustrate how the overall situation would appear if details contained in the other separate amendment application (Ref 20/03061/FUL) associated with the permission for the new house (Ref 19/004488/FUL) were implemented.

3.1.6 It is accepted that there are some discrepancies in the plans submitted for this review application, with regard to different red line application site boundaries shown on the Location Plan and Proposed Site Plan compared to the Existing Site Plan. However, it is important to clarify that the Location Plan and Proposed Site Plan show the correct red line application site boundaries and that the Existing Site Plan is incorrect as it shows both a red line and blue line; the blue line is not necessary. (NOTE – the red line application site boundary required to be drawn around the whole property for the original application (Ref. 19/04486/FUL) since the proposals related to the house and its entire grounds as they exist before any subdivision was to take place. As the review application is an amendment, the application boundaries as shown by the red lines require to be the same as the original application).

3.1.7 A copy of the Location Plan, Existing Site Plan and Proposed Site Plan for Permission Ref. **20/03061/FUL** have been submitted as additional information (see Production Nos. CG1, CG2 and CG3) help clarify this matter: they each show the correct red and blue lines which confirm that that application relates to the original subdivision application, correctly referenced: **19/004488/FUL**.

3.1.8 Apart from a typing error in the application form and one drawing having a blue line shown incorrectly, the 2 amendment applications as submitted by the Architect were, in the main, clear and should have been straightforward to understand. It would be fair to say that these slight discrepancies

and anomalies should ideally have been picked up at the initial application registration/validation stage. There is also an expectation that the Case Officer should have picked up on them and it is regrettable that he did not.

3.2.9 It is hoped that the explanations above have helped to clarify the position for the PLRB on the matters which are relevant for their consideration of this review application and have removed any confusion in relation to information contained in the application drawings, application form, the decision notice and Report of Handling.

3.2 The Amendment Proposals (20/03062/FUL)

3.2.1 The amendment sought requires the removal of a short 3 metre wide section of front boundary wall and corresponding hedge along the front of the property in order to form a new vehicular access dedicated for No.5 to access its own car parking area as it presently exists, as shown on the Proposed Site Plan.

3.2.2 It is also proposed to erect an electrically operated and remote-controlled sliding traditional, cast iron gate across the opening which will be painted black to match the existing pedestrian gate for the property, as shown on the Proposed Site Plan and Street Elevations drawing and as detailed in the Supporting Statement which accompanied the application.

3.2.3 The existing wall and hedge arrangement is shown on the photographs in Production Nos. CG4, CG5, CG6 and CG7.

3.2.4 An associated part of the amendment relates to the provision of an alternative set of stairs to those that presently exist to form stairs dedicated to No.5, separate from the new house adjacent, to enable pedestrian access to the lower garden ground area and existing basement access door for No.5.

4.0 REASONS FOR THE REVIEW

4.1 The reason for the submission of this Review request is to explain to the PLRB that the Planning Case Officer has placed disproportionate importance on a section of low stone wall and its apparent contribution to the streetscape.

4.2 The wall is proposed to be removed as part of an amendment to a previous consent to enable a new vehicular access to be created to an existing hardstanding area at the front of the property at No.5. It is contended that the streetscape along Cluny Gardens is varied and has already been subject to relative change over time. The change introduced would be minimal and it would neither harm nor further erode the character of the Conservation Area as wrongly perceived by the Planning Case Officer. Instead, the proposal would preserve the character of the area, as will be explained.

4.3 Despite supporting evidence being submitted to illustrate the local context and further written evidence in support of the application, the Planning Case Officer initially ignored several attempts to engage with the Architect to discuss these matters and only did so once having completed his assessment and had written his draft report with recommendation for refusal.

4.4 It is important to emphasise at the outset that the Council has already accepted the principle of subdividing the property at No.5. It is argued that No. 5 still needs to be properly accessed to function as a house, the same as it has always been, and particularly in light of the prevalence of properties along Cluny Gardens which have vehicular entrances to the front or off-set to the front to access areas of hardstanding for car parking. The Planning Case Officer has failed to fully assess this matter by first approving the other amendment application (20/03061/FUL) which proposes to form a dividing wall across the existing shared car parking area.

4.5 The refusal of this review amendment application compounds the matter and will therefore have adverse consequences for No.5 as it will remove the ability for vehicles to access the front of the property and to make use of the existing hardstanding area for its own off-street car parking area. This situation would force cars to park on-street, on a part of Cluny Gardens which has waiting restrictions, both directly outside the property (single yellow lines) and nearby along the street (double yellow lines). This would be an obvious retrograde step as it will result in additional car parking on the street. It would also significantly reduce the appeal of the 4 storey 5 bedroom villa compared to how it presently exists, and always has been, with the availability of off-street parking for convenient and ease of access to and from the property. These are regarded as significant material considerations which have been ignored by the Planning Case Officer.

4.6 There is a further consequence of the refusal in that the existing stairs leading to the lower garden area are proposed to be altered by the amendments permitted for new house consent which now represents the most viable and preferred option to be implemented. A new set of stairs to access the new house have been approved with the removal of the existing stair access to No.5 which effectively removes the ability for access to the basement door and lower garden area of No.5.

4.7 The purpose of this Statement is to demonstrate firstly, that the application proposes minimal change and that, overall, the proposals will preserve the character and appearance of the Conservation Area; and, secondly, that the adverse consequential impact of refusal, resulting in significant disadvantages to the access and parking arrangements for No.5, is a material consideration in the assessment of the application which helps to further outweigh any perceived harm to the Conservation Area by the Caser Officer that might be considered to be brought about by the change to the appearance

of the front of the property. It is considered, therefore, that the proposals overall have considerable merit and can be supported by the Development Plan.

4.8 The Review request therefore seeks the PLRB's support to overturn the Planning Case Officer's decision and approve the application as submitted.

5.0 GROUNDS FOR A REVIEW OF THE DECISION

5.1 The planning considerations associated with the review application will now be addressed in this Section relative to relevant planning policy and other material considerations. There are 2 grounds for review and each will be expanded on in this Section.

Ground 1.

The proposed removal of low boundary wall at the front of the property does not introduce a significant change to the streetscene that would cause harm to the Morningside Conservation Area and therefore there is no justification for refusal of the application.

This ground considers the matters raised by the application in relation to Conservation Areas.

Policy Env 6 (Conservation Areas – Development) in the adopted Edinburgh Local Development Plan 2016 states:

“Development within a conservation area or affecting its setting will be permitted which:
a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;
b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and
c) demonstrates high standards of design and utilises materials appropriate to the historic environment.”

5.2 There are 2 aspects to challenging the decision reached by the Planning Case Officer on the impact of change to the front of the property in the Morningside Conservation Area: the assessment of the streetscene by the Officer and then his judgement that the front area of the property would be exposed greatly by removal of the low wall.

5.3 Firstly, the assessment of the streetscene by the Planning Case Officer is not shared. The supporting evidence submitted with the application demonstrates that the Officer has misunderstood this evidence and reached an incorrect conclusion. In the Report of Handling, the Officer states:

*“On Cluny Gardens, previous alterations have been carried out to the front boundary wall. However, **the existing openings are primarily for pedestrian access gates and a single vehicle access to the side of properties.** The exception to this is 15 Cluny Gardens, where there are two vehicle accesses at the front. This arrangement predates current policy and there is no planning history for these works. It therefore does not set a precedence for the assessment of this proposal.*
*Notwithstanding the above, **two vehicular accesses is not a prevalent characteristic of the conservation area.** The cumulative width of the two openings is in excess of properties in the surrounding area.”*

5.4 In the first instance, this contradicts the clear evidence submitted in the form of images from Google Streetview in Production Nos CG8 to CG20 which show 7 examples of driveways immediately adjacent to each other in the streetscene, namely at Nos. 8, 25, 36, 46, 66, 71 and 105 Cluny gardens. The Case Officer refers to one exception at 15 Cluny Gardens relative to 2 accesses for the one property. In terms of that particular double driveway arrangement, there is another example at No. 60 Cluny Gardens as shown in one of the images provided.

5.5 However, it is clear that the Planning Case Officer has misunderstood the evidence being presented. This is apparent from the way he has written his report in that he refers to 2 vehicular accesses, or a double driveway width, for a single property, as stated at the start of the preceding paragraph:

*“The proposal would remove a 3m wide section of the existing boundary wall adjacent to the existing opening and **add** a second vehicle access.”*

5.6 This completely misunderstands the valid point which was being raised by the Architect. The resultant 2 vehicular entrances at No.5 would not be in relation to one property but 2, following the Council’s granting of consent for the property to be subdivided into 2 separate residential units. Hence the reason that the proposal was submitted in the form of a separate amendment application. Therefore, the existing access and proposed new access will relate directly to each residential property. This is clearly the situation which was being illustrated in the examples presented. Consequently, the Planning Case Officer has reached an incorrect conclusion in his assessment of what has been presented to him which has led to this matter not being fully considered and assessed.

5.7 Any perceived adverse impact of the removal of the low wall on the character and appearance of the Morningside Conservation Area cited by the Planning Case Officer is therefore difficult to understand in the context of the prevailing street scene position, as supported by the evidence submitted. This is compounded in the correspondence between the Architect and the Planning Case Officer in which the Planner admitted in conversation that the wall is “**sub servient**” and “**not unique to the area and has been eroded over the years**” (see email dated 25th September in Production CG21).

5.8 It is important to also re-emphasise that the amendment application is only necessary as a result of the other amendment application. It would serve no purpose to submit an application for a separate entrance if it was proposed to access the existing shared car parking area because an entrance already exists and access to is retained by virtue of the 2109 consents already granted. The amendment application is not able to be assessed in its own rights as an access to the existing open car parking arrangement and therefore, by default, the formation of a new entrance can only be assessed as part of the overall amendments for No.5 and the new house, which is to create 2 dedicated parking areas separated by a dividing wall.

5.9 The Planning Case Officer also states in his Report of Handling:

“For this property, in line with the majority of the conservation area, the existing stone boundary wall delineates the front boundary of the proposal site and its width mirrors that of the adjoining villa. It forms part of the property’s frontage and in tandem with natural features is part of the extensive setting of the villa property.

The position of the existing vehicular access to the west side of the site, is mirrored on the adjoining villa to the east. The extent of these openings is modest and their position to the far side of the property’s boundaries preserves the front garden and appears discreet in the context of the overall villa setting.”

5.10 Again, it should be emphasised that the 2 amendment applications require to be assessed in the context of 2 distinct properties having been created following the Council's decision to approve the 2019 applications.

5.11 It is recognised that there is a gap on the east side of the adjoining villa (No.7 Cluny Gardens) with its (eastern) boundary, similar to that at No.5 with its western boundary. It is also worth mentioning in that regard, that not all properties along Cluny Gardens benefit from such a wide gap between the gable of the main house and the side boundary and so this feature referred to by the Planning Case Officer is not as prevalent as he suggests.

5.12 Furthermore, and more significantly, it is of relevance to highlight that, when considering the Street Elevations drawing submitted with the application, the new driveway entrance will be positioned in the gap between the main house and the new house (garage conversion). It therefore represents a relocation of the existing access further along the reduced frontage of No.5 but within the existing gap between the building and its newly created western boundary. It does still, however, maintain the sense of an opening being offset to the side of the property and therefore respects the character of the position at No.7. As a result, there is no overall loss of balance as the access for the property can still be formed to the side and not directly in front of the building of No.5 itself, albeit it does not exactly mirror the position at No.7.

5.13 In addition, it is also not reasonable for the Case Officer to focus on the balance of one semi-detached property, when there is such variety in the area and when a degree of balance is in fact being retained, as just described.

5.14 Secondly, the Planning Case Officer's perception that the hardstanding area will become more exposed following the removal of the wall is not substantiated.

5.15 In his Report of Handling, the Planning Case Officer refers to an extract in the Morningside Conservation Area Character Appraisal to describe the character of the area. He quotes from the document:

"The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads."

5.16 This description is not disputed, although this is one small reference in a section devoted to describing the architectural character of the buildings. The Character Appraisal also dates back to October 2001 and therefore it was written at a specific point in time and inevitably change can and has been allowed to take place over time, as demonstrated by the examples of driveways in Cluny Gardens presented. These have shown changes to the front garden settings, mainly by more open frontages being created by removal of hedges and vegetation but also by some alterations to walls based on the evidence submitted.

5.17 With specific regard to the property at No.5, it is of relevance that change has now been affected in the street by the subdivision of No.5 to create 2 distinct and separate houses. It would not be unreasonable to expect each house to have their own vehicle entrance and off-street car parking area, a matter which was given further consideration following the initial approvals in 2019 as explained earlier in this statement. The change is, however, minimal due to the relatively short section of wall to be removed in comparison to the section to be retained along No.5's frontage specifically (as shown on

the Proposed Site Plan), the retention of the remaining section of hedge, pedestrian access and gate for No.5.

5.18 When the prevalence of driveway entrances and open frontages in the streetscene along Cluny Gardens as referred to by way of the examples submitted are included to this context, the level of change is considered to be even less.

5.19 The Planning Case Officer accepted in correspondence with the Architect (see his email dated 22nd September in the email trail in Production CG21) that there is no planning control over the removal of the hedge. However, his defence that the removal of the wall and insertion of gates will expose the hardstanding area cannot be supported since it is evident that the removal of the entire hedge along the frontage of the property without any prior consent would cause even greater exposure of the front hardstanding area. This is NOT the applicant's proposal as the hedge forms an attractive feature and so its remaining sections along the frontage are to be retained.

5.20 Of further relevance is the proposal to erect an electrically operated and remote-controlled sliding gate across the opening. This has been designed as a traditional cast iron gate to be painted black to match the existing pedestrian gate for the property which the Planning Case Officer has accepted in terms of its design and finishing material as it is on keeping with those prevalent in the area. The inclusion of this gate in the streetscene will reinforce a sense of enclosure for the property's frontage replacing the existing wall and hedge to be removed thus helping to reduce any perceived exposure of the hardstanding area that the Planning Case Officer believes will take place.

5.21 In further support of the position, the existence of open and exposed driveways and front hardstanding areas is prevalent along Cluny Gardens, as supported by the examples submitted which illustrate that, in some cases, they are side by side and therefore cause a far greater open frontage appearance.

5.22 A further important matter to impress for the PLRB's clear understanding is that the removal of the low stone boundary wall will not be completely lost as a feature for the property. The dividing wall between No.5 and the new house across the existing hardstanding area, which will be positioned at 90 degrees to the existing boundary to separate the 2 dedicated parking areas, will be built in stone to closely match the existing wall being removed in terms of its height and finishing materials, where possible salvaging stone from the existing building

5.23 This new development has been approved under the other amendment application and has been deemed to be appropriate in preserving and enhancing the character and appearance of the Morningside Conservation Area. Retention of the sections of hedges along the frontage will further ensure this character is preserved.

5.24 The Planning Case officer makes reference to Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as being important and that it requires to form the basis of a decision on development in Conservation Areas. Section 64 states:

“General duty as respects conservation areas in exercise of planning functions.

(1)In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) Those provisions are—

(a) the planning Acts,”

5.25 In a decision dated 28th July 2010 of the Outer Court of Session, Lord Brailsford debated the matter of the relevance of Section 64 in decision making and concluded:

*“In my judgment, character or appearance can be said to be preserved where they are **not harmed**. The statutory desirable object of preserving the character or appearance of an area is achieved either by a positive contribution to preservation or **by development which leaves character or appearance unharmed, that is to say preserved**”*

5.26 Based on the above further compelling evidence submitted in addition to that provided at the time of the application, the loss of the low boundary wall is not so significant that it would further erode the character of the Conservation Area at Cluny Gardens, contrary to the Planning Case Officer’s perception. As a result, by approving the application, the character and appearance of the Conservation Area would not be harmed and could therefore be regarded as being preserved, particularly in that the remaining sections of wall and hedge will be retained thus reducing the extent of exposure of the front hardstanding area.

Ground 2.

The consequential impact of the refusal, resulting in significant disadvantages to the access and parking arrangements for No.5, is a material consideration in the assessment of the application which helps to further outweigh any perceived harm to the character and appearance of the Conservation Area considered by the Case Officer brought about by the removal of the low boundary wall which, based on the first ground for the review, would result in only minimal change while still preserving the character.

5.27 The Case Officer did not assess the 2 amendment applications together, as alluded to in the Report of Handling, although there is some confusion from what he states as he appears to contradict himself in his report when referring to the other amendment application. At the outset of the report he states:

*“The works to form a new vehicular turn table, stone boundary wall and alterations to the staircase have been granted permission subject to a condition for detail of all external materials. **These elements of the proposal have therefore not been assessed as part of this planning application.**”*

5.28 Yet at the end of his report, he has clearly considered the other amendment application in his assessment of this review amendment application when he states:

“Further, the associated works approved under the separate permission (20/03061/FUL) form an informal boundary to the two properties and omit parking for the main property. No highway objection was received regarding the loss of parking for no.5 and the granting of this previous consent does not give grounds to approve additional vehicular accesses as part of this subsequent proposal.”

5.29 Clearly, the implications of approving one amendment application only and not both and the significant adverse consequential impacts of leaving No.5 without an access and parking area have been ignored. The amendment application 20/03061/FUL now represents the most viable and preferred option to be implemented in the conversion to a house. The approval to form a dividing wall across an area approved as a shared car parking area under the 2019 consents has the effect to deny No.5 the access rights and availability of off-street car parking it presently has.

5.30 The Planning Case Officer has sought to justify his position on the amendment application which is under review, as stated in the Report of Handling, by referencing the Transportation comments on the other amendment application (20/03061/FUL). The consequences were greatly underestimated by the Transportation Official who commented on that other application as below:

*"From: Cameron Baillie
Sent: 16 September 2020 08:48
To: Lewis McWilliam
Subject: RE: 5 Cluny Gardens 20/03061/FUL*

Morning Lewis,

The parking standards allow for a maximum level of car parking this means that 0 car parking is acceptable in terms of the parking standards.

Cluny Gardens does appear to have waiting restrictions (double and single yellow lines) which means on-street parking would be limited. But I don't see any major issue that would raise significant concerns from ourselves.

*Hope this helps,
Cameron"*

5.31 Regardless of the Council's parking standards, it is considered that both the Transportation and Planning Officials should have considered the wider implications of approving an application which would adversely impact on another property.

5.32 In effect, the Planning Case Officer has failed to reach a balanced decision on the proposals affecting the overall property, in particular the reduction in amenity for No.5 as a result of being denied the existing access and car parking arrangements. This is a retrograde step for the property making it less accessible than it is presently. This situation is further exacerbated by the existence of single and double yellow lines controlling on-street parking outside and near to the property on Cluny Gardens which will result in the residents having to park their vehicles elsewhere and further away from the property which will be an obvious inconvenience and detriment to the enjoyment of the house.

5.33 Furthermore, and to add to the appropriateness of the amendment application under this review, there is clear Transportation support for the creation of the new vehicular entrance in the comments received to this review amendment application. This is shown in the email correspondence between the Transportation and Planning Officials as below.

*"From: Cameron Baillie
Sent: 16 September 2020 12:08
To: Lewis McWilliam
Subject: RE: 5 Cluny Gardens 20/03062/FUL
Hi Lewis,*

Yeah I don't think there would be any objections from us on this subject to the following conditions/informatives:

- 1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018 http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;*
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth) and at a maximum width of 3.0m (4.8m with transistions);*
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
 - d. Any gate or doors must open inwards onto the property;*
 - e. Any hard-standing outside should be porous;*
 - f. Electric vehicle charging infrastructure should be considered for this development;*
 - g. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>**

If you need a formal response you will need to ping it through uniform in the usual manner,

*Cheers,
Cameron"*

Summary of Issues raised Grounds 1 and 2

5.34 The Planning Case Officer has reached a judgement on the amendment application for No. 5 which has failed to take account of a number of key issues which are considered to be key in reaching a fair and balanced decision on the proposed amendments. These are summarised below:

- The context of the streetscene which contains variety in the form of driveway entrances close to one another, visible hardstanding areas for car parking and exposed and open garden frontages and settings has not been fully understood.
- The area of hardstanding providing existing off-street car parking in the front curtilage of the property is a valuable asset for No.5.
- The Council has already accepted the principle of subdividing the property and that the amendments sought for each property (the new house and existing house at No.5) will create

dedicated access and parking arrangements which are considered to be an overall improvement to the original approved positions.

- The creation of the new entrance will retain the offset appearance of it being to the side of the building, not directly in front of it. This helps to retain a degree of balance with the other semi-detached property at No.7.
- Not all properties along Cluny Gardens have a hedge feature to the front.
- The removal of the existing hedge could be carried out without the need for planning or any other permissions (hedges do not fall under the same control as trees in Conservation Areas or other protection such as Tree Preservation Order).. Retention of the hedge to preserve the existing character cannot therefore be guaranteed and, if it was entirely removed, would result in the exposure of the hardstanding area which would have far greater impact than that which would be created by just the removal of the 3 metre wide section of low wall and hedge as proposed. The intention is to retain the remaining parts of the existing hedge along the frontage thus the character of the frontage is preserved.
- The inclusion of a new traditional cast iron gate across this new entrance in the streetscene will reinforce a sense of enclosure for the property's frontage and will help to reduce any perceived exposure of the hardstanding area that the Planning Case Officer believes will take place.
- The design and finishing material for the new gate is appropriate as it will be in keeping with those prevalent in the area, as confirmed by the Planning Case Officer in his report, which further support the suitability of the proposals in preserving the character and appearance of the Morningside Conservation Area.
- The significant adverse consequential impacts of leaving No.5 without an access and parking area.
- The changes required to the stairs to access the lower garden area and basement door for No.5 will not be able to be implemented due to the approval of the other amendment application resulting in access now being prevented to these areas.

5.35 It is hoped that by explaining the proposals and their merits in more detail as part of this Review request, the Council's PLRB will be more understanding of the proposals as submitted relative to the policy criteria and recognising the significant consequences of the refusal of the review application combined with the approval the other associated amendment application for the new house to the side which has a significant bearing on the overall proposals for this property.

5.36 The weight attached to applying the terms of Policy Env 6 is disproportionate and it is evident that a greater importance has been afforded to the removal of a 3 metre section of low front boundary wall, notwithstanding it is within a Conservation Area, and removal of a hedge which does not fall under planning control (and so could be removed in any event and exposing the front hardstanding area) without considering the consequential loss of the ability to access an existing car parking area at No.5. The situation has arisen as a direct result of the Planning Case Officer approving the other amendment application which provides for its own dedicated access and parking for the new house in advance of the review application and without considering those consequences.

5.37 The end result being that the ability to access the property at No.5 for car parking and rear garden and basement access will now be removed to the significant disadvantage of the residents of No.5. This will have the further adverse effect of forcing cars to park on-street, instead of off-street as they presently do, and at a considerable and inconvenient distance away from the property. Whereas approval of the application would prevent this from occurring and without any detriment to the character or appearance of the Morningside Conservation Area.

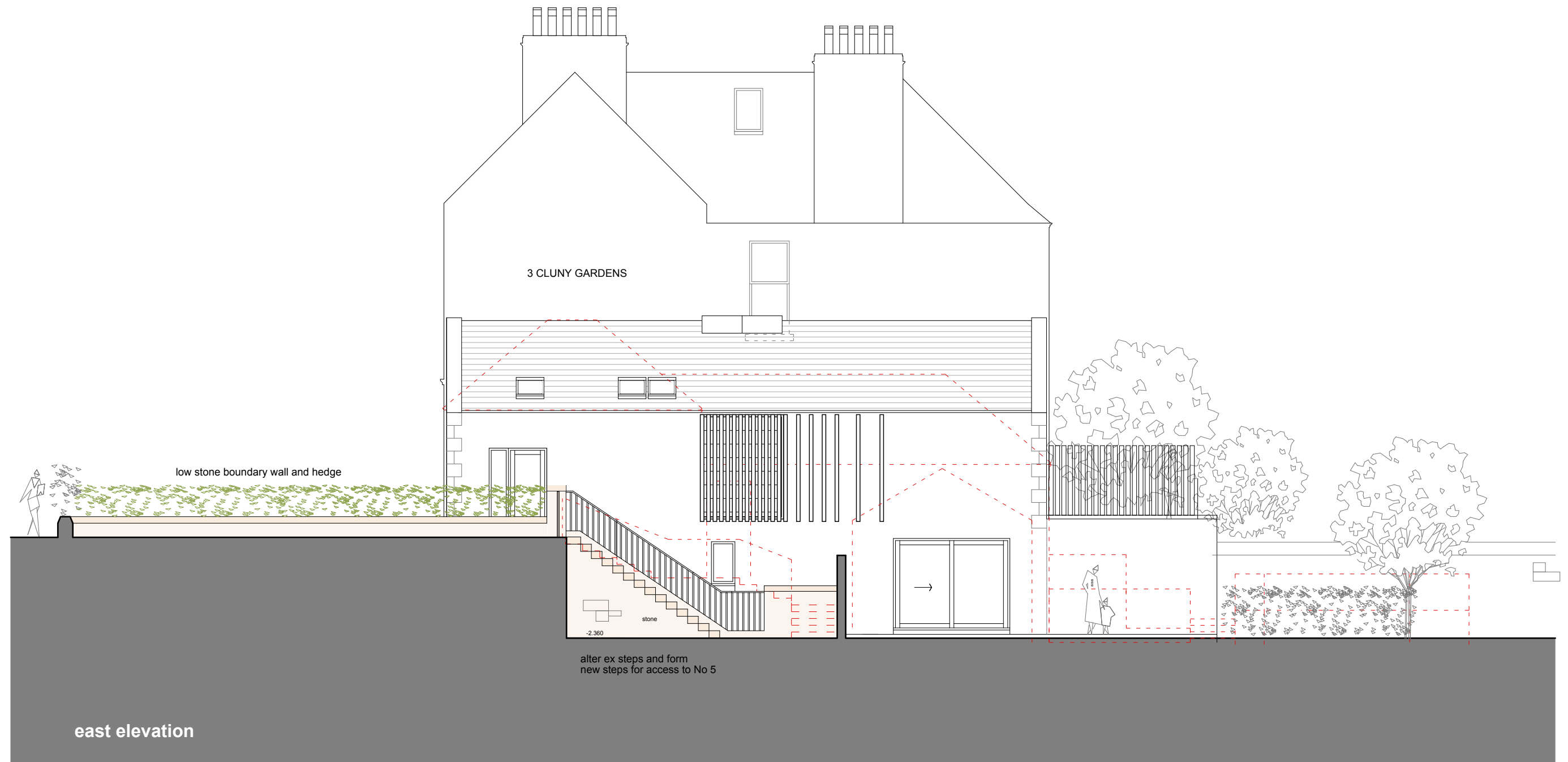
5.38 In that regard, the decision reached by the Case Officer is considered to be both unreasonable and unjustified, having failed to take all these key issues into account when determining the 2 amendment applications.

6.0 CONCLUSION

6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended, requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 It has been demonstrated in this Statement that there is compelling evidence that the proposed amendments are, in their own right, in accordance with the Development Plan as they can be supported by Policy Env 6 and Policy Des 12 in the Council's adopted Edinburgh Local Development Plan 2016. Furthermore, additional supporting evidence has been presented which represents additional material considerations relating to the significant adverse consequences to the residents of No.5 that would result if the decision to refuse the application is upheld. This evidence helps to outweigh any perceived harm to the Conservation Area by the Planning Caser Officer that might be considered to be brought about by the change to the appearance of the front of the property at No.5 and the streetscene generally, which, as has been demonstrated, is not able to be substantiated.

6.3 In conclusion, therefore, it is considered that there are justified planning reasons for overturning the Planning Case Officer's decision for the reasons set out in this supporting Review Statement. Consequently, it is respectfully requested that the PLRB looks favourably on the applicant's request for a review of the decision and grants planning permission accordingly.



PLANNING

A3 PROPOSED EAST ELEVATION 1:100
DRAWING No 330 - P 03

MR D DEMARCO
5 CLUNY GARDENS, EDINBURGH

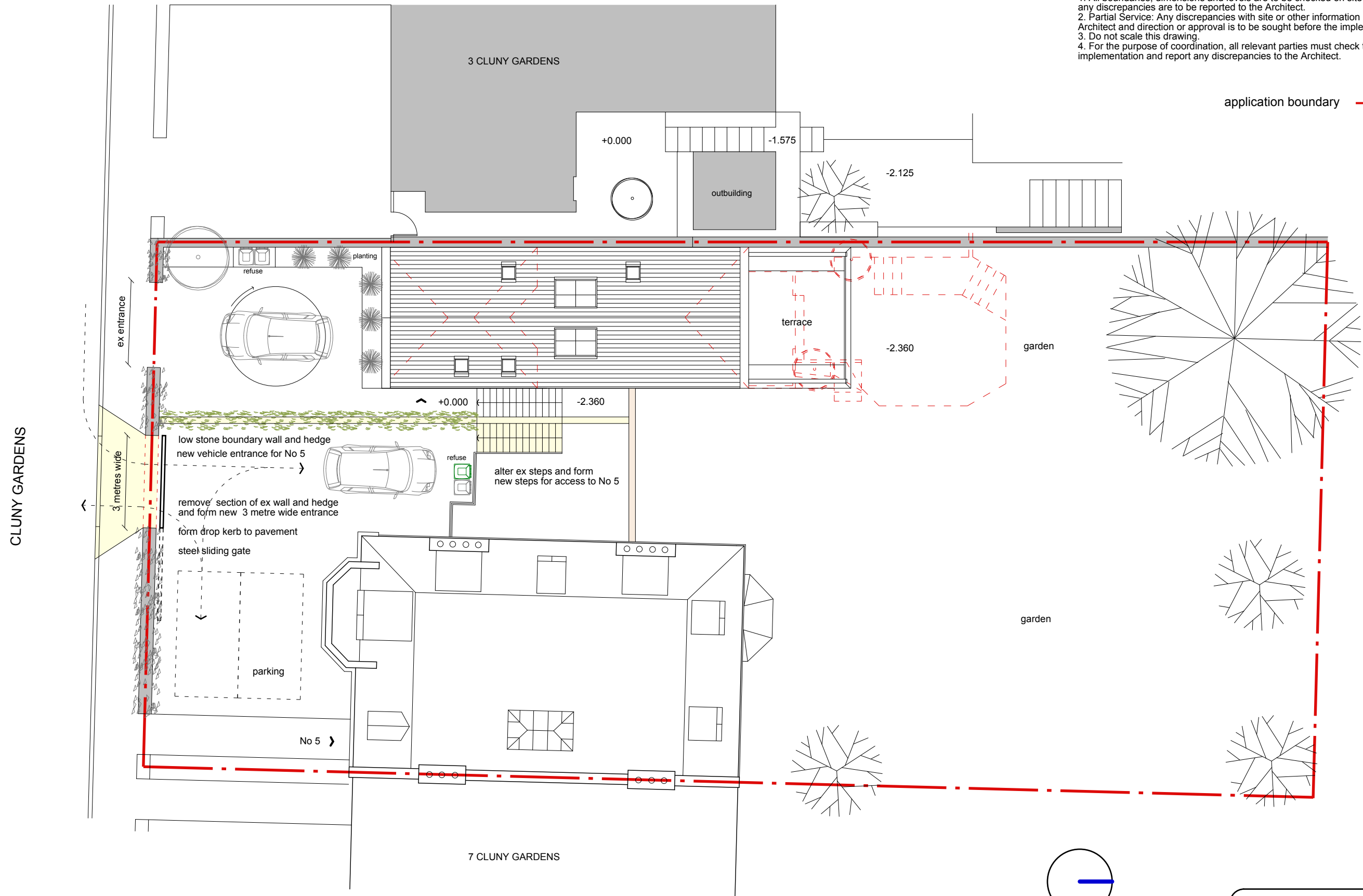
JULY 2020

IAIN CAMERON
Chartered Architect
www.iaincameronarchitect.co.uk | 0131 467 0579

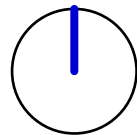
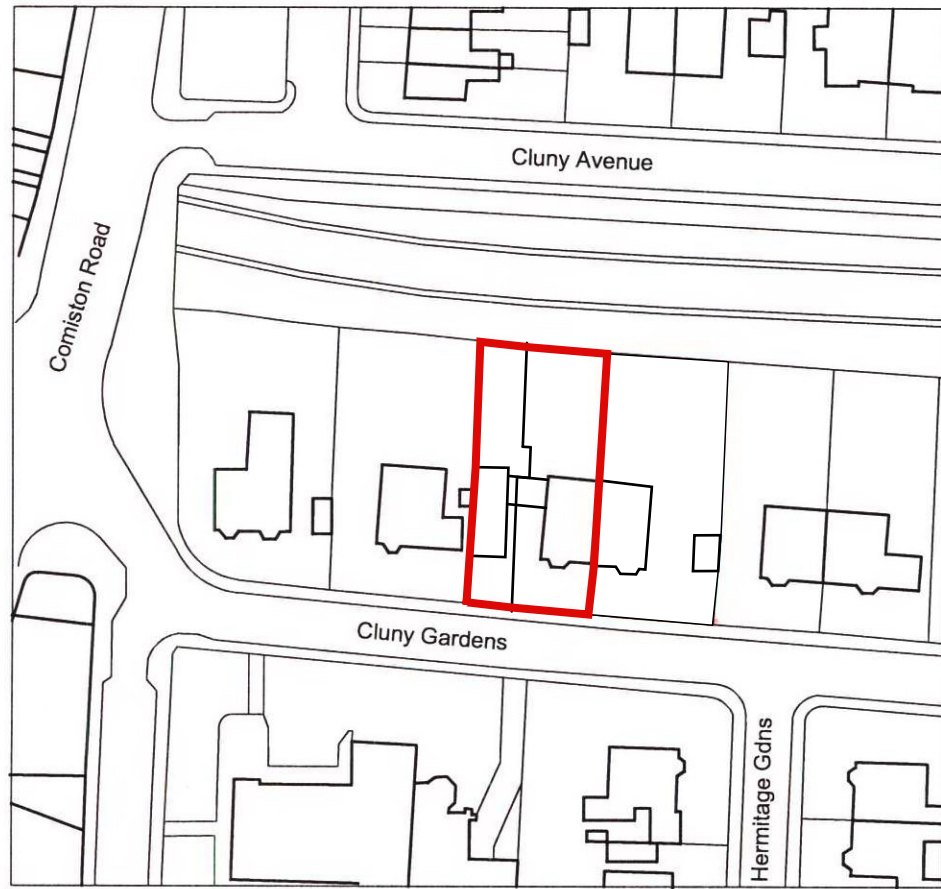
NOTES:


1. All boundaries, dimensions and levels are to be checked on site before construction and any discrepancies are to be reported to the Architect.
2. Partial Service: Any discrepancies with site or other information is to be advised to the Architect and direction or approval is to be sought before the implementation of the detail.
3. Do not scale this drawing.
4. For the purpose of coordination, all relevant parties must check this information prior to implementation and report any discrepancies to the Architect.


application boundary - - - - -

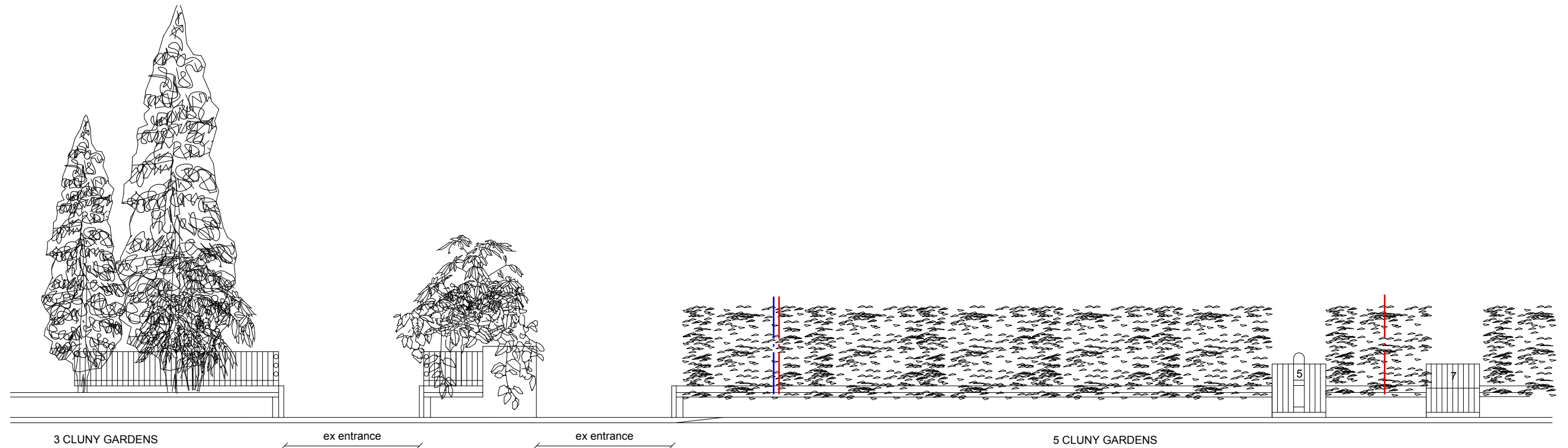


PLANNING



application boundary 

land under same ownership 



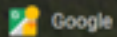
EXISTING ELEVATION TO 3-7 CLUNY GARDENS



PROPOSED ELEVATION TO 3-7 CLUNY GARDENS

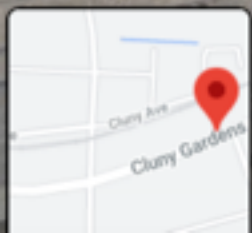
PLANNING

60 Cluny Gardens
Edinburgh, Scotland



Street View

Page 121



Google

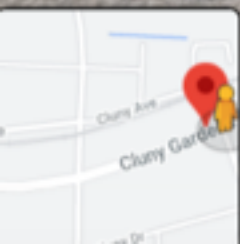


61 Cluny Gardens
Edinburgh, Scotland

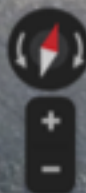
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Street View

Page 122



Google



66 Cluny Gardens

Edinburgh, Scotland

Google

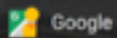
Street View

Page 123



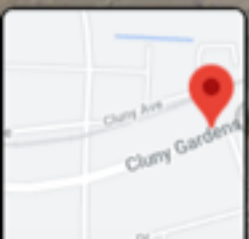
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71 Cluny Gardens
Edinburgh, Scotland



Street View

Page 124

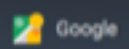


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105 Cluny Gardens

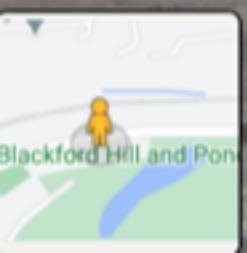
Edinburgh, Scotland



Street View



Page 125



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Mr James Greenhill.
 2 Cramond Crescent
 Edinburgh
 EH4 6PG

Decision date: 2 October 2020

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

Conversion and extension of attic, replace conservatory walls with solid walls, move conservatory, create porch to front.

At 2 Cramond Crescent Edinburgh EH4 6PG

Application No: 20/03152/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 3 August 2020, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **mixed decision** in accordance with the particulars given in the application.

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

Conditions:-

Informatives:-

It should be noted that:

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

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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

Drawings 01-11, 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 one and a half storey side and rear extension and the proposed dormer window would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. They comply with the ELDP Policy Des 12 and the non-statutory Guidance for Householders. These elements of the proposal is acceptable.

The proposed porch would disrupt the primary elevation of the building and would have a detrimental impact upon the character and appearance of the surrounding area. This is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable

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

Should you have a specific enquiry regarding this decision please contact Conor MacGreevy directly at conor.macgreevy@edinburgh.gov.uk.

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 20/03152/FUL
At 2 Cramond Crescent, Edinburgh, EH4 6PG
Conversion and extension of attic, replace conservatory
walls with solid walls, move conservatory, create porch to
front.**

Item	Local Delegated Decision
Application number	20/03152/FUL
Wards	B01 - Almond

Summary

The proposed one and a half storey side and rear extension and the proposed dormer window would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. They comply with the ELDP Policy Des 12 and the non-statutory Guidance for Householders. These elements of the proposal is acceptable.

The proposed porch would disrupt the primary elevation of the building and would have a detrimental impact upon the character and appearance of the surrounding area. This is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable

Links

Policies and guidance for this application	LDPP, LDES12, NSG, NSHOU,
--	---------------------------

Report of handling

Recommendations

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

Background

2.1 Site description

The property is a semi-detached bungalow with front and rear gardens. Additions and alterations to the residential dwellings of the surrounding area are mainly characterised by single storey side and/or rear extensions and alterations to the roofscape. Projecting elements to the primary elevation are not a characteristic of the surrounding area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for a one and a half storey rear extension, roof alterations and a porch to the primary elevation.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

a) The proposal is of an acceptable scale, form and design, compatible with neighbourhood character and will, where appropriate, preserve the character and the appearance of the conservation area.

b) The proposal does not result in an unreasonable loss of neighbouring residential amenity.

c) Any impacts on equalities or human rights are acceptable;

d) Any comments raised have been addressed.

a) Scale, Form and Design.

The proposed one and a half storey rear extension to the host property is of a design that will sit comfortably within that elevation of the building. The layout and scale of this proposal is in keeping with the spatial pattern of the area and does not represent overdevelopment on the site. The proposed materials and fenestration design provide a suitable contrast to the original building and are acceptable in this location.

This element complies with the LDP Policy Des 12 and the non-statutory Guidance for Householders.

The proposed rear elevation dormer is of a simple design that will sit comfortably within that elevation of the property. The design, form, choice of materials and fenestration would not detract from the host building or have an adverse effect on the character and appearance of the surrounding area.

This element complies with the LDP Policy Des 12 and the non-statutory Guidance for Householders.

In relation to the proposed porch and its location, porches are not a characteristic of the surrounding area. The addition of a porch to the primary elevation of the host property would have a detrimental impact upon the character and appearance of the host property and the surrounding area. The primary elevation of residential properties is the primary visual component of their design, which ultimately contributes to the character and appearance of an area.

The porch itself significantly projects forward from the primary elevation, creating a visual barrier when viewed upon from the public realm and disrupts the established building line within the streetscape; these aspects are both contrary to the non-statutory Guidance for Householders. Furthermore, the size and scale of the porch would not be subservient or subordinate in terms of its relationship to the host property.

This element of the proposal is contrary to the LDP Policy Des 12 and the non-statutory Guidance for Householders.

The proposed installation of a rooflight to the roof plan does not constitute development under Section 26 of the Town and Country Planning (Scotland) Act 1997.

b) Neighbouring amenity.

The proposal complies with the LDP Policy Des 12 and the non-statutory Guidance for Householders.

c) No impacts were identified.

d) No comments were received.

Conclusion

The one and a half storey rear extension is acceptable and satisfies plan policy Des 12 and the non-statutory "Guidance for Householders". It is recommended that it is approved.

The proposed rear dormer is acceptable and satisfies plan policy Des 12 and the non-statutory "Guidance for Householders". It is recommended that it is approved.

The proposed porch does not comply with development plan policy Des 12 or the non-statutory 'Guidance for Householders' and is not acceptable. This element of the application should be refused.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

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 3 August 2020

Drawing numbers/Scheme 01-11,
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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

No consultations undertaken.

END

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100289630-005

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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	James	Building Number:	2
Last Name: *	Greenhill	Address 1 (Street): *	Cramond Crescent
Company/Organisation		Address 2:	
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH4 6PG
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

2 CRAMOND CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH4 6PG

Please identify/describe the location of the site or sites

Northing

676250

Easting

318699

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)

Conversion and extension of attic, replace conservatory walls with solid walls, move conservatory, create porch to front

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 refused element was deemed contrary to NSG & ELDP Policy Des 12 as it would "disrupt the primary elevation of the building and would have a detrimental impact upon the character and appearance of the surrounding area." The proposal is an improvement to the house and is a common feature in the neighbourhood. The proposal would return the original balance to the elevation, not project forward of the current porch and not be substantially beyond what would be allowed under PDR.

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)

LOC00 location plan EX00 existing site plan EX10 existing ground floor plan EX11 existing attic plan EX20 Existing roof plan EX50 Existing elevations PL00 Proposed site plan PL10 Proposed ground floor plan PL11 Proposed attic plan PL20 Proposed Roof plan PL50 proposed elevations LOC02 - plan showing proposed features in local area LOC03 - images of similar features as proposed in local area LOC04 - historic map and images of existing house APP00 - appeal statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/03152/FUL

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

03/08/2020

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

02/10/2020

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 James Greenhill

Declaration Date: 26/10/2020

Proposal Details

Proposal Name	100289630
Proposal Description	Attic conversion and extension.
Address	2 CRAMOND CRESCENT, EDINBURGH, EH4 6PG
Local Authority	City of Edinburgh Council
Application Online Reference	100289630-005

Application Status

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

Attachment Details

Notice of Review	System	A4
Appeal statement	Attached	A4
decision notice	Attached	A4
EX00 existing site plan	Attached	A3
EX10 existing floor plan	Attached	A3
EX11 Existing attic plan	Attached	A3
EX20 Existing roof plan	Attached	A3
EX50 Existing elevations	Attached	A3
Handling report	Attached	A4
historic map and images	Attached	A3
LOC01 Location plan	Attached	A3
Location of similar features	Attached	A3
Photos of gables in local area	Attached	A3
PL00 Site plan as proposed	Attached	A3
PL10 Ground floor plan	Attached	A3
PL11 Attic plan as proposed	Attached	A3
PL20 Roof plan	Attached	A3
PL50 Proposed elevations	Attached	A3
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-005.xml	Attached	A0

2 Cramond Crescent
Edinburgh
EH4 6PG

Application No: 20/03152/FUL

Conversion and extension of attic, replace conservatory walls with solid walls, move conservatory, create porch to front.
2 Cramond Crescent Edinburgh EH4 6PG

To Whom It May Concern:

Following receipt of the 'mixed decision,' in relation to the application noted above, we wish to appeal the part deemed unacceptable, as outlined below.

The proposed porch would disrupt the primary elevation of the building and would have a detrimental impact upon the character and appearance of the surrounding area. This is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable

By way of introduction, the proposal is to enclose the existing porch, and re-use the roof taken from the back to provide better balance to the elevation. The house has been subdivided at some point in the past and has resulted in something of a disjointed elevation that we wish to remedy, as well as improving our home.

Edinburgh Local Development Plan policy Des 12 states:

Planning permission will be granted for alterations and extensions to existing buildings which:
a) *in their design and form, choice of materials and positioning are compatible with the character of the existing building*
b) *will not result in an unreasonable loss of privacy or natural light to neighbouring properties*
c) *will not be detrimental to neighbourhood amenity and character*

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

To take these points in order;

a) *in their design and form, choice of materials and positioning are compatible with the character of the existing building*
The design and form of the proposed porch is in keeping with the existing property. The roof pitch, eaves height, lintel height and projection are consistent with the existing house. The choice of materials is in line with what was approved to the rear of the house, however we are willing to revisit the materials to match the existing if that would be preferred. As the proposal is simply to enclose the existing porch, the proposed position is undoubtedly compatible.

b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties

The proposed porch does not contain any habitable rooms or windows, so can't result in a loss of privacy to our neighbours. It does not project further than the existing porch and is centred on the property so will not result in any overshadowing of our neighbours.

c) will not be detrimental to neighbourhood amenity and character

The house as existing is detrimental to the amenity and character of the neighbourhood, and the proposal is an improvement. It has been suggested that the front gable is an unusual feature for the neighbourhood, however, as can be seen by submitted documents 'LOC02' and 'LOC03' there are a number of properties in the neighbourhood with similar features. Similarly, there are a number of houses in the neighbourhood which have construction forward of the build line (also highlighted in document LOC02)

From householder guidance:

Porches

Porches are permitted development on any external door of the house providing they are not higher than 3 metres, and the overall footprint of the porch is not more than 3 square metres. The minimum distance between the porch and any boundary with a road must be more than 2 metres.

As can be seen here, the proposed porch is very close to being permitted development, with the only issue being that it is a little higher than the 3m permitted development limit, a consequence of reusing a portion of the roof from the rear, and keeping the design and form in line with the existing house. It is also worth noting that enclosing the current porch and putting a flat roof on it would be acceptable within permitted development rights, however it would be detrimental to the elevation.

What is a building line?

It is the line formed by the frontages of the buildings along a street. Sometimes it is defined in the title deeds. Generally developments other than porches etc are not acceptable in front of the building line as they disrupt the character and appearance of the street.

It is clear here that porches are acceptable forward of the building line.

Modest porches may be acceptable where they do not detract from the design of the original building or the character of the street

As previously noted, the house has undergone a subdivision in the past which has ruined the original elevation, and detracted from the character of the street, our proposal is to improve it. As can be seen from submitted drawing 'LOC04', there was originally a large porch (unfortunately we are unable to determine the form) so if anything, we are returning to closer to the original design.

Bungalow extensions

Bungalow extensions should be designed in a way that retains the character of the original property and is subservient in appearance. Extensions must not imbalance the principal elevation of the property. Rear extensions to bungalows should be in keeping with the existing property roof design and its ridge line should be below the ridge of the existing property. The hipped roof character of the host building should be respected. Gable end extensions will generally not be allowed unless this fits in with the character of the area and is of a high-quality innovative design.

Again, the proposal is to better balance the principal elevation, is subservient to the existing house and is not out of character (the proposed roof comes from the rear).

Further, the guidance above clearly relates to a traditional hip-roof bungalow, however our house has gables to the ends, which we will replicate to the front.

From the above, it is clearly demonstrated that the proposals deemed unacceptable are barely above what could be constructed under permitted development rights and are an enhancement to the property and to the local area. If we carried out the work under permitted development rights, it would be detrimental to the amenity of the local area.

From our report of handling, 3.3 Assessment:

a) The proposal is of an acceptable scale, form and design, compatible with neighbourhood character and will, where appropriate, preserve the character and the appearance of the conservation area.

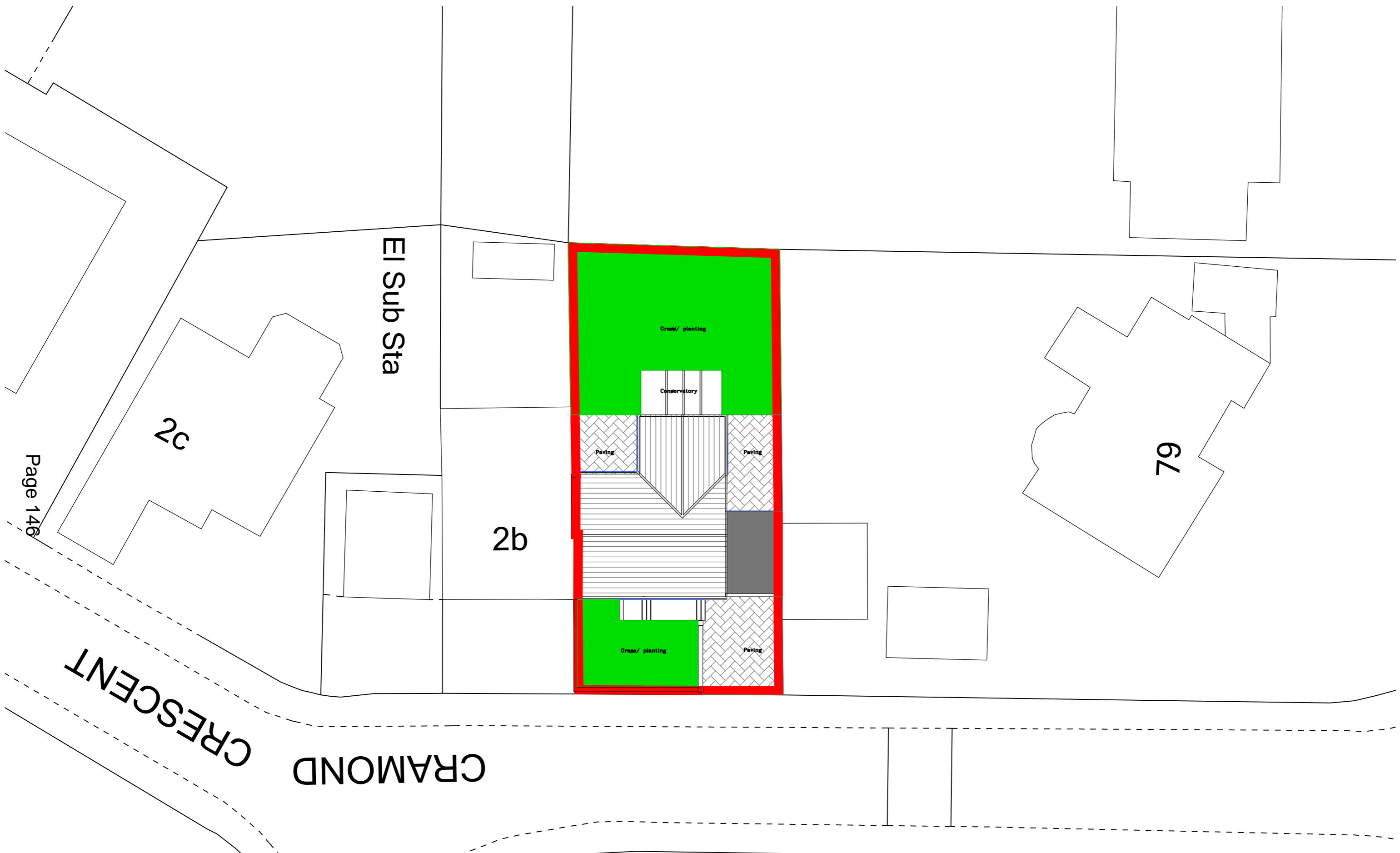
It should be noted that the property in question is outwith the conservation area, and a similar feature has recently been constructed within the conservation area (4th row, 2nd from left of document LOC03).

Much is made in the report of handling of the 'significant' projection of the porch forwards of the primary elevation. I would again note that it does not project further forward than the existing porch, nor the high portion of the 'modesty wall' erected when the property was originally subdivided, nor the neighbouring garage at 2C.

With all of the above in mind, I would implore the review body to overturn the mixed decision of the planning department and approve the porch to the front as proposed.

Many thanks,

James Greenhill.



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GRAMOND

El Sub Sta

2c

2b

67

Groom/ planting

Conservatory

Paving

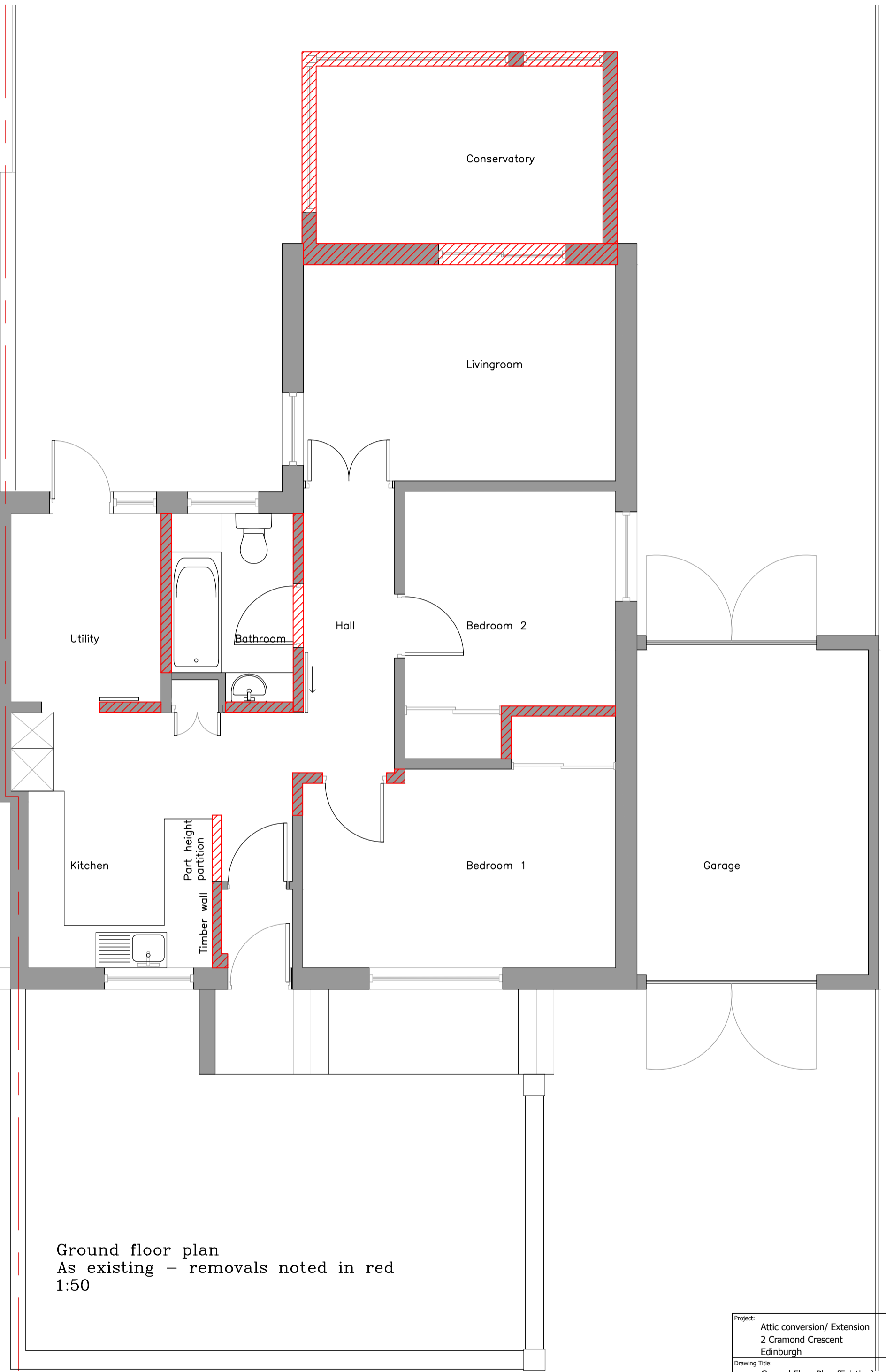
Paving

Groom/ planting

Paving



Project: Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Site Plan as Existing	
Dwg. No: EX00	Rev: -
Scale: 1:200	Date: Jan'19

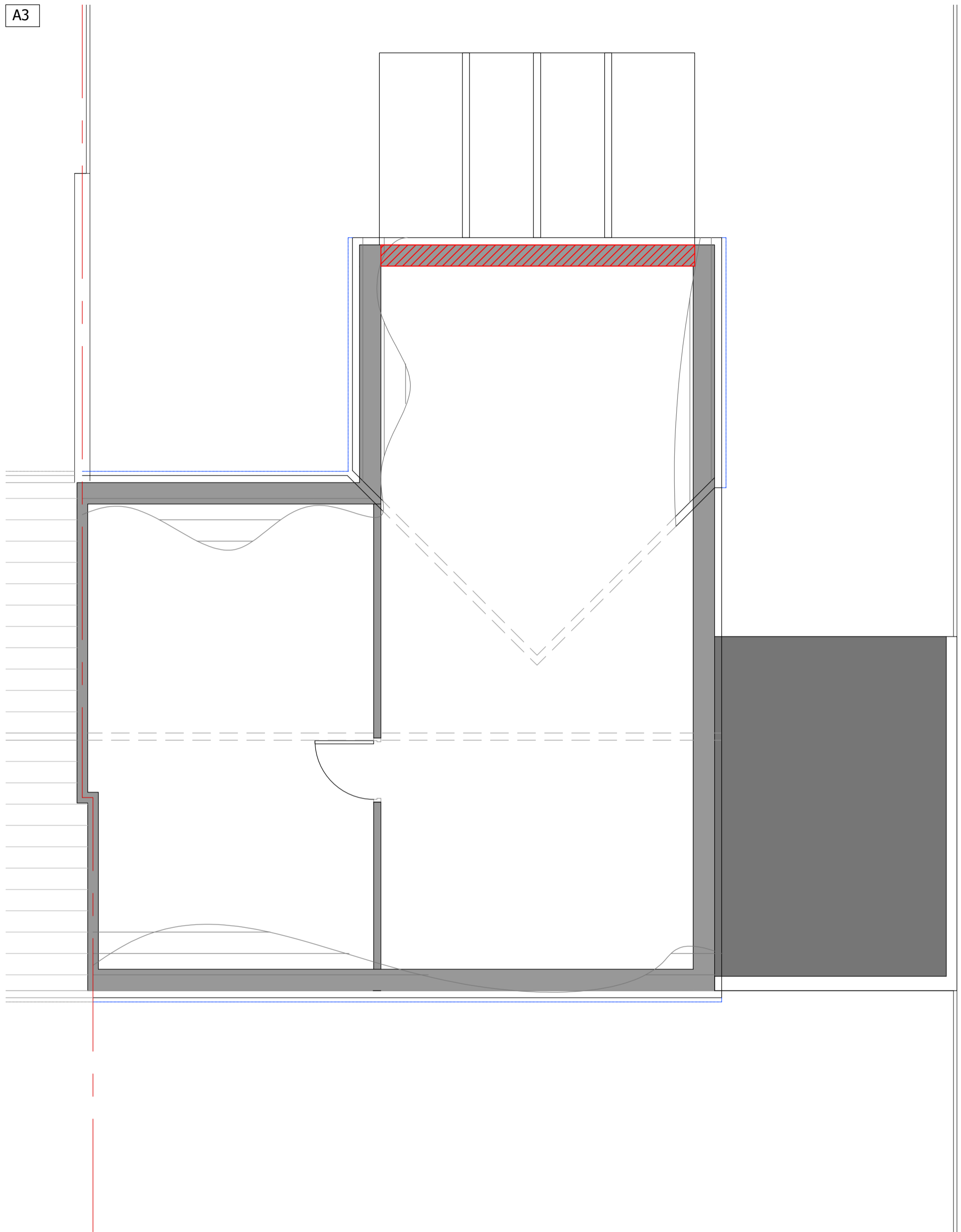


Ground floor plan
 As existing - removals noted in red
 1:50

SCALE 1:50



Project: Attic conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Ground Floor Plan (Existing)	
Drg. No: EX10	Rev: -
Scale: 1:50	Date: Jan '19

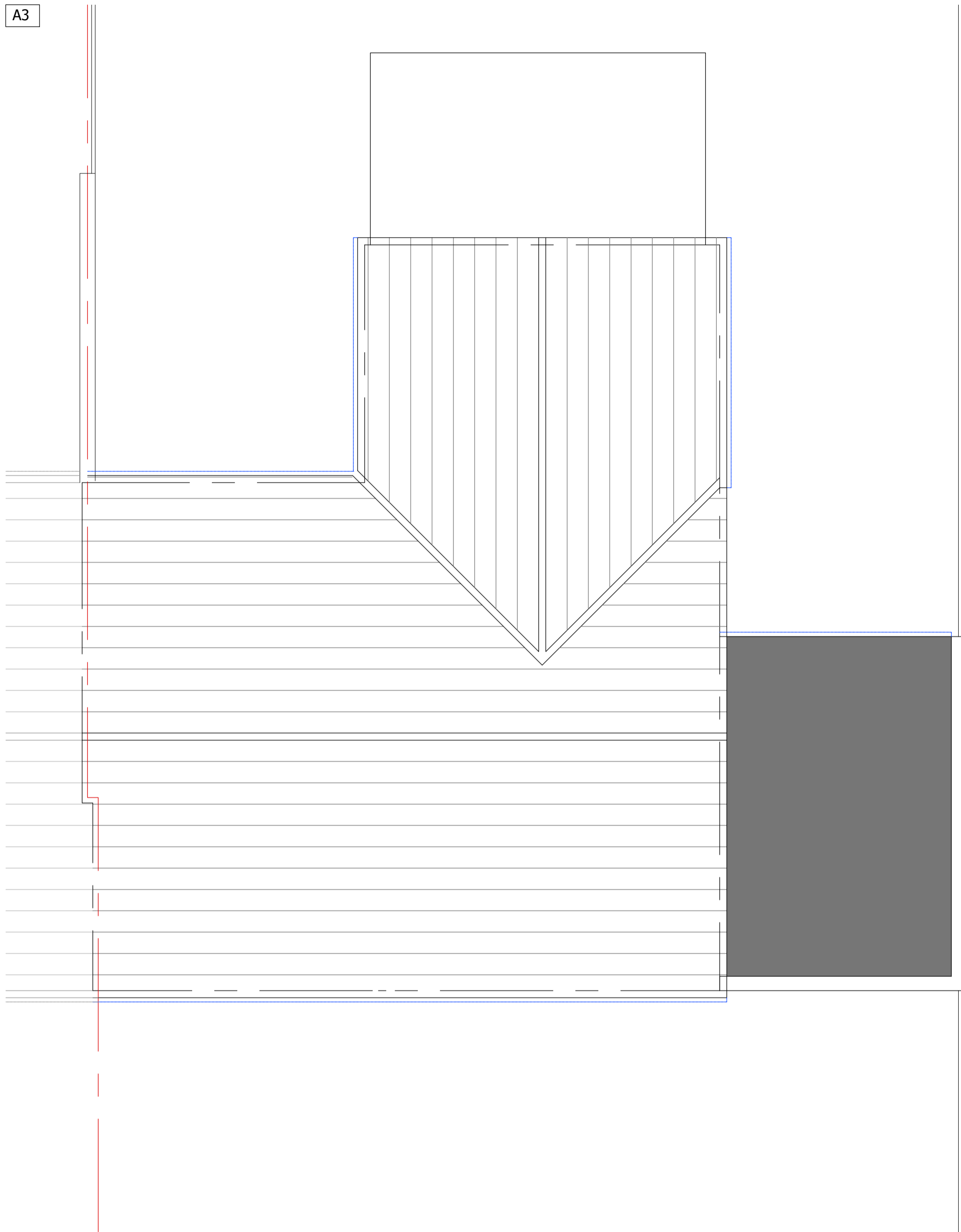


Attic plan
 As existing – removals noted in red
 1:50

SCALE 1:50



Project: Attic conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Attic Plan (Existing)	
Drg. No: EX11	Rev: -
Scale: 1:50	Date: Jan '19



Roof plan
 As existing
 1:50

SCALE 1:50

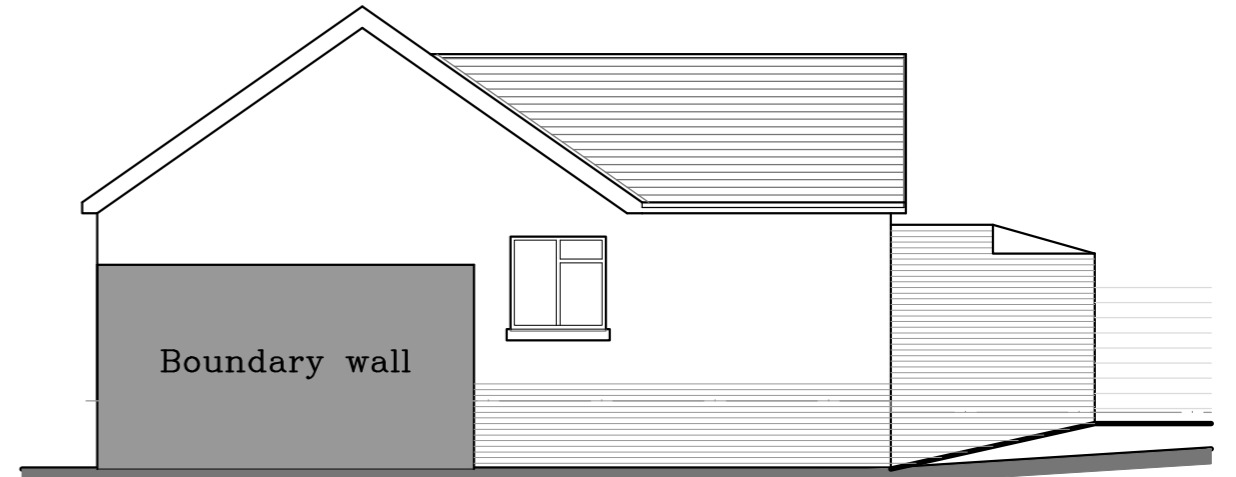


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Project: Attic conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Roof Plan (Existing)	
Drg. No: EX20	Rev: -
Scale: 1:50	Date: Jan '19



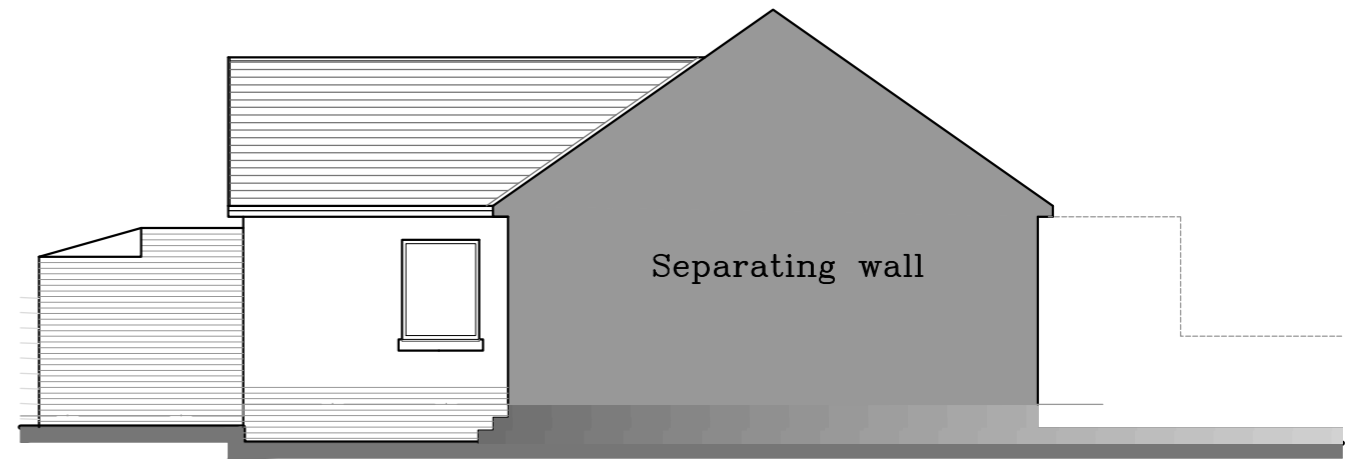
North-East elevation (front)
As existing, garden wall transparent
1:100



North-West elevation (rear)
As existing
1:100



South-West elevation (rear)
As existing
1:100



South-East elevation (side)
As existing
1:100

Project:		Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title:		Elevations (existing)	
Dwg. No:	EX50	Rev:	-
Scale:	1:100	Date:	Jan'19



Page 151

Above, the image is of the area around 1967, before the sale of a small parcel of land to the council for construction of the school, and the later subdivision of the house. The map clearly shows a porch to the front of the property, which has been lost over time.

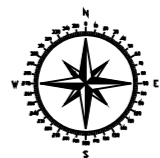
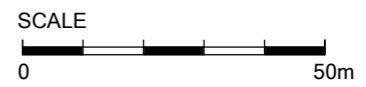
Image, top right. shows 2 Cramond Crescent. Note the imbalance to the elevation created by the subdivision, the intention of the porch is to rebalance the elevation and to redress some of the poor design choices made previously.

Image, bottom right - Showing 2 Cramond Crescent from an angle. The proposed porch will not project further than existing.

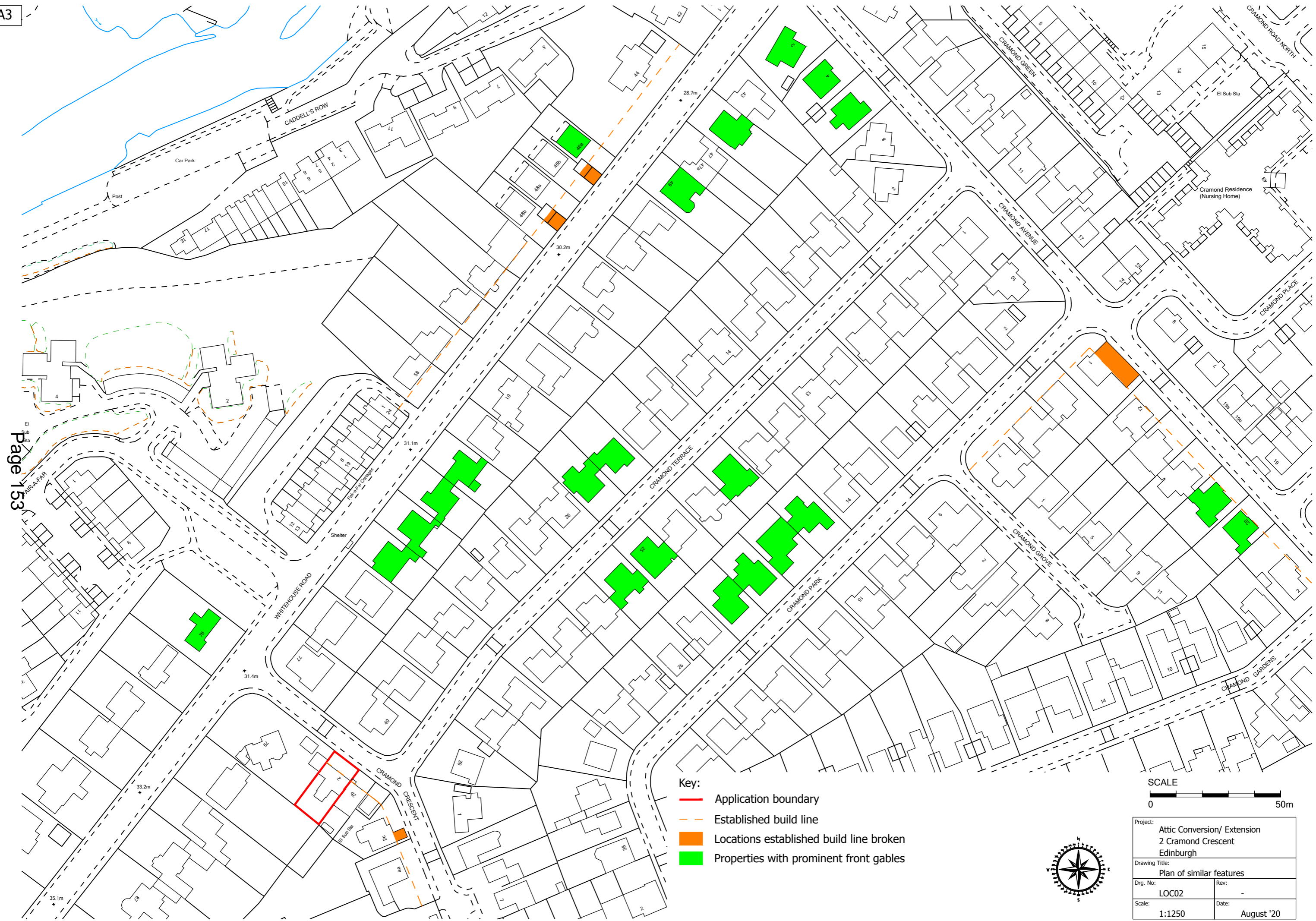
We acknowledge that the existing porch could be enclosed and given a flat roof under permitted development rights. This , however, would only exacerbate the issue. The proposal to provide a gable, drop the cill of the right hand window, and group the window and door will create a balanced, cohesive elevation.



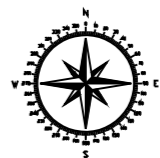
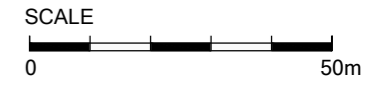
Project:	
Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title:	
Historic map and images	
Drg. No:	Rev:
LOC04	-
Scale:	Date:
NTS	Jan'19



Project: Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Location Plan	
Drg. No: LOC01	Rev: -
Scale: 1:1250	Date: Jan'19



- Key:**
- Application boundary
 - Established build line
 - Locations established build line broken
 - Properties with prominent front gables



Project: Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Plan of similar features	
Drg. No: LOC02	Rev: -
Scale: 1:1250	Date: August '20



House on Cramond Terrace with gable to front



House on Cramond Terrace with gable to front



House on Cramond Terrace with gable to front



House on Cramond Terrace with gable to front



House on Cramond Terrace with gable to front



House on Cramond Park with gable to front



House on Cramond Avenue with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Cramond Park with gable to front



House on Whitehouse Road with gable to front



House on Whitehouse Road with gable to front



House on Whitehouse Road with gable to front



House on Whitehouse Road with gable to front



House on Whitehouse Road with gable to front



House on Whitehouse Road with gables to front



House on Whitehouse Road with development in front of build line



House on Whitehouse Road with gable to front and development on front of build line



House on Whitehouse Road with gable to front



House on Whitehouse Road with gable to front



House on Whitehouse Road with gable to front



House on Cramond Crescent in need of gable



House on Cramond Crescent in need of gable

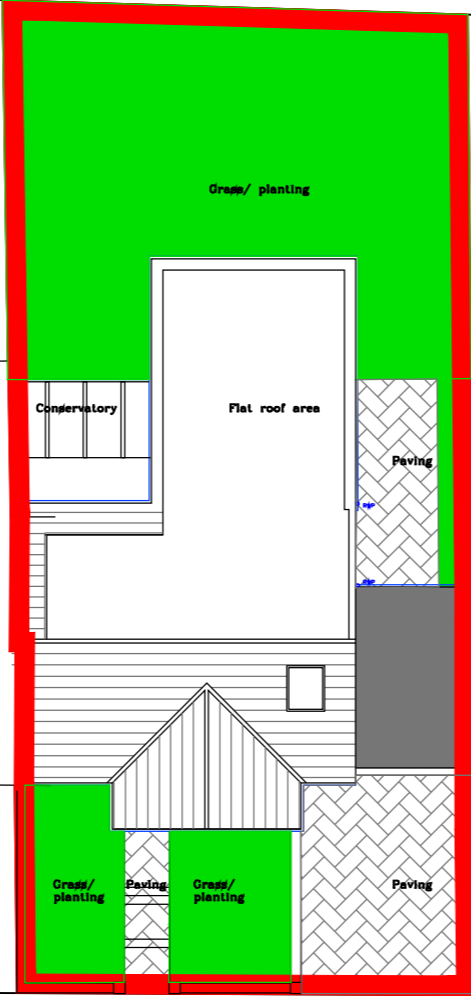
As can be seen from the images above, the proposed gable at 2 Cramond Crescent would not be out of character, and as the final two images confirm, the elevation of the house in question would be immesuarably improved by the addition of the front gable

Project:		Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title:			
Photos of gables in local area			
Drg. No:	LOC03	Rev:	-
Scale:	NTS	Date:	Jan'19

2c

EI Sub Sta

2b



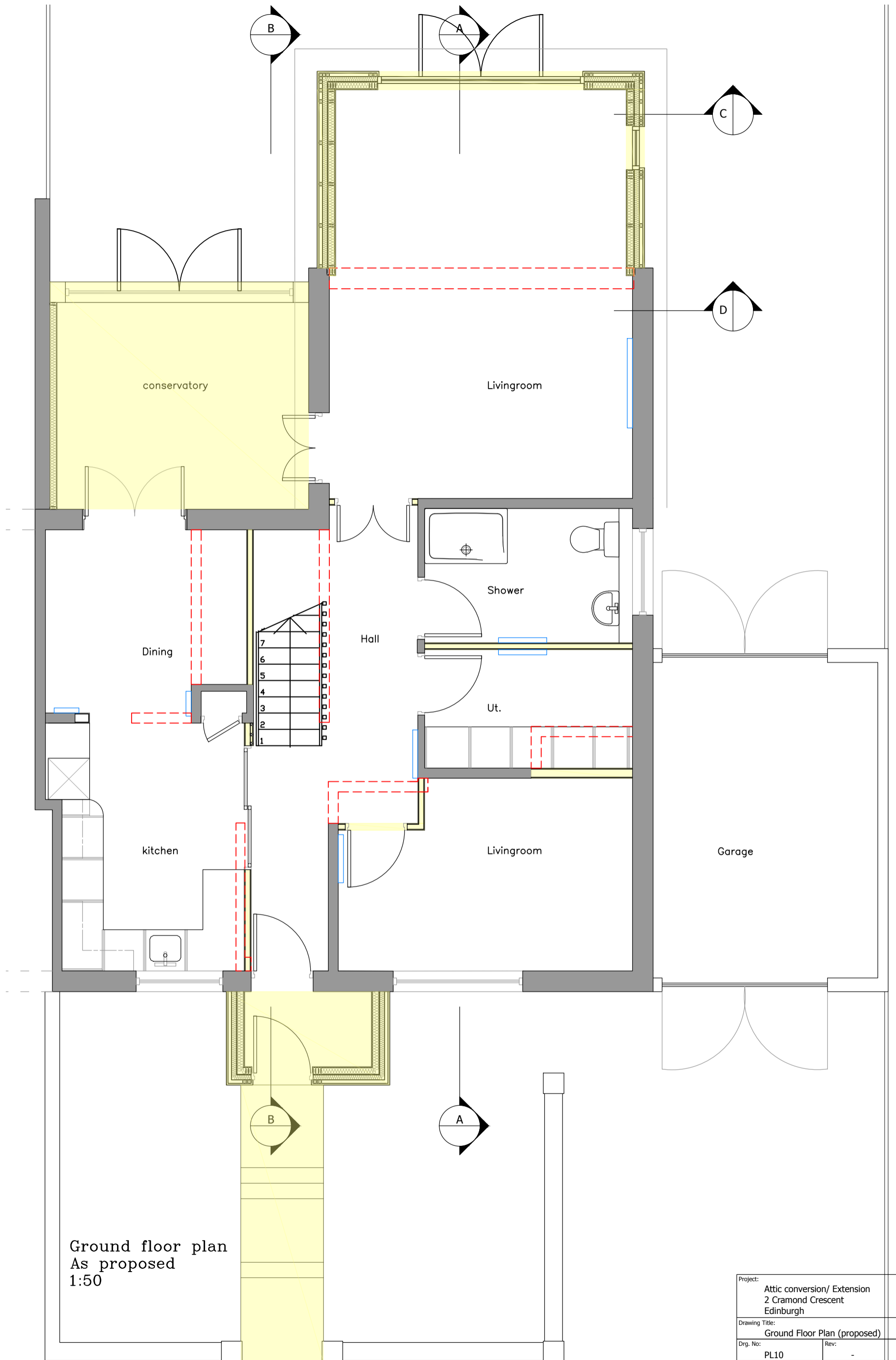
79

CRESCENT

GRAMOND



Project: Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Site Plan as proposed	
Dwg. No: PL00	Rev: -
Scale: 1:200	Date: Jan'19

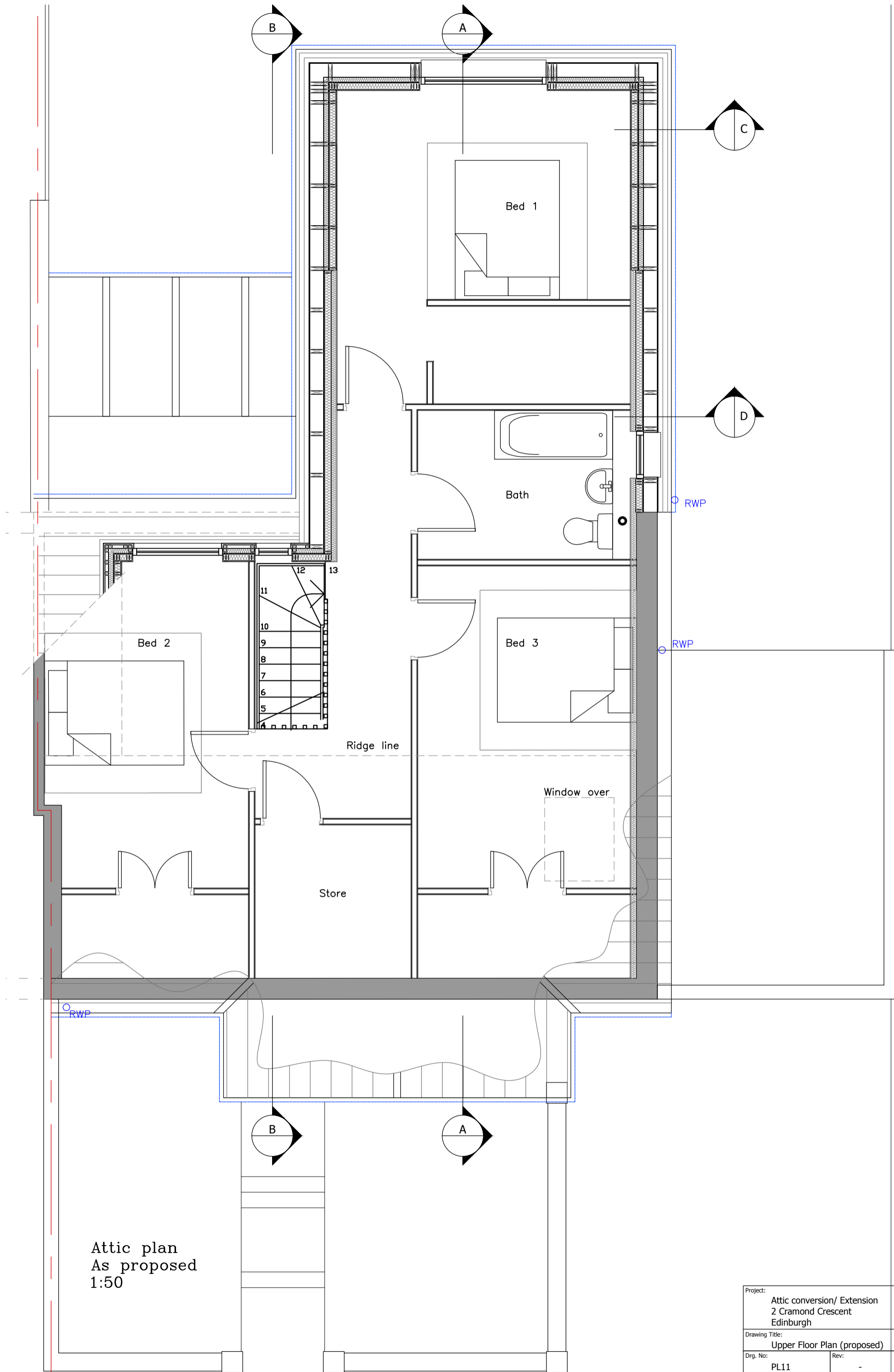


Ground floor plan
As proposed
1:50

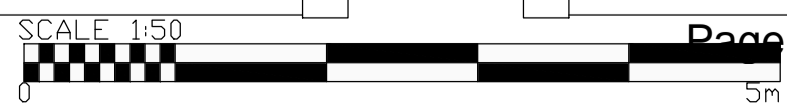
SCALE 1:50



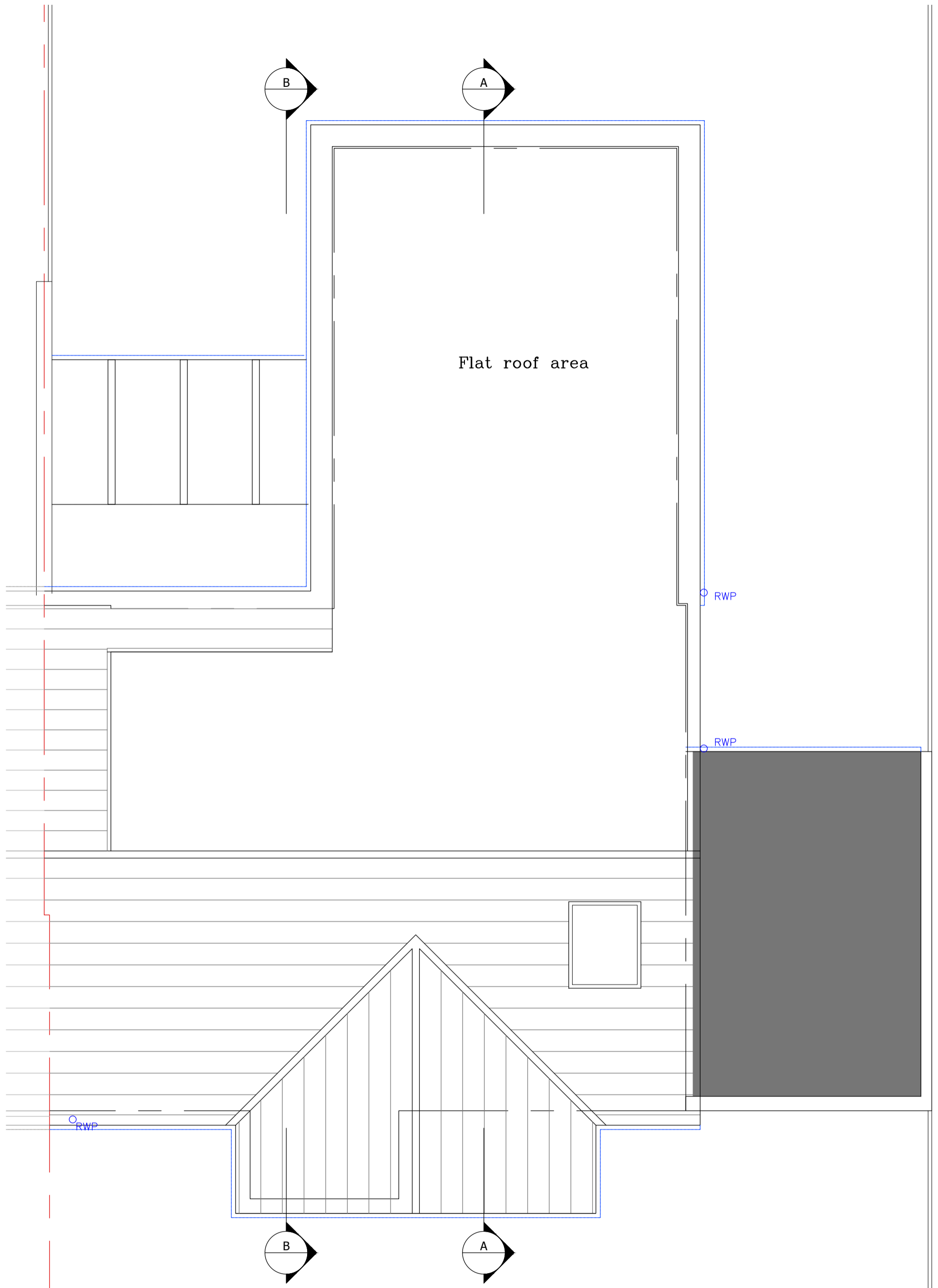
Project: Attic conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Ground Floor Plan (proposed)	
Drg. No: PL10	Rev: -
Scale: 1:50	Date: Jan '19



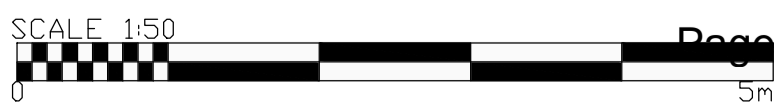
Attic plan
As proposed
1:50



Project: Attic conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Upper Floor Plan (proposed)	
Drg. No: PL11	Rev: -
Scale: 1:50	Date: Jan '19



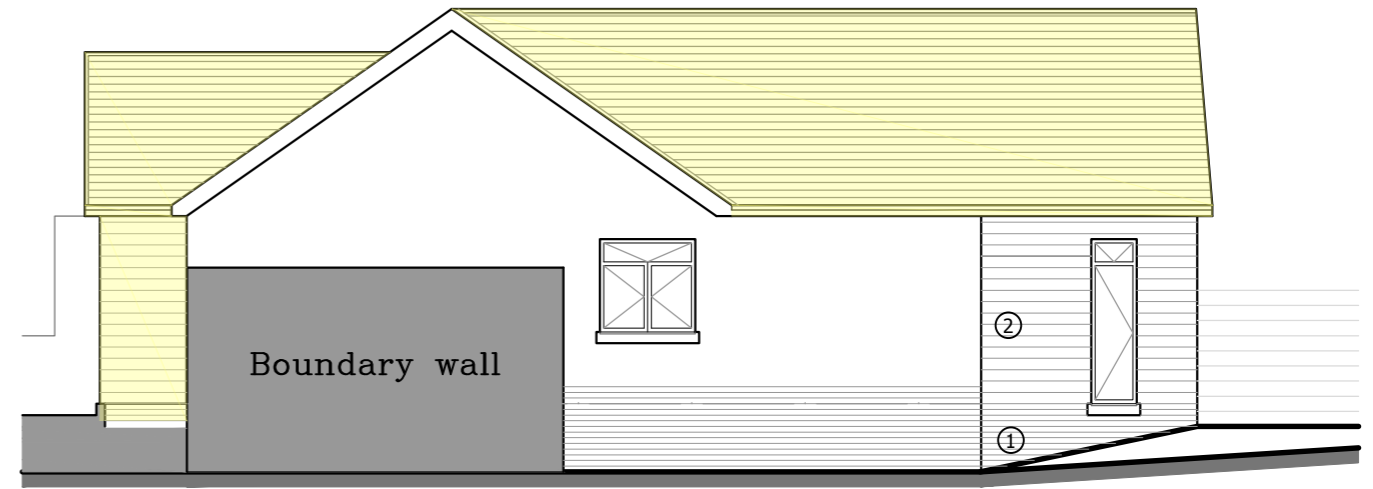
Roof plan
As proposed
1:50



Project: Attic conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Roof Plan (proposed)	
Drg. No: PL20	Rev: -
Scale: 1:50	Date: Jan '19



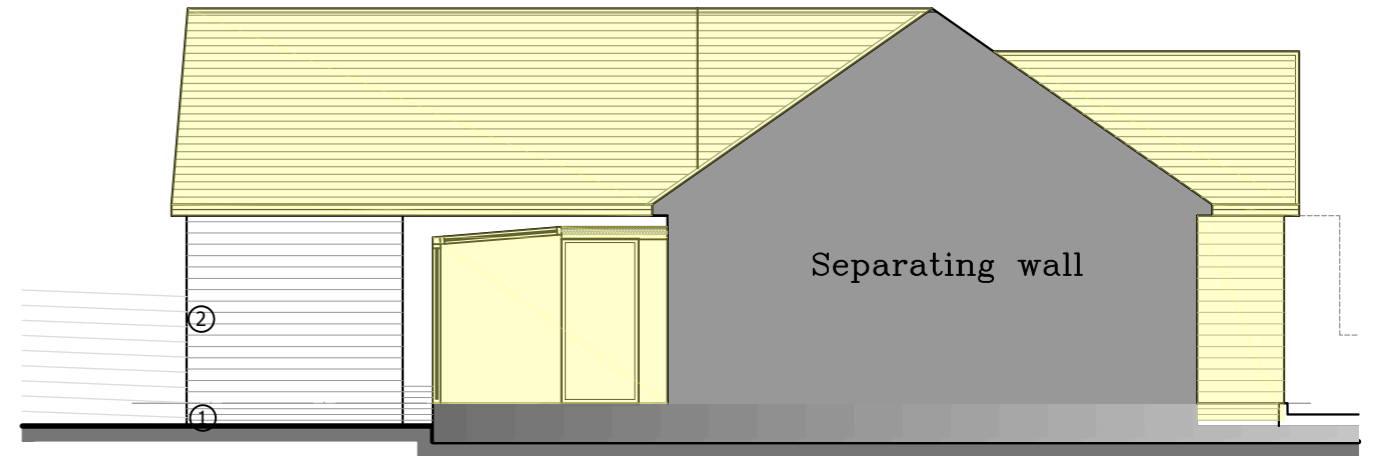
North-East elevation (front)
As proposed
1:100



North-West elevation (rear)
As proposed
1:100



South-West elevation (rear)
As proposed
1:100



South-East elevation (side)
As proposed
1:100
Boundary wall removed for clarity

Materials notes:
1. Facing brickwork to match existing.
2. Dark grey horizontal timber weatherboarding

Also -

concrete tiles to match existing.
smooth white render, existing
windows in grey upvc to match weatherboarding

Project: Attic Conversion/ Extension 2 Cramond Crescent Edinburgh	
Drawing Title: Elevations (proposed)	
Dwg. No: PL50	Rev: -
Scale: 1:100	Date: Jan'19

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John Gordon Associates Ltd.
3 Dean Acres
Comrie
Dunfermline
KY12 9XS

Mr Steedman
11 Grange Court
Edinburgh
EH9 1PX

Decision date: 1 September 2020

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

Replacement windows and doors
At 11 Grange Court Edinburgh EH9 1PX

Application No: 20/02900/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 17 July 2020, 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 utilises an inappropriate material and would have an adverse impact on the character and appearance of the existing building and would fail to preserve or enhance the character and appearance of the conservation area. The proposal is therefore contrary to Edinburgh Local Development Plan policy Des 12, Env 6, the non-statutory Guidance for Listed Buildings and Conservation Areas, and the Grange Conservation Character Appraisal.

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

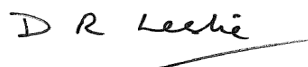
Drawings 01-06, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is contrary to the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). The proposal does not preserve the character or appearance of the conservation area. There are no material considerations which 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 Amelia Christie directly at amelia.christie@edinburgh.gov.uk.



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 20/02900/FUL At 11 Grange Court, Edinburgh, EH9 1PX Replacement windows and doors

Item	Local Delegated Decision
Application number	20/02900/FUL
Wards	B15 - Southside/Newington

Summary

The proposal is contrary to the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). The proposal does not preserve the character or appearance of the conservation area. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN06, LDES12, NSG, NSLBCA, NSHOU, OTH, CRPGRA,
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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 a two storey terraced dwelling located towards the south side of Grange Court. The surrounding area is mainly residential.

This application site is located within the Grange 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 is for the replacement of five windows and two doors which are currently white painted timber. The five windows and French door are to be replaced with double glazed PVCU. The front door would be coloured anthracite grey.

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 proposals will preserve or enhance the character or appearance of the conservation area;
- b) there would be no unreasonable loss to neighbour's amenity;
- c) any comments have been addressed.

a) Conservation Area

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

The adopted Edinburgh Local Development Plan policy Env 6 highlights the importance of preserving the character and appearance of the conservation area and the materials used are appropriate to the historic environment.

The existing windows are currently white painted timber. The Council's non statutory guidance for Listed Building's and Conservation Areas states that the use of uPVC within a conservation area is deemed unacceptable. Surrounding properties appear to utilise timber framed windows of a similar design and style. The proposed replacement windows would introduce a non traditional material that is not established within the area.

Additionally, the property forms part of a building that was built during the 1970s and has been designed to utilise materials and style that match existing historic buildings that surround the property.

Taking the above into account, the proposal would result in the introduction of an unacceptable material within the Grange Conservation Area and would not comply with policy Env 6, policy Des 12 and the non statutory guidance. The use of uPVC is not suitable and would detract from the appearance of the building and would not preserve the character of the conservation area.

b) Neighbouring Amenity

The proposal has been assessed and would not result in an unreasonable loss of neighbouring residential amenity. The proposal complies with the non-statutory guidance with respect to daylight, sunlight and privacy.

c) Public Comments

Three comments of objection have been received:

- Plastic is not a suitable material.
- Proposed windows would not be in keeping with surrounding buildings.

- Windows should match that of the neighbouring buildings.
- Not compatible with the area.
- The use of UPVC does not comply with policy and guidance.
- Building has been designed to fit with surrounding buildings.
- No evidence of UPVC use in other properties.
- Could create an undesirable precedent.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal utilises an inappropriate material and would have an adverse impact on the character and appearance of the existing building and would fail to preserve or enhance the character and appearance of the conservation area. The proposal is therefore contrary to Edinburgh Local Development Plan policy Des 12, Env 6, the non-statutory Guidance for Listed Buildings and Conservation Areas, and the Grange Conservation Character Appraisal.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

Three representations 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 17 July 2020

Drawing numbers/Scheme 01-06,
Scheme 1

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

Contact: Amelia Christie, Trainee Planner
E-mail: amelia.christie@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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 Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 20/02900/FUL

Application Summary

Application Number: 20/02900/FUL

Address: 11 Grange Court Edinburgh EH9 1PX

Proposal: Replacement windows and doors

Case Officer: Amelia Christie

Customer Details

Name: Ms Susan Dibdin Nevo

Address: 12 Grange Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to object to the current proposal to replace the existing timber windows and front door of this property with uPVC plastic.

I am objecting on the basis that non-traditional, low quality, materials like uPVC plastic are inappropriate in historic settings and not compatible with the character and appearance of the conservation area. Therefore, this proposal is, I believe, contrary to the Council's policies on managing change in the historic environment given that an Article 4 Direction is in place in this area.

Edinburgh City Council's supplementary planning guidance on Listed Buildings and Conservation Areas states that: "Replacement windows and doors on all elevations of unlisted properties ... must match the original proportions, appearance, materials, and opening method. ... Alternative materials such as uPVC will not be acceptable."

Additionally, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 notes that conservation areas "are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". Introducing inappropriate, modern, materials like uPVC plastic to this terraced house neither preserves nor enhances the character or appearance of the conservation area and, on the contrary, would have a negative impact.

Grange Court has both architectural and historic interest and was depicted on the 1st edition OS map. The Canmore entry describes it as having originally comprised of over fifty weaver's houses plus stables. The terraced houses on the South and West ranges of the courtyard, of which number 11 belongs, were constructed in the early 1970s and the material palette of sandstone, pantiles and timber windows and doors, was specifically chosen to complement the high quality of

the original 18th century range to the North.

There are currently no plastic windows or doors in Grange Court (with the unfortunate exception of our French windows, which were installed by previous owners prior to the current policy being in place and which we intend to replace in timber as soon as we can afford to do so). This uniformity of high quality, traditional building materials - sandstone, timber, pantiles and slate - contributes greatly to the unique visual character of the courtyard, which is enjoyed by all residents and also members of the public who occasionally stop by and take photographs.

Both as a resident of the courtyard and as a built heritage professional, I fear that allowing the introduction of uPVC plastic windows and door in this instance would set an undesirable precedent for other properties to follow suit. My concern is that these, seemingly small, incremental changes lead to a steady 'drip drip' of inappropriate alterations, which will eventually erode the special character and visual attractiveness of both Grange Court and the wider conservation area.

I would like to clarify that we are not against our new neighbour replacing his windows and front door to a suitable design in timber - it is the proposed use of uPVC plastic that we object to.

Comments for Planning Application 20/02900/FUL

Application Summary

Application Number: 20/02900/FUL

Address: 11 Grange Court Edinburgh EH9 1PX

Proposal: Replacement windows and doors

Case Officer: Amelia Christie

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

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Additionally, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 notes that conservation areas "are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". Introducing inappropriate, modern, materials like uPVC plastic to this terraced house neither preserves nor enhances the character or appearance of the conservation area and, on the contrary, would have a negative impact.

Grange Court has both architectural and historic interest and was depicted on the 1st edition OS map. The Canmore entry describes it as having originally comprised of over fifty weaver's houses plus stables. The terraced houses on the South and West ranges of the courtyard, of which number 11 belongs, were constructed in the early 1970s and the material palette of sandstone, pantiles and timber windows and doors, was specifically chosen to complement the high quality of

the original 18th century range to the North.

There are currently no plastic windows or doors in Grange Court (with the unfortunate exception of our French windows, which were installed by previous owners prior to the current policy being in place and which we intend to replace in timber as soon as we can afford to do so). This uniformity of high quality, traditional building materials - sandstone, timber, pantiles and slate - contributes greatly to the unique visual character of the courtyard, which is enjoyed by all residents and also members of the public who occasionally stop by and take photographs.

Both as a resident of the courtyard and as a built heritage professional, I fear that allowing the introduction of uPVC plastic windows and door in this instance would set an undesirable precedent for other properties to follow suit. My concern is that these, seemingly small, incremental changes lead to a steady 'drip drip' of inappropriate alterations, which will eventually erode the special character and visual attractiveness of both Grange Court and the wider conservation area.

I would like to clarify that we are not against our new neighbour replacing his windows and front door to a suitable design in timber - it is the proposed use of uPVC plastic that we object to.

Comments for Planning Application 20/02900/FUL

Application Summary

Application Number: 20/02900/FUL

Address: 11 Grange Court Edinburgh EH9 1PX

Proposal: Replacement windows and doors

Case Officer: Amelia Christie

Customer Details

Name: Dr John Banasik

Address: 8 Grange Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal. Plastic doors and windows are not suitable for buildings in a conservation area. That seems to me to be a sound principle and I believe that it should be sufficient on its own to reject the proposal. However, the principle is particularly pertinent to Grange Court.

On one side of Grange Court is a tenement building that dates from the 1700s and on the other is a row of terraced houses dating from the 1970s. The houses (that include #11) are ingeniously designed to have a modern look yet be entirely compatible with the ancient building opposite them. That compatibility rests on the houses' simplicity of design as well as resort to similar materials on both sides of the Court. Replacement of wooden frame windows with plastic framed ones will undermine that compatibility and detract from the special attractiveness of the location.

Comments for Planning Application 20/02900/FUL

Application Summary

Application Number: 20/02900/FUL

Address: 11 Grange Court Edinburgh EH9 1PX

Proposal: Replacement windows and doors

Case Officer: Amelia Christie

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal. Plastic doors and windows are not suitable for buildings in a conservation area. That seems to me to be a sound principle and I believe that it should be sufficient on its own to reject the proposal. However, the principle is particularly pertinent to Grange Court.

On one side of Grange Court is a tenement building that dates from the 1700s and on the other is a row of terraced houses dating from the 1970s. The houses (that include #11) are ingeniously designed to have a modern look yet be entirely compatible with the ancient building opposite them. That compatibility rests on the houses' simplicity of design as well as resort to similar materials on both sides of the Court. Replacement of wooden frame windows with plastic framed ones will undermine that compatibility and detract from the special attractiveness of the location.

Comments for Planning Application 20/02900/FUL

Application Summary

Application Number: 20/02900/FUL

Address: 11 Grange Court Edinburgh EH9 1PX

Proposal: Replacement windows and doors

Case Officer: Amelia Christie

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 relate to the property, located within Grange Conservation Area. The applicant wishes to replace existing timber windows and doors to uPVC ones.

The panel has discussed the case and is concerned about the impact that can be made by the proposed alterations. According to the Historic Environment Scotland "Managing Change" Series, new external fixtures must be sited to minimise impact on the architectural integrity and historic fabric of the Conservation Area, and materials, such as uPVC, shouldn't be encouraged and won't be permitted. Policy Env 6 in the Edinburgh Local Plan (LDP) states that proposals to the development within a conservation area or affecting its setting will be permitted which preserve or enhance the special character or appearance of the conservation area and demonstrate high standards of design and utilise materials appropriate to the historic environment. The use of uPVC, mentioned in the drawings, is not acceptable, according to the city's guidance on Listed Buildings and Conservation Areas, 2016, p. 22, 24. Accordingly, the panel wishes to object to the application.

Comments for Planning Application 20/02900/FUL

Application Summary

Application Number: 20/02900/FUL

Address: 11 Grange Court Edinburgh EH9 1PX

Proposal: Replacement windows and doors

Case Officer: Amelia Christie

Customer Details

Name: Not Available

Address: Not Available

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 relate to the property, located within Grange Conservation Area. The applicant wishes to replace existing timber windows and doors to uPVC ones.

The panel has discussed the case and is concerned about the impact that can be made by the proposed alterations. According to the Historic Environment Scotland "Managing Change" Series, new external fixtures must be sited to minimise impact on the architectural integrity and historic fabric of the Conservation Area, and materials, such as uPVC, shouldn't be encouraged and won't be permitted. Policy Env 6 in the Edinburgh Local Plan (LDP) states that proposals to the development within a conservation area or affecting its setting will be permitted which preserve or enhance the special character or appearance of the conservation area and demonstrate high standards of design and utilise materials appropriate to the historic environment. The use of uPVC, mentioned in the drawings, is not acceptable, according to the city's guidance on Listed Buildings and Conservation Areas, 2016, p. 22, 24. Accordingly, the panel wishes to object to the application.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100282739-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	John Gordon Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Gordon	Building Number:	3
Telephone Number: *		Address 1 (Street): *	Dean Acres
Extension Number:		Address 2:	Comrie
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 9XS
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="M"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Steedman"/>	Address 1 (Street): *	<input type="text" value="Grange Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Newington"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH9 1PX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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="11 GRANGE COURT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 1PX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672201"/>	Easting	<input type="text" value="326301"/>
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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)

INSTALLATION OF REPLACEMENT WINDOWS & DOORS

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.

SEPARATE STATEMENT ATTACHED

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)

PP APPLICATION; PP REFUSAL; APPLICATION DRAWINGS; REASONS FOR REVIEW;

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/02900/FUL

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

16/07/2020

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

01/09/2020

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)

SITE VISIT REQUESTED TO ASSESS THE SITE IN IT'S SURROUNDINGS

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr John Gordon

Declaration Date: 21/10/2020



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100282739-001

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)

Installation of replacement windows & doors

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:	John Gordon Associates Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	<input type="text"/>
Last Name: *	Gordon	Building Number:	3
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Dean Acres
Extension Number:	<input type="text"/>	Address 2:	Comrie
Mobile Number:	<input type="text"/>	Town/City: *	Dunfermline
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	KY12 9XS
Email Address: *	<input type="text"/>		

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:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	M	Building Number:	11
Last Name: *	Steedman	Address 1 (Street): *	Grange Court
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Newington
Extension Number:	<input type="text"/>	Country: *	UK
Mobile Number:	<input type="text"/>	Postcode: *	EH9 1PX
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

11 GRANGE COURT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH9 1PX

Please identify/describe the location of the site or sites

Northing

672201

Easting

326301

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: John Gordon

On behalf of: Mr M Steedman

Date: 16/07/2020

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 John Gordon

Declaration Date: 16/07/2020

Payment Details

[REDACTED]

Created: [REDACTED]

Proposal Details

Proposal Name	100282739
Proposal Description	Ideal
Address	11 GRANGE COURT, EDINBURGH, EH9 1PX
Local Authority	City of Edinburgh Council
Application Online Reference	100282739-002

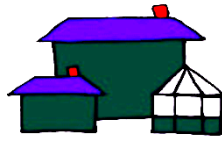
Application Status

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

Attachment Details

Notice of Review	System	A4
001	Attached	A2
PP APPLICATION	Attached	A4
PP REFUSAL	Attached	A4
LP	Attached	A4
REASONS FOR REVIEW	Attached	A4
PVCU DOOR	Attached	A4
PVCU TILT AND TURN	Attached	A4
PVCU CASEMENT	Attached	A4
PVCU CASEMENT 2	Attached	A4
GRP DOOR	Attached	A4
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Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

JOHN GORDON ASSOCIATES LTD



ARCHITECTURAL DESIGN &
CONSTRUCTION MANAGEMENT

Reasons for Review

Proposed Replacement Windows & Doors
at
11 Grange Court, Edinburgh, EH9 1PX.

The existing property is a non-listed, mid-terraced, two-storey building within the Grange Conservation Area. Grange Court is a small cul-de-sac with limited access and the property is largely hidden from view to everyone except the few occupants residing within Grange Court. The property frontage faces North towards the properties on the opposite side of Grange Court. The rear of the property faces South towards the rear of Salisbury Church. The properties which make up Grange Court are of similar sizes and appearances.



11 Grange Court, Front Elevation.



View from the right of 11 Grange Court.



*View from the left of 11 Grange Court.
(Red oval identifies visible PVCU windows)*

The existing windows & doors currently installed on 11 Grange Court are of timber construction. The windows have a casement opening style. Looking at the surrounding properties of Grange Court windows appear to be the original windows for the property. Although they have been fitted with trickle vents, which is a modern feature.

Travelling up and down the length of Grange Court will reveal varying styles and colours of windows& doors from one property to the next with some being timber sliding sash, some are timber casement. PVCU windows can be observed in some of the properties in the immediate area. The number of PVCU units in the area suggests the time for preservation has gone, and although many of them may be unauthorised replacements, nothing has been done, or is likely to be done, to enforce these windows to be returned to timber construction.

The existing windows are not certainly not traditional conservation type and are hardly worth hanging on to. The property has a Juliet balcony to the front with white timber French doors, a feature which is not shared by all of the properties within Grange Court making the street scene quite disjointed.

The proposal seeks to replace all the existing windows and the French doors with white PVCU windows/doors of similar proportions, to provide and maintain the existing appearance which is sympathetic to the property whilst achieving the higher construction quality and lowered maintenance offered by the PVCU construction. The windows will not look out of place in the street due to the reasons mentioned above, instead they will appear as more traditional than many of the windows in some of the other properties.

The proposal also seeks to replace the existing white timber front door with an Anthracite Grey composite door, which would blend in with the darker coloured render surrounding it.

To conclude it is our opinion that a precedent has already been set in the area and in light of the surrounding dwellings which are already fitted with PVCU products, the windows and doors proposed in this instance would not look out of place and would easily blend in to the street scene as a whole.



Front Elevation

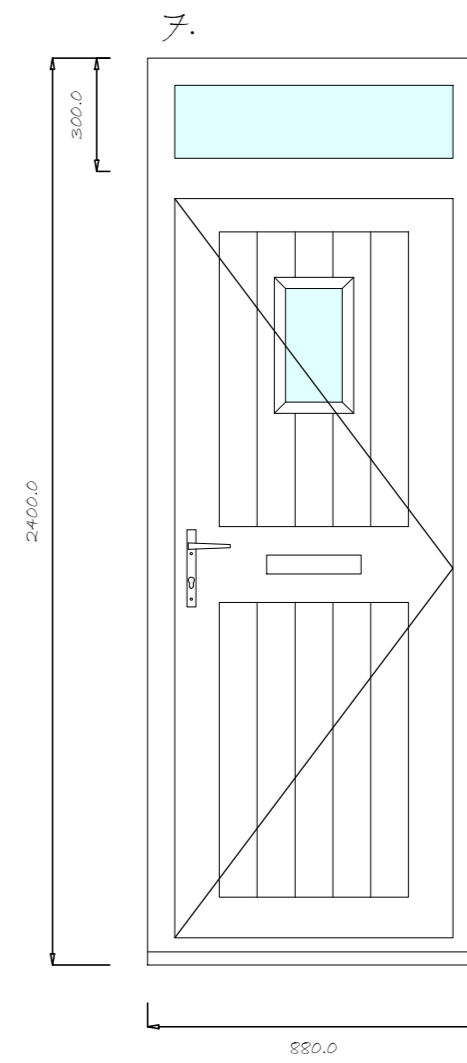
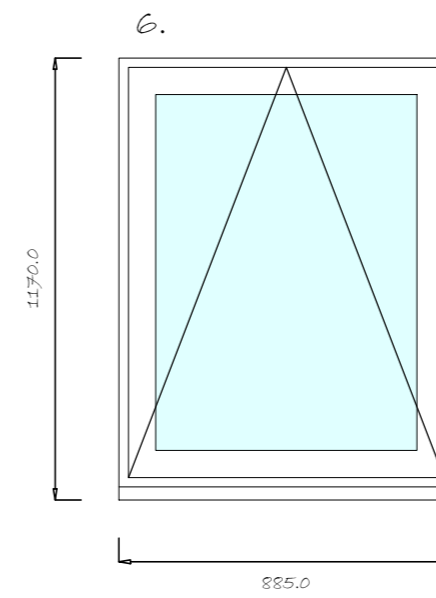
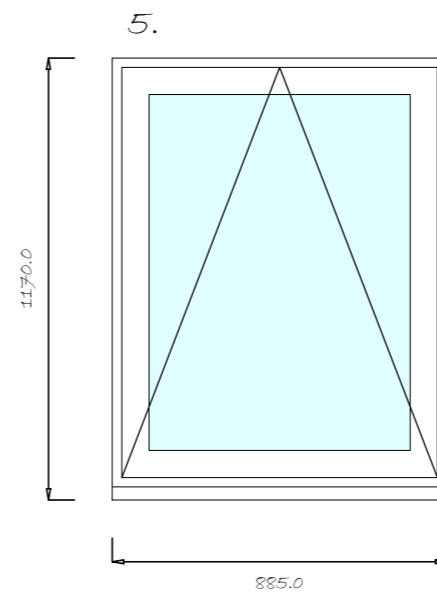
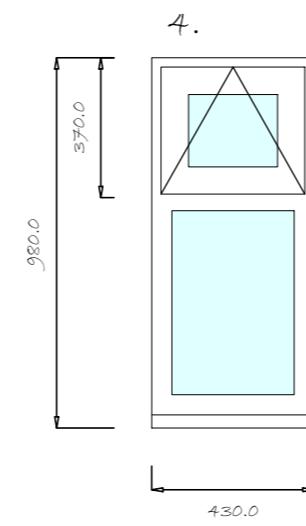
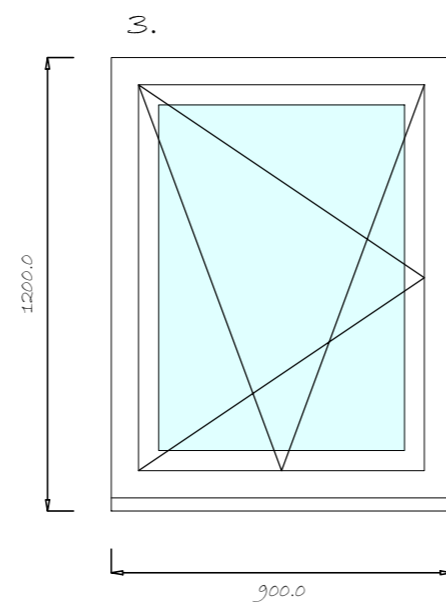
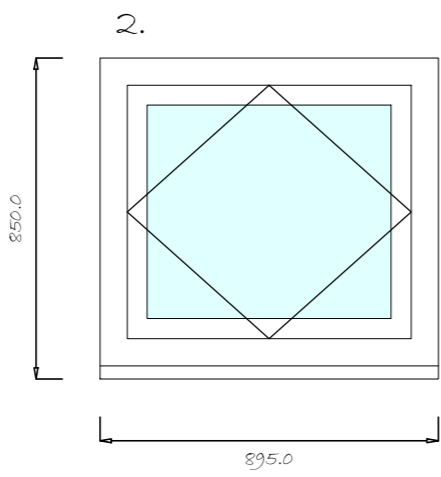
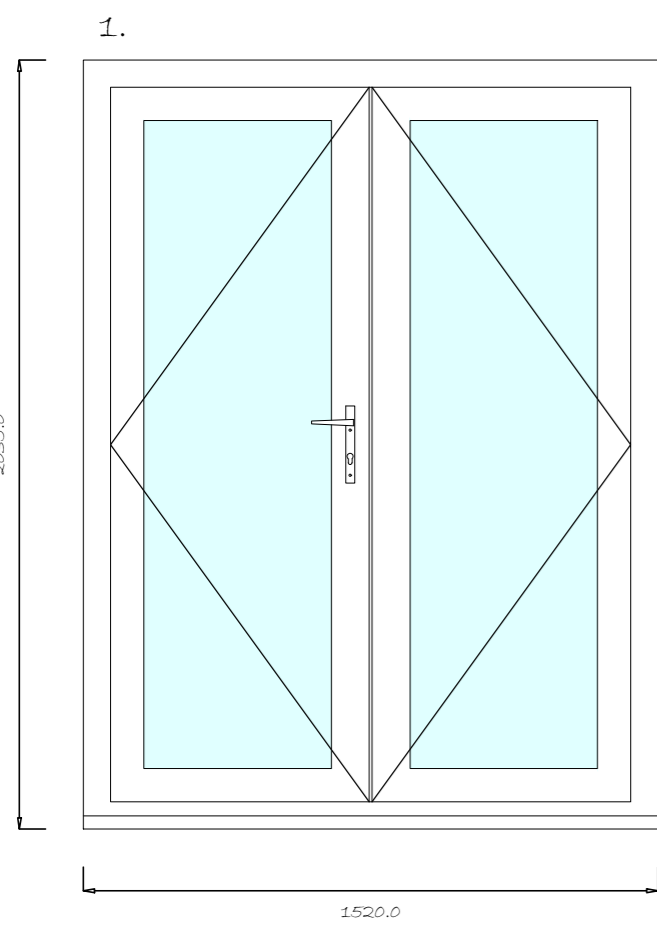
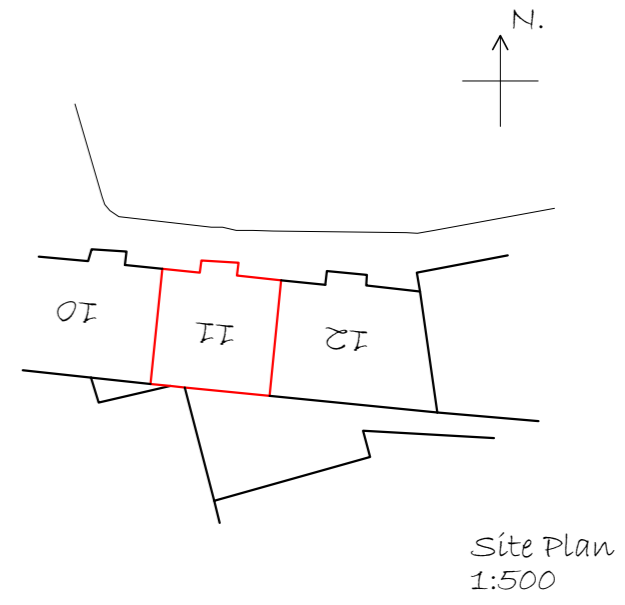


Front Elevation



Front Elevation

5 windows & 2 doors to be replaced in total.
 Existing windows & doors are white painted timber.
 Proposed windows & french doors are white PVCU, double glazed, toughened sealed units.
 Proposed front door is Anthracite Grey composite, double glazed.



Mr. M. Steedman,
11 Grange Court,
Newington. EH9 1PX.

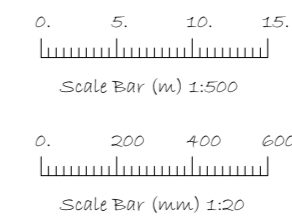
Proposed Alterations

Scale: 1:20 13/3/20

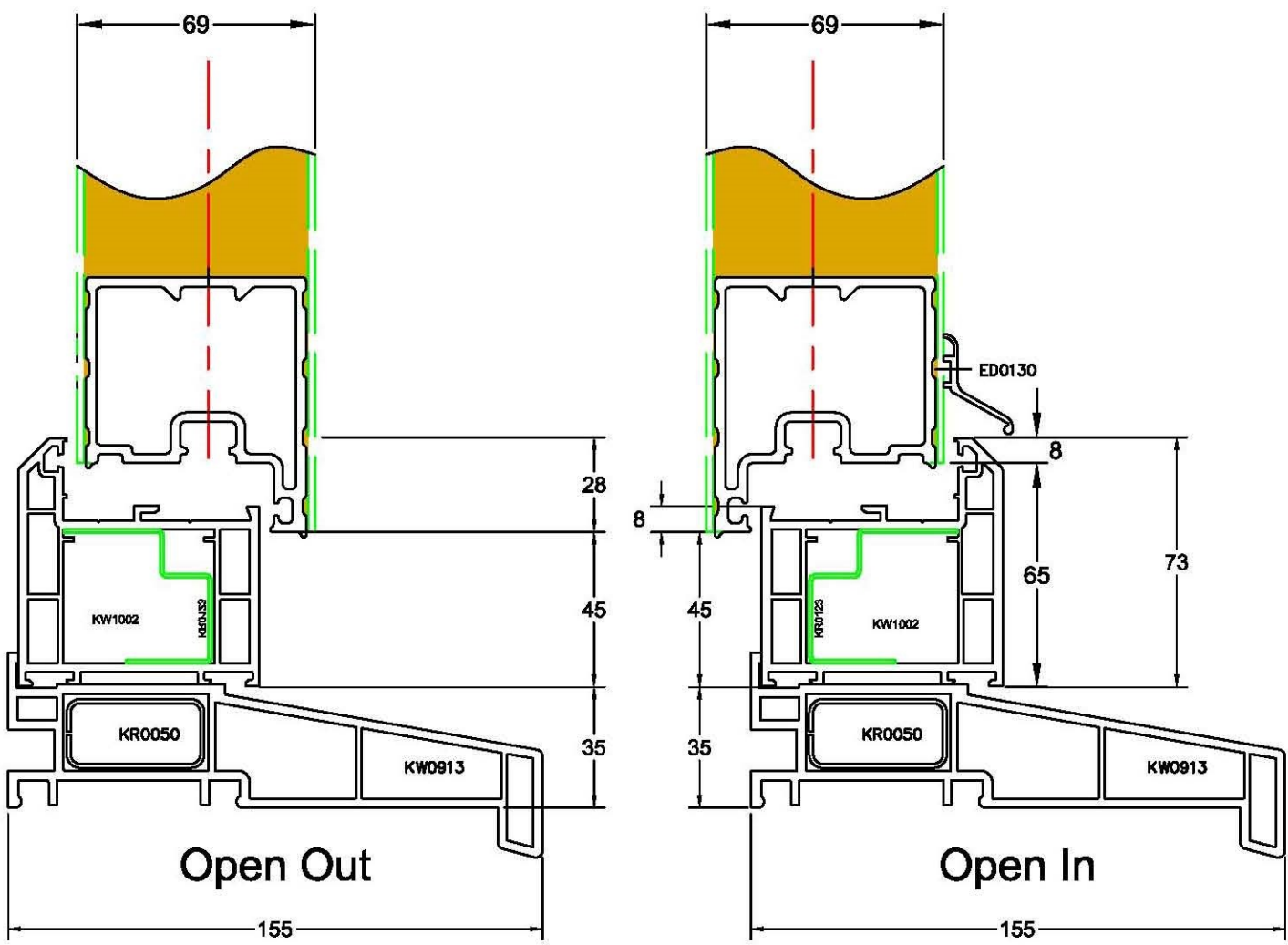
Ref: Ideal 4893/1

John Gordon Associates Ltd.
3 Dean Acres,
Comrie,
Fife, KY12 9XS
Tel: 01333 250 134
E-mail: gordonassociates@sky.com

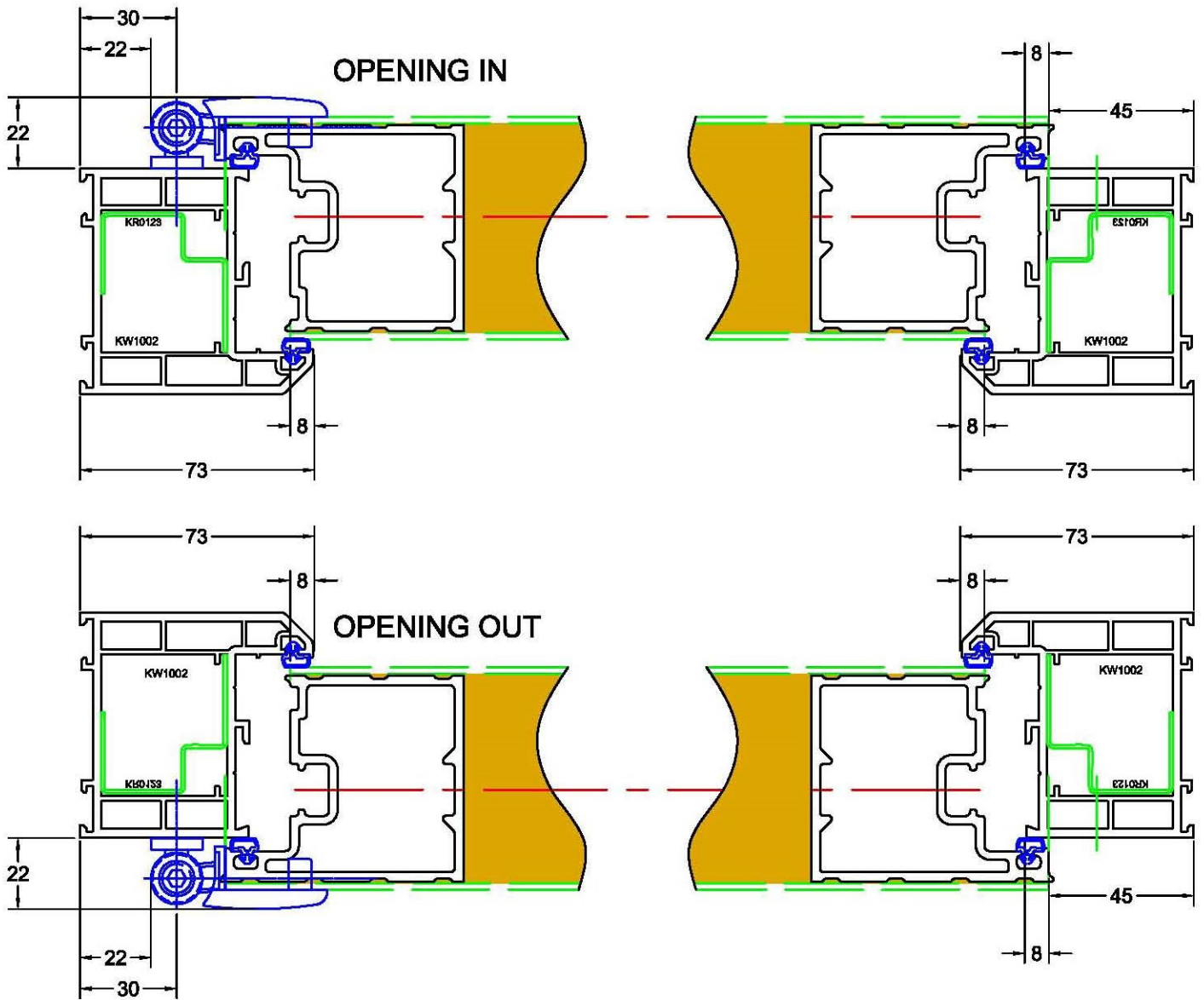
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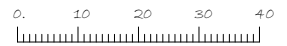
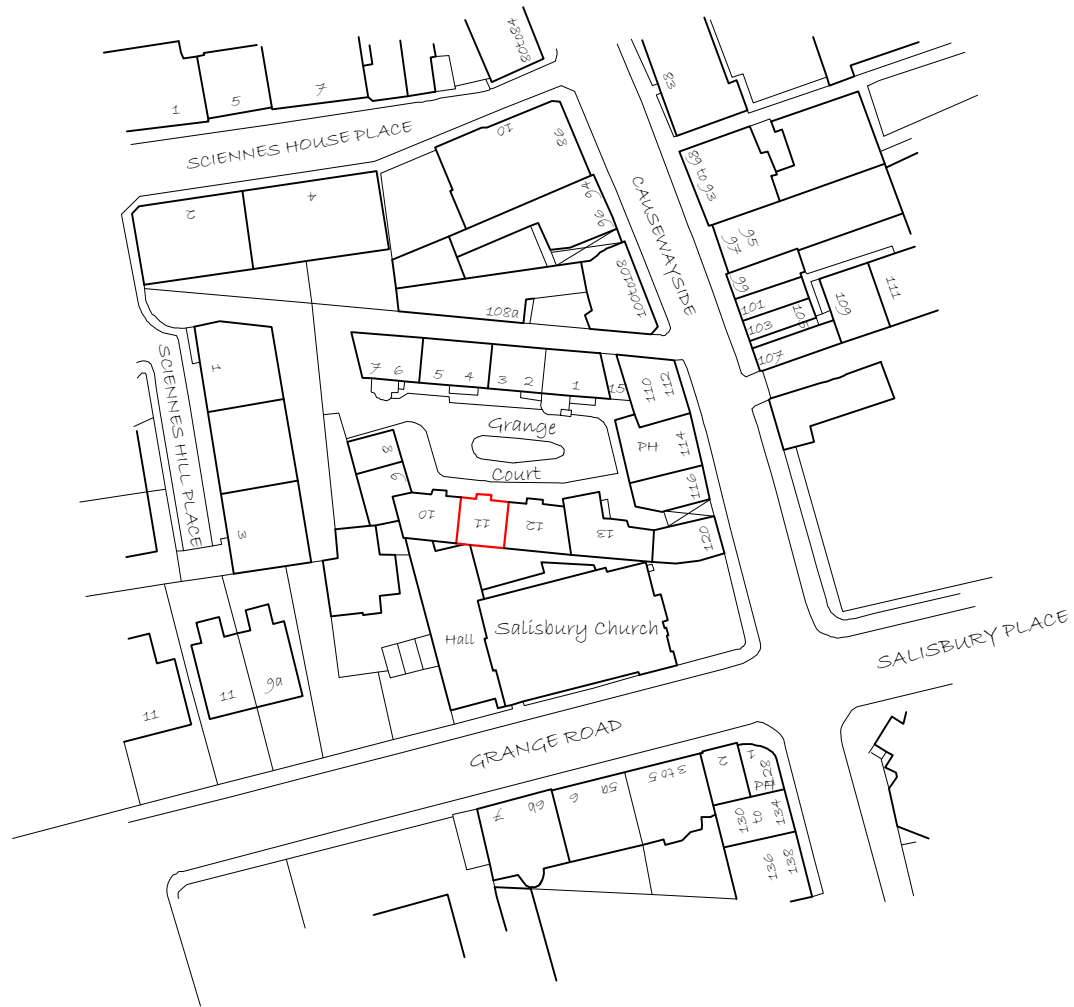


TRADITIONAL ENTRANCE DOOR



TRADITIONAL ENTRANCE DOOR





Scale Bar (m) 1:1250

Mr. M. Steedman,
11 Grange Court,
Newington. EH9 1PX.

Location Plan

Scale: 1:1250

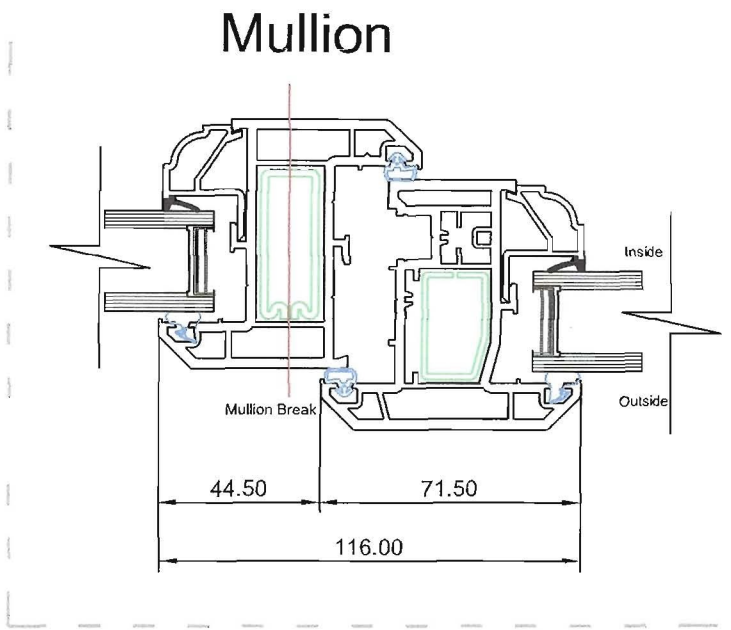
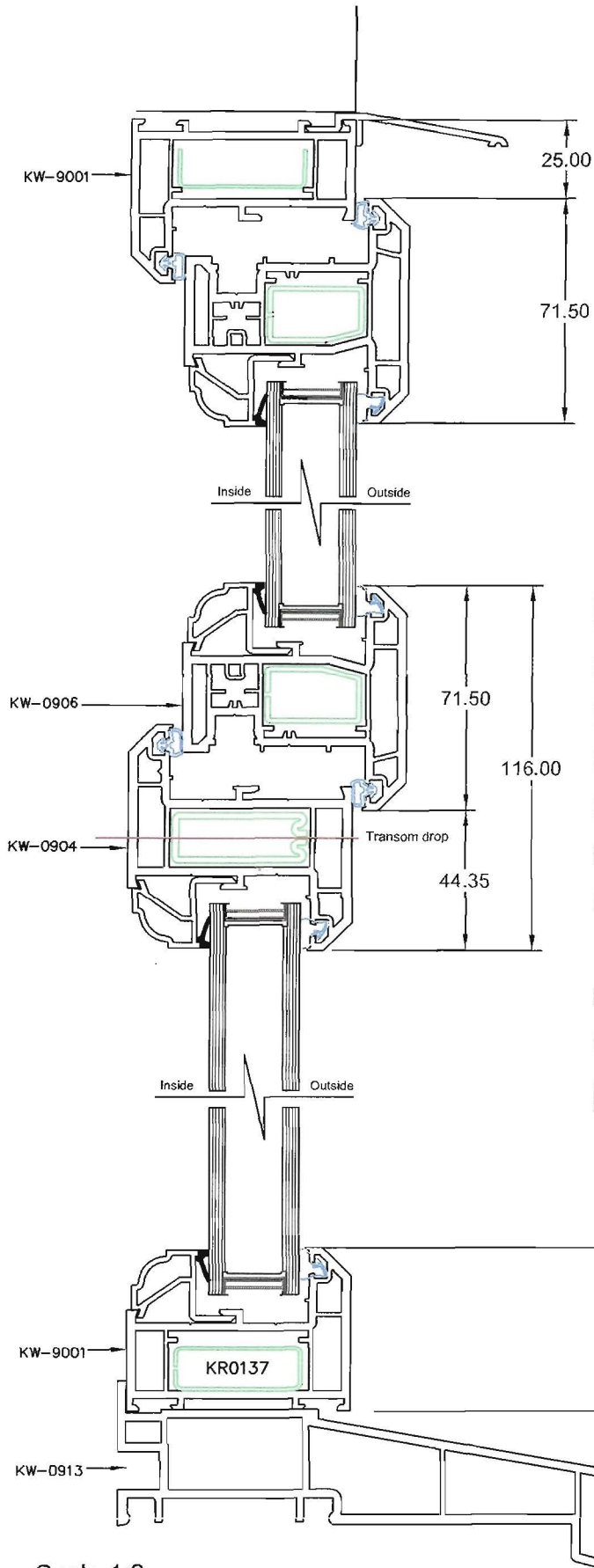
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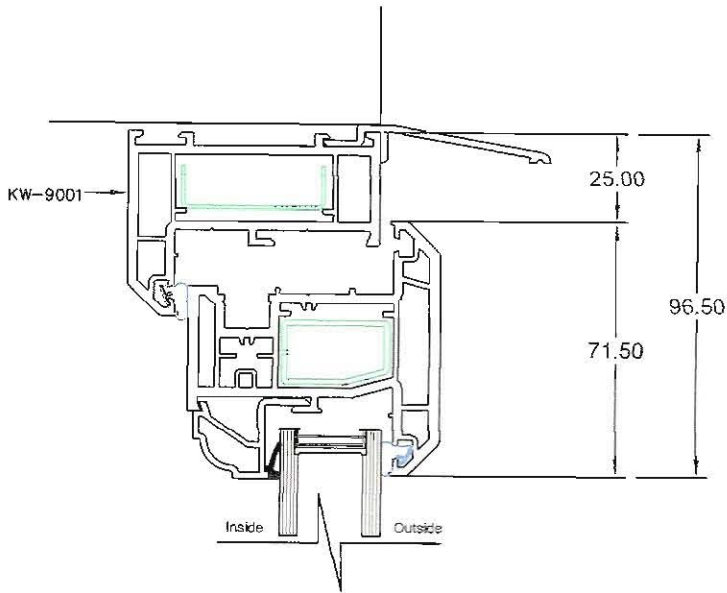


John Gordon Associates Ltd.
3 Dean Acres,
Comrie,
Fife. KY12 9XS
Tel: 01383 850 134
E-mail: gordonassociates@sky.com

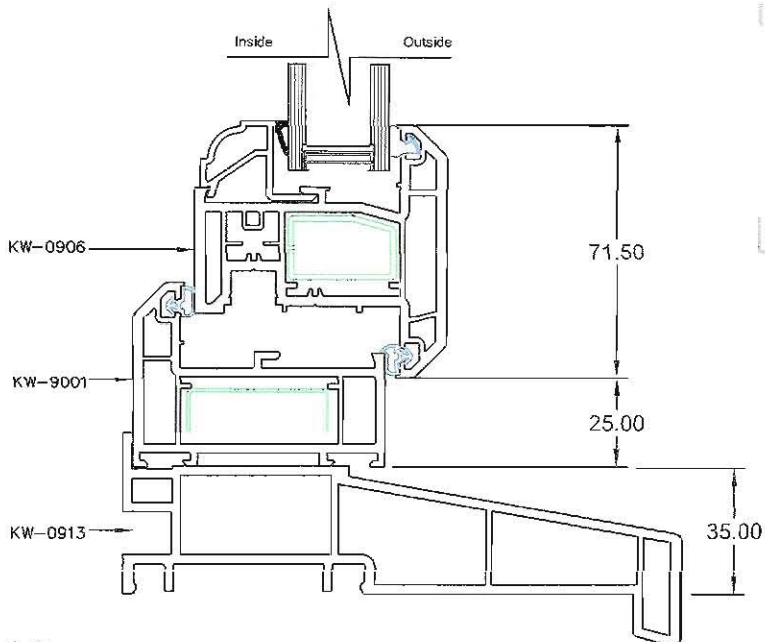
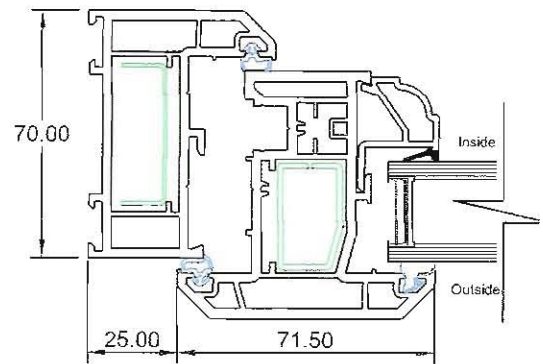
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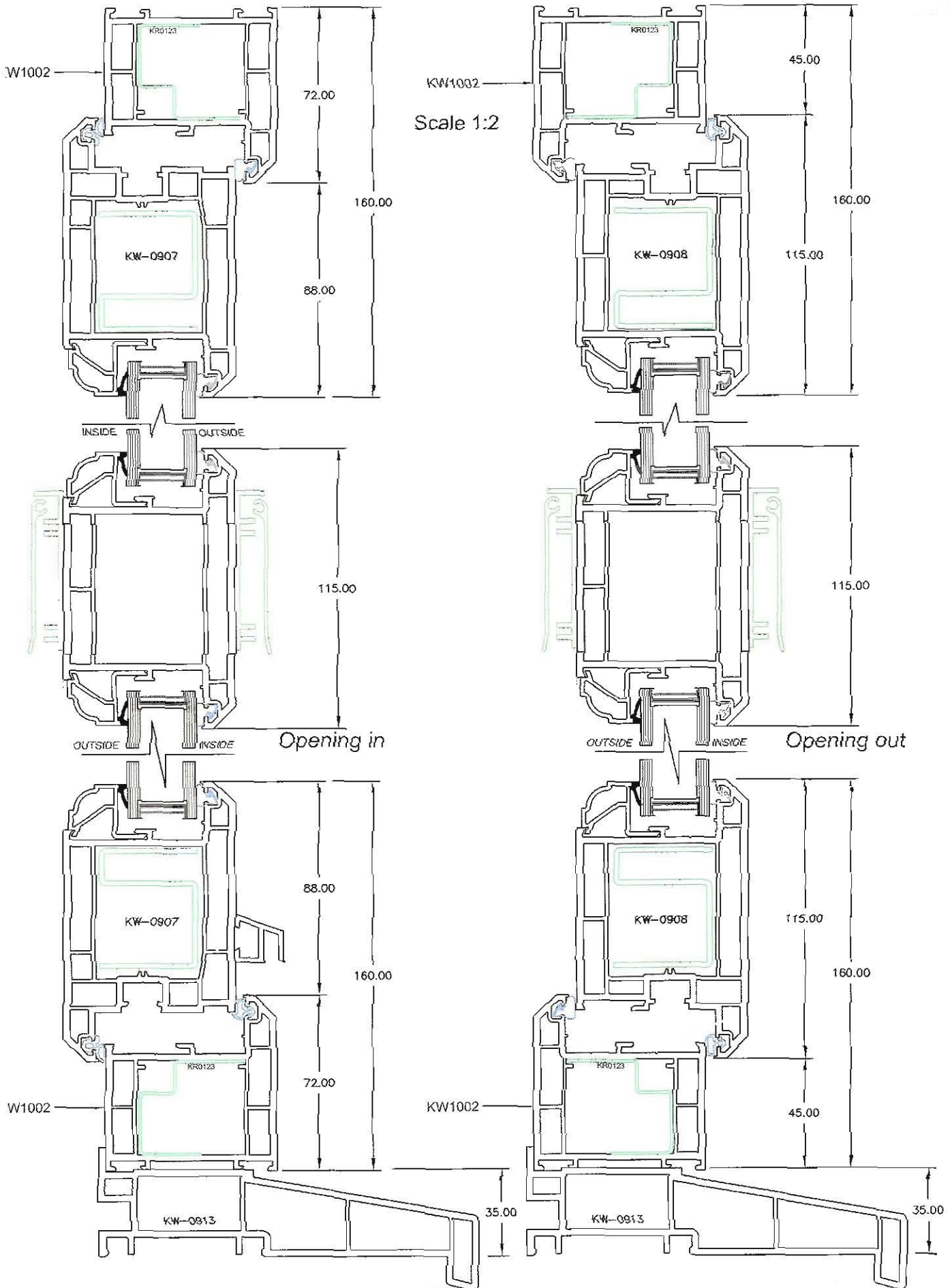
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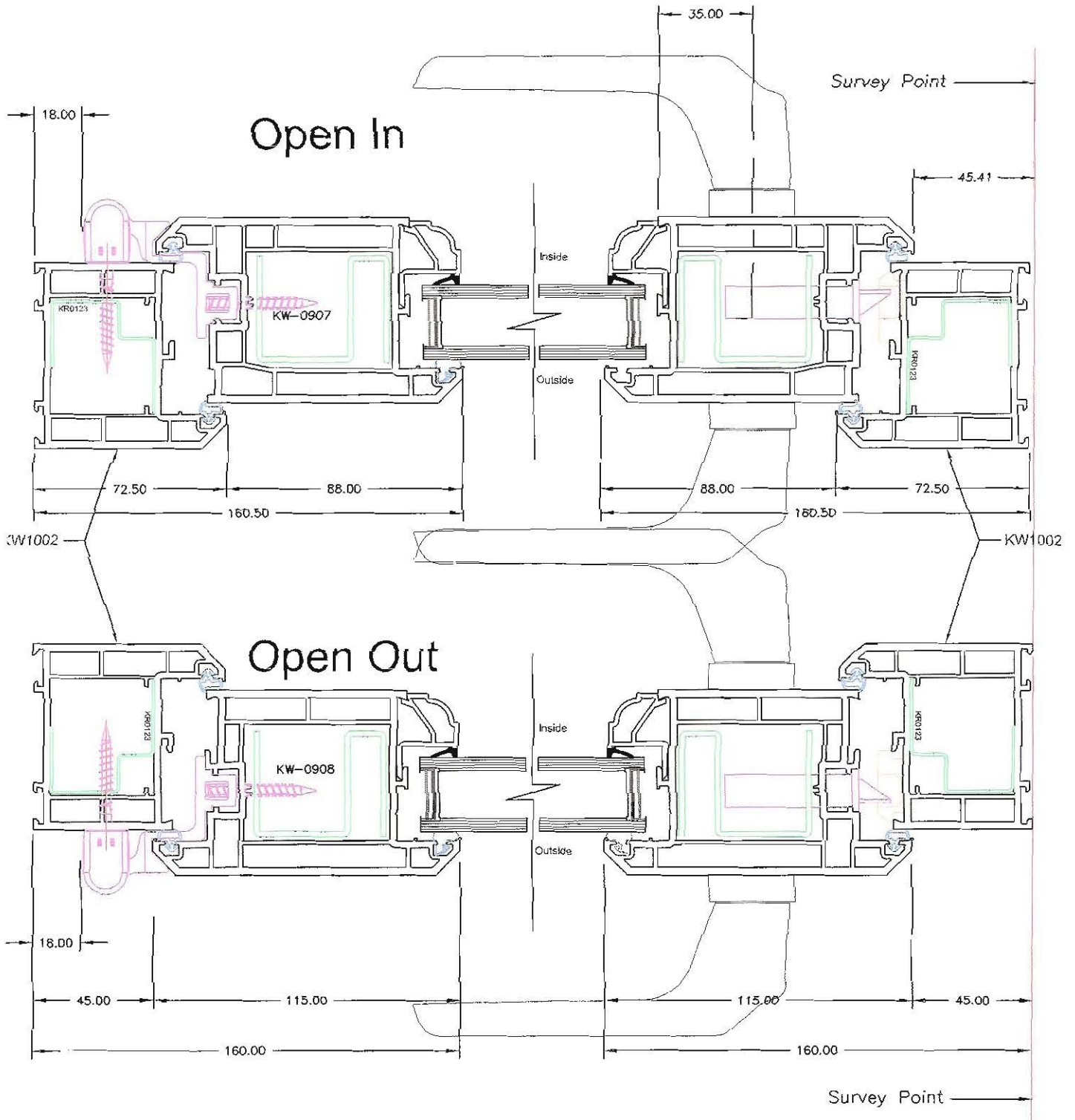


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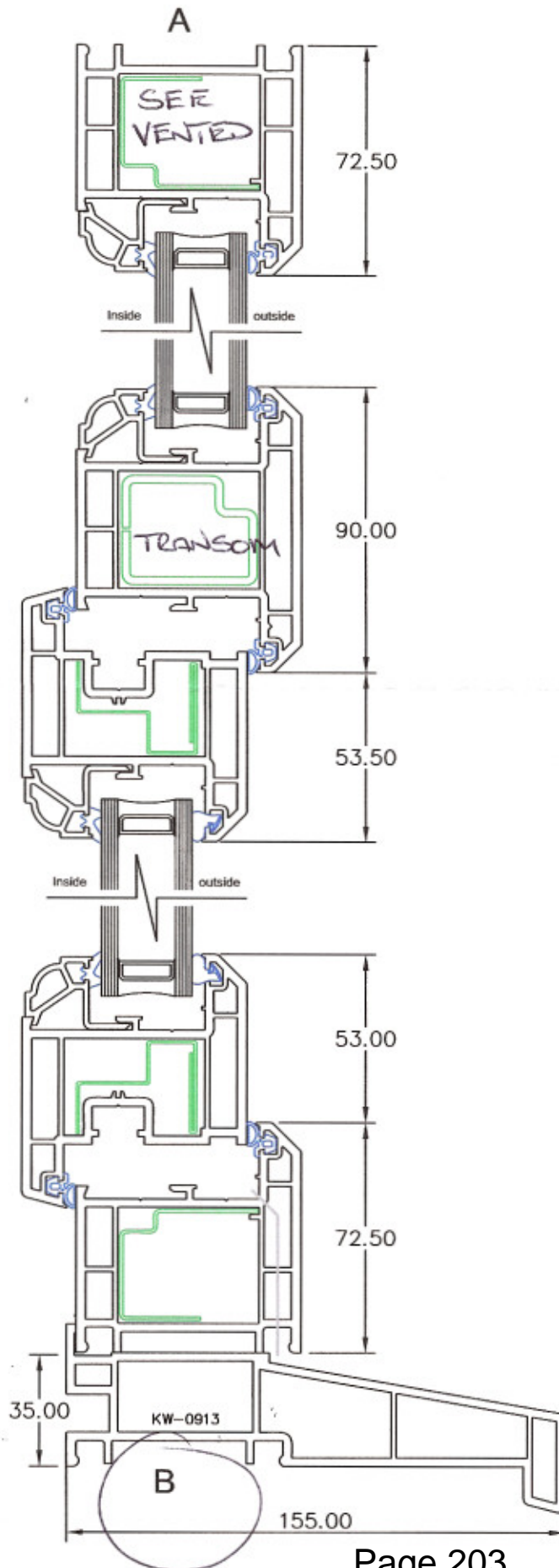
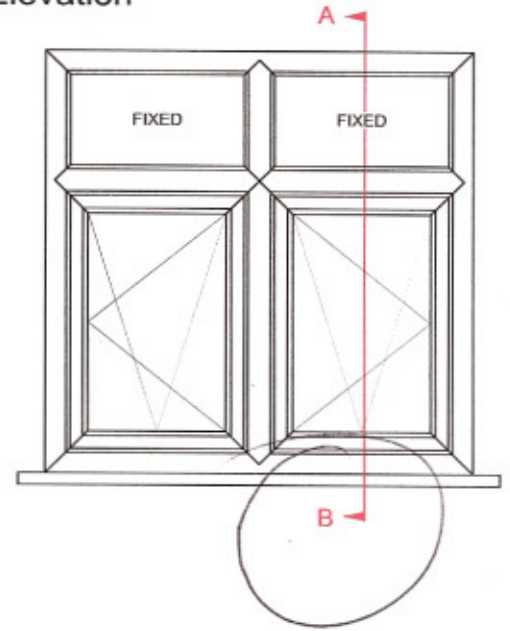


SECTIONAL DRAWINGS

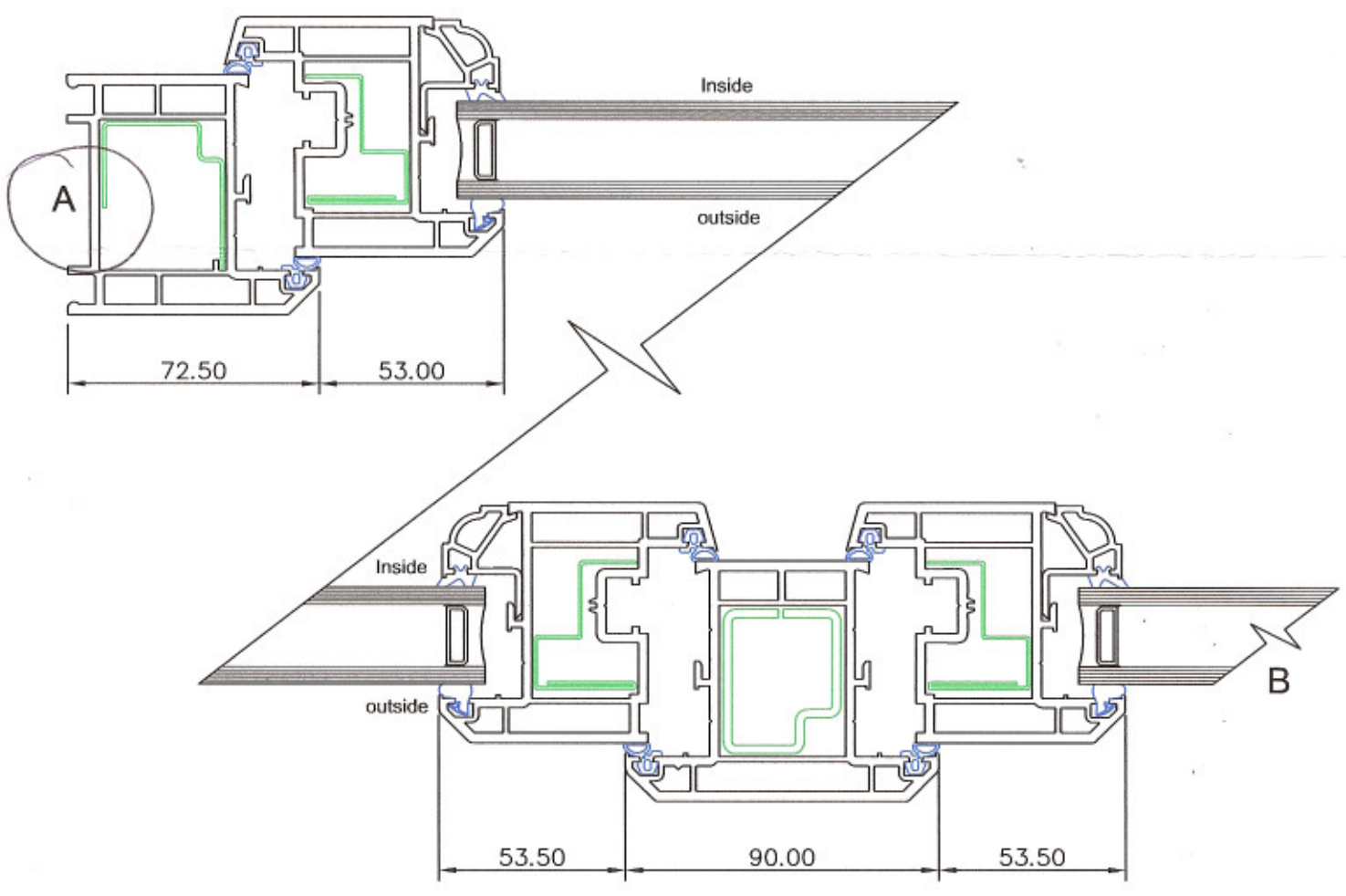
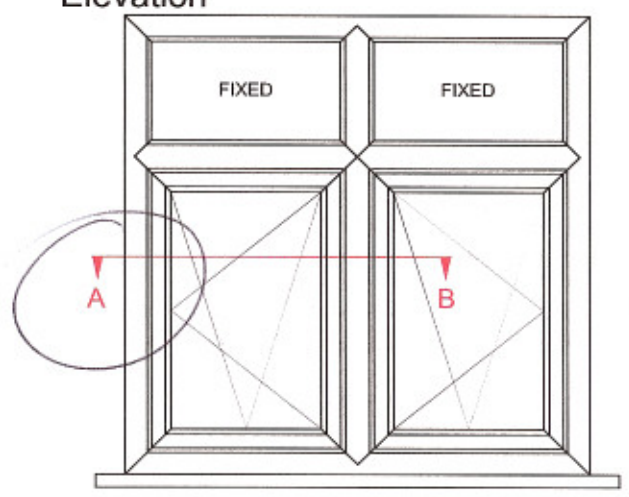




Elevation



Elevation



Architecturejfltd.
FAO: Julian Frostwick
Gullane Business Centre
12A Lammerview Terrace
Gullane
EH31 2HB

Mr Glynn & Mrs Claire Owen.
3 Ladysmith Road
Edinburgh
EH9 3EX

Decision date: 13 July 2020

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

Garden office and deck to rear of lower flat (part retrospective) (as amended).
At 3 Ladysmith Road Edinburgh EH9 3EX

Application No: 20/00793/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 February 2020, 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 is not compatible with the existing building and will be detrimental to the neighbourhood character.

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

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

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

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building and would impact on residential amenity. It would not comply with Edinburgh Local Development Plan Policy Des 12 or 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 Adam Thomson directly at adam.thomson@edinburgh.gov.uk.

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 20/00793/FUL
At 3 Ladysmith Road, Edinburgh, EH9 3EX
Garden office and deck to rear of lower flat (part
retrospective) (as amended).**

Item	Local Delegated Decision
Application number	20/00793/FUL
Wards	B15 - Southside/Newington

Summary

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building and would impact on residential amenity. It would not comply with Edinburgh Local Development Plan Policy Des 12 or the non-statutory Guidance for Householders.

Links

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

Report of handling

Recommendations

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

Background

2.1 Site description

The application relates to a lower flat (ground floor) within a two-storey flatted building that forms an integral part of a quadrangle of two-storey Victorian flatted buildings located within a primarily residential area. The inner courtyard of the quadrangle is subdivided into gardens for the flats.

2.2 Site History

27/02/2020 an enforcement enquiry into an alleged unauthorised development of shed/outbuilding and decking was closed pending outcome of planning application 20/00793/FUL (reference 20/00005/EOPDEV).

Main report

3.1 Description Of The Proposal

The application is for the erection of single storey flat roofed garden building incorporating a decked roof, balustrade, staircase and steps up to the roof.

The application is part retrospective as the garden building, decked roof and integral staircase and steps have already been constructed in their entirety.

The garden building is adjacent to the north elevation of the lower flat within the building. It is set off the building by a few centimetres and is within the rear garden of the flat. It contains an office and bike store for use incidental to the residential use of the lower flat.

The application was amended to remove the balustrade that has been installed around the perimeter of the roof and a new balustrade is proposed to be installed along the outer edge of the integral staircase and steps. If installed this new balustrade would act as a barrier to the decked roof, thus preventing its use as a terrace.

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.

Does the development comply with the development plan?

If the development complies with the development plan, are there any compelling reasons for not approving it?

If the development does not comply with the development plan, are there any compelling reasons for approving it?

3.3 Assessment

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

- a) The scale, form and design are acceptable;
- b) There would be no unreasonable loss to neighbour's residential amenity;
- c) Matters raised by representations have been addressed.

a) Scale, form, design and neighbourhood character

Policy Des 12 of the Edinburgh City Local Plan and non-statutory 'Guidance for Householders' sets out relevant design criteria for alterations and extensions. In essence, they seek to ensure that alterations and extensions are compatible with the character of the existing dwelling and that of the wider locality.

The garden building is not visible from any public place and therefore has a neutral impact on the character of the area. The site is not located within a Conservation Area.

The rear elevation of the property is overlooked by windows of neighbouring flats within the quadrangle. In terms of its size, scale and form, the garden building is not subservient to the existing building in which the flat is located; but instead, it dominates the rear elevation of the building, appearing unduly bulky and intrusive when viewed from neighbouring flats. Moreover, its unfinished timber walls contrast incongruously with the stone walls of the existing building, exacerbating its visual incongruity and intrusiveness. For these reasons the development is contrary to part a) of Local Plan Policy Des 12 and the approved supplementary Guidance for Householders.

The Householder Guidance states that rear extensions should not occupy more than one third of the original rear garden area and there should be enough private garden space left after extensions, normally at least 30 sq.metres. At some 49 sq. metres the area of the original garden of the flat is small. The other flats in the quadrangle similarly have relatively small rear gardens and the opportunity for extending is limited.

Whilst there are examples of garden buildings of varying sizes, the footprint of the garden building is some 19 square metres, and thus it occupies significantly more than a third of the original garden. It amounts to an overdevelopment of the relatively small plot, reducing the garden of the flat to an area which is not sufficient to provide its residents with an adequate level of residential amenity. For this reason, the development is contrary to part a) of Local Plan Policy Des 12 and the approved supplementary Guidance for Householders.

b) Neighbouring Amenity

The development complies with the non-statutory guidance with respect to daylight and sunlight.

With regards to privacy, the non statutory guidance for Householders requires a minimum 18m distance between windows, usually equally spread so that each property's windows are 9 metres from the common boundary. The window to the office in the garden building is more than 18 metres away from the rear elevation of the flats in the buildings on the opposite side of the quadrangle and thus there would not be any significant overlooking to rear windows in these flats. The window to the office would only be some 3.5m from the rear garden boundary. However, the adjoining garden is already overlooked by windows in flats in the quadrangle and there would not be significant additional overlooking to it from the window in the office.

Owing to its height, size, position, the use of the terrace on the roof of the garden building has the potential to give rise to significant overlooking and loss of privacy to neighbouring gardens and windows of neighbouring flats. The application include the following proposals to address this: i) the steel post and wire balustrade around the perimeter of the roof of the garden building removed; and, (ii) a steel post and wire balustrade erected around the outer edge of the external staircase and secondary steps and clear Perspex (acrylic glass) sheets installed to the inner face of the new steel balustrade. The proposed revised balustrade would block access to the decked roof of the garden building, thus preventing its use, whilst maintaining use of the steps for access to the rear garden. The use of the external staircase and secondary steps to access the rear garden of the flat, would not themselves give rise to significant overlooking and loss of privacy to neighbouring residences or gardens.

The applicant's agent was advised of the above concerns with the development and were requested to amend the scheme to address the concerns. The advice given was that the bike shed element should be removed. This would reduce the scale of the building and totally solve the terrace issue by potentially having the stair pushed back to the door and the office being more like a free-standing element. In addition, they were asked that the reduced garden building be finishing in a colour in keeping with the building i.e. grey/stone in order to minimise its visual impact. No revised drawings were submitted.

c) Matters Raised by Third Parties

Material Planning Considerations

- Unacceptable in principle. - This is addressed in (a) above.
- The fact that the extension has already been constructed may preclude any necessary changes to be made to the development in order to make it acceptable in planning terms. This is addressed in (b) above.
- The area in which the application property is located should be a conservation area. This is addressed in (a) above.
- The size and scale of the structure is too big and out of keeping with the neighbouring buildings and the area. This is addressed in (a) above.

- Design and finishing materials are not in keeping with established character. This is addressed in (a) above.
- Overbearing impact. - This is addressed in (a) above.
- Effect on neighbouring privacy. - This is addressed in (b) above.

Non-material considerations

- The absorption capacity of the remaining garden area. - This is not controlled by planning legislation.
- Noise generation. - Given the scale and nature of the roof terrace its use is unlikely to give rise to undue noise nuisance. If noise nuisance were to arise it could be controlled by Environmental Health legislation.
- Use of roof terrace would be unlikely to give rise to odour nuisance. If odour nuisance were to arise it could be controlled by Environmental Health legislation.

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 is not compatible with the existing building and will be detrimental to the neighbourhood character.

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

10 letters of representation were received, 9 objecting to the application and 1 in support of the application. The matters raised are summarised and addressed in the main body of the report.

Background reading / external references

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

Statutory Development

Plan Provision Policies - Edinburgh Local Development Plan - Urban Area

Date registered 18 February 2020

Drawing numbers/Scheme 01, 02B,,
Scheme 3

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

Contact: Adam Thomson, Planning Officer
E-mail:adam.thomson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

END

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Dr Pauline Thompson

Address: 62/7 Blackford Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This development has already been built and should have had permission in advance to allow neighbours to object so that even if the development was granted, modifications could be made to make it more in keeping with the area.

Although this area is not currently a conservation area, I feel it should be. Perimeter blocks like this are both an important historical feature of Victorian town planning but are also a haven for wildlife. I think the back quadrangles of Victorian tenements should be preserved as they were originally planned without further development.

There have been some other developments (sheds and decking) here that have also not got planning permission in the past. It is a shame our planning enforcement process is not able to control these developments. But it is difficult for neighbours to object when proper applications have not been submitted. The house next door to this one is a good example

However, this new garden office and large raised decking veranda is one step bigger than previous construction. It significantly increases the property size and is not in keeping with the surroundings.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

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Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Mr Douglas Stuart

Address: 70 Blackford Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My wife and I live at 70 Blackford Avenue and have done so for approx 20 years. Blackford Avenue forms a rectangle of houses bounded by Blackford Avenue, Ladysmith Road, Eva Place and Maurice Place. The ground slopes down from Ladysmith Road to Blackford Avenue. When we moved in the gound between Ladysmith Road and our property was grassed which allowed the ground to absorb rainfall. However in the past few years a large structure has been erected at Ladysmith Road. Supposedly an office? We are now having to deal with further structures on the applicants ground which will further restrict the ability of their property to absorb rain fall and will put it down towards our property. It is not so long ago that rainwater collected in the gully behind our house and number 72 to a level where water flowed in 72 causing major damage. We were lucky as our door stopped water getting in to our house. Surely in these days of climate change people cannot be allowed to make changes without reference to the environment or their neighbours

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Customer Details

Name: Mr Douglas Stuart

Address: 70 Blackford Avenue Edinburgh

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Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Mr Douglas STUART

Address: 70 Blackford Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

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Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Dr Isabelle Kolte

Address: 9 Maurice Place Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The garden office with the deck affects the privacy in our own garden. Gardens in the neighbour currently offer a degree of privacy, protecting owners from people directly looking into their private garden areas. The raised deck means this privacy will be markedly affected as people who sit on the deck have a direct view into our garden space.

The extension further clashes with the traditional features of the buildings in the neighbourhood and thus directly affects the appearance of the area and its character. Specifically the high metal rail and stair railing affect the character. Sitting in our own private garden we directly look at the extension and the features which stand out from the traditional features.

The extension may also affect us with regards to noise; we are unable to tell at this point. We expect that noises are more likely to carry into our garden from the raised deck.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The garden office with the deck affects the privacy in our own garden. Gardens in the neighbour currently offer a degree of privacy, protecting owners from people directly looking into their private garden areas. The raised deck means this privacy will be markedly affected as people who sit on the deck have a direct view into our garden space.

The extension further clashes with the traditional features of the buildings in the neighbourhood and thus directly affects the appearance of the area and its character. Specifically the high metal rail and stair railing affect the character. Sitting in our own private garden we directly look at the extension and the features which stand out from the traditional features.

The extension may also affect us with regards to noise; we are unable to tell at this point. We expect that noises are more likely to carry into our garden from the raised deck.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Mrs Gladys Allen

Address: 11 Maurice Place Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the structure because it overlooks my kitchen/dining window and affects my privacy in this room.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the structure because it overlooks my kitchen/dining window and affects my privacy in this room.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Mr Evan Cruickshank

Address: 13/2 Maurice Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this structure which has been erected without planning permission.

Its scale, covering half the former garden is overbearing and its design is out of keeping with the character of the neighbourhood.

Wooden cladding does not suit the style of the surrounding traditionally constructed stone-built buildings.

It also affects the more general aesthetic of the traditional garden, drying green area which the neighbouring properties look on to.

Furthermore, the flat top is obviously intended to be used for some form of socialising which would undoubtedly bring noise, odours and other general disturbance to a quiet residential area.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this structure which has been erected without planning permission.

Its scale, covering half the former garden is overbearing and its design is out of keeping with the character of the neighbourhood.

Wooden cladding does not suit the style of the surrounding traditionally constructed stone-built buildings.

It also affects the more general aesthetic of the traditional garden, drying green area which the neighbouring properties look on to.

Furthermore, the flat top is obviously intended to be used for some form of socialising which would undoubtedly bring noise, odours and other general disturbance to a quiet residential area.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Mrs Nina Bremner

Address: 7 Ladysmith Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The garden office has no affect on our property or privacy.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The garden office has no affect on our property or privacy.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Ms Seeta Anderson

Address: 13/1 Maurice Place Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this structure which was illegally erected last year. I base this on the following:

It has taken away the privacy from my rear bedroom, my kitchen and my bathroom.

The view of traditional back gardens which is a feature of the area has now been destroyed.

The scale, design and size is beyond what would be reasonably accepted in a garden of that size, which is in fact a traditional drying green.

The high platform on top of the structure, due its design, is obviously also going to used for some form of entertaining. This will no doubt bring noise, disturbance and odours.

Comments for Planning Application 20/00793/FUL

Application Summary

Application Number: 20/00793/FUL

Address: 3 Ladysmith Road Edinburgh EH9 3EX

Proposal: Garden office and deck to rear of lower flat (in retrospect).

Case Officer: Adam Thomson

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this structure which was illegally erected last year. I base this on the following:

It has taken away the privacy from my rear bedroom, my kitchen and my bathroom.

The view of traditional back gardens which is a feature of the area has now been destroyed.

The scale, design and size is beyond what would be reasonably accepted in a garden of that size, which is in fact a traditional drying green.

The high platform on top of the structure, due its design, is obviously also going to used for some form of entertaining. This will no doubt bring noise, disturbance and odours.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100315146-001

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:	architecturejfltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Julian	Building Name:	Gullane Business Centre
Last Name: *	Frostwick	Building Number:	12a
Telephone Number: *	0 [REDACTED]	Address 1 (Street): *	Lammerview Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gullane
Fax Number:		Country: *	Scotland
		Postcode: *	EH31 2HB
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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Glyn & Claire"/>	Building Number:	<input type="text" value="3"/>
Last Name: *	<input type="text" value="Owen"/>	Address 1 (Street): *	<input type="text" value="Ladysmith Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 3EX"/>
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="3 LADYSMITH ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 3EX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="670940"/>	Easting	<input type="text" value="325997"/>
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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)

Garden office and store to rear of lower flat (part retrospective)

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.

It is the Appellants view that the Planning Officer's advice has been inconsistent which suggests that the decision regards detriment to character is in fact marginal. Given that a marginal and subjective consideration it is strongly urged that the Councillors visit to see the development for themselves. It is noted that the neighbouring pitched roof outbuilding is a more dominant structure and that it is not possible to sit out on the rooftop.

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)

Objection and support letters were not available to view until decision made. Letters were not made available until requested. When requested not all letters have been made available, or were incorrectly advised as to numbers of letters received. Planning Officer advice was inconsistent through determination of application and appears possibly influenced by neighbour letters. Not correct that letters not available to view or that Officer advised incorrect number of letters & acted accordingly

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)

1. Appellant statement_061020 2. Timeline of advice given by Adam Thomson_061020 3. Additional photographs

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00793/FUL

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

18/02/2020

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

13/07/2020

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)

photographs helpful but feel that LRB should see for themselves as decision marginal and subjective Officer opinion as to whether detrimental to local character

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

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

Yes No

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

Yes No

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

Access to the gardens is private to all occupants of the surrounding properties and access only through the properties

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 Julian Frostwick

Declaration Date: 08/10/2020

Proposal Details

Proposal Name	100315146
Proposal Description	rear outbuilding
Address	3 LADYSMITH ROAD, EDINBURGH, EH9 3EX
Local Authority	City of Edinburgh Council
Application Online Reference	100315146-001

Application Status

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

Attachment Details

Notice of Review	System	A4
additional photographs	Attached	A4
appellant statement_061020	Attached	A4
Timeline of advice given by Adam Thomson_061020	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

LRB SUBMISSION DOCUMENT No. 2

Timeline to demonstrate inconsistency of advice given by Adam Thomson, Senior Planning Officer
ref 20/00793/FUL

18/03/2020

Further to our recent telephone conversation I write to advise that the Planning Authority has fundamental concerns with the use of the roof of the garden office/bike store as a terrace/raised patio as this would have the potential to give rise to significant harmful overlooking and loss of privacy to neighbouring residences. Additionally, the Planning Authority has fundamental concerns with the proposed decking on the roof and the balustrade which would facilitate the use of the roof as a terrace/raised patio. I therefore do not consider that the current development could be recommended for planning permission.

- The deletion of the timber decking from the roof of the garden office/bike store and the use of a different roof material that is unsuitable for sitting on and walking on;
- The deletion of the balustrade from the scheme.

ajf responded with sketch 200320

20/03/2020

I note that a part of the roof remains as a terrace. I consider that the deck area should be eliminated - the Perspex balustrade should be extended to stop the roof being accessed. Only the staircases should be accessible. I advise that the roof of the building be topped with a material designed to prohibit it being walked on.

ajf responded with formal drawing 310320

28/04/2020

I have had a discussion with colleagues in the planning team about this application and I write to advise you of the outcome of this.

There is a concern with the scale of the development on what is a relatively small garden. As a result, there are issues relating to the amount of garden left over, the visual scale and also the outlook from the properties facing directly on to the building. Therefore, the Planning Authority is not in a position to support the application as submitted. The advice is that the structure needs to be reduced in size by removing the bike shed element. This would also totally solve the terrace issue by potentially having the stair pushed back to the door and the office being more like a free-standing element. The other change required is the finishing colour. It should be painted something a bit more in keeping with the building i.e. stone colour to minimise its visual impact.

23/06/2020

To clarify I have requested the following changes to be made to the proposal:

1. Reduce the size of the building by completely removing the bike shed element.
2. Reposition the smaller building further away from the rear elevation of the existing flatted building so that it appears as a detached garden structure.
3. Reposition the staircase so that it is pushed back to the rear elevation of the flatted building and only accesses the rear door. As no part of the staircase will access the roof of the office building then the size of staircase can be reduced.
4. Paint the smaller building and staircase a colour more in keeping with the building i.e. stone colour to minimise its visual impact.

LRB SUBMISSION DOCUMENT No. 1

Dear Review Committee,

Firstly. We would like to thank you for taking the time to look at our appeal. We would also like to clarify that we would not have erected this structure without planning permission had we been aware that it was required, unfortunately we trusted our builder who gave us wrong advice, hence we have found ourselves in this very difficult position. This project cost in the region of £10,000 and I can assure you we would not have considered erecting it had we thought there was going to be any issues with it.

We would like to make a few points that we hope you may consider when looking at our appeal.

- The summerhouse replaced an existing summerhouse (same position). [See Photo No9](#)
- After applying for retrospective planning permission, we agreed to make the changes that were asked by the planners and our architect submitted new drawings then they requested further changes, which we agreed to, the drawings were submitted and then further changes were asked for. Currently it is unclear to us what changes would be required to pass this structure as each time the drawings were submitted another change was requested.
- We were informed by the planning department on a number of occasions (please see email correspondence) that 19 objections had been submitted. However when we looked on the portal there was actually 9 comments (8 of which were objections/only 6 are viewable). We felt under a huge amount of pressure to agree to the requested changes as we believed that there were 19 objections – this was false information.
- There are various properties in our street who have similar structures built in their back garden.
 1. 7 Ladysmith Rd have a summerhouse and raised decking.
 2. 9 Ladysmith Rd have a steel balcony from their back door
 3. 13 Ladysmith Rd have a raised wooden deck/balcony from their back door
[\(See photo's attached No 1, No 2, and No 3\).](#)
- Three houses (1 on Maurice Place, 2 on Ladysmith Rd) that look onto our garden have sold recently, they sold within a week of going onto the market, and each property had a huge amount of interest and offers. We therefore believe that our structure did not have a negative effect on the value/privacy of the neighbouring properties.
- We intend to paint (natural colour) the structure and plant greenery to make it as in keeping/unimposing as possible but due to the uncertainty around it we have not been in a position to carry this out.
- Within a 0.25 mile radius there are various homes that have recently been built which are not in keeping with the period of the surrounding properties. [\(See photo's attached No 4, No 5, No 6, please note No 4, is on Ava Place which looks onto the same communal space as our garden\)\).](#)
- Please take into account the nine notes from our neighbours (who all look onto the same garden area as our property) as they have expressed that they have no issue with our structure and are happy to support our appeal [\(please see below\)](#)
- We cannot see how this structure will enhance 'noise levels' or 'odours' as suggested by a few people who objected. We will not be using the flat roof to socialise (it will be a planting area /green space) and the lower deck has replaced the original stair case which we could sit

on. We feel it is unfair of the people who objected to assume that this will be a socialising area

- .Due to the current pandemic a site visit has not been permitted, this is unfortunate as we feel if you could see the structure in its surroundings then you would have a clearer idea of its positioning with the surroundings (I have attached a photo No 7, from the communal garden area- Please note each lower property has their own private garden and then there is a 'back green' in the middle which is shared by some flats this is a view from middle of communal garden)

Supporting Comments from Neighbours:

Subject:Planning application

Date:Sun, 27 Sep 2020 20:15:57 +0100

From:Mark Wilson [REDACTED]

Evening Glyn and Claire,

With regards to your planning application for your summerhouse in the rear garden, please accept this email as notification that we have no issue with the structure and are happy for it to remain as built.

Regards,

Mark & Lisa Wilson
21 Ladysmith Road
Edinburgh
Eh9 3ex

Subject:Planning Application

Date:Sat, 19 Sep 2020 18:33:22 +0100

From: [REDACTED]

Hi Claire and Glyn

Really sorry to hear about the refusal on your planning application. As your immediate neighbour who supported this application when asked by the Council, we would like to reiterate for the appeal process how your summerhouse has no impact on our property or privacy.

We would hope that our views as an immediate neighbour would be considered in your appeal.

Wishing you the best of luck with this. Keep us posted.

Nina and Willie
7 Ladysmith Road
Edinburgh

Subject:Planning application

Date:Sat, 19 Sep 2020 15:18:21 +0000

From [REDACTED]

Hi Claire and Glyn,

Sorry to hear about your planning application- we had no idea this was a problem otherwise we would have been happy to support your original application. We have no issues with the summer house and are keen to show support now- really hope your appeal is successful! Let us know if we can help in anyway.

Catherine, Neil and Aidan (33 Ladysmith Road)

Subject:Summerhouse

Date:Mon, 21 Sep 2020 09:24:08 +0100

From [REDACTED]

Hello

We are sorry to hear about the refusal on your application, had we known that you were having problems getting this through planning we would have commented sooner.

We have no issues at all with the summerhouse. In fact we feel it offers us some privacy from the windows on Ladysmith Road which overlook our garden.

Best of luck to you.

Wendy, Ian & Jack

3 Maurice Place

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

Subject:Summerhouse

Date:Tue, 29 Sep 2020 21:16:37 +0100

From [REDACTED]

Hi Clair and Glyn,

I am so sorry to hear that you received poor advice and your application got refused. It sounds like you are doing your best to adapt the summerhouse and make it discreet and I hope this all can be resolved for you. Good luck!

Warm wishes,

Michelle

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

Subject:Summerhouse at 3 Ladysmith Road, Edinburgh

Date:Mon, 28 Sep 2020 20:42:49 +0100

From [REDACTED]

Dear Claire, Glyn and Oscar,

We are sorry to learn of the issues you have experienced relating to your recent refurbishment/ extension work inasmuch as the Retrospective Planning has been refused. We can fully understand your desire to create a useable space in the dark, north facing garden. Part of the charm of the locality where we live is due to the eclectic mix of garden styles at the rear of our homes that includes a shared play area, formal garden, informal allotment style garden, contemporary decking and hidden hedged garden. We would like it noted that the summerhouse does not detrimentally affect us in any way along at No. 13. Good luck with your endeavours. Wishing you success and an end to this stressful situation. Best wishes, Gillian and Rob Windever

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

Subject:Planning

Date:Mon, 28 Sep 2020 19:58:26 +0100

From:S B [REDACTED]

Hi Glynn & Claire,

I'm so sorry to hear about the problems with the planning application for the summerhouse. I'd like to say I have no issue with the build especially with the planned changes to make it as discreet as possible. I hope you get the issues sorted soon.

Best of luck,

Simon Briggs

25 Ladysmith Rd

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

Subject:Retrospective planning

Date:Tue, 29 Sep 2020 13:31:12 +0100

From [REDACTED]

Hi There

Really sorry to hear about the refusal for the planning application. As a neighbour on Maurice Place (5) the structure is visible to us and we have no problems with it at all. We support the planning application and wish you luck with it.

All the best wishes

Caroline and Jake Dobson-Davies
5 Maurice Place
EH9 3EP

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

Subject:Re: Retrospective planning

Date:Tue, 29 Sep 2020 17:22:23 +0100

From [REDACTED]

Hi there,

I would also like to add, from our perspective (viewed from the joint garden of 5, 7 and 9 Maurice Place), your summerhouse is less visible in terms of hight, size and colour, than other comparative summerhouses already in situ. The colouring of the wood allows it to blend in with the natural stone of the surrounding buildings.

All the best,

Caroline and Jake Dobson-Davies
5 Maurice Place
EH9 3EP

6 Objections viewable on portal:

1. *Its scale, covering half the former garden is overbearing and its design is out of keeping with the character of the neighbourhood. As mentioned the structure will be painted a natural colour we also intend to plant greenery. Lots of sheds/decking/balconies/extensions etc. in the neighbourhood (see photo's attached)*

Wooden cladding does not suit the style of the surrounding traditionally constructed stone-built buildings. There are quite a few newly built properties in the area which are not in keeping with the neighbouring buildings (see photo's attached no 4,5,6,) It also affects the more general aesthetic of the traditional garden, drying green area which the neighbouring properties look on to. If you stand in the middle of the drying green you are unable to see it (photo attached No 7)

Furthermore, the flat top is obviously intended to be used for some form of socialising which would undoubtedly bring noise, odours and other general disturbance to a quiet residential area. Everyone living on Ladysmith Rd will be very aware that we only get sun in the back garden first thing in the morning for an hour, at all other times it is shaded and cold, therefore we never sit/socialise at the back of our property. We do not intend to use the deck for socialising, as mentioned we intend to plant shrubbery and use the roof as a green space. I would like to point out neighbours living on Maurice Place use their back gardens to socialise in (they get sun in the evening) and we often hear noise and odours (BBQ) and believe that is to be expected when you live with neighbouring properties. Furthermore I would disagree that this a quiet residential area as there are over 20 families looking onto the same back green, therefore there is often lots of activities and children playing in the shared garden/street.

2. I object to this structure which was illegally erected last year. I base this on the following: *We understand that planning permission should have been obtained prior to this structure being erected, as explained previously we were misled by our builder who assured us that planning permission would not be required. We would not have spent such a substantial amount of money on this had we thought it was illegal.*

It has taken away the privacy from my rear bedroom, my kitchen and my bathroom. We cannot see in your window from the roof of the summerhouse or the deck, therefore we cannot see how this effects your privacy. I would also like to point out that the lower deck is the same height as the original stairs that came from the back door.

The view of traditional back gardens which is a feature of the area has now been destroyed. This structure has replaced an existing outside office, the new structure is only 30cm deeper and is not as high, therefore there is no change to the view, if anything you can see more due to the lower height.

The scale, design and size is beyond what would be reasonably accepted in a garden of that size, which is in fact a traditional drying green. *This is not accurate according to the independent advice we have been given.*

The high platform on top of the structure, due its design, is obviously also going to be used for some form of entertaining. This will no doubt bring noise, disturbance and odours. *This is an assumption which I have already clarified with regards to noise/odours I do not believe they would be any different from anyone else using their private garden.*

3. I object to the structure because it overlooks my kitchen/dining window and affects my privacy in this room. *We could see into this kitchen/dining room before and can see in without standing on the structure therefore there is no change.*

4. The garden office with the deck affects the privacy in our own garden. Gardens in the neighbour currently offer a degree of privacy, protecting owners from people directly looking into their private garden areas. The raised deck means this privacy will be markedly affected as people who sit on the deck have a direct view in to our garden space. *Prior to the deck being built we had the original stairs coming from the back door which were at the same height therefore could see into this garden had we wished to.*

The extension further clashes with the traditional features of the buildings in the neighbourhood and thus directly affects the appearance of the area and its character. Specifically the high metal rail and stair railing affect the character. Sitting in our own private garden we directly look at the extension and the features which stand out from the traditional features. *As mentioned the railings will have greenery covering them. We have had the rails made with marine wire therefore I am unsure how anyone can see them as we cannot see them when we look out our window!*

The extension may also affect us with regards to noise; we are unable to tell at this point. We expect that noises are more likely to carry into our garden from the raised deck. *As explained we are not going to be using it to socialise.*

5. My wife and I live at 70 Blackford Avenue and have done so for approx 20 years. Blackford Avenue forms a rectangle of houses bounded Blackford Avenue, Ladysmith Road, Eva Place and Maurice Place. The ground slopes down from Ladysmith Road to Blackford Avenue. When we moved in the ground between Ladysmith Road and our property was grassed which allowed the ground to absorb rainfall. However in the past few years a large structure has been erected at Ladysmith Road.

Supposedly an office? We are now having to deal with further structures on the applicants ground which will further restrict the ability of their property to absorb rain fall and will put it down towards our property. It is not so long ago that rainwater collected in the gully behind our house and number 72 to a level where water flowed in 72 causing major damage. We were lucky as our door stopped water getting in to our house. Surely in these days of climate change people cannot be allowed to make changes without reference to the environment or their neighbours

When we moved into this property 15 years ago, there was a shed in our back garden and the grass was sloping down (roughly 20 degrees) in the direction of the above property and we have had the garden levelled which in turn will stop any water from our garden causing damage, if anything we have helped to resolve this issue.

6. This development has already been built and should have had permission in advance to allow neighbours to object so that even if the development was granted, modifications could be made to make it more in keeping with the area. *We have acknowledged that we should have applied for planning permission before this structure was built, however we trusted our builder and thought as there are so many other similar developments in the area and this structure replaced an existing office that our builder was correct.*

Although this area is not currently a conservation area, I feel it should be. Perimeter blocks like this are both an important historical feature of Victorian town planning but are also a haven for wildlife. I think the back quadrangles of Victorian tenements should be preserved as they were originally planned without further development.

There have been some other developments (sheds and decking) here that have also not got planning permission in the past. *We intend to cover the structure with plants/bushes etc. which will add to the 'haven for wildlife'. There has been a full town house built on Ava Place which is part of the 'back quadrangle' which I assume has planning permission and is not in keeping with the Victorian tenements (photo attached No 4).*

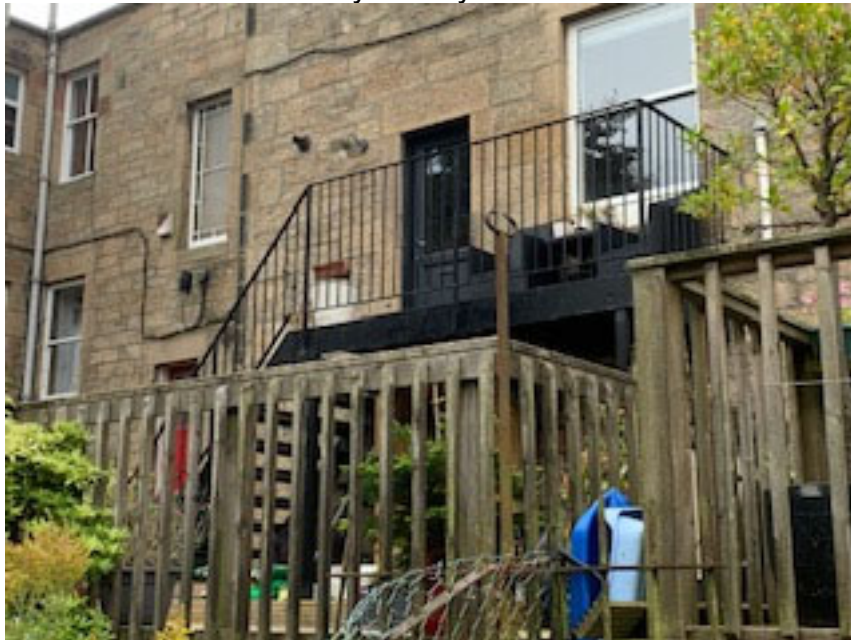
It is a shame our planning enforcement process is not able to control these developments. But it is difficult for neighbours to object when proper applications have not been submitted.

The house next door to this one is a good example. However, this new garden office and large raised decking veranda is one step bigger than previous construction. It significantly increases the property size and is not in keeping with the surroundings.

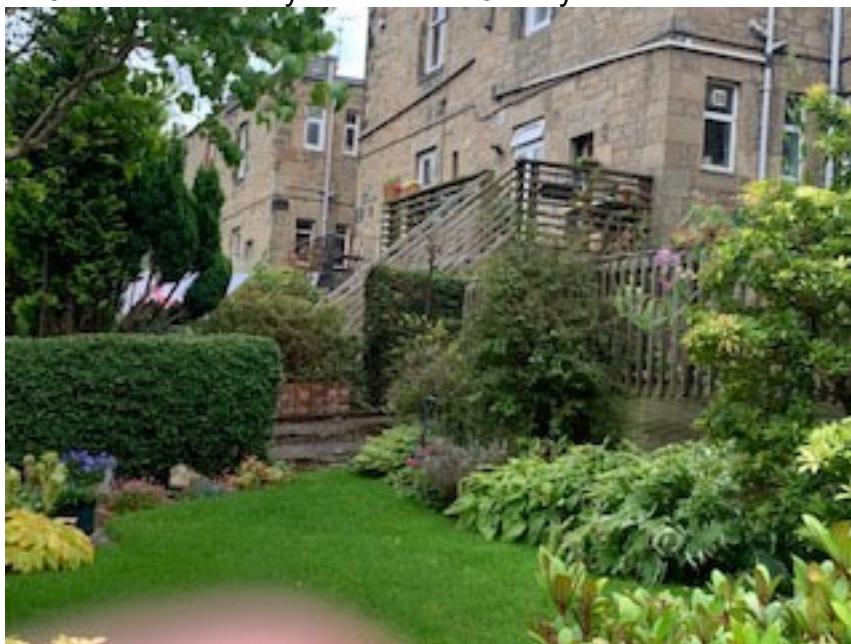
No1 – Next Door, deck and summerhouse 7 Ladysmith Rd



No2 Raised steel balcony 9 Ladysmith Rd



No3 Decked balcony with stairs 13 Ladysmith Rd



No4 Full Town house on Ava Place, this looks onto the same communal area as our house.



No5 Property built round the corner which is not in keeping.



No6 Another two houses which are round the corner that are not in keeping.



No7 View of our Structure from communal garden (can't see it!)



No8 view from our back door, you can see that there are various shed's balconies, decks etc.





No 9 summerhouse that we replaced, please note as this has a pitched roof it is higher than the new summerhouse



No 10. The new structure, please note this will be painted a natural colour and we will plant greenery on the rails/deck and use the flat roof as a container garden for pot plants.

Additional photographs



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