

# Notice of meeting and agenda

## Planning Local Review Body (Panel 1)

**10.00 am Wednesday, 3rd February, 2021**

Virtual Meeting - via Microsoft Teams

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

### Contacts

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## **1. Appointment of Convener**

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

## **2. Order of Business**

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- 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**

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- 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**

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- 4.1 Minute of the Local Review Body (Panel 1) of 16 September 2020 – submitted for approval as a correct record. 9 - 18

## **5. Local Review Body - Procedure**

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

## 6. Requests for Review

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- 6.1** 40 Corslet Road, Currie – First floor extension to existing one and a half storey semi-detached dwelling – application no 20/04166/FUL. 23 - 54
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
- 6.2** 12 Earlston Place, Edinburgh – Change of use from shop to 2 no. residential units – application no 20/00760/FUL. 55 - 74
- (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** 39 Hutchison Medway, Edinburgh – Proposed 1 1/2 storey 3 bedroom house – application no 20/03877/FUL. 75 - 196
- (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** 59 North Gyle Loan, Edinburgh – 1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension – application no 20/04212/FUL. 197 - 226
- (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** 1 Sighthill Avenue, Edinburgh – Attic conversion incorporating 227 - 248

dormer windows to front and side of property – application no 20/03600/FUL.

(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.

**6.6** 20 Wester Coates Gardens, Edinburgh – Alterations with conversion of attic and associated roof windows and dormer balcony – application no 20/04417/FUL.

249 - 292

(a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

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

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

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

[Local Development Plan Online](#)

Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)

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

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

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

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

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

Edinburgh Local Development Plan Policy Hou 3 (Private Green



Space in Housing Development)

Edinburgh Local Development Plan Policy Hou 4 (Housing Density)

Edinburgh Local Development Plan Policy Hou 5 (Conversion to Housing)

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

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

## **8. Non-Statutory Guidance**

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### **8.1** [Guidance for Householders](#)

[Listed Buildings and Conservations Areas](#)

[Edinburgh Design Guidance](#)

**Note:** The above policy background papers are available to view on the Council's website [www.edinburgh.gov.uk](http://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**

Chief Executive

## **Membership Panel**

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Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat and Councillor Mary Campbell

## **Information about the Planning Local Review Body (Panel 1)**

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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.

This meeting of the LRB is being held virtually by Microsoft Teams.

### **Further information**

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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](mailto:blair.ritchie@edinburgh.gov.uk).

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

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

# Minutes

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

10.00am, Wednesday 16 September 2020

**Present:** Councillors Booth (substituting for Councillor Mary Campbell), Mitchell and Mowat.

### 1. Appointment of Convener

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Councillor Mitchell was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 19 August 2020 as a correct record.

### 3. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 35 Inverleith Row, Edinburgh

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Details were submitted of a request for a review for refusal of planning permission for the proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with two flat roof lights and the removal of three existing chimneys at 35 Inverleith Row, Edinburgh. Application No. 20/01373/FUL.

#### Assessment

At the meeting on 16 September 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01 - 08, Scheme 1, being the drawings shown under the application reference number 20/01373/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) Relevant Government Guidance on Historic Environment.

Planning Advice Note 71 on Conservation Area Management recognised conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Managing Change in the Historic Environment: External Fixtures set out Government guidance on the principles that applied to altering the external fixtures of listed buildings.

Managing Change in the Historic Environment: Roofs set out Government guidance on the principles that apply to altering the roofs of listed buildings.

2) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

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

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

3) Relevant Non-Statutory Guidelines.

'Listed Buildings and Conservation Areas'

'The Inverleith Conservation Area Character Appraisal'

4) The procedure used to determine the application.

5) 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:

- It was difficult to see where the loss of the M-shaped roof could be seen from at ground level, however, it might be overlooked by properties on Inverleith Place.
- It would only be possible to see the front elevation and side elevation roofscape from the public street at ground.
- According to the new information, the applicant was content to retain the original chimney on the north elevation and remove the two chimneys on the west elevation, which were not original.
- On listed buildings, it was original features that were of concern and not if they were visible from the street.

- A Listed Building application was concerned with the integrity of the building, including interiors and exteriors. A Planning Application was concerned with the appearance of building and the impact on the wider area.
- Listed building guidance on chimneys stated that the original chimneys should be retained and non-original features could be removed.
- There was concern about the removal of the original roof and slates as it was part of a listed building.
- Listed building guidance on roofs stated that the retention of the original structure, pitch and cladding was important.
- That implementing these renovations to high standard, would be assisting the life of this listed building going forward.
- This M-type roof was an important part of the architecture of this period. However, Historic Environment Scotland's (HES) advice had changed and to preserve a building, the roof had to be useable.
- The applicant would have to remove this roof as it was now 160 years old. There was not an issue with the Cupa Slate, but there was concern about the lack of diminishing coursing proposed.
- Whether the proposals preserved this building in a way that was not publicly visible and whether the change in the form of the roof would have a significant adverse impact on the building.
- If the separate LBC appeal was not allowed, the applicant would have to replace the roof. With regards to the Planning Application, it was the effect on the conservation area that had to be considered and there would not be a huge effect on this by replacing the central hipped roof.
- Considering later HES guidelines, this would probably help the usability of the building by letting in more light and helping to stop water ingress.

Having taken all the above matters into consideration, the LRB determined that although there were some minor infringements, the proposals broadly complied with LDP Policies Env 4 and Env 6 and did not significantly adversely affect the special architectural and historic interest of the listed building and did not have a detrimental impact on the special character and appearance of the conservation area.

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

### **Decision**

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

**Condition:**

- a) the chimney on the north elevation (Inverleith Place elevation) should be retained.

**Reason:**

- a) In order to protect the character and appearance of the listed building and the wider conservation area.

**The following informatives:**

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

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

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

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Details were submitted of a request for a review for refusal of planning permission for the erection of one-and-a-half storey, detached, 5 bedroomed family home at the Old Dairy House, Dundas Home Farm, South Queensferry. Application No. 19/05253/FUL.

**Assessment**

At the meeting on 16 September 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 further written submissions on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-09, Scheme 1, being the drawings shown under the application reference number 19/05253/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 1 (Design Quality and Context)

Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)

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

Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy Env 10 (Development in the Green Belt and Countryside)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

2) Relevant Non-Statutory Guidelines.

‘Listed Buildings and Conservation Areas’

‘Development in the Countryside and Green Belt’

‘Edinburgh Design Guidance’

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

## Conclusion

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

- Whether there had been any previous applications on this site, and confirmation that there had not.
- Confirmation that the site to the east had been granted consent for a single house in 2016 and 2019, and that there was a current live application for a larger house on this site.
- The applicant described the site as an infill site. Officers considered the proposal as overdevelopment, creating a suburban feel to this rural location. Although there was sympathy for the applicant, there was agreement with the officers that the proposals represented overdevelopment.

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

## Decision

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

## Reasons for Refusal:

1. The proposal was contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances and would harm the rural character of the site.
2. The proposal was contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling had been established; it did not relate to meeting the needs of one or more workers employed in agriculture; it was not related to a rural activity or business, and it was not a brownfield site or a gap site.
3. The proposal was contrary to design policies Des 1 and Des 4 of the LDP as the creation of another suburban style house into this rural setting adversely impacted on the rural character of the area.
4. The proposal was contrary to policy Tra 2 as it exceeded the Council's parking standards which sought to limit private car parking and encourage active travel.
5. There was insufficient information provided to assess the impact on trees and protected species.

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

## 6. Request for Review – 29 Peffer Place, Edinburgh

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Details were submitted of a request for a review for the refusal of planning permission for the change of use from class 5 to class 11 at 29 Peffer Place, Edinburgh.

Application No. 20/00879/FUL

### Assessment

At the meeting on 16 September 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 further written submissions on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-02, Scheme 1, being the drawings shown under the application reference number 20/00879/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 5 (Development Design – Amenity)  
Edinburgh Local Development Plan Policy Ret 8 (Entertainment and Leisure Developments)  
Edinburgh Local Development Plan Policy Emp 8 (Business and Industry Areas)
- 2) Relevant Non-Statutory Guidelines.  
'Guidance for Businesses'
- 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:

- There was some confusion with the definition of business in LDP Policy Emp 8, as this seemed to be a business, with an individual running a martial arts school for profit which would comply with policy.
- It was advised that the Town and Country Planning (Use Classes) (Scotland) Order 1997 defined the classes and what is acceptable in each category. Leisure use would fall under a different category in terms of the Use Classes Order. Policy Emp 8 usually referred to large scale office type development or industrial use.
- The explanatory note, in relation to Policy Emp 8 seemed to refer to a range of business activities across the city, as opposed to the narrow use classes described by officers.
- In relation to Use Class 5 activities, these were not compatible with residential areas due to the impact on amenity.
- The LRB could apply some flexibility. In other applications in other parts of the city, the change of use had been accepted, however, in this case, officers had strictly interpreted the policy to an excessive extent.
- It was difficult to see why this business was not appropriate in this location, particularly when there was not a shortage of business/industry space in the local area and there was safe access for pedestrians.
- This was a narrow interpretation of policy by officers, without considering the wider benefits. This proposal was in the spirit of Policy Emp 8, was creating

employment opportunities, providing the community with a service to improve health and supporting the city's wider economy.

Having taken all the above matters into consideration, the LRB determined that although there was some minor infringement of policy, the proposals complied in the broader sense and were not contrary to LDP Policy Emp 8 as they would support a local business and the local economy.

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

### **Decision**

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

#### **The following informatives:**

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

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

## **7. Request for Review – 11 Riselaw Terrace, Edinburgh,**

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Details were submitted of a request for a review for the refusal of planning permission to renovate and extend existing front dormer; extend the existing rear dormer to create additional roof space in adjacent rooms; new dormer on side elevation to allow the division of current room into two smaller bedrooms; new dormer at front to create more roof and storage space in bedroom; all dormers timber framed and rosemary tiled to match existing modern rear dormer; and addition of timber framed porch to front elevation at 11 Riselaw Terrace, Edinburgh, which was issued a mixed decision refusing the front porch and front dormers; and granting the side dormer and rear dormer. Application No. 20/00879/FUL.

### **Assessment**

At the meeting on 16 September 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, 03, 04, 05, 06, Scheme 1, being the drawings shown under the application reference number 20/00879/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:

- Whether the applicant had permitted development rights and whether the size of the porch would be permitted development.
- It was confirmed that the proposed works would not be permitted development as the dimensions of the porch exceeded what was permitted.
- The dormers on the front were excessive and the applicant could have considered a smaller porch. The proposed porch would be obtrusive.
- The proposals, in general, would have a negative impact on the rest of street.
- There was some sympathy for the applicant's reasoning not to strictly match with neighbours because their internal layout was different, however, they could have built a porch on a smaller scale
- There was sympathy for residents who want to maximise their living space, however, this proposal was considered to be overdevelopment.

### **Decision**

To uphold the decision by the Chief Planning Officer to issue a **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, were shown below;

1. This permission related to the side dormer and rear dormer. \*\*\*\* \*\*.

2. This refusal related to the front dormers and porch. \*\*\*\* \*\*.

**Reasons:-**

1. In order to recognise the elements of the application which were compatible with the character and appearance of the existing house, and existing neighbourhood character.
2. The proposed front porch and front dormers were contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance as they were not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building.

**Informatives:-**

It should be noted that:

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

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

## 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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**Decision date: 30 November  
2020**

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

First floor extension to existing one and a half storey semi-detached dwelling.  
At 40 Corslet Road Currie EH14 5LY

**Application No: 20/04166/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 30 September 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:-**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to neighbourhood amenity and the character of the property.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it would be detrimental to neighbourhood amenity and the character of the property.
3. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact upon the character and appearance of the host property

4. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they will impact on the existing building, neighbouring amenity and the neighbourhood character..

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

Drawings 01-13, 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 application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions). It is not compatible with the existing building and the character of the 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 Conor MacGreevy directly at [conor.macgreevy@edinburgh.gov.uk](mailto: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](http://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](mailto: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**  
**40 Corslet Road, Currie, EH14 5LY**

**Proposal: First floor extension to existing one and a half storey semi-detached dwelling.**

**Item – Local Delegated Decision**  
**Application Number – 20/04166/FUL**  
**Ward – B02 - Pentland Hills**

## **Recommendation**

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

## **Summary**

## **SECTION A – Application Background**

### **Site Description**

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

The surrounding is characterised by being residential nature and the housing types are mostly two storey semi-detached residential dwellings.

The additions and alterations to the residential dwellings of the surrounding area are characterised by single storey side or rear extensions and dormer windows or roof lights to the roof plans.

Unoriginal projecting elements to the primary elevation of the houses are a characteristic of the streetscape. However, these come in the form of subordinate and subservient porches which are modest in size and scale, enabling the host property to remain the visual focus when looked upon from the public realm.

### **Description Of The Proposal**

The proposal is for a one and a half storey extension to the primary elevation.

### **Relevant Site History**

No relevant site history.

## Consultation Engagement

No Consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 30 November 2020

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 2

## Section B - Assessment

### 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?

### Assessment

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

- a) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

#### a) Scale, form, design and neighbourhood character

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

The proposed single storey wrap around extension to the primary, gable and rear elevations at first floor level is unacceptable in terms of size and scale. This would create a visually dominant and top-heavy aesthetic within the street scene. The non-statutory Guidance for Householders states that 'extensions that project beyond the

principal elevation line are not generally allowed unless this fits in with the local character of the street'. There are no instances of this form of development (first floor level combined on all elevations) within the local area and it is therefore considered that the proposal will be visually inappropriate. The houses within the direct vicinity are well-designed; the rhythm and symmetry of the front elevations are a key characteristic in terms of the streetscape. The proposal will create a visual barrier in relation to the appearance of the house and the wider terrace, having an unacceptable and detrimental impact upon the character and appearance. The proposed materials are acceptable in this location.

A revision was discussed with the architect to amend the design however this was rejected.

The proposal is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders and would have a detrimental impact upon the character and appearance on the host property and the surrounding area.

#### b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

This element of the proposal complies with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

#### c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

#### d) Public comments

Two comments were received from members of the public.

Objecting Material Representation -

The proposed size and scale would be contrary to the character and appearance of the area; this is addressed in section a)

Objecting Non-Material Representation -

Restrictions put on future development; the planning service cannot assess anticipated development.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

### **Reasons**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to neighbourhood amenity and the character of the property.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it would be detrimental to neighbourhood amenity and the character of the property.
3. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact upon the character and appearance of the host property
4. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they will impact on the existing building, neighbouring amenity and the neighbourhood character..

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 30 September 2020**

### **Drawing Numbers/Scheme**

01-13

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

Appendix 1

## **Consultations**

No consultations undertaken.



# Comments for Planning Application 20/04166/FUL

## Application Summary

Application Number: 20/04166/FUL

Address: 40 Corslet Road Currie EH14 5LY

Proposal: First floor extension to existing one and a half storey semi-detached dwelling.

Case Officer: Conor MacGreevy

## Customer Details

Name: Mr Ian MacKenzie

Address: 38 Corslet Road Currie Edinburgh

## Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I have only one concern with this application, the proposed West Elevation is showing a window on our common boundary. Although at present this is not an issue I would like some reassurance that should there ever be a proposal to extend No 38 Corslet Road up to this boundary this wouldn't be a reason for refusing planning/building consents.

# Comments for Planning Application 20/04166/FUL

## Application Summary

Application Number: 20/04166/FUL

Address: 40 Corslet Road Currie EH14 5LY

Proposal: First floor extension to existing one and a half storey semi-detached dwelling.

Case Officer: Conor MacGreevy

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I have only one concern with this application, the proposed West Elevation is showing a window on our common boundary. Although at present this is not an issue I would like some reassurance that should there ever be a proposal to extend No 38 Corslet Road up to this boundary this wouldn't be a reason for refusing planning/building consents.

# Comments for Planning Application 20/04166/FUL

## Application Summary

Application Number: 20/04166/FUL

Address: 40 Corslet Road Currie EH14 5LY

Proposal: First floor extension to existing one and a half storey semi-detached dwelling.

Case Officer: Conor MacGreevy

## Customer Details

Name: Mr David Alexander

Address: 43 Corslet Road Currie

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Sir,  
Having considered the proposals for the above extension I feel that the overall appearance of the North elevation is not in keeping with the overall streetscape for this type of one and a half storey house.

The proposed extension gable is overbearing in terms of its height (above the existing ridge line), it's position in terms of the projection in front of the building line set up for the street and it's mass overall will look odd in the context of the adjoining semi-detached property and the adjacent house.

Where this type of house has been extended within the street, the front elevations have generally respected the one and a half storey nature of the original design intent and maintained the pitched roof / dormer arrangement and thus preserve the overall feel of the surrounding streetscape.

This proposal clearly moves away from this sympathetic approach. Whilst I have no real objection to an extension being built, the design of this is overbearing and lacking in consideration of the streetscape. I therefore must note my objection to the design proposals as they have been submitted and invite the Authority to refuse this application.

# Comments for Planning Application 20/04166/FUL

## Application Summary

Application Number: 20/04166/FUL

Address: 40 Corslet Road Currie EH14 5LY

Proposal: First floor extension to existing one and a half storey semi-detached dwelling.

Case Officer: Conor MacGreevy

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Sir,  
Having considered the proposals for the above extension I feel that the overall appearance of the North elevation is not in keeping with the overall streetscape for this type of one and a half storey house.

The proposed extension gable is overbearing in terms of its height (above the existing ridge line), it's position in terms of the projection in front of the building line set up for the street and it's mass overall will look odd in the context of the adjoining semi-detached property and the adjacent house.

Where this type of house has been extended within the street, the front elevations have generally respected the one and a half storey nature of the original design intent and maintained the pitched roof / dormer arrangement and thus preserve the overall feel of the surrounding streetscape.

This proposal clearly moves away from this sympathetic approach. Whilst I have no real objection to an extension being built, the design of this is overbearing and lacking in consideration of the streetscape. I therefore must note my objection to the design proposals as they have been submitted and invite the Authority to refuse this application.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100311965-003

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Calum McDonald - Architectural Technician		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Calum	Building Name:	Linburn House
Last Name: *	McDonald	Building Number:	19
Telephone Number: *	01383728277	Address 1 (Street): *	Afton Grove
Extension Number:		Address 2:	
Mobile Number:	07921625340	Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY11 4LE
Email Address: *	mail@cm-at.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Alan"/>	Building Number:	<input type="text" value="40"/>
Last Name: *	<input type="text" value="Yeung"/>	Address 1 (Street): *	<input type="text" value="Corslet Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Currie"/>
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="EH14 5LY"/>
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="40 CORSLET 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="CURRIE"/>
Post Code:	<input type="text" value="EH14 5LY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668290"/>	Easting	<input type="text" value="318385"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

First floor extension to existing one and a half storey semi-detached dwelling.

## 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 statement in additional 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)

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)

20.1192.PL.REV.201216, 20.1192.EX.001, 002, 006, 007, 008, 009, 010, PL.015, SK.401.B, 402.A, 403.A, 404.A, 405.B

## Application Details

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

20/04166/FUL

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

29/09/2020

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

30/11/2020

## 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 Calum McDonald

Declaration Date: 16/12/2020

## Proposal Details

Proposal Name	100311965
Proposal Description	First floor extension to existing one and a half storey semi-detached dwelling.
Address	40 CORSLET ROAD, CURRIE, EH14 5LY
Local Authority	City of Edinburgh Council
Application Online Reference	100311965-003

## Application Status

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

## Attachment Details

Notice of Review	System	A4
20_1192_EX_001	Attached	A3
20_1192_EX_002	Attached	A3
20_1192_EX_007	Attached	A3
20_1192_EX_008	Attached	A3
20_1192_EX_009	Attached	A3
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20_1192_SK_402_A	Attached	A3
20_1192_SK_403_A	Attached	A3
20_1192_SK_404_A	Attached	A3
20_1192_SK_405_B	Attached	A3
20_1192_PL_015	Attached	A4
20_1192_PL_REV_201216	Attached	A4
20_1192_EX_010	Attached	A3
20_1192_EX_006	Attached	A3
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

20.1192.PL.REV.201216

Planning Review Statement.

Calum McDonald – Architectural Technician 16 December 2020

Statement prepared in response to Planning Refusal 20/04166/FUL, dated 30 November 2020.

40 Corslet Road, Currie EH14 5LY.

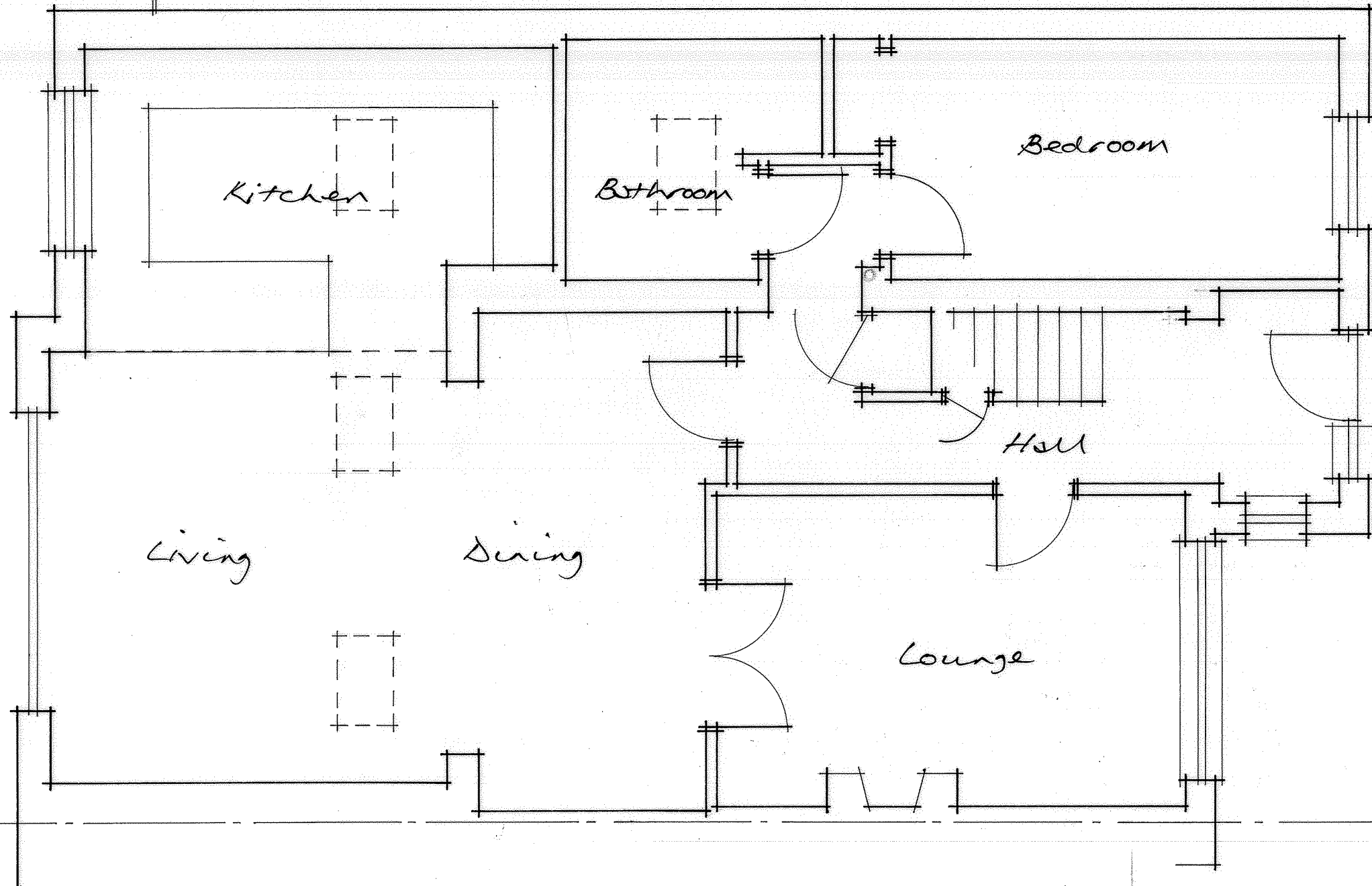
The proposal is to form a first floor extension over an existing single storey extension, previously constructed onto a one and a half storey, semi-detached dwelling. The existing extension is a flat roofed construction, wrapping around the side (west) and rear (south) of the original dwelling. The previous extension was carried out in accordance with 16/05096/FUL, approved 13 December 2016.

While most of the existing properties in Corslet Road are, or were originally, the same as this one; semi-detached, one and a half storey dwellings, with roofs pitching front to back; there is a mixture of house types in the street. These include two storey, detached properties with roofs pitching side to side; producing gables fronting the street. One of these properties is number 44, next door but one, so the formation of the street facing gable to our proposal is not entirely alien to the location.

The proposed extension does not project beyond the principal elevation line. The proposed new works are entirely within the extents of the existing building, being constructed entirely over part of the existing single storey extension.

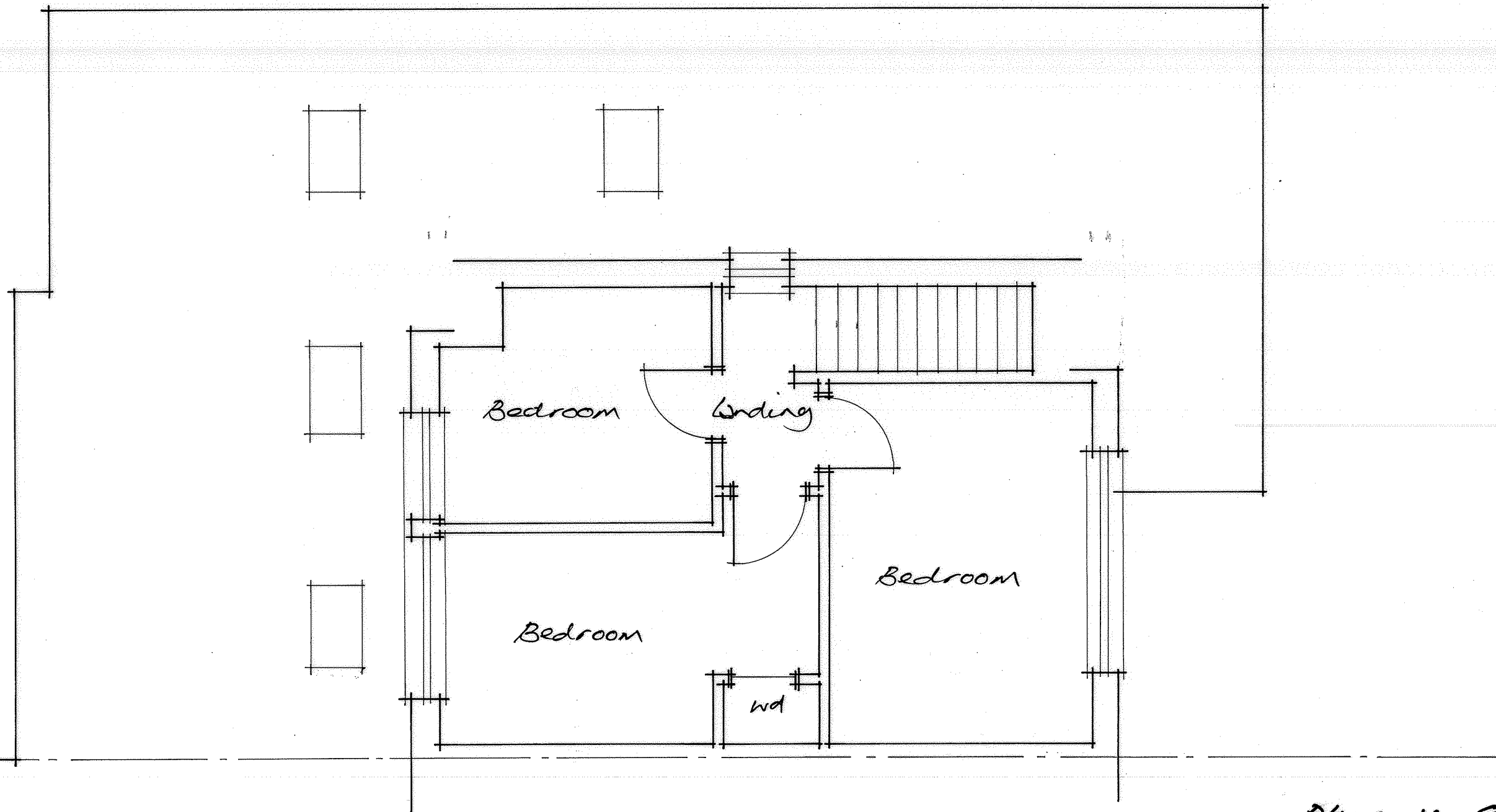
We do not feel that the proposal will be visually inappropriate. While the rhythm and symmetry of the front elevations may well have been a characteristic of the original streetscape, the various extensions, additions and alterations up and down the street, including the existing extension to the application property, have long since ended any such appearance.

Page 40



Ground Floor Plan as Existing

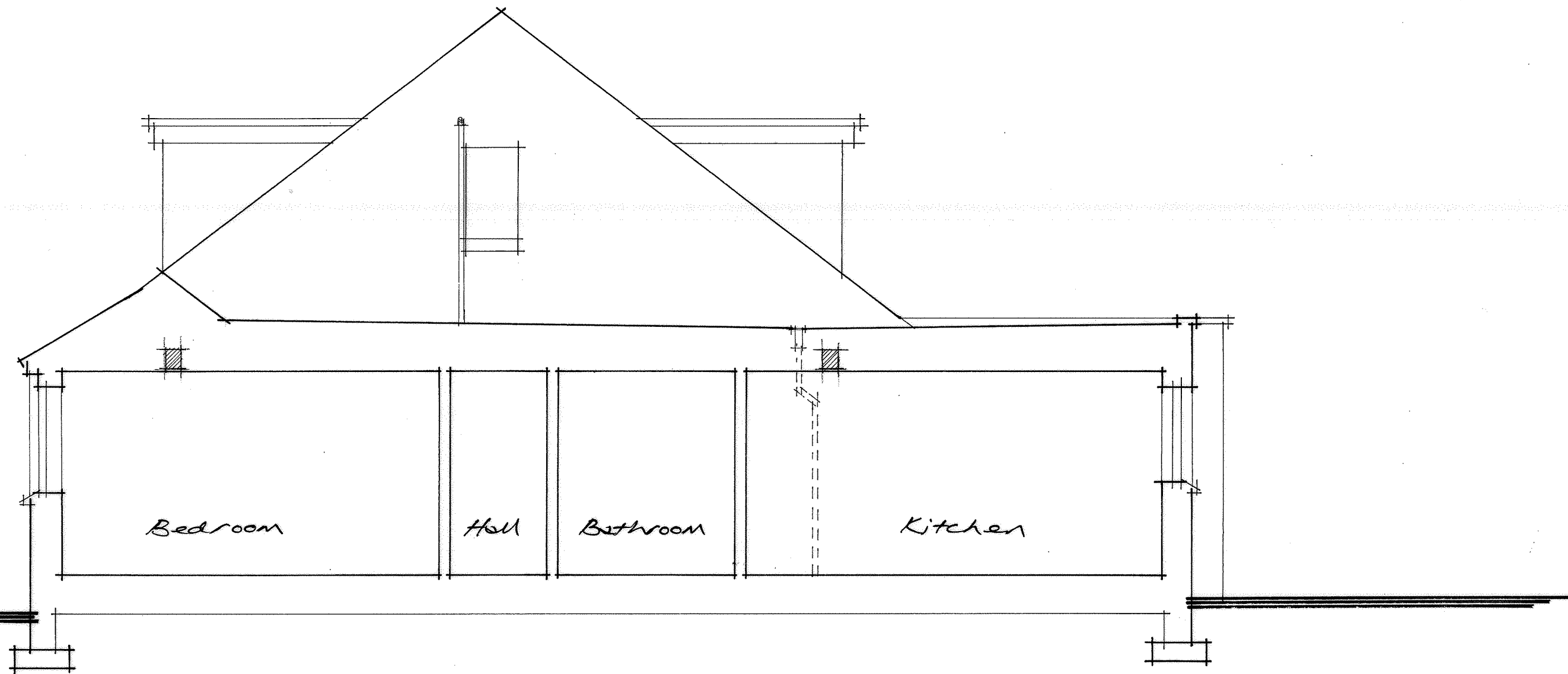
Plans as Existing  
20.1192.EX.001 CM  
1:50 @ A3 07.02.20  
PART SURVEY DRAWING



First Floor Plan as Existing

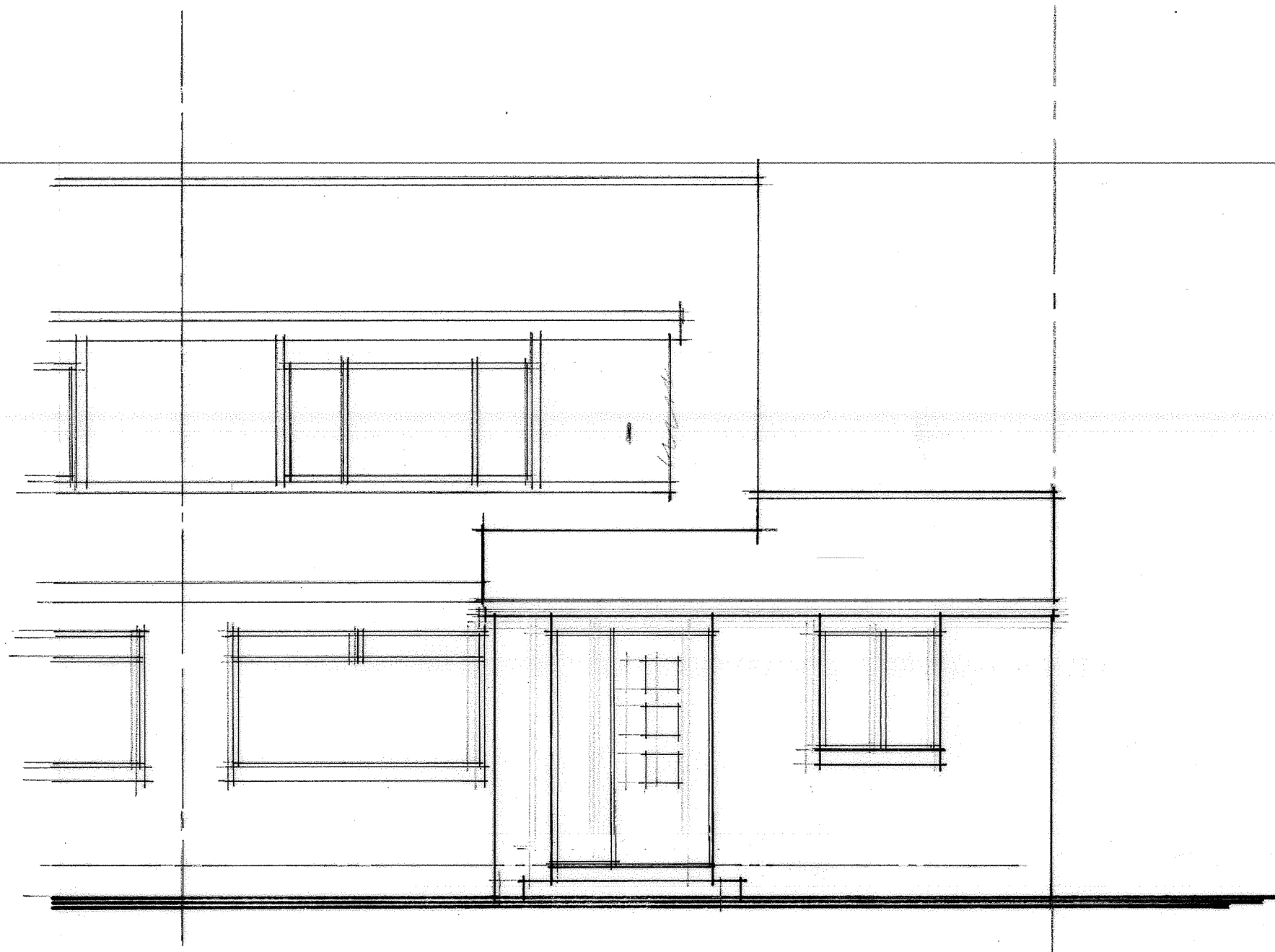
Plans as Existing  
20.1192.EX.002 CM  
1:50 @ A3 07.02.20  
AS EXISTING DRAWING

Page 42



Long Section AA as Existing

Sections as Existing  
20.1192.EX.006 CM  
1:50 @ A3 21.02.20  
AS EXISTING DRAWING

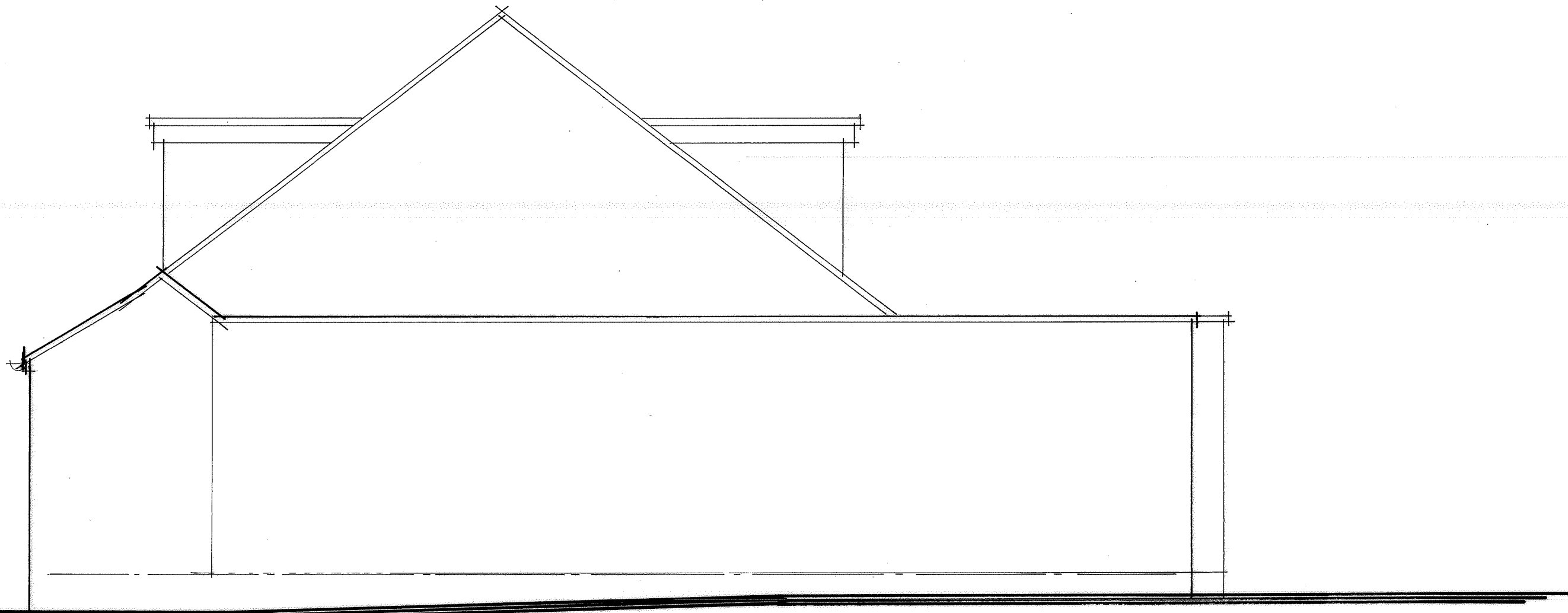


North Elevation as Existing

Page 43

Elevations as Existing  
20.1192.EX.007 CM  
1:50 @ A3 20.02.20  
AS EXISTING, DRAWING

Page 44

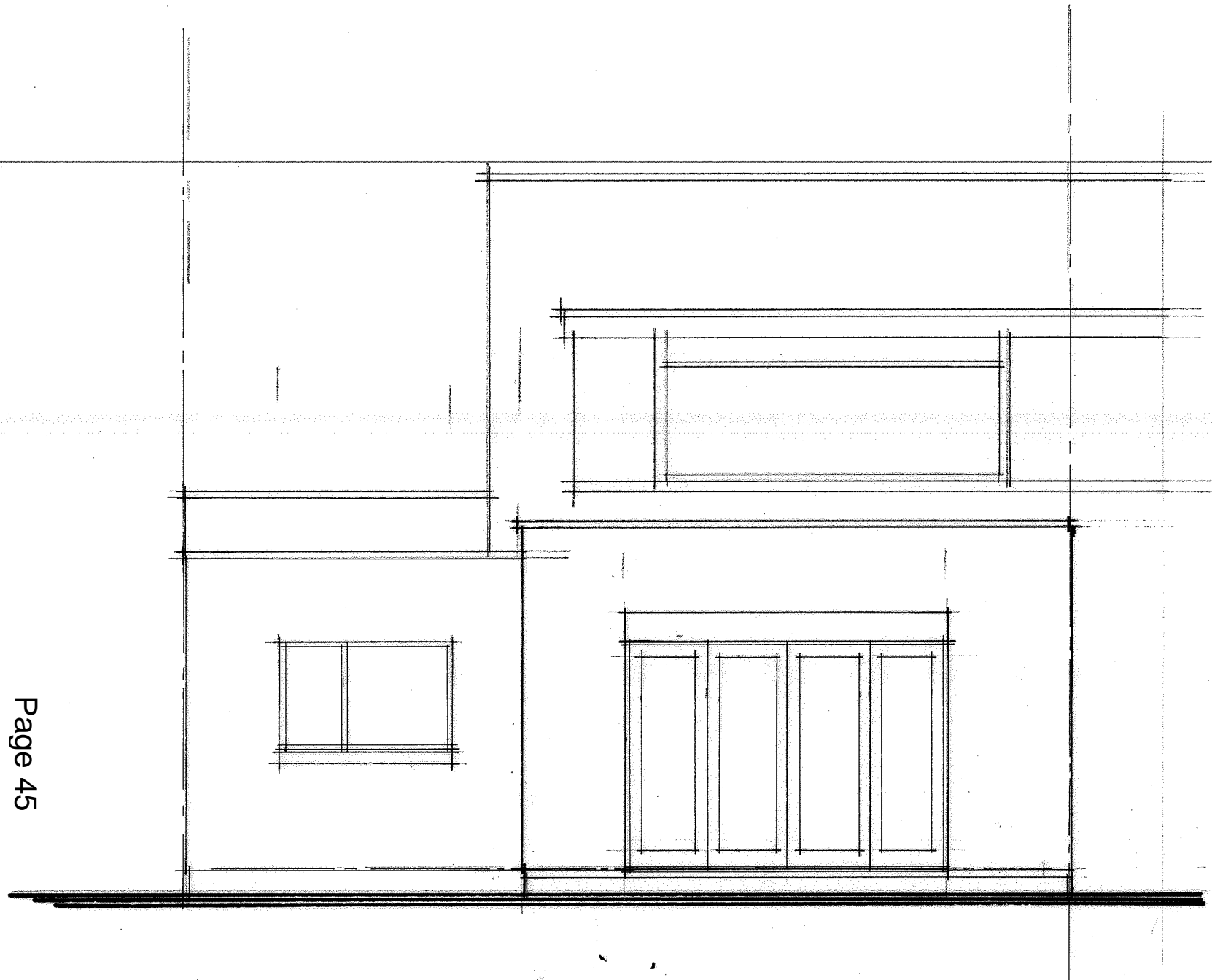


West Elevation as Existing

Elevations as Existing  
20.1192.EX.008 CM  
1:50 @ A3 20.02.20  
AS EXISTING DRAWING

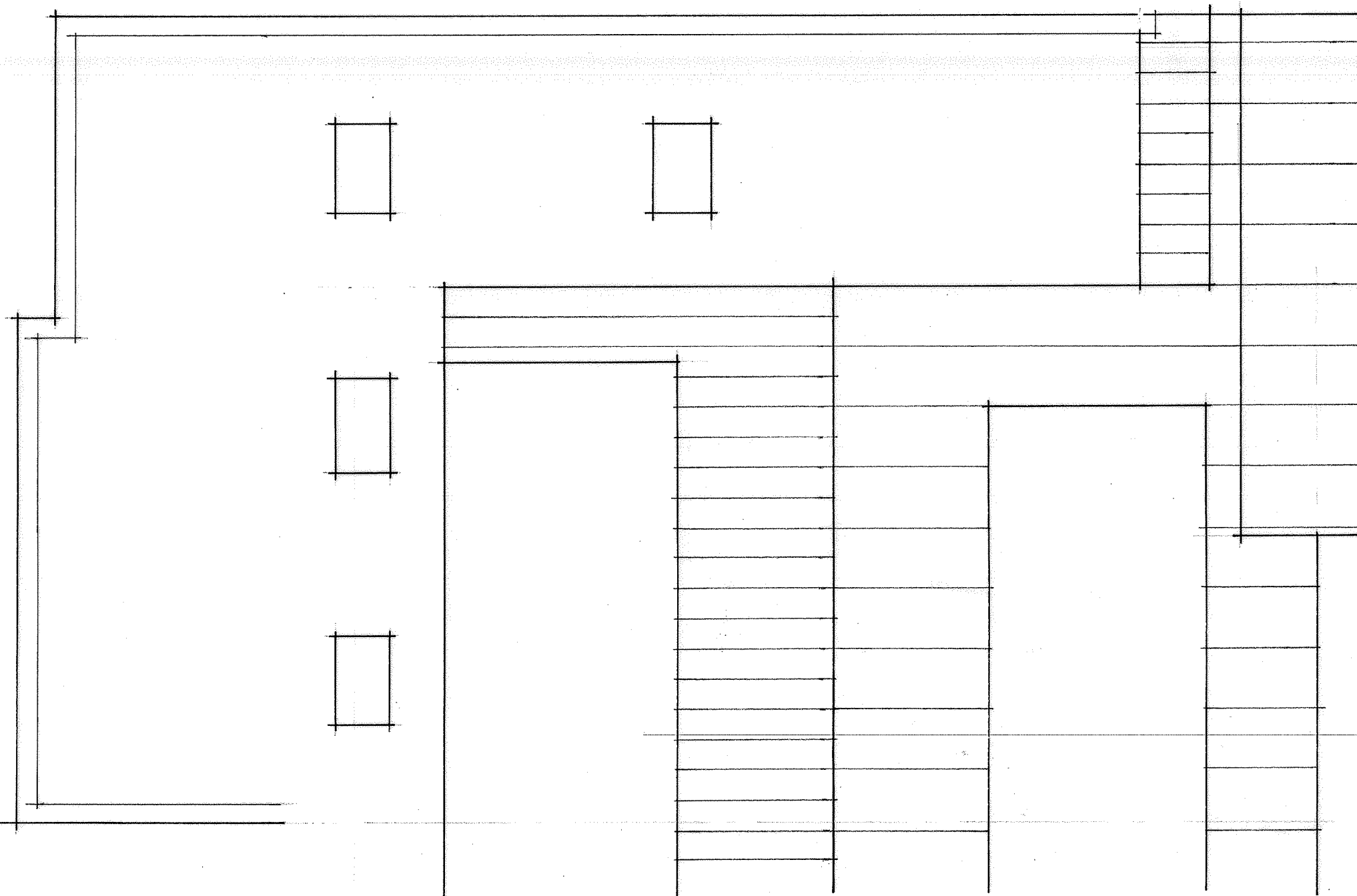


Page 45



South Elevation as Existing

Elevations as Existing  
20.1192.EX.009 CM  
1:50 @ A3 20.02.20  
AS EXISTING DRAWING



Roof Plan as Existing

Plans as Existing

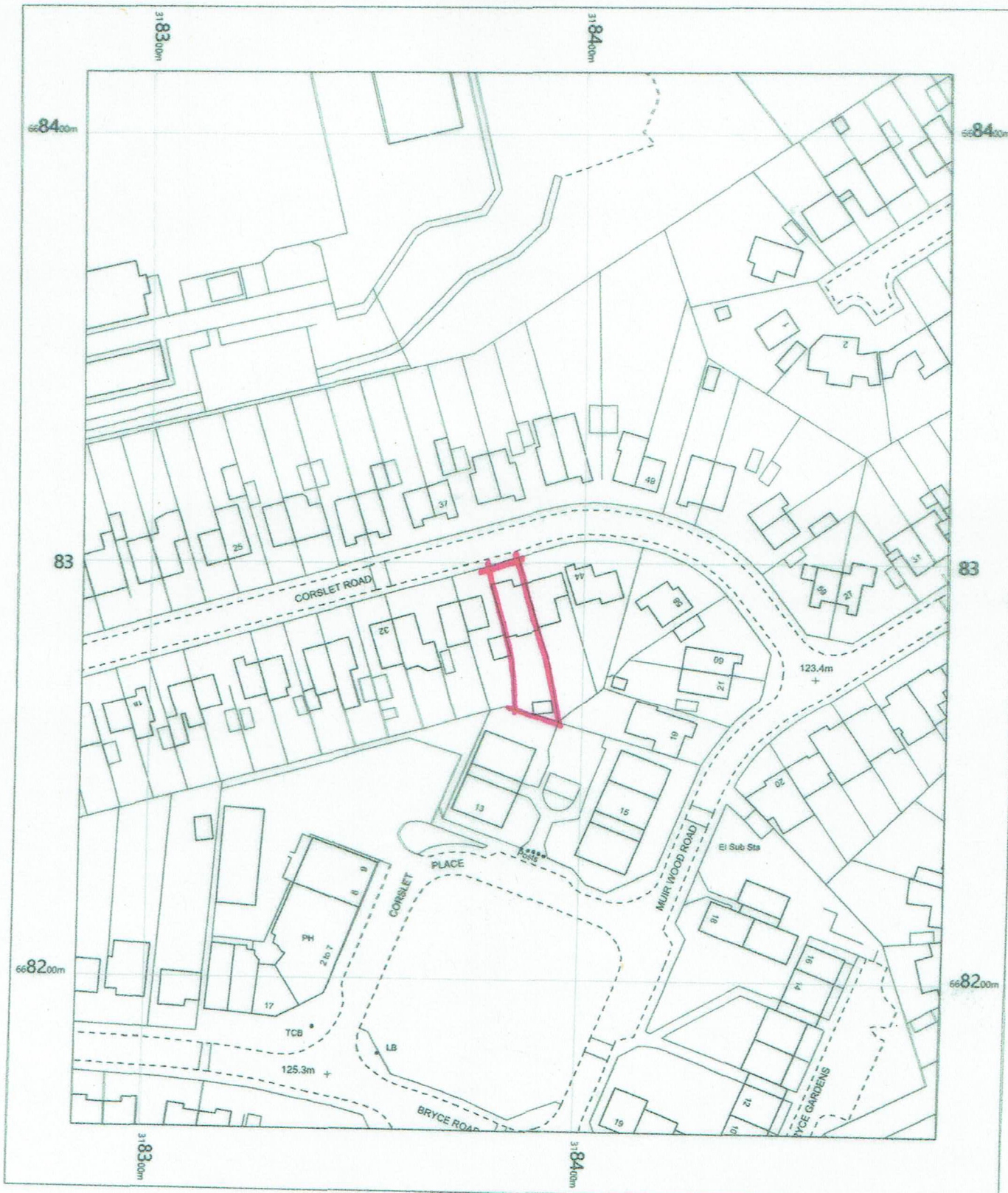
20.1192.EX.010

CM

1:50 @ A3

27.02.20

AS EXISTING, DRAWING

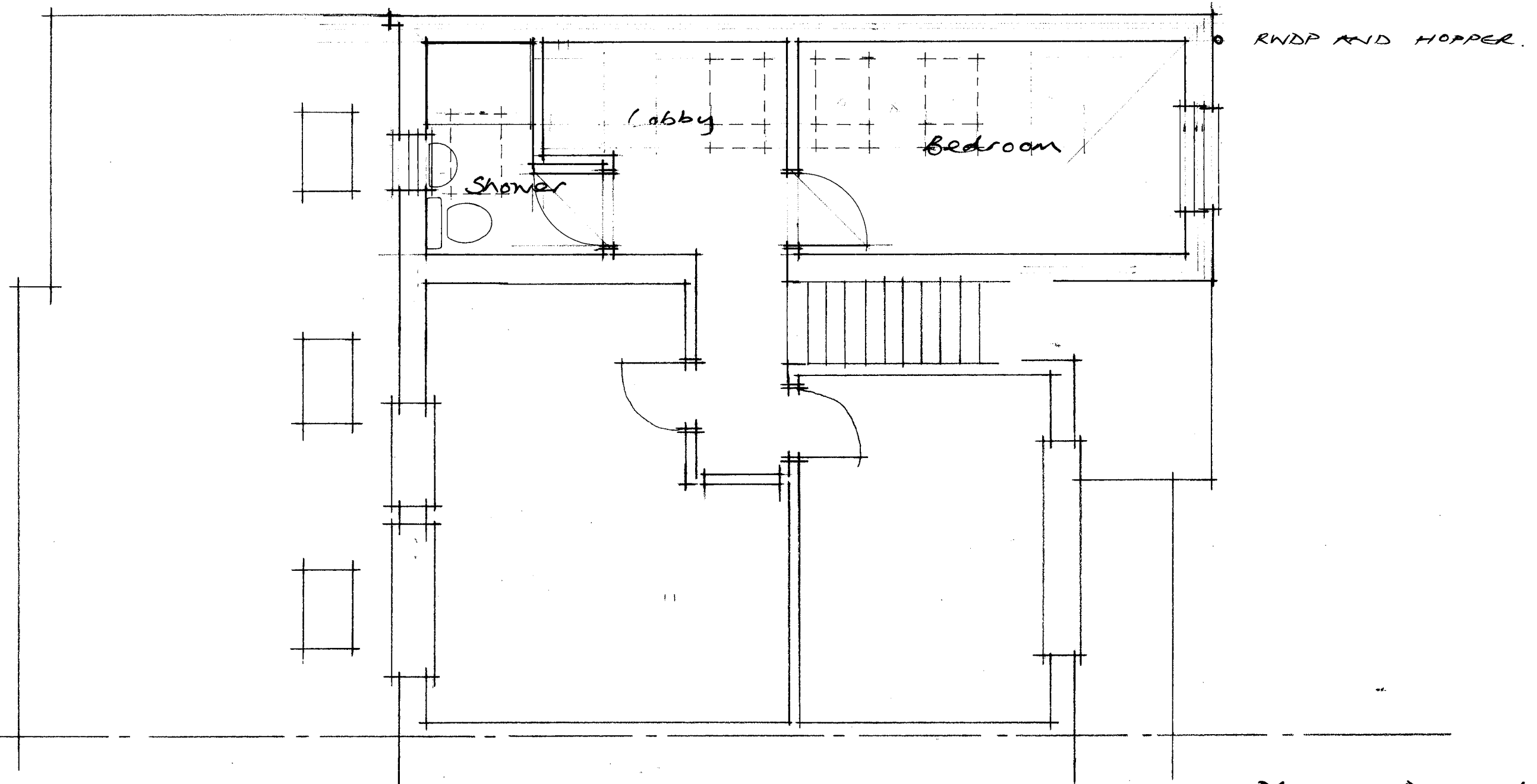


Alterations and Extension to  
 40 Corslet Road, Currie EH14 5LY for  
 Mr and Mrs Yeung  
 Site Location Plan  
 20.1192.PL015 CM  
 1:1250 @ A4 25.09.20  
 PLANNING DRAWING

OS MasterMap 1250/2500/10000 scale  
 Friday, September 25, 2020, ID: M4P-00904638  
 www.nicolsondigital.com  
 1:1250 scale print at A4, Centre: 318384 E, 668289 N

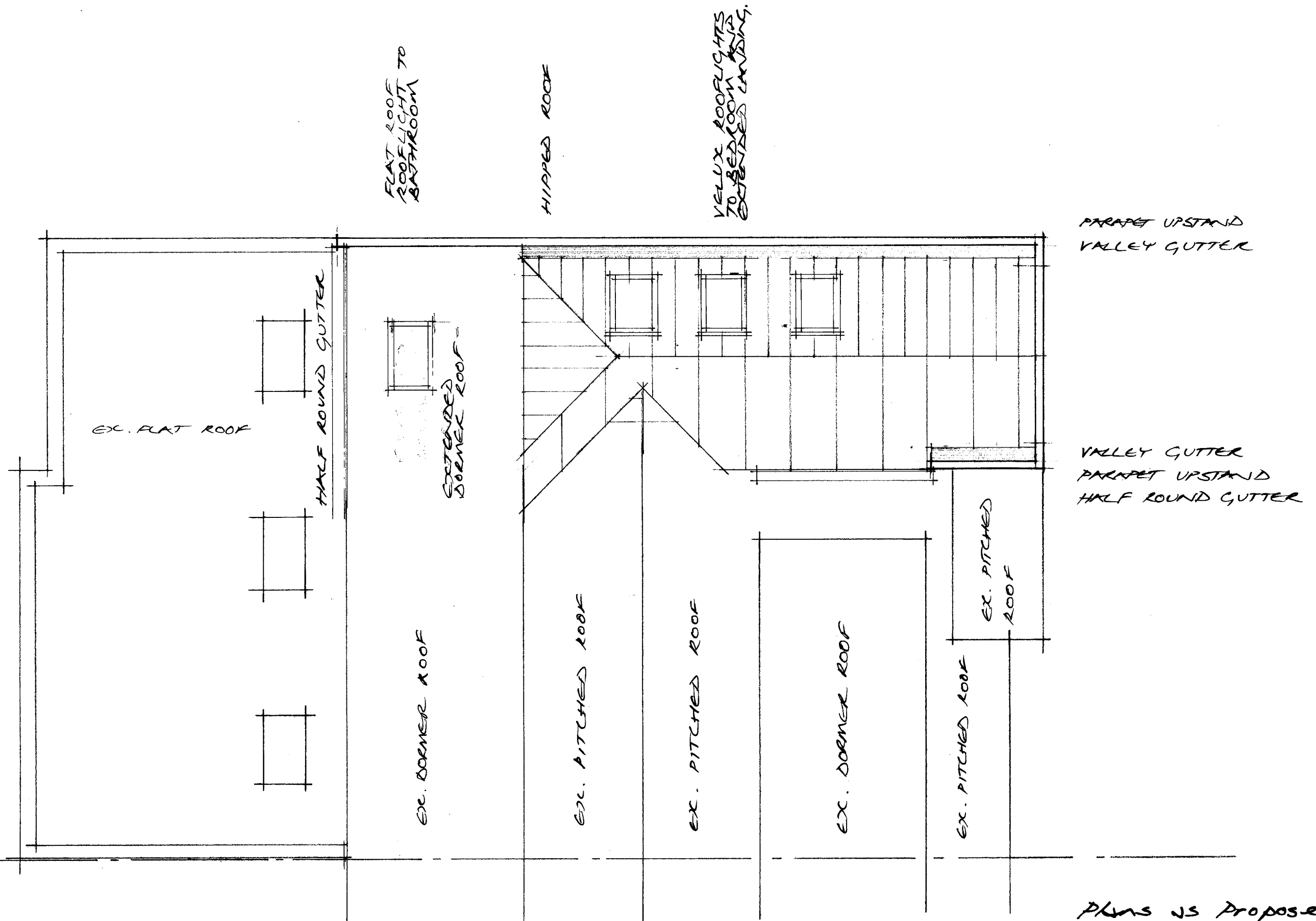
© Crown Copyright Ordnance Survey. Licence no. 100057546





First Floor Plan as Proposed  
Option 4.

Plans as Proposed  
20.1192.SK.401.B CM  
1:50 @ A3 17.03.20  
SKETCH PROPOSALS



Roof Plan as Proposed  
Option 4

Plans as Proposed  
20.1192.SK.402.A CM  
1:50 @ A3 17.03.20  
SKETCH PROPOSALS



SKEN, UPSTAND AND PARAPET  
TO VALLEY CUTTER.

RW HOPPER AND DOWNPIPE

FACING BRICK FINISH TO  
MATCH EXISTING.

RECONSTITUTED STONE  
LINTEL TO NEW AND  
EXISTING WINDOWS.

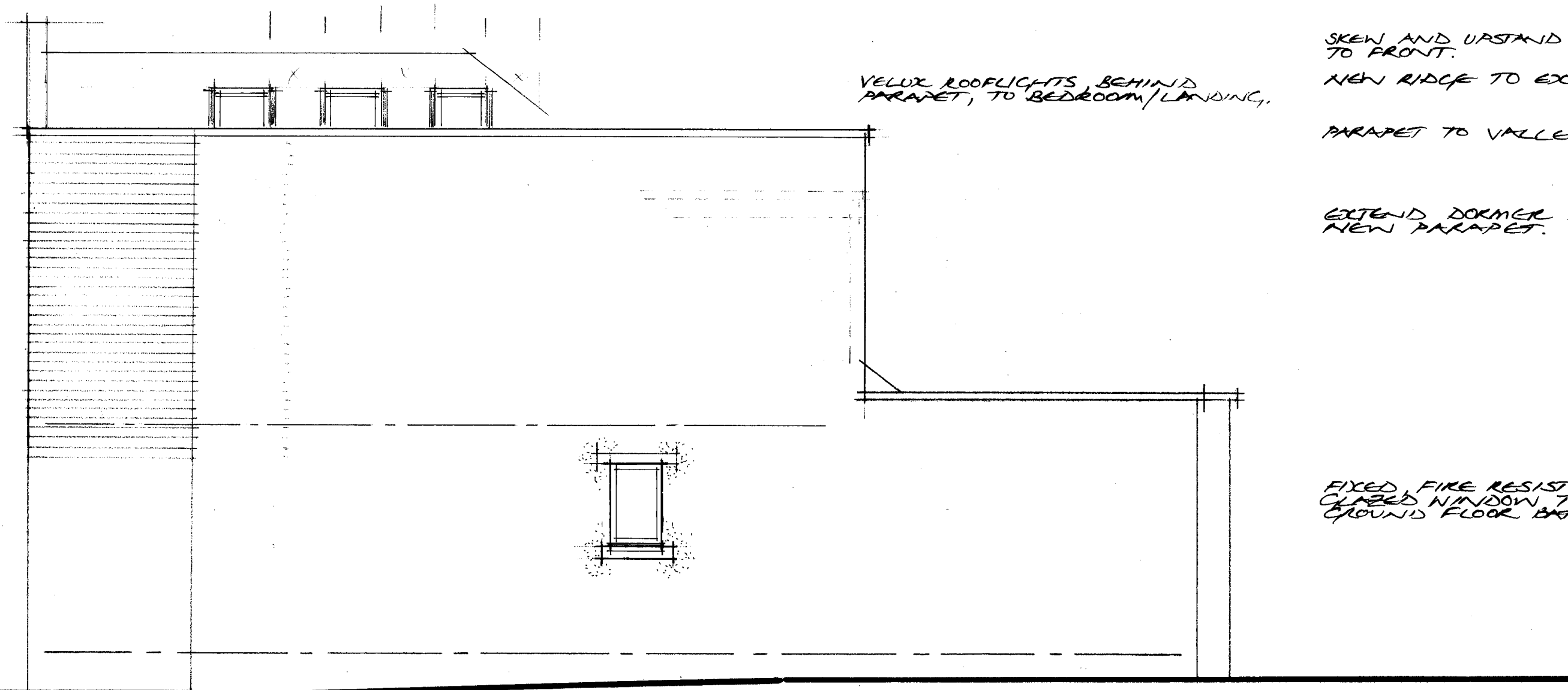
RECON STONE CILL TO  
MATCH EXISTING.

North Elevation as Proposed  
Option 4

Page 50

Elevations as Proposed  
20.1192.SK.403.A CM  
1:50 @ A3 17.03.20  
SKETCH PROPOSALS





VELUX ROOFLIGHTS BEHIND  
PARAPET, TO BEDROOM/LANDING.

SKEN AND UPSTAND TO GABLE  
TO FRONT.

NEW RIDGE TO EXTENSION.

PARAPET TO VALLEY GUTTER.

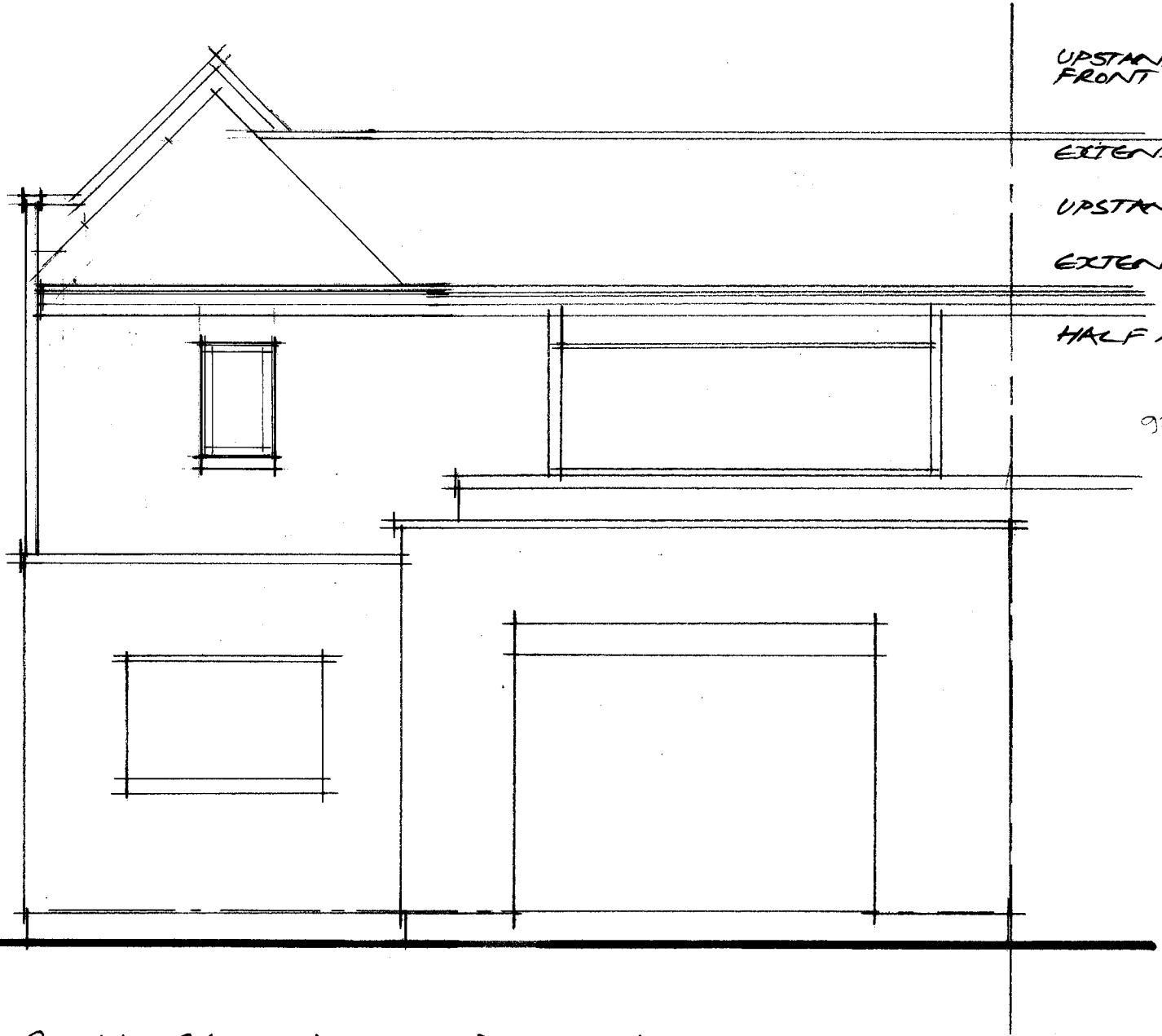
EXTEND DORMER BEHIND  
NEW PARAPET.

FIXED, FIRE RESISTANT, OBSCURE  
GLAZED WINDOW TO EXISTING  
GROUND FLOOR BATHROOM.

Page 51

West Elevation as Proposed  
Option 4

Elevations as Proposed  
20.1192.SK.404.A CM  
1:50 @ A3 17.03.20  
SKETCH PROPOSALS



UPSTAND PARAPET TO GABLE TO FRONT ELEVATION.

EXTEND EX. PITCHED ROOF

UPSTAND PARAPET TO VALLEY

EXTEND DORMER ROOF

HALF ROUND GUTTER TO DORMER

978/550 (BK 04)

Page 52

South Elevation as Proposed.  
Option 4

Elevations as Proposed  
20.1192.SK.405.B CM  
1:50 @ A3 17.03.20  
SKETCH PROPOSALS



Mr Douglas Mack  
 8 Plantain Grove  
 Lenzie  
 Glasgow  
 G66 3NE

Mr & Mrs Ivan & Lynne Reilly.  
 12 Earlston Place  
 Edinburgh  
 EH7 5SU

**Decision date: 8 September 2020**

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

Change of use from shop to 2no. residential units.  
 At 12 Earlston Place Edinburgh EH7 5SU

**Application No:** 20/00760/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 27 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 Hou 5 in respect of Conversion to Housing, as the proposed basement level is unsuitable for residential use due to limited access to daylight
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed windows would adversely affect the character of the listed building.

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

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

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

The proposed change of use to residential accommodation would fail to provide adequate amenity levels for future occupiers due to lack of daylight within the basement flat. The replacement windows would be of an unsympathetic design, to the detriment of the character of the listed building. This is contrary to relevant local development plan policies.

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 Rory Kyle directly at [rory.kyle@edinburgh.gov.uk](mailto:rory.kyle@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](http://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](mailto: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 20/00760/FUL At 12 Earlston Place, Edinburgh, EH7 5SU Change of use from shop to 2no. residential units.

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	20/00760/FUL
<b>Wards</b>	B14 - Craigentiny/Duddingston

### Summary

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The proposed change of use to residential accommodation would fail to provide adequate amenity levels for future occupiers due to lack of daylight within the basement flat. The replacement windows would be of an unsympathetic design, to the detriment of the character of the listed building. This is contrary to relevant local development plan polices.

### Links

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<a href="#">Policies and guidance for this application</a>	LHOU01, LEN04, LHOU05, NSLBCA,
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# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The property is situated at ground floor and basement levels, within a Victorian tenement, which was listed category C on 19.12.2002 (LB49052).

To the rear, the properties face onto a large electricity sub-station and the side of a bingo hall.

### 2.2 Site History

August 2020 - related listed building application for works refused (20/00758/LBC)

## Main report

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### 3.1 Description Of The Proposal

This application seeks planning permission for internal and external alterations to convert a shop unit to 2no. residential units.

### 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.

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) residential use is acceptable in principle; and
- b) the proposed alterations are appropriate to the character of the listed building.

#### **a) Principle**

Policy Hou1 provides for the development of housing within the urban area, provided proposals are compatible with other policies in the plan. As part of this application, a noise impact assessment (i) and a daylight assessment (ii) were carried out.

(i) The property is located at street level on a busy road. Overall, the noise impact assessment concluded that daytime noise levels would be acceptable. However, the ground floor level exceeded the recommended limit of 10-15 events over 45dB at night. Given other residential units are in close proximity to the unit and continue to be capable of use, this infringement would not be unacceptable.

(ii) The ground floor flat does not have any daylighting issues, and would provide adequate levels of daylight for occupiers. However, the basement level flat, with an arrangement of only 2x external windows would not provide a reasonable quality of daylight. The occupiers of this unit would have access to a restricted and inadequate level of light within the property, contrary to Policy Hou5 (Conversion to Housing) of the local development plan..

Overall, the proposal would fail to provide a reasonable standard of amenity for future occupiers due to inadequate daylight.

#### **b) Listed Building**

The removal of the cast iron vertical safety balusters from the existing windows at basement level would have a neutral impact to the character of the listed building - the windows are well concealed at basement level on the western gable. However, at the front, the installation of hardwood frame, sash and case window units would be an unsympathetic addition to the building. The style and form of the units, with frames of a heavy and clumsy profile and incongruous opening method for that particular part of the building, would be detrimental to the historical and architectural character of the listed building.

The nature of the external works are unacceptable and would negatively impact on the character of the listed building.

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 Hou 5 in respect of Conversion to Housing, as the proposed basement level is unsuitable for residential use due to limited access to daylight
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed windows would adversely affect the character of the listed building.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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

## Statutory Development

**Plan Provision** Edinburgh LDP

**Date registered** 27 February 2020

**Drawing numbers/Scheme** 01-03,  
Scheme 1

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

Contact: Rory Kyle, Trainee Planner  
E-mail: rory.kyle@edinburgh.gov.uk

## Links - Policies

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### **Relevant Policies:**

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

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

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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



# Appendix 1

## Consultations

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No Consultations received.

END

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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      100235228-004

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	F.E.M Building Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	
Last Name: *	Mack	Building Number:	8
Telephone Number: *	07966201299	Address 1 (Street): *	Plantain Grove
Extension Number:		Address 2:	Lenzie
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G66 3NE
Email Address: *	douglas@femdesign.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ivan &amp; Lynne"/>	Building Number:	<input type="text" value="12"/>
Last Name: *	<input type="text" value="Reilly"/>	Address 1 (Street): *	<input type="text" value="Earlston 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="EH7 5SU"/>
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="12 EARLSTON 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="EH7 5SU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674433"/>	Easting	<input type="text" value="327231"/>
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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)

Change of use from shop to 2no. residential units.

## 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 grounds of appeal relate to the absence of any consultation process. Had the Planning Officer communicated his concerns it would have been possible to propose alternative solutions. Normally when an application narrowly fails due to insufficient daylight, the applicant would be given the opportunity to provide calculations demonstrating that the Average Daylight Factor met minimum criteria.

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)

There was no opportunity for consultation given by the Planning Officer during the Planning process.

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)

Planning Appeal Statement and Composite Vertical Sky Component Calculation Front elevation photo Rear elevation photo

## Application Details

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

20/00760/FUL

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

27/02/2020

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

08/09/2020

## 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 Douglas Mack

Declaration Date: 07/12/2020



6 December 2020

**REQUEST FOR REVIEW OF PLANNING DECISION Ref: 20/00760/FUL**

APPLICATION:

The original application was for change of use from a shop into two residential units, one at ground floor and one at lower ground floor, at 12 Earlston Place Edinburgh EH7 5SU.

DECISION:

The decision was to refuse planning permission due to 'the proposed basement level being unsuitable for residential use due to limited access to daylight'. As no other reasons were provided, it must be assumed that the decision was solely based on this one factor.

GROUNDINGS FOR APPEAL:

Primarily the grounds of appeal relate to the absence of any consultation process. Had the Planning Officer communicated his concerns it would have been possible to propose alternative solutions.

Normally when an application narrowly fails due to insufficient daylight, the applicant would be given the opportunity to provide calculations demonstrating that the Average Daylight Factor met minimum criteria.

Alternatively the plans could have been modified to incorporate borrowed light from the stairwell, and or, to allow for the creation of a new window aperture to the rear elevation.

ARGUMENT:

For the purposes of this appeal, it will be sufficient to demonstrate that the available daylight, as provided by the existing windows, is in indeed sufficient. The council's own publication, Edinburgh Design Guidance (2020) quotes minimum requirements of 1.5% ADF for living areas and 1.0% ADF for sleeping areas.

To that end, advice was sought from a colleague who is familiar with lighting requirements. A copy of their comments/calculations are provided below.

CONCLUSION:

As it has been demonstrated that the Planning Department's recommended daylighting levels have been met, and as the Planning Officer provided no other reasons for refusing the application, the Review Board should not uphold his decision.

## 12 Earlston Place Edinburgh

It was noted that the obstruction (i.e. the tenement at No 9 Earlston Place) illustrated in the original Daylighting Assessment occupies only 22% of the available horizon. Therefore it was decided to consider whether including the remaining part of the horizon would demonstrate sufficient daylight. Additionally, the BRE ADF formula was employed to see if the results produced would satisfy the planning authority's requirements.

### Composite Vertical Sky Component Calculation

- The original Daylighting Assessment shows an angle of 29° to the principal obstruction, which occupies 40° of the horizon (west sector).
- Restricting the horizontal plane to 140° instead of 180° compensates for the reduction in the available daylight due to the acute angle, leaving two sectors of 50° to be accounted for.
- The sector facing southwest was found to have an angle of 22° to the relevant obstruction and the sector facing northwest was found to have an angle of 19°.

Method: the sectors are first expressed as a % of the restricted horizontal plane, then applied as weighing factors to the respective angles of obstruction, the sum of which gives a weighted average.

The 40° sector forms 28.6% of the 140° horizon, whilst the two 50° sectors form 35.7% each.

Calculation:

$$29 \times .286 = 8.3$$

$$22 \times .357 = 8.1$$

$$19 \times .357 = \underline{6.8}$$

23.2 being the composite angle, which is within the required range

### Building Research Establishment formula for Average Daylight Factor

$$DF = \frac{\theta N W F T}{A(1-R^2)} \%$$

$\theta$  is the angle of visible sky in degrees

N is the orientation weighted daylight factor 0.77 (north) 1.2 (south)

W is the glazed area of the window (m<sup>2</sup>)

F is the factor for timber frames (patent glazing) 0.85

T is the diffuse visible transmittance of the glazing 0.8 (standard value)

A is the total area of the room surfaces: ceiling, floor, walls and windows (m<sup>2</sup>)

R is the average reflectance of all the room surfaces 0.5 (standard value)

Calculation:

$$\frac{61 \times .985 \times 3.77 \times .85 \times .8}{114 \times .75} = 1.8\% \text{ ADF, which exceeds minimum requirements}$$

NOTES



*The above Daylight Calculations were based on the plans, measurements and other information provided*

*The chimney stack at 9 Earlston Place was ignored for the purposes of calculating the visible sky in degrees*

*Orientation is west, therefore the mean value between north and south was used*

*When calculating the total area of room surfaces, the kitchen and entry hall recesses were not considered*

### Proposal Details

Proposal Name	100235228
Proposal Description	Change of use from shop to 2no. residential units
Address	12 EARLSTON PLACE, EDINBURGH, EH7 5SU
Local Authority	City of Edinburgh Council
Application Online Reference	100235228-004

### Application Status

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

### Attachment Details

Notice of Review	System	A4
Planning Appeal Statement and Composite Vertical Sky Component Calculation	Attached	Not Applicable
Front elevation photo	Attached	Not Applicable
Side elevation photo	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0









PRETTY WOMAN



Capital Draughting Consultants Ltd.  
FAO: Keith Henderson  
40 Dinmont Drive  
Edinburgh  
EH16 5RR

Ms C Black  
39 Hutchison Medway  
Edinburgh  
EH14 1QQ

**Decision date: 10 November 2020**

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

Proposed 1 1/2 storey 3 bedroom house.  
At 39 Hutchison Medway Edinburgh EH14 1QQ

**Application No:** 20/03877/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 14 September 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 LDP policy Hou 1 as it is not a suitable site in the urban area for a new house.
2. The proposal is contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the position of the building on this side garden has an unacceptable impact on the spatial character and density of the area.
3. The proposal is contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form, position and spacing of the building is an incongruous addition in its surroundings that will have an unacceptable impact on the established character of the townscape.

4. The proposal is contrary to Edinburgh Local Development Plan Policy Des 5 as an insufficient amount of garden space will be provided for the amenity of 39 Hutchison Medway, which will unacceptably compromise the living conditions for occupiers of this existing property on the application site.

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, 06, 07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal does not comply with policies Hou 1, Hou 4, Des 4 and Des 5 of the adopted Edinburgh Local Development Plan. The proposed site is not a suitable location for the erection of a dwelling house, the proposal would have a negative impact on the character and appearance of the area and the proposal would unacceptably compromise the amenity of neighbours. There are no material considerations upon which to justify granting planning permission.

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](mailto:lewis.mcwilliam@edinburgh.gov.uk).

*D R Leech*

**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

# Report of Handling

## Application for Planning Permission 20/03877/FUL At 39 Hutchison Medway, Edinburgh, EH14 1QQ Proposed 1 1/2 storey 3 bedroom house.

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	20/03877/FUL
<b>Wards</b>	B09 - Fountainbridge/Craiglockhart

### Summary

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The proposal does not comply with policies Hou 1, Hou 4, Des 4 and Des 5 of the adopted Edinburgh Local Development Plan. The proposed site is not a suitable location for the erection of a dwelling house, the proposal would have a negative impact on the character and appearance of the area and the proposal would unacceptably compromise the amenity of neighbours. There are no material considerations upon which to justify granting planning permission.

### Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES04, LDES05, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, NSG, NSGD02,
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# Report of handling

## Recommendations

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

## Background

---

### 2.1 Site description

The proposal relates to an area of land on the east side of Hutchison Medway in a residential area.

### 2.2 Site History

The site has the following planning history:

28 October 2020 - Planning permission granted for a rear dormer and rooflights to 39 Hutchison Medway - (Ref:20/03817/FUL)

## Main report

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### 3.1 Description Of The Proposal

The application proposes the following works;

-Proposed 1 1/2 storey 3 bedroom house

### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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



- a) The proposal is acceptable in principle;
- b) Scale, form, design and neighbourhood character
- c) The proposal will result in the creation of a satisfactory residential environment;
- d) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal raises any issues in respect of parking provision,
- f) The proposal will have an unacceptable impact on flooding,
- g) Any issues raised by objectors have been addressed

a) Principle of the Proposal

LDP Policy Hou 1 states that housing development will be supported on suitable sites in the urban area provided that proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable subject to the proposal being compatible with other policies in the plan. These are assessed below:

b) Scale, form, design and neighbourhood character

LDP policy Des 4 states development will be granted that has a positive impact on its surroundings including the character of the wider townscape having regard to height and form; scale and proportions, including space between buildings; position of buildings and other features on site; materials and detailing.

Where the built environment is of high quality and has a settled townscape character, new development proposals will be expected to have similar characteristics to surrounding buildings and urban grain.

LDP policy Hou 4 states, amongst other criteria, that council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

There is a regular pattern to development in the area. Primarily corner ground has not been developed on, and space is retained between properties including driveways and side gardens evident. Any development in these spaces are mainly ancillary structures and extensions, of modest scales. There is an open character to the townscape created as a result of this visible spacing retained between properties.

The proposal site is located at the southern end of the street beside a two-storey 'four in a block' property. The scale, form, design and position of this property is consistent with those along Hutchison Medway and is similar to properties on Hutchison Loan and Gardens in the immediate area. There is a uniform appearance to this side of the street and the immediate context of the side.

The proposed bungalow is of lesser scale, contrasting form and position to the surrounding built environment. There are no bungalows evident in the immediate area. The proposed design, including front dormers and a gable roof are at odds with the established character of property types evident. The proposal is an incongruous addition in this immediate context that fails to respect the uniform character and rhythm of the street.

The location of the building on this side garden and its proximity to the adjacent property is disruptive and harmful to the established spatial character of the area. A dwelling on this side garden is not in keeping with the density of development characteristic of the area. It is not appropriate as it adversely impacts on the open character of the townscape.

The proposal is contrary to LDP policy Des 4 - Development Design - Impact on Setting and LDP policy Hou 4 - Housing Density.

#### c) Amenity of Neighbouring Residents

LDP policy Des 5 also states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring residents is not adversely affected.

The proposal site is an area of land consisting of garden space and unearthened areas where a shed and materials were previously positioned.

The new housing unit and curtilage would occupy this land. As detailed in the supporting statement, the proposal includes the creation of private gardens to the front and rear, separated by 1.8 to 2m fencing from the neighbouring property.

Edinburgh Design Guidance outlines that private garden space of a minimum depth of 9 metres should be provided.

The creation of a front and rear garden for the proposed dwelling would result in an entire loss and availability of garden space for current and future occupiers(s) of no.39. This would unacceptably compromise the amenity and residential environment of these residents. The proposal is therefore contrary to LDP policy Des 5.

On the rear elevation, the ground floor windows face the proposed boundary fence which would screen outlook of neighbour's gardens or windows. At first floor, the window serving the bedroom would be approximately 6.5m from the boundary and afford outlook of the south east section of the neighbour's garden. This garden is presently overlooked by the first floor rear windows of no.39, whilst the orientation of this bedroom window would primarily face the occupiers own garden. No new privacy issues would therefore occur as a result or unacceptable impact on privacy.

On the front elevation, windows would be approximately 14m from the side garden of the facing property on Hutchison Loan. This distance would prevent any significant overlooking of this space or material loss of privacy for these occupiers.

Overshadowing as a result of the development would fall on the applicant's own garden and side gable of the adjacent property. No overshadowing would occur on neighbour's private gardens.

The proposal will not result in a loss of daylight to the windows of all neighbouring properties.

#### d) Creation of a Satisfactory Residential Environment

LDP policy Des 5 also states that planning permission will be granted for developments where it is demonstrated that future occupants will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP policy Hou 3 states that planning permission will be granted for development which makes an adequate provision for greenspace to meet needs of future residents.

The Edinburgh Design Guidance (EDG) outlines that new build three bedroom residential properties should have a minimum floor area of 81 square metres. The property exceeds this minimum standard.

All habitable rooms would achieve acceptable levels of outlook and daylight by virtue of the windows and dormers on the principal elevation and rear elevation.

Privacy would be achieved for future occupiers by the orientation of all rearward windows and boundary fence bordering the rear garden. The front garden would occupy a visible location where privacy is somewhat compromised by the proximity to the street. This arrangement is typical of the surrounding residential environment and would not result in any unacceptable impact on privacy for future occupiers.

The site accommodates approximately 125 sqm of usable greenspace. The private garden mainly achieves a length of 9m in line with EDG and an adequate provision of amenity space is achieved for future occupiers of the proposed property.

The proposal will result in the creation of a satisfactory residential environment for future occupants of the proposal site.

#### e) Parking Provision

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

The site is identified within the Edinburgh Design Guidance Parking Standards as being within the Zone 2. The EDG identifies that residential properties within this area should have a maximum car parking provision of 1 space per dwelling. There is no minimum parking provision. The proposal includes provision for one parking space in total and complies with LDP Tra 2.

The EDG standards state that residential properties within Zone 2 should have a minimum cycle parking provision of 2 spaces per 3 bedrooms.

No specific cycle storage is shown in the plans, though this could reasonably be achieved within the curtilage of the existing property. Transport has not raised any objection to this as the proposal includes a private garden.

#### f) Flooding

LDP policy Env 21 states planning permission will not be granted for development that would increase risk of flooding and is compliant with relevant criteria (a -c).

No information has been submitted in regard to flood mitigation measures. These have not been requested by the Planning Authority as the proposal is unacceptable in principle.

#### g) Issues Raised by Objectors

##### **Material Considerations - Objection**

- Proposed house type, layout and coverage of garden space will adversely affect the character and appearance of the surrounding area - addressed in section 3.3 (a).
- Site too small for a house - addressed through sections 3.3 (b) to (d).
- Proposal will have an adverse impact on privacy through overlooking of neighbour's garden and extension - addressed in section 3.3 (c).
- Impact on parking on street - addressed in section 3.3(e).

##### **Non-Material Considerations - Objections**

- Removal of boundary hedge - This matter is not material planning considerations therefore cannot be considered as part of the merits of the planning application.
- Potential disruption from building works, associated machinery and vehicles - These matters are not material planning considerations therefore cannot be considered as part of the merits of the planning application.

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

#### **3.4 Conditions/reasons/informatives**

##### **Reasons:-**

1. The proposal is contrary to LDP policy Hou 1 as it is not a suitable site in the urban area for a new house.
2. The proposal is contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the position of the building on this side garden has an unacceptable impact on the spatial character and density of the area.
3. The proposal is contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form, position and spacing of the building is an incongruous addition in its surroundings that will have an unacceptable impact on the established character of the townscape.
4. The proposal is contrary to Edinburgh Local Development Plan Policy Des 5 as an insufficient amount of garden space will be provided for the amenity of 39 Hutchison

Medway, which will unacceptably compromise the living conditions for occupiers of this existing property on the application site.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **6.1 Pre-Application Process**

There is no pre-application process history.

### **6.2 Publicity summary of representations and Community Council comments**

Two representations have been received.

## **Background reading / external references**

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

## **Statutory Development**

**Plan Provision** Edinburgh Local Development Plan - Urban Area

**Date registered** 14 September 2020

**Drawing numbers/Scheme** 01, 02, 03, 04, 05, 06, 07,  
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**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Non-Statutory Guidelines**

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

# Appendix 1

## Consultations

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Transport:

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

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018(see [http://www.edinburgh.gov.uk/info/20069/local\\_plans\\_and\\_guidelines/63/planning\\_guidelines](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) at a maximum of 3m wide (4.8m including transitions);
  - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
  - d. Any gate or doors must open inwards onto the property;
  - e. Any hard-standing outside should be porous;
  - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
  - g. Electric vehicle charging infrastructure should be considered for this development;

Note:

- o The proposed level of car parking provision is considered acceptable;
- o No requirement for cycle parking as proposals include a private garden;

Environmental Protection:

Environmental Protection has no objection to this application subject to the attached conditions.

Condition

i) Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and



b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

#### Informative

1. To support the City of Edinburgh Council's Carbon Neutral Targets, zero and low carbon technology is recommended as the energy source, rather than a gas boiler which contributes to global warming.
2. It is recommended that an electric vehicle charging point is installed.

#### Assessment

The application site is located within the garden of 39 Hutchison Medway, Edinburgh. It is in a residential area and the site is surrounded on all sides by residential accommodation. The neighbouring accommodation varies between two storey, four in a block flats, or a three storey tenement style buildings with surrounding gardens. Directly to the east, approximately 50m away is the busy thoroughfare, Slateford Road, which runs approximately in a north - south direction. On the other side of the road is a rail line and to the north-east approximately 200m away is located the Slateford Rail Yard.

There are no concerns regarding the suitability of the site for residential accommodation in terms of noise, odour and air quality. However, approximately half the garden appears to have been used over the years as a yard for storage of materials, including a partially dismantled vehicle. Therefore, as there is the possibility of ground contamination, a condition has been recommended.

A Climate Emergency has been declared by the Scottish Government and they have amended the Climate Change Bill to set a 2045 target for net zero emissions. The City of Edinburgh Council has set an even more ambitious target for the city to become carbon neutral by 2030. Therefore, new developments provide a great opportunity to include zero carbon or low carbon technology for the energy source(s). An informative is recommended.

Similarly, an informative has been recommended that an electric vehicle charging point is installed.

Environmental Protection has no objection to this application subject to the attached conditions.

Should you wish to discuss the above please contact me on 0131 469 5357.

END

## 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](http://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](mailto: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.

# Comments for Planning Application 20/03877/FUL

## Application Summary

Application Number: 20/03877/FUL

Address: 39 Hutchison Medway Edinburgh EH14 1QQ

Proposal: Proposed 1 1/2 storey 3 bedroom house.

Case Officer: Lewis McWilliam

## Customer Details

Name: Miss Sharon Wright

Address: 37 Hutchison Medway, Edinburgh EH14 1QQ

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I have concerns over the above application.

The plans do not show the extension built to rear by 37 Hutchison Medway (lower flat of 39).

In terms of privacy the fully glazed doors on the south-west side of our extension at 37 Hutchison Medway are within nine meters of the boundary. However, a 8ft high hedge also delineates this boundary and at present no privacy concerns arise, the proposal is to remove the 8ft high privacy hedge and erect a much lower 1.8m fence which raises my concerns over privacy as the house would overlook directly into our back garden and the rear facing windows would look into our extension.

As this is a boundary hedge therefore no discussions with us on the removal of this as this would be a joint decision.

The house also takes up more than one third of the garden area of 39 Hutchison Medway thereby maintaining the spatial pattern of the surrounding area is not possible. The proposal will adversely affect the character and appearance of the properties in the surrounding area as the proposed layout is not in keeping with those surrounding properties, there are no other "houses" in the Hutchison area.

An additional application has since been submitted for the above property 20/03817/FUL, adding 2 further bedrooms to the existing dwelling, which previously had a garage and off street parking spaces within the garden area. the applications for both properties raise my concerns over already limited parking within a small residential street.

I have tried to discuss the applications with the applicant Mr Tannahill to come to an agreement between us but he has advised that he has not submitted any applications and can't discuss with me, I therefore object this proposal.

# Comments for Planning Application 20/03877/FUL

## Application Summary

Application Number: 20/03877/FUL

Address: 39 Hutchison Medway Edinburgh EH14 1QQ

Proposal: Proposed 1 1/2 storey 3 bedroom house.

Case Officer: Lewis McWilliam

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

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# Comments for Planning Application 20/03877/FUL

## Application Summary

Application Number: 20/03877/FUL

Address: 39 Hutchison Medway Edinburgh EH14 1QQ

Proposal: Proposed 1 1/2 storey 3 bedroom house.

Case Officer: Lewis McWilliam

## Customer Details

Name: Miss A. Boccato

Address: 20 Hutchison Medway Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I think the site is too small for a house, our street is already busy enough, too many cars. The new house would take away green space and the building of the house itself, plus the restoration of the existing flat would bring only chaos in this already narrow and quiet street, with trucks, machinery, and cranes. The street will be closed at some point and so the path to go in slateford td.



# Comments for Planning Application 20/03877/FUL

## Application Summary

Application Number: 20/03877/FUL

Address: 39 Hutchison Medway Edinburgh EH14 1QQ

Proposal: Proposed 1 1/2 storey 3 bedroom house.

Case Officer: Lewis McWilliam

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

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Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100303643-001

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)

Proposed 1 1/2 storey 3 Bedroom House

Is this a temporary permission? \*

Yes  No

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

Yes  No

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Capital Draughting Consultants Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Keith	Building Name:	<input type="text"/>
Last Name: *	Henderson	Building Number:	40
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Dinmont Drive
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Edinburgh
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	EH16 5RR
Email Address: *	<input type="text"/>		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	John	Building Number:	39
Last Name: *	Tannahill	Address 1 (Street): *	Hutchison Medway
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Edinburgh
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	EH16 5RR
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:

39 HUTCHISON MEDWAY

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH14 1QQ

Please identify/describe the location of the site or sites

Northing

671250

Easting

322431

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

224.00

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)

Domestic Side Garden to No 39 Hutchison

## 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?

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)? \*

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

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

### Assessment of Flood Risk

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

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

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

### Trees

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

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

### 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)

Yes their is area marked for waste and garden recycling bins

## Residential Units Including Conversion

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

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## 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: Keith Henderson

On behalf of: Mr John Tannahill

Date: 11/09/2020

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 principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Keith Henderson

Declaration Date: 11/09/2020

## Payment Details

C  
F

Created: 11/09/2020 13:44



To: Lewis McWilliam, Planning: Householders & Enforcement: West Team  
From: Barry Inglis, Environmental Protection

Date: 28/10/2020

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
20/03877/FUL | Proposed 1 1/2 storey 3 bedroom house, 39 Hutchison Medway  
Edinburgh.

**Environmental Protection has no objection to this application subject to the attached conditions.**

#### Condition

i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

#### Informative

1. To support the City of Edinburgh Council's Carbon Neutral Targets, zero and low carbon technology is recommended as the energy source, rather than a gas boiler which contributes to global warming.
2. It is recommended that an electric vehicle charging point is installed.

#### Assessment

The application site is located within the garden of 39 Hutchison Medway, Edinburgh. It is in a residential area and the site is surrounded on all sides by residential accommodation. The neighbouring accommodation varies between two storey, four in a block flats, or a three storey tenement style buildings with surrounding gardens. Directly to the east, approximately 50m away is the busy thoroughfare, Slateford Road, which runs approximately in a north – south direction. On the other side of the road is a rail line and to the north-east approximately 200m away is located the Slateford Rail Yard.

There are no concerns regarding the suitability of the site for residential accommodation in terms of noise, odour and air quality. However, approximately half the garden appears to have been used over the years as a yard for storage of materials, including a partially dismantled vehicle. Therefore, as there is the possibility of ground contamination, a condition has been recommended.

A Climate Emergency has been declared by the Scottish Government and they have amended the Climate Change Bill to set a 2045 target for net zero emissions. The City of Edinburgh Council has set an even more ambitious target for the city to become carbon neutral by 2030. Therefore, new developments provide a great opportunity to include zero carbon or low carbon technology for the energy source(s). An informative is recommended.

Similarly, an informative has been recommended that an electric vehicle charging point is installed.

Environmental Protection has no objection to this application subject to the attached conditions.

Should you wish to discuss the above please contact me on 0131 469 5357.

Dear Mr Graham,

**THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY  
REQUEST FOR REVIEW – 62 FORD’S ROAD, EDINBURGH  
APPLICATION NO 17/02500/FUL**

I refer to your request for a review of the refusal of planning permission for the proposed erection of a 2 storey dwelling within private grounds at 62 Ford’s Road, Edinburgh which was dealt with by the Chief Planning Officer under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 4 October 2017.

**Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission for the proposed erection of a 2 storey dwelling within private grounds at 62 Ford’s Road, Edinburgh subject to the following informatives:

**Informatives**

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

**Assessment**

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 and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plan used to determine the application was numbered 01-05, scheme 1. Full details of the application can be found under application number 17/02500/FUL on the Council’s Planning and Building Standards Online Services.

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

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan:
  - Des 1 (Design Quality and Context)
  - Des 4 (Development Design – Impact on Setting)
  - Des 5 (Development Design – Amenity)
  - Hou 1 (Housing Development)
- 2) Non-Statutory Guidelines on ‘Edinburgh Design Guidance’.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

### **Conclusion**

The LRB, having taken all the above matters into consideration did not agree with the assessment in the case officer’s report, and was of the opinion that the proposed house design fitted in with other buildings in the area and was not detrimental to the spatial pattern of the area. It acknowledged that this was an unusual site at the end of the block and its impact would be limited. In addition, the LRB was not convinced that there would be sufficient negative impacts on neighbouring daylighting and sunlighting to justify refusal of the application. There were no material planning reasons for coming to a different conclusion. It therefore did not uphold the decision of the Chief Planning Officer and granted planning permission.

### **Contact**

Please contact me on 0131 529 4107 or email [rachel.gentleman@edinburgh.gov.uk](mailto:rachel.gentleman@edinburgh.gov.uk) if you have any queries about this letter.

Yours sincerely

Rachel Gentleman  
for Clerk to the Review Body

### **Notes:**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within six weeks of the date of the decision.

- 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 the 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## Proposal Details

Proposal Name	100335849
Proposal Description	PROPOSED 1 ½ STOREY 3-BEDROOM HOUSE
Address	39 HUTCHISON MEDWAY, EDINBURGH, EH14 1QQ
Local Authority	City of Edinburgh Council
Application Online Reference	100335849-001

## Application Status

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

## Attachment Details

Notice of Review	System	A4
Document 01 - Decision Notice 20_03877_FUL-DECISION_NOTICE-4762461	Attached	A4
Document 02 - Report of Handling 20_03877_FUL-HANDLING_REPORT-4762460	Attached	A4
Document 03 - 20_03877_FUL-SUPPORTING_STATEMENT-4695616	Attached	A4
Document 04 - 20_03877_FUL-ENVIRONMENTAL_PROTECTION-4748976	Attached	A4
Document 05 - 20_03877_FUL-TRANSPORT-4721749	Attached	A4
Document 06 Street View Images for Context	Attached	A4
Document 07 Appeal Decision Fords Road - 17_02500_FUL-LRB_DECISION_NOTICE-3751563	Attached	A4
Document 08 - 3 Eltringham Grove - 19_03249_FUL-DECISION_NOTICE-4683517	Attached	A4
Document 09 - Allan Park Crescent Case - 20_02743_FUL-DM_SUB_COMMITTEE_25_11_2020-4774428	Attached	A4
20_03877_FUL-APPLICATION_PDF-4696470	Attached	A4
20_03877_FUL-07-PROPOSED_ELEVATIONS-4695614	Attached	A1
20_03877_FUL-06-PROPOSED_FIRST_FLOOR_PLAN-4695612	Attached	A1
20_03877_FUL-05-PROPOSED_GROUND_FLOOR_PLAN-4695611	Attached	A1

20_03877_FUL-04-PROPOSED_SITE_PLAN-4695610	Attached	A1
20_03877_FUL-03-PROPOSED_ELEVATIONS-4695613	Attached	A1
20_03877_FUL-02-EX_SITE_PLAN-4695609	Attached	A1
Local Review Body request appeal Cover Letter 301120	Attached	A4
Grounds for Review Statement With Appendix 1_to_9 included 301120	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Sorrell Associates  
FAO: Jim Sorrell  
The Green House  
41 St Bernard's Crescent  
Edinburgh  
EH4 1NR

**Date:** 25 August 2020

**Our Ref:** LRB7.4/SS

Dear Mr Sorrell,

**THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY  
REQUEST FOR REVIEW – APPLICATION NO 19/03249/FUL  
REQUEST FOR REVIEW –3 ELTRINGHAM GROVE, EDINBURGH  
TOWN AND PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING  
ETC (SCOTLAND) ACT 2006**

I refer to your request for a review submitted on behalf of Ms Chelsie Black for refusal of planning permission for demolition of an existing detached bungalow and garage and construction of two new detached dwellings with new driveway to the rear and associated parking at 3 Eltringham Grove, Edinburgh, which was dealt with by the Chief Planning Officer under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 19 August 2020.

**Decision**

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

**The following condition and informatives:**

**Condition**

Notwithstanding the submitted site layout details, a further site layout plan reducing the car parking to one space per dwelling shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

**Reason:**

In order to ensure that the level of off-street parking complies with policy.

**Informatives**

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- (b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date



on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.

- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- (d) Prior to the commencement of works on site the applicant must agree a recycling and waste management strategy with the Waste Management team - [waste@edinburgh.gov.uk](mailto:waste@edinburgh.gov.uk)

## Assessment

At the meeting on 19 August 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 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 - 14, being the drawings shown under the application reference number 19/03249/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 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
  - Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)
  - Edinburgh Local Development Plan Policy Hou 4 (Housing Density)
  - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
  - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
  - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
  - Edinburgh Local Development Plan Policy Policy Hou 1 (Housing Development)
- 2) Relevant Non-Statutory Guidelines.
  - 'Edinburgh Design Guidance'

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

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

- Considering the reasons for refusal, the applicant had agreed to reduce parking to one space per dwelling.
- That in the immediate and surrounding area, there had been significant new development already, therefore the proposed development would be in keeping with the character of the area and was not contrary to Policy Des 1 (Design Quality and Context).
- The proposed development was unlike the other dwellings in the area and would impact on green space. According to development policies, there were no reasons to overturn the officer's recommendations. Additionally, there would be issues with bin collection.
- Green space was not an issue. The surrounding area had changed already with a large development on the south side. Therefore, the policies which has been previously applied were no longer applicable. The application should be approved, subject to the reduction in parking to one space per house.
- Whether this was contrary to Policy Des 1 as this was area where there had been significant change. It was difficult to apply this to what was not a uniform area.
- Whether this was contrary to Policy Hou 4 (Housing Density). The density in this area was difficult to establish given the existing level of redevelopment.
- That it would be necessary to condition waste management strategy, if the officer's recommendations were overturned.
- This was a mixed site with a number of different types of houses in this area and the proposed development would be a good use of the site.

Having taken all the above matters into consideration, the LRB determined that the proposal was not contrary to the following LDP policies:

1. Des 1 and the Edinburgh Design Guidance as it would not have an adverse impact on the character and appearance of the surrounding area.
2. Hou 4 as the density of development on the site would not damage the character of the surrounding area.

3. Hou 1 as the principle of housing on this site was already established and the proposals are compatible with the relevant policies of the LDP.

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

### **Contact**

Please contact Blair Ritchie on 0131 529 4085 or e-mail [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk) if you have any queries about this letter.

Yours sincerely

Blair Ritchie

for the Clerk to the Review Body

### **Notes:**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within six weeks of the date of the decision.
- 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 the 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# MEMORANDUM

PLACE

To: Lewis McWilliam

Our Ref: T/TP/DC/42534/CB

Your Ref: 20/03877/FUL

Date: 2<sup>nd</sup> October 2020

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PLANNING APPLICATION No: 20/03877/FUL  
FOR: PROPOSED 1 1/2 STOREY 3 BEDROOM HOUSE.  
AT: 39 HUTCHISON MEDWAY, EDINBURGH, EH14 1QQ**

## ROADS AUTHORITY ISSUES

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

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018(see [http://www.edinburgh.gov.uk/info/20069/local\\_plans\\_and\\_guidelines/63/planning\\_guidelines](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) at a maximum of 3m wide (4.8m including transitions);
  - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
  - d. Any gate or doors must open inwards onto the property;
  - e. Any hard-standing outside should be porous;
  - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
  - g. Electric vehicle charging infrastructure should be considered for this development;

Note:

- The proposed level of car parking provision is considered acceptable;
- No requirement for cycle parking as proposals include a private garden;

**Cameron Baillie**  
Tel: 2-3562

# Development Management Sub Committee

Wednesday 25 November 2020

**Application for Planning Permission 20/02743/FUL  
at Land 16 Metres North East Of, 2 Allan Park Crescent,  
Edinburgh.  
New 3 bedroom dwelling house (as amended).**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

## Summary

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The proposal replaces a set of garages which do not contribute positively to the area. The proposal is acceptable in its scale, form and design and will not have a detrimental impact on neighbouring amenity. The proposal complies with relevant policies in the Local Development Plan. The proposal infringes guidance in relation to its position on the site, garden depth and the design of dormer windows. However, these infringements will not result in adverse harm and are acceptable. There are no material considerations that would outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LHOU01, LHOU03, LHOU04, LEN21, LTRA02, LTRA03, NSG, NSGD02,

# Report

## **Application for Planning Permission 20/02743/FUL at Land 16 Metres North East Of, 2 Allan Park Crescent, Edinburgh. New 3 bedroom dwelling house (as amended).**

### **Recommendations**

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1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

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#### **2.1 Site description**

The application site is a group of four garages located on the east side of Allan Park Crescent.

The surrounding area is residential in character, largely consisting of bungalows.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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#### **3.1 Description of the Proposal**

The proposal is for the demolition of the existing garages which are to be replaced by a one and a half storey, three bedroom residential unit with an internal floor area of approximately 104 square metres. The proposal includes a rear curtilage with a depth of five metres and an area of approximately 60.4 square metres.

External walls are to be finished in wet dash. The proposal includes two velux windows to the north elevation and one velux window to the south.

#### Previous Scheme

The scheme has been amended to reduce the length of the building by approximately 1.1 metres and moving the proposed dwelling approximately 300mm north-west. A proposed driveway has been removed from the scheme. The revised scheme introduces a hipped roof to the principal elevation and a new slate-cheeked dormer window, with a slate roof.

### 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, the Committee needs to consider whether:

- a) the principle of a new house in this location is acceptable;
- b) the proposal is acceptable in its scale, form and design;
- c) a satisfactory residential environment can be achieved for the amenity of future occupiers;
- d) the proposal will impact on neighbouring amenity;
- e) any other planning matter have been addressed and
- f) any matters raised in representations have been addressed.

#### a) Principle

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan.

#### b) Scale, Form and Design

Policy Des 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- i) height and form
- ii) scale and proportions, including the spaces between buildings
- iii) position of buildings and other features on the site
- iv) materials and detailing

The site is part of an established residential area, defined by a strong rhythm of long plots with houses fronting onto the street with generous private rear gardens. There is a clear articulation of private and public spaces. This is a settled townscape with a strong urban grain. The area is defined by mid 50's bungalows with hipped roofs which follow a well-defined building line. A notable exception to this is the bend on which the application site sits. Here, No. 2 Allan Park Crescent is set at an angle to the road which breaches the building line. This, when combined with the curve of the road and distance between properties, makes the building line less clear. No. 2 is also the only property in the immediate area with a gabled roof. Several properties have garages and although there is some variation in the overall finishing of properties, there is a consistency in elevations finished in roughcast/render with decorative stonework around windows and edges being the defining style. Most properties in the area were constructed in the mid-50s whilst the garages which occupy the application site, as well as property numbers 6, 8 and 10, were added in the early 60s.

The existing garages located on site do not contribute positively to the existing streetscape. The proposed 1.5 storey dwelling with slate roof and dormer window is of a scale and design generally in line with other properties on the street. The roof will be hipped at the principal elevation with a dormer window. To the rear, the roof will be gabled. The gable wall will not be noticeable from the street and overall, the new building will look similar to others on the street. The proposed dormer window would take up more than one third of the roof plane; however, this is characteristic of the area. The design of the dormer ensures that the window will be set below the roof ridge and will maintain a visible expanse on all sides of the roof. An infringement of guidance in these circumstances is acceptable.

The proposed dwelling will be positioned closer to the pavement than other properties in the area. However, given the location of the development site on a curve, the building line in this part of the area is not as strong as elsewhere. The neighbouring property to the south already breaches the building line and the distance between the application site and the neighbouring property to the north ensures that the position of the new house will not be disruptive to the rhythm of the street.

Overall, the design, scale, positioning, height and detailing are appropriate for the area. The proposal complies with Local Development Plan policy Hou 4.

### c) Residential Environment

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that future occupiers of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

*Edinburgh Design Guidance* sets out minimum internal floor space standards for residential development.

In this instance, the proposed 1.5 storey, three bedroom house has an internal floorspace well in excess of the minimum 91 square metres recommended in guidance.



The arrangement of the proposed living spaces and windows will ensure that future occupiers will have sufficient levels of daylight.

To ensure amenity space is sufficient for the use and enjoyment by occupiers and to ensure that there is scope for dwellings to be developed over time to suit the changing needs of occupiers, Edinburgh Design Guidance recommends a minimum depth of 9 metres for residential gardens. The area surrounding the application site is relatively low density with detached and semi-detached properties located on large plots with generous rear gardens. Garden depths in the area typically reach around 11 metres. Property no. 6, which neighbours the site to the north has a smaller rear garden in comparison to other properties, with an area of 49 square metres and a depth of 5.7 metres, though this is supplemented by space to the side and front of the house. No. 8 also has a garden with a limited depth of 6.5 metres. In this case the space to the rear garden of the application site would reach a depth of approximately 5 metres and cover a total area of approximately 60 square metres. The result would be usable garden space in line with the immediate neighbouring properties. In these circumstances an infringement of guidance is considered acceptable.

The proposal complies with Local Development Plan policy Hou 3 and Des 5 and would result in a satisfactory residential environment for future occupiers.

#### d) Neighbouring Amenity

Policy Des 5 (Development Design - Amenity) states permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.

The proposed development complies with the 45-degree daylight criterion outlined in guidance. Some objectors have raised concern that the new position of the proposed building will result in a loss of daylight to neighbouring properties. Guidance on the protection of daylight to existing buildings outlined in Edinburgh Design Guidance states that daylight to gables and side windows is generally not protected. In this instance the neighbours to the north have no windows on the south elevation which would be affected and the windows of the neighbouring property to the south (no. 2 Allan Park Crescent) are angled away from the proposed new dwelling. The proposal complies with guidance in this regard.

Given the height of the proposal and the orientation of neighbouring properties in relation to the site, the proposal would not result in overshadowing to the garden spaces of the neighbours at no. 2 Allan Park Crescent or at no. 17 Allan Park Road. The proposal will result in approximately 15.05 square metres of overshadowing to the garden space of no. 6 Allan Park Crescent. However, it is acknowledged that the existing garages on the application site already overshadow this affected space to a degree. The increase in overshadowing would be relatively small and given the size of the garden space to the side of the property (approximately 138 square metres) this represents an acceptable minor infringement of policy which would not form grounds for refusal of this application.

In terms of privacy, a 1.8 metre fence to the north and east boundaries ensure that the new ground floor windows will not have a direct view into neighbouring windows or neighbouring gardens. The sill of velux windows on the north and south elevations of the proposal will be set 1.7 metres from ground level. Drawing 07A shows that these windows will not offer direct views to neighbouring properties. The proposal also includes a window to the rear at attic level, looking east toward no.17 Allan Park Road. However, this window will serve a stairwell and not a room. As the window will serve circulation space rather than a habitable room, it will not breach the privacy of the neighbours to the east of the site.

The proposal will not result in a loss of neighbouring amenity and is acceptable in this regard. The proposal complies with LDP policy Des 5.

#### e) Other Planning Matters

##### Road Safety and Parking

The proposal does not include provision for off-street parking. However, the application site is not located within a controlled parking zone, with vehicles able to park on the street. No cycle parking is indicated in the submitted plans. However, bikes could reasonably be stored in the rear garden or within the house itself.

The proposal complies with Tra 2 and a minor infringement of Tra 3 is acceptable in these circumstances.

##### Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

Accordingly, a Surface Water Management plan is required to assess the impact of the proposal on surface water on the site. This has not been provided. Before development on site can begin, this must be provided to the Planning Authority. This has been made a condition of this consent.

#### f) Public Comments

##### **Material Considerations**

- Removal of proposed driveway from the scheme is unacceptable/negative impact of the proposal on parking and road safety; this is addressed in section 3.3(e).
- Proposal built forward of established building line; this is addressed in section 3.3(b).
- Proposal will result in a loss of daylight to neighbouring properties; this is addressed in section 3.3(d).

## Conclusion

The proposal replaces a set of garages which do not contribute positively to the area. The proposal is acceptable in its scale, form and design and will not have a detrimental impact on neighbouring amenity. The proposal complies with relevant policies in the Local Development Plan. The proposal infringes guidance in relation to its position on the site, garden depth and the design of dormer windows. However, these infringements will not result in adverse harm and are acceptable.

It is recommended that this application be Granted subject to the details below.

### **3.4 Conditions/reasons/informatives**

#### **Conditions: -**

1. Prior to the commencement of development, a Surface Water Management Plan shall be submitted for the further approval of the Planning Authority and thereafter implemented prior to the occupation of the development.

#### **Reasons: -**

1. To ensure the proposal does not increase flood risk and surface water is managed correctly.

#### **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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The original application was advertised on 9 July 2020. The application received six comments, five in support and one taking a neutral stance.

The revised scheme was subsequently amended and advertised on 8 September 2020. The revised scheme received eight objection comments.

These representations are summarised and addressed in the Assessment section of the main report.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan

### **Date registered**

7 July 2020

### **Drawing numbers/Scheme**

01A, 02A, 03C, 04A, 05C, 06A, 07A, 08,

Scheme 4

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail: [christopher.sillick@edinburgh.gov.uk](mailto:christopher.sillick@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Non-Statutory Guidelines**

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

# Appendix 1

**Application for Planning Permission 20/02743/FUL  
at Land 16 Metres North East Of, 2 Allan Park Crescent,  
Edinburgh.  
New 3 bedroom dwelling house (as amended).**

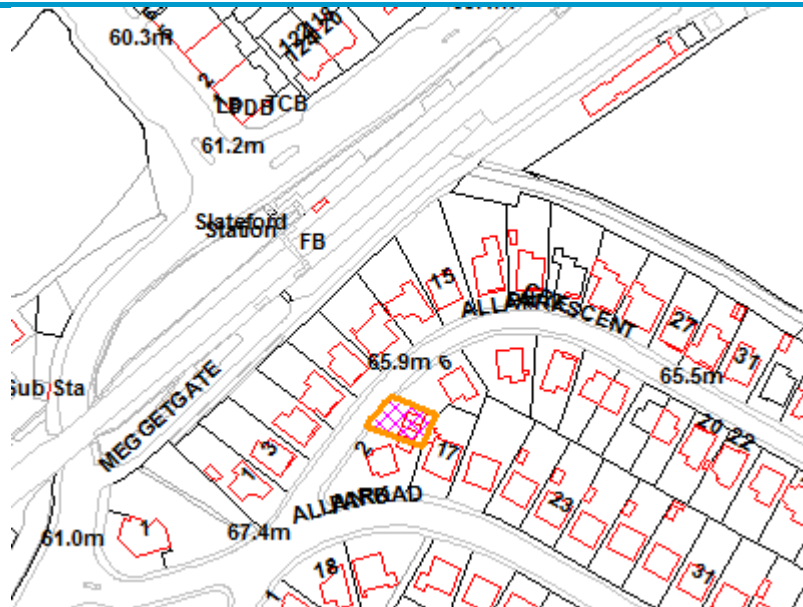
## Consultations

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No consultations undertaken.

## Location Plan

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**END**

**MS C BLACK**

**GROUNDS FOR REVIEW OF A PLANNING DECISION**

**39 HUTCHISON MEDWAY  
EDINBURGH EH14 1QQ**

**PROPOSED 1 ½ STOREY 3-BEDROOM HOUSE**

**(PLANNING REF: 20/03877/FUL)**

**Online E-planning ref: 100335849-001**

**November 2020**  
**Our Ref: 2020\_60**

**W: [www.grayplanning.co.uk](http://www.grayplanning.co.uk)**



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## Appendices

The following documents are referred to in this Grounds for Review Statement.

All such documents have been electronically uploaded to the ePlanning.Scot online portal.

**Document 01** – Decision Notice Application Ref: 20/03877/FUL dated 10.11.20

**Document 02** – Report of Handling of Planning Application 20/03877/FUL

**Document 03** – Supporting Statement submitted with planning application 20/03877/FUL

**Document 04** – Consultation response from CEC Environmental Protection

**Document 05** – Consultation response from CEC Transportation

**Document 06** – Street View Images Hutchison Medway from North, South and West of Site

**Document 07** – Precedent case – 62 Ford’s Road (Garden Ground)

**Document 08** – Precedent case – 3 Eltringham Grove (Garden Ground)

**Document 09** – Precedent Case Allan Park Crescent (Garden Ground)

Full Planning application drawings and sections, application form, landowner certification all as submitted for planning approval are re submitted as required.

## 1 INTRODUCTION

### THE PROPOSED DEVELOPMENT AND REASONS FOR REFUSAL

1.1 These are Grounds for Review of a decision to erect a single dwelling house (3-bedroom) over 1 ½ stories with garden ground and parking, at 39 Hutchison Parkway, Edinburgh EH14 1QQ.

1.2 The Review request is submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended 2006). The Notice of Review has been lodged within the prescribed three-month period from the refusal of planning permission dated 10<sup>th</sup> November 2020 (**Document 01**).

1.3 By Delegated Powers, the Chief Planning Officer (PLACE) of The City of Edinburgh Council decided to refuse the application, as recommended by a Planning Officer in the Report of Handling (**Document 02**). The four reasons for refusal are per the Decision Notice (**Document 01**), which state:

1. *The proposal is contrary to LDP policy Hou 1 as it is not a suitable site in the urban area for a new house.*
2. *The proposal is contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the position of the building on this side garden has an unacceptable impact on the spatial character and density of the area.*
3. *The proposal is contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form, position and spacing of the building is an incongruous addition in its surroundings that will have an unacceptable impact on the established character of the townscape.*
4. *The proposal is contrary to Edinburgh Local Development Plan Policy Des 5 as an insufficient amount of garden space will be provided for the amenity of 39 Hutchison Medway, which will unacceptably compromise the living conditions for occupiers of this existing property on the application site*

### PROPOSED PROCEDURE TO BE FOLLOWED IN DECIDING THE REVIEW

1.4 We recommend one procedure - a site visit (accompanied) should be the procedure followed by the Local Review Body in deciding the case.

1.5 With respect to the four reasons for refusal, visual inspection of the appeal site is necessary to confirm that the appeal site is a suitable location for a house as it is in a residential area. It will be evident the residential area is characterised by front and rear gardens, uniform building lines, quiet streets (i.e. no main traffic routes where higher visibility may be found) and of a layout which would not give rise to overlooking or other amenity issues in the surroundings.

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- 1.6 The appeal also highlights several other new house developments approved by the Planning Authority for identical or similar in form new builds within the same residential area which can be viewed upon a site visit (as several are so new that online view by Google StreetView or similar is not up to date in this context). **Appeal Documents 07 to 09** illustrate these case examples for the Review Body to compare. These cases are at 62 Ford's Road, 3 Eltringham Grove and land adjacent to 2 Allan Park Crescent respectively. All three cases show that single house or small scale house development in garden ground in this immediate vicinity of the appeal site has shown to be effective and not harm the local streetscapes, residential amenity and importantly make best use of the land to help improve the general amenity of the surrounding area. The appeal site is comparable in character and form to all three positive planning cases and will be examined later in this Statement.

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## 2 THE APPEAL SITE AND PROPOSALS

- 2.1 Full details of the planning application site, detailed site layout, technical land use considerations are contained in the planning application. A Planning Statement was also submitted (**Appeal Document 03**) which details the proposal and comments on its acceptability in terms of relevant development planning policy. These matters will not be repeated in this Statement, however where considered relevant to address Reasons for Refusal, points will be re-emphasised.
- 2.2 The proposal is to seek permission for erection of a single dwelling house to be formed over 1½ stories and provide 3-bedrooms. The development will also provide front and rear amenity garden space and a driveway with parking for one vehicle. The plot would be enclosed by a 2m and a 1.8m high timber fence along with the existing hedge and other shrub planting.
- 2.3 Currently the site area of 295 sq m lies vacant, underutilised and houses a dilapidated shed along with storage for an old vehicle and dog kennels. It is generally enclosed with wood hoardings and screened by mature hedging on its west and east boundaries. It is not of a high amenity value nor is the visual effect of any great benefit, within this predominately residential area.
- 2.4 The development is located in a residential street with the surroundings characterised by two storey semi-detached terraced dwellings with the street tree-lined and all properties enclosed by front and rear gardens. Their arrangement is generally linear frontages producing a pattern of street scape that is regular and formally arranged on the linear frontage with no buildings positioned out of such a pattern.
- 2.5 As will be evident from a site inspection, the appeal site is rare in terms of the prevailing pattern of buildings (dwellings with ancillary structures like sheds or lock up garages). There are no other 'end of block' or corner spaces like the appeal site which are over grown, vacant and bear no relationship to the private gardens or association with the residential properties around. In effect the appeal site is divorced and cut off from functioning for any part of the streetscape and it offers no positive amenity benefit because it is enclosed and the structures within it are dilapidated and of little streetscape interest to its surroundings. There are some corner sites in the streets around the Hutchison estate which have no buildings on them, where the space remaining is low cut, maintained and visibly integrated into their surrounding areas. That is not the visual impression the appeal site currently gives but it could be enhanced considerably with the new house and its amenity space created.
- 2.6 Details of the form and design of the new dwelling is found in the drawings which were submitted by Capital Draughting Consultant architects, as follows:
- Location Plan and Existing Site Plan
  - Proposed Site Plan CDC/20/146/01
  - Proposed Front and Rear Elevations CDC/20/146/04
  - Proposed Side Elevations CDC/20/146/05
  - Proposed Ground and First Floor Plans CDC/20/146/02 and CDC/20/146/03

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2.7 The submitted Planning Statement (**appeal Document 03**) explains the proposals summarised as follows:

- Principle of housing on the site is acceptable, subject to compliance with relevant local development planning policies, including those concerning design, residential amenity and parking.
- For design particularly, the new house should be in keeping with the surrounding area. Various parts of the Edinburgh Design Guide require key design principles such as adhering to existing form and building block patterns, set backs, daylight and shadowing and provision of sufficient private garden ground amenity to existing and new dwelling occupants. These matters are detailed further in the Planning Statement.
- For car parking, the written guidance available confirms that one parking space complies with planning policy along with a need to provide cycle parking in the scheme (being for a domestic property, the cycle provision can be indoors). A proposed 2.5m wide driveway is formed within the scheme to remove one on-street parking. The driveway would be accessed via a new drop kerb arrangement to the public highway.

2.8 The submitted Planning Statement (**Appeal document 03**) also described more detail about the streetscape and surrounding buildings and context. It refers to *“the street character is generally a mix of 2 and 3 storey dwelling houses from the post-war era”*, and *“On the opposite side of the Hutchison Medway street lie 3-storey of similar form and pattern with enclosed front gardens, parking on street. There are no garages.”*

2.9 Importantly for future place making, and retaining built form, should the appeal be successful, the Planning Statement refers to the major benefit of the proposal, stating *“The proposal is an opportunity however to remove the unsightly shed and vacant space, to help improve the visual amenity of the residential area. There are no other similar sites (gap, garage lock up) in the vicinity”*.

### 3 GROUNDS FOR REVIEW

3.1 Section 1 outlined the Planning Authority's four reasons for refusal. Based on the evidence presented in this appeal, the appellant contends all these reasons can be set aside, and planning permission should be granted for the proposed development. This is subject to the imposition of relevant, enforceable planning conditions.

3.2 It is also relevant for the purposes of focusing the main issues for this appeal, **that there is agreement with the Planning Authority on the following points:**

- The site lies in the urban area, predominately residential and therefore the principle of residential development at this location is supported. The appeal proposal meets LDP Policy Hou 1.
- No overshadowing would occur on neighbour's private gardens. Furthermore we agree the proposal will not result in a loss of daylight to the windows of all neighbouring Properties. As a result of the new development, thus it meets in part the requirements of LDP Policy Hou 5.
- The proposed 3-bedroom house acceptably exceeds the minimum floor space requirement (of 81 sq m) cited in the Edinburgh Design Guide. As the property exceeds this minimum standard, we agree with the Planning Authority that occupant amenity will not be detrimentally affected.
- We agree with the Planning Authority, that all habitable rooms would achieve acceptable levels of outlook and daylight by virtue of the windows and dormers on the principal elevation and rear elevation, thus meeting terms of Policy Hou 5.
- Similarly, on matters of privacy for future occupiers, this meets the policy requirements. For garden space the Report of Handling (appeal Document 02) concurs and supports the appellants amenity space plans. Therefore, there is general positive agreement that the development provides the satisfactory residential environment for future occupants of the appeal site.

3.3 The points of agreement provide a measure of balance which should be applied to the Review Body's assessment of this case. As all planning applications must be assessed on their own merits, it is clear from the list above that the general amenity and suitability of the living accommodation (internal and external) and the levels of occupier and neighbour privacy will be achieved throughout. Thus, the function and purpose of a home that is well-considered in terms of quality of living and function as demonstrated above, is agreed by the Planning Authority to be acceptable. It is the appellant's contention therefore that a new house will provide a new resident with the acceptable levels of residential benefit and amenity in a desirable location. It is unlikely any house buyer will overlook such a functional benefit in favour of a building which the Reasons for Refusal claim to be out of character because of its form and shape compared with the set pattern of houses in the Hutchison Medway streetscape. In other words, we would ask the Review Body to consider with greater balance the positive aspects of this proposal from a house buyers' perspective as much as a place making and land use regulation aspect. The type of house and its form is in demand and is likely to be quickly occupied thus the status of the vacant and underkept ground as existing promises to offer new life and vibrancy to the streetscape. This brings its own positive benefits which have not been highlighted in the Officer Report of Handling.

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3.4 Turning to the Reasons for Refusal, this section will argue the following Grounds:

1. The proposal is not contrary to LDP policy Hou 1 as it is a suitable site in the urban area for a new house. It is available and has already shown to provide an adequate level of residential amenity which the appellant and planning authority agree upon.
2. The proposal is not contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the position of the building on this side garden does not significantly alter the spatial pattern – and the form of the building is such that it provides variety and interest to a regular build pattern of a previous era.
3. The proposal is not contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form, position and spacing of the building is a marketable and sought after type of house that will be very attractive to purchasers. It will not have an unacceptable impact on the established character of the townscape and there are examples of similar forms of new development in the surrounding neighbourhood which is evident from a site inspection and see Appeal Documents 05 to 07 case studies.
4. The proposal is not contrary to Edinburgh Local Development Plan Policy Des 5. The paragraphs 3.2 and 3.3 explain how there is mutual agreement with the Planning Authority on all but one of the criteria found within Policy Des 5. Put another way, the appeal proposal does provide a satisfactory residential environment for future occupants of the appeal site on all relevant factors except for the sufficiency of garden space to be provided. The arguments to follow explain that garden space is not generally a top or priority aspect of new homes for buyers seeking new place to live and the proposal still provides garden space just not to the guideline standards set out in the Council's Design advice.

3.5 Each of these points is expanded in the paragraphs below, with evidence presented and justification given to support the appellants case that planning permission should be granted. Not only do the proposals meet the provisions of the Development Plan, but there are also material considerations which are relevant, add weight to and support the appellants' case.

## **1 – SUITABLE SITE IN AN URBAN AREA FOR A NEW HOUSE**

- 3.6 The planning authority's reason for refusal is it fails to meet Policy Hou 1 of the LDP. As this policy is over-arching and requires compliance with other (for example design policies) then it is argued that the principle of developing the land for residential use within this residential area, within the Edinburgh urban area and settlement boundary is not contested. Therefore the proposal does comply with Policy Hou 1 as an acceptable land use in this location.
- 3.7 The appellants have shown here, (and in the officer Report of Handling there is terms of agreement) several matters relating to residential amenity for occupants of existing and the future new house will not be compromised. Whilst it is accepted that the physical design (i.e. form, see Policy Hou 4 and para 3.14) may not fully comply with the full extent of the policy criteria the conditions that pertain to an acceptable living environment have been met and the proposal does provide a satisfactory residential environment for future occupants of the appeal site (as argued below for Policy Des 5 in para 3.16). This part is not contested by the planning authority. Therefore the principle and the broad merits of the proposal as a housing development should be supported in this appeal.

## **2 – POSITION OF THE BUILDING ON THIS SIDE GARDEN DOES NOT SIGNIFICANTLY ALTER THE SPATIAL PATTERN**

- 3.8 The planning authority's reason for refusal is it fails to meet Policy Hou 4 and Policy Des 4 of the LDP on matters of spatial pattern. LDP policy Hou 4 states, amongst other criteria, that council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area. LDP Policy Des 4 is concerned with impacts on setting in terms of height and form, scale and proportions and position of buildings relating to one another.
- 3.9 The proposal is for one house. As will be explained under reason for refusal 3 below (para 3.13), the type of house chosen is considered by the appellant to meet marketing demand for housing in the vicinity and there would be no risk this house would be vacant or unoccupied. The design response for a single dwelling which has a lower density than its neighbouring existing dwellings reflects modern marketing needs.
- 3.10 With regard to Policy Des 4, the Report of Handling dwells more on matters of if the location is of a high quality and setting. Whilst there is evidence of a favourable setting in a pleasant residential area, the specific site is not considered to offer any aspect of quality and may on the contrary be of fragmented or of poor quality, given that the existing situation is a vacant piece of ground with dilapidated shed. The appellant considers the development proposals would help repair the urban fabric at this specific location and establish a form of development and generate coherence and distinctiveness within the wider residential setting. A wider perspective must be applied in our view, rather than examine the one house positioned in the site.
- 3.11 The position of the building on the garden side does not significantly alter the spatial pattern. It does introduce a different form and scale of building, however when viewed in the context of the surrounding 2-storey terrace blocks all regularly spaced and frontages positioned in line,



with front gardens and hedges defining boundaries, the new house would largely be subservient to the established pattern as that will remain the dominant pattern and uniformity in the streetscape. The appellant does not consider any greater weight need be attached to the implication that the new house would detract or damage the street scape and pattern of building layout – it is unlikely that the general public or passers by would be offended or harmed by the appearance or presence of the new building given that it would be part of a pattern already dominated by larger buildings and uniform pattern. If the new house were positioned within a ‘gap’ rather than on the end of the gable or end of row of terrace as is the case, then we would tend to agree with the planning officer’s view that the new house would be out of keeping and upset the rhythm and pattern of building form. However as it is to be sited on the end of a terrace and in an already open space with collection of ancillary buildings, then there is limited impact on the streetscape in terms of the spatial pattern. **Appeal Document 06** is Google Street View image of the site taken from three different perspectives and adds context to the argument set out above.

### **3 - DEVELOPMENT DESIGN - IMPACT ON SETTING, AS THE HEIGHT, FORM, POSITION AND SPACING OF THE BUILDING IS A MARKETABLE AND SOUGHT AFTER TYPE OF HOUSE THAT WILL BE VERY ATTRACTIVE TO PURCHASERS**

3.12 The planning authority considers the proposal fails to meet the requirement of Policy Des 4. As has been explained under reason for refusal 3, the appellant disagrees with the officer’s narrow perspective of assessing the site within the open end plot as proposed. Rather the appellant would encourage the Review Body, when visiting on site inspection, to view the single house proposal on two further perspectives within the streetscape:

- There is a uniform pattern of 2-storey blocks of terraces, mature tree lined street, hedge lined front garden enclosures.
- However this location is the end of a terrace block and is not a gap.
- From a wider perspective say, 100m along the Medway looking back to the site, the visual pattern and perspective is drawn to the uniform row of buildings and uniform pattern created. The addition, on the end of a row such as described, will not be a feature immediately apparent or drawn to when seen in this perspective.

3.13 In response to the planning officer’s opinion that the single dwelling of 1 ½ storey is not in keeping with the pattern of 2-storey, then the above argument is also relevant. The additional point is the market today is in demand for the house type proposed and is less determined on the aesthetic appearance of how it fits on the streetscape, especially given the points listed above that the new building would be inconspicuous when viewed in the wider streetscape perspective.

### **4- PROVIDES A SATISFACTORY RESIDENTIAL ENVIRONMENT FOR FUTURE OCCUPANTS OF THE APPEAL SITE (POLICY DES 5)**

3.14 The planning authority states that it does not consider the proposal meets Policy Des 5. However in the Officer Report of Handling, the several criteria involved in assessing Policy Des 5 balance favourably. Only one criteria of the Policy falls short. As explained below.

3.15 The policy criteria covers a) amenity of neighbours, b) adaptability, c) active frontage security, d) distinct spaces between public and private, e) storage for bins and cycles, f).

- 3.16 The subtext of the Policy Des 5 in the LDP states “*buildings must meet the needs of users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy. Buildings should be designed to be flexible in use and interact closely with the street, providing continuity of urban frontage and natural surveillance....*”
- 3.17 In the Officer Report of Handling about amenity of neighbouring residents, the report confirms the proposed garden space is acceptable in terms of the dimensions and form / position relative to neighbours thus compliant with the Edinburgh Design Guidance. The report goes on to claim “*The creation of a front and rear garden for the proposed dwelling would result in an entire loss and availability of garden space for current and future occupiers(s) of no.39*”. The appellant owns No. 39 and can alter the boundary of the properties to ensure that there is a more equal share of garden space balanced between the two properties (existing and new).
- 3.18 With regard to windows and spacings, the officer confirms that all required dimensions and distances comply, thus no new privacy issues would therefore occur as a result or unacceptable impact on privacy.
- 3.19 On the front elevation, windows would be approximately 14m from the side garden of the facing property on Hutchison Loan. This distance would prevent any significant overlooking of this space or material loss of privacy for these occupiers. Again this complies with Policy Des 5.
- 3.20 Overshadowing as a result of the development would fall on the applicant's own garden and side gable of the adjacent property. No overshadowing would occur on neighbour's private gardens so this aspect also meets Policy Des 5.
- 3.21 The further test of Policy Des 5 asks if the development will offer acceptable levels of amenity for future occupants in relation to noise, daylight, sunlight, privacy or immediate outlook. The property exceeds the minimum standard for dwelling floor space thus provides a favourable internal living space. Privacy would be achieved for future occupiers by the orientation of all rearward windows and boundary fence bordering the rear garden. The site accommodates approximately 125 sqm of usable greenspace. The private garden mainly achieves a length of 9m in line with EDG and an adequate provision of amenity space is achieved for future occupiers of the proposed property. The proposal will result in the creation of a satisfactory residential environment for future occupants of the proposal site.
- 3.22 There is no minimum parking provision. The proposal includes provision for one parking space in total and complies with LDP Policy Tra 2.

#### **PRECEDENT CASES IN THE SURROUNDING AREA**

- 3.23 Within a short walk of the appeal site, the appellants wish to highlight precedents of similar new houses in similar locations and positions as the appeal proposal. These precedents highlight a degree of inconsistency of assessment, analysis and decision making on similar planning applications. The sites and commentary is found in the table overleaf and supported by illustrations in **Appeal Documents 07 to 09** as follows:

Comparable Case	Location	Comments
<p>17/02500/FUL (refused) but granted approval following appeal. 2017</p> <p><b>Appeal Document 07</b></p>	<p>62 Ford's Road, Edinburgh</p> <p>Proposed Erection of 2 Storey Dwelling within Private Grounds.</p>	<p>2 Storey Dwelling within garden ground.</p> <p>The Local Review Body allowed the appeal and granted permission, on the same planning policy references Policy Des 1, Des 4, Des 5, Hou 1.</p> <p>The LRB stated in approving this case:</p> <p><i>"was of the opinion that the proposed house design fitted in with other buildings in the area and was not detrimental to the spatial pattern of the area. It acknowledged that this was an unusual site at the end of the block and its impact would be limited. In addition, the LRB was not convinced that there would be sufficient negative impacts on neighbouring daylighting and sunlighting to justify refusal of the application.</i></p>
<p>19/03249/FUL (refused) but granted approval following appeal March 2020</p> <p><b>Appeal Document 08</b></p>	<p>3 Eltringham Grove</p> <p>Demolition of an existing detached bungalow and garage and construction of two new detached dwellings with new driveway to the rear and associated parking.</p>	<p>Replacement of garage with 2 dwellings.</p> <p>The Local Review Body allowed the appeal and granted permission, on the same planning policy references Policy Des 1, Des 4, Des 5, Hou 1 including Policy Hou 4 (density)</p> <p>The LRB stated in approving this case:</p> <p><i>"Considering the reasons for refusal, the applicant had agreed to reduce parking to one space per dwelling.</i></p> <ul style="list-style-type: none"> <li><i>• That in the immediate and surrounding area, there had been significant new development already, therefore the proposed development would be in keeping with the character of the area and was not contrary to Policy Des 1(Design Quality and Context).</i></li> <li><i>• The proposed development was unlike the other dwellings in the area and would impact on green space. According to development policies, there were no reasons to overturn the officer's recommendations. Additionally, there would be issues with bin collection.</i></li> <li><i>• Green space was not an issue. The surrounding area had changed already with a large development on the south side. Therefore, the policies which has been previously applied were no longer applicable. The application should be approved, subject to the reduction in parking to one space per house.</i></li> <li><i>• Whether this was contrary to Policy Des 1 as this was area where there had been significant change. It was difficult to apply this to what was not a uniform area.</i></li> <li><i>• Whether this was contrary to Policy Hou 4 (Housing Density). The density in this area was difficult to establish given the existing level of redevelopment.</i></li> <li><i>• That it would be necessary to condition waste</i></li> </ul>

		<p><i>management strategy, if the officer's recommendations were overturned</i></p> <ul style="list-style-type: none"> <li>• <i>This was a mixed site with a number of different types of houses in this area and the proposed development would be a good use of the site.</i></li> </ul>
<p>20/02743/FUL (recommended for approval Planning Committee 25.11.20)</p> <p><b>Appeal Document 09</b></p>	<p>Land 16 Metres North East Of, 2 Allan Park Crescent</p> <p>3 Bedroom House (approved)</p>	<p>The planning officer supports one dwelling in the garden ground of an existing dwelling on a residential street, in a gap site.</p> <p>The circumstances in this case are identical in terms of positioning, form of dwelling, residential amenity and overall context for a single dwelling development in the city.</p>

- 3.24 In the case of 62 Ford's Road the similarities are identical. In 2017, in the same adopted Local Development Plan, the planning authority refused the 2-storey dwelling for a location on the end of a block, in a residential area and cited the same reasons for refusal as this current appeal case. The Local Review Body (LRB), in allowing the appeal, considered the proposal instead did meet with the relevant policies (Des 1, Des 4, Des 5 and Hou 1) and cited the key characteristics of the "unusual site" on the end of a block – which matches the same position and location as the appeal site. The LRB also considered the new building would not raise negative impacts on neighbouring daylighting and sunlighting.
- 3.25 In the case of 3 Eltringham Grove, the reasons for refusal were identical to the appeal site, including the concern of the planning officer about density (Policy Hou 4). The Local Review Body over turned the refusal and granted permission because they did not feel Policy Des 1 was applicable because of the variety of other redevelopments and building in the area. The LRB also noted the applicant provision of a single off street parking space – which the same applicant for this appeal is proposing to do in the current case. The LRB also considered the Eltringham case, within a walking distance of the appeal case, was in a streetscape that was "not uniform" and the "proposed development would be a good use of the site".
- 3.26 For the 2 Allan Park Crescent case, the planning officer was able to support the case, and the design, form and location of the house in a similar fashion as the appeal site in terms of scale, form and location.
- 3.27 These precedent cases all within a few hundred metres of each other in the Saughton / Gorgie /Slateford area all show similar characteristics and similar design and response to small scale housing development in the urban area. Whilst no case is the same entirely, these cases all show under similar circumstances how the same planning policies have been used for assessment and in the Eltringham Grove case, how the Local Review Body found favour for the best use of land, and that no area is uniform that it cannot be changed by new development which fits and is compatible with the surrounding area, which the appeal case is.

## 4 CONCLUSIONS

4.1 This Grounds for Review statement sets out the appellants case, that the 4 reasons for refusal can be set aside, and planning permission should be granted. This is because:

- The principle of residential use within this residential area, and within the city urban boundary supports the development subject to detailed design matters.
- The proposal does not create an unacceptable stall in the uniform pattern of existing building heights and forms especially when viewed in the perspective of a street scape and not in close-up on a site by site characteristic, which in reality people do not consciously view in isolation, they tend to pass through, or scan across a streetscape. Thus the position, scale and form of the new house would not be out of keeping and this is further supported by the end of terrace block position of the plot, and the fact the plot would be considerably tidied up and return to a more vital role in the streetscape than it presently is.
- The proposed form of dwelling as a 1 ½ storey dwelling is in market demand and the appellant has no hesitation that this product will be keenly sought and will be a suitable addition to the housing market in this desirable location.
- The Officer's Report of Handling does not offer suitable balance when considering the merits of the proposal from a wider streetscape perspective. Were the site located in a 'gap' in a uniform building frontage or pattern of similar blocks, which it is not, then the appellant may more closely agree with the officer's view. This is the end of a block and on a site that is currently contributing little residential amenity to the wider streetscape.
- The Officer's Report of Handling is more favourably pitched to the Reason for Refusal concerning compliance with LDP Policy Des 5 and the appellant therefore considers the balance applying weight to all criteria is too strictly applied. The Officer has explained the merits of the amenity aspects of the proposal in terms of garden space meeting Design Guidelines, the internal floorspace exceeds the minimum living requirements, the window positions do not risk over looking or loss of privacy to neighbours and the sunlight matters are not at risk. The appellant can provide the necessary amenities such as bin store, cycle store all within the development.
- There is no objection to the parking proposal, with one off street parking space accommodated.
- This appeal statement has illustrated other precedents of similar small scale housing proposals in the immediate surrounding area, which the Planning Authority has approved either following appeal or at officer level - and these sites can be inspected when undertaking a site inspection of the appeal site. **Appeal Documents 07 to 09** illustrate these locations and the sites. The consistency of approach is a trend the appeal case is looking for the Local Review Body to take into consideration when assessing this appeal.

4.2 It is respectfully requested therefore that the Local Review Body reconsider the proposals and find favour with the arguments set out in this Review and grant planning permission.

Capital Draughting Consultants Ltd.  
FAO: Keith Henderson  
40 Dinmont Drive  
Edinburgh  
EH16 5RR

Ms C Black  
39 Hutchison Medway  
Edinburgh  
EH14 1QQ

**Decision date: 10 November 2020**

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

Proposed 1 1/2 storey 3 bedroom house.  
At 39 Hutchison Medway Edinburgh EH14 1QQ

**Application No:** 20/03877/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 14 September 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 LDP policy Hou 1 as it is not a suitable site in the urban area for a new house.
2. The proposal is contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the position of the building on this side garden has an unacceptable impact on the spatial character and density of the area.
3. The proposal is contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form, position and spacing of the building is an incongruous addition in its surroundings that will have an unacceptable impact on the established character of the townscape.

4. The proposal is contrary to Edinburgh Local Development Plan Policy Des 5 as an insufficient amount of garden space will be provided for the amenity of 39 Hutchison Medway, which will unacceptably compromise the living conditions for occupiers of this existing property on the application site.

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

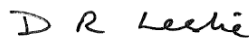
Drawings 01, 02, 03, 04, 05, 06, 07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal does not comply with policies Hou 1, Hou 4, Des 4 and Des 5 of the adopted Edinburgh Local Development Plan. The proposed site is not a suitable location for the erection of a dwelling house, the proposal would have a negative impact on the character and appearance of the area and the proposal would unacceptably compromise the amenity of neighbours. There are no material considerations upon which to justify granting planning permission.

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](mailto:lewis.mcwilliam@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](http://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](mailto: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 20/03877/FUL At 39 Hutchison Medway, Edinburgh, EH14 1QQ Proposed 1 1/2 storey 3 bedroom house.

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	20/03877/FUL
<b>Wards</b>	B09 - Fountainbridge/Craiglockhart

### Summary

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The proposal does not comply with policies Hou 1, Hou 4, Des 4 and Des 5 of the adopted Edinburgh Local Development Plan. The proposed site is not a suitable location for the erection of a dwelling house, the proposal would have a negative impact on the character and appearance of the area and the proposal would unacceptably compromise the amenity of neighbours. There are no material considerations upon which to justify granting planning permission.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES04, LDES05, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, NSG, NSGD02,
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# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The proposal relates to an area of land on the east side of Hutchison Medway in a residential area.

### 2.2 Site History

The site has the following planning history:

28 October 2020 - Planning permission granted for a rear dormer and rooflights to 39 Hutchison Medway - (Ref:20/03817/FUL)

## Main report

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### 3.1 Description Of The Proposal

The application proposes the following works;

-Proposed 1 1/2 storey 3 bedroom house

### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) The proposal is acceptable in principle;
- b) Scale, form, design and neighbourhood character
- c) The proposal will result in the creation of a satisfactory residential environment;
- d) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal raises any issues in respect of parking provision,
- f) The proposal will have an unacceptable impact on flooding,
- g) Any issues raised by objectors have been addressed

a) Principle of the Proposal

LDP Policy Hou 1 states that housing development will be supported on suitable sites in the urban area provided that proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable subject to the proposal being compatible with other policies in the plan. These are assessed below:

b) Scale, form, design and neighbourhood character

LDP policy Des 4 states development will be granted that has a positive impact on its surroundings including the character of the wider townscape having regard to height and form; scale and proportions, including space between buildings; position of buildings and other features on site; materials and detailing.

Where the built environment is of high quality and has a settled townscape character, new development proposals will be expected to have similar characteristics to surrounding buildings and urban grain.

LDP policy Hou 4 states, amongst other criteria, that council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

There is a regular pattern to development in the area. Primarily corner ground has not been developed on, and space is retained between properties including driveways and side gardens evident. Any development in these spaces are mainly ancillary structures and extensions, of modest scales. There is an open character to the townscape created as a result of this visible spacing retained between properties.

The proposal site is located at the southern end of the street beside a two-storey 'four in a block' property. The scale, form, design and position of this property is consistent with those along Hutchison Medway and is similar to properties on Hutchison Loan and Gardens in the immediate area. There is a uniform appearance to this side of the street and the immediate context of the side.

The proposed bungalow is of lesser scale, contrasting form and position to the surrounding built environment. There are no bungalows evident in the immediate area. The proposed design, including front dormers and a gable roof are at odds with the established character of property types evident. The proposal is an incongruous addition in this immediate context that fails to respect the uniform character and rhythm of the street.

The location of the building on this side garden and its proximity to the adjacent property is disruptive and harmful to the established spatial character of the area. A dwelling on this side garden is not in keeping with the density of development characteristic of the area. It is not appropriate as it adversely impacts on the open character of the townscape.

The proposal is contrary to LDP policy Des 4 - Development Design - Impact on Setting and LDP policy Hou 4 - Housing Density.

#### c) Amenity of Neighbouring Residents

LDP policy Des 5 also states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring residents is not adversely affected.

The proposal site is an area of land consisting of garden space and unearthened areas where a shed and materials were previously positioned.

The new housing unit and curtilage would occupy this land. As detailed in the supporting statement, the proposal includes the creation of private gardens to the front and rear, separated by 1.8 to 2m fencing from the neighbouring property.

Edinburgh Design Guidance outlines that private garden space of a minimum depth of 9 metres should be provided.

The creation of a front and rear garden for the proposed dwelling would result in an entire loss and availability of garden space for current and future occupiers(s) of no.39. This would unacceptably compromise the amenity and residential environment of these residents. The proposal is therefore contrary to LDP policy Des 5.

On the rear elevation, the ground floor windows face the proposed boundary fence which would screen outlook of neighbour's gardens or windows. At first floor, the window serving the bedroom would be approximately 6.5m from the boundary and afford outlook of the south east section of the neighbour's garden. This garden is presently overlooked by the first floor rear windows of no.39, whilst the orientation of this bedroom window would primarily face the occupiers own garden. No new privacy issues would therefore occur as a result or unacceptable impact on privacy.

On the front elevation, windows would be approximately 14m from the side garden of the facing property on Hutchison Loan. This distance would prevent any significant overlooking of this space or material loss of privacy for these occupiers.

Overshadowing as a result of the development would fall on the applicant's own garden and side gable of the adjacent property. No overshadowing would occur on neighbour's private gardens.

The proposal will not result in a loss of daylight to the windows of all neighbouring properties.

#### d) Creation of a Satisfactory Residential Environment

LDP policy Des 5 also states that planning permission will be granted for developments where it is demonstrated that future occupants will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP policy Hou 3 states that planning permission will be granted for development which makes an adequate provision for greenspace to meet needs of future residents.

The Edinburgh Design Guidance (EDG) outlines that new build three bedroom residential properties should have a minimum floor area of 81 square metres. The property exceeds this minimum standard.

All habitable rooms would achieve acceptable levels of outlook and daylight by virtue of the windows and dormers on the principal elevation and rear elevation.

Privacy would be achieved for future occupiers by the orientation of all rearward windows and boundary fence bordering the rear garden. The front garden would occupy a visible location where privacy is somewhat compromised by the proximity to the street. This arrangement is typical of the surrounding residential environment and would not result in any unacceptable impact on privacy for future occupiers.

The site accommodates approximately 125 sqm of usable greenspace. The private garden mainly achieves a length of 9m in line with EDG and an adequate provision of amenity space is achieved for future occupiers of the proposed property.

The proposal will result in the creation of a satisfactory residential environment for future occupants of the proposal site.

#### e) Parking Provision

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

The site is identified within the Edinburgh Design Guidance Parking Standards as being within the Zone 2. The EDG identifies that residential properties within this area should have a maximum car parking provision of 1 space per dwelling. There is no minimum parking provision. The proposal includes provision for one parking space in total and complies with LDP Tra 2.

The EDG standards state that residential properties within Zone 2 should have a minimum cycle parking provision of 2 spaces per 3 bedrooms.

No specific cycle storage is shown in the plans, though this could reasonably be achieved within the curtilage of the existing property. Transport has not raised any objection to this as the proposal includes a private garden.

#### f) Flooding

LDP policy Env 21 states planning permission will not be granted for development that would increase risk of flooding and is compliant with relevant criteria (a -c).

No information has been submitted in regard to flood mitigation measures. These have not been requested by the Planning Authority as the proposal is unacceptable in principle.

#### g) Issues Raised by Objectors

##### **Material Considerations - Objection**

- Proposed house type, layout and coverage of garden space will adversely affect the character and appearance of the surrounding area - addressed in section 3.3 (a).
- Site too small for a house - addressed through sections 3.3 (b) to (d).
- Proposal will have an adverse impact on privacy through overlooking of neighbour's garden and extension - addressed in section 3.3 (c).
- Impact on parking on street - addressed in section 3.3(e).

##### **Non-Material Considerations - Objections**

- Removal of boundary hedge - This matter is not material planning considerations therefore cannot be considered as part of the merits of the planning application.
- Potential disruption from building works, associated machinery and vehicles - These matters are not material planning considerations therefore cannot be considered as part of the merits of the planning application.

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

### **3.4 Conditions/reasons/informatives**

#### **Reasons:-**

1. The proposal is contrary to LDP policy Hou 1 as it is not a suitable site in the urban area for a new house.
2. The proposal is contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the position of the building on this side garden has an unacceptable impact on the spatial character and density of the area.
3. The proposal is contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form, position and spacing of the building is an incongruous addition in its surroundings that will have an unacceptable impact on the established character of the townscape.
4. The proposal is contrary to Edinburgh Local Development Plan Policy Des 5 as an insufficient amount of garden space will be provided for the amenity of 39 Hutchison

Medway, which will unacceptably compromise the living conditions for occupiers of this existing property on the application site.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **6.1 Pre-Application Process**

There is no pre-application process history.

### **6.2 Publicity summary of representations and Community Council comments**

Two representations have been received.

## **Background reading / external references**

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

## **Statutory Development**

**Plan Provision** Edinburgh Local Development Plan - Urban Area

**Date registered** 14 September 2020

**Drawing numbers/Scheme** 01, 02, 03, 04, 05, 06, 07,  
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**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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



LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Non-Statutory Guidelines**

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

# Appendix 1

## Consultations

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Transport:

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

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018(see [http://www.edinburgh.gov.uk/info/20069/local\\_plans\\_and\\_guidelines/63/planning\\_guidelines](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) at a maximum of 3m wide (4.8m including transitions);
  - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
  - d. Any gate or doors must open inwards onto the property;
  - e. Any hard-standing outside should be porous;
  - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
  - g. Electric vehicle charging infrastructure should be considered for this development;

Note:

- o The proposed level of car parking provision is considered acceptable;
- o No requirement for cycle parking as proposals include a private garden;

Environmental Protection:

Environmental Protection has no objection to this application subject to the attached conditions.

Condition

i) Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

#### Informative

1. To support the City of Edinburgh Council's Carbon Neutral Targets, zero and low carbon technology is recommended as the energy source, rather than a gas boiler which contributes to global warming.
2. It is recommended that an electric vehicle charging point is installed.

#### Assessment

The application site is located within the garden of 39 Hutchison Medway, Edinburgh. It is in a residential area and the site is surrounded on all sides by residential accommodation. The neighbouring accommodation varies between two storey, four in a block flats, or a three storey tenement style buildings with surrounding gardens. Directly to the east, approximately 50m away is the busy thoroughfare, Slateford Road, which runs approximately in a north - south direction. On the other side of the road is a rail line and to the north-east approximately 200m away is located the Slateford Rail Yard.

There are no concerns regarding the suitability of the site for residential accommodation in terms of noise, odour and air quality. However, approximately half the garden appears to have been used over the years as a yard for storage of materials, including a partially dismantled vehicle. Therefore, as there is the possibility of ground contamination, a condition has been recommended.

A Climate Emergency has been declared by the Scottish Government and they have amended the Climate Change Bill to set a 2045 target for net zero emissions. The City of Edinburgh Council has set an even more ambitious target for the city to become carbon neutral by 2030. Therefore, new developments provide a great opportunity to include zero carbon or low carbon technology for the energy source(s). An informative is recommended.

Similarly, an informative has been recommended that an electric vehicle charging point is installed.

Environmental Protection has no objection to this application subject to the attached conditions.

Should you wish to discuss the above please contact me on 0131 469 5357.

END

2020-60

9<sup>th</sup> September 2020

## **PLANNING STATEMENT**

**APPLICANT: JOHN TANNAHILL**

**ERECTION OF A NEW HOUSE ADJACENT TO 39 HUTCHISON MEDWAY, SLATEFORD, EDINBURGH.**

**LAND 15M WEST OF 39 HUTCHISON MEDWAY, EDINBURGH EH14 1QQ**

### **Introduction**

This Planning Statement has been prepared on behalf of the applicants to support the planning application for the above proposed development. It follows advice and guidance as provided in the adopted Local Development Plan and supplementary guidance (The Edinburgh Design Guidance, January 2020) for development of this nature.

This Planning Statement provides our professional assessment of the proposal against the relevant development planning policy considerations, guidance and other material considerations.

### **The Proposed Development**

It is proposed to erect a one-and-a-half storey detached dwelling of circa 143.25 sq m gross floor space over both floors. It would comprise 3 bedrooms with open plan kitchen/dining/lounge on ground floor and bedrooms on the upper floor. There would be parking for one vehicle within the curtilage of the property. The development would be laid to private garden at front and rear, along with a 2m high boundary fence on its west and a 1.8m high boundary fence on its south and east boundaries.

Currently the site area of 295 sq m lies vacant, underutilised and houses a dilapidated shed along with storage for an old vehicle and dog kennels. It is generally enclosed with wood hoardings and screened by mature hedging on its west and east boundaries. It is not of a high amenity value nor is the visual effect of any great benefit, within this predominately residential area.

### **Key Issues Considered relevant to determination of the planning application**

Whilst no formal Pre-Application advice was obtained from City of Edinburgh Council, the applicant has, via the planning consultant identified the following broad issues relevant to the determination in land use planning terms:

- Principle of housing on the site is acceptable, subject to compliance with relevant local development planning policies, including those concerning design, residential amenity and parking.
- For design particularly, the new house should be in keeping with the surrounding area. Various parts of the Edinburgh Design Guide requires key design principles such as adhering to existing

building block patterns, set backs, daylight and shadowing and provision of sufficient private garden ground amenity to existing and new dwelling occupants. These matters are discussed later in this Statement.

- For car parking, the written guidance available confirms that one parking space complies with planning policy along with a need to provide cycle parking in the scheme (being for a domestic property, the cycle provision can be indoors). A proposed 2.5m wide driveway is formed within the scheme to remove one on-street parking. The driveway would be accessed via a new drop kerb arrangement to the public highway.

## **Surrounding Context**

Hutchison Medway and its surrounding streets is a predominately residential area. From a site visit and examination of visual sources online, the street character is generally a mix of 2 and 3 storey dwelling houses from the post-war era. On the proposed development side of the street 2-storey row of dwellings, interspersed by single specimen mature trees and gardens set to hedge boundary enclosures on the frontage, with parking on the street side. On the opposite side of the Hutchison Medway street lie 3-storey of similar form and pattern with enclosed front gardens, parking on street. There are no garages.

With a regular laid-out form of the Medway and surrounding streets to the above character and pattern, there appears to have been limited divergence from this pattern over the years. The proposal is an opportunity however to remove the unsightly shed and vacant space, to help improve the visual amenity of the residential area. There are no other similar sites (gap, garage lock up) in the vicinity.

The pattern of alterations and improvements to surrounding properties comprises rear extensions and minor alterations to doors and windows, including extension to the rear of No. 37 Hutchison Medway in 2017.

## **Planning History**

There is no previous planning history for the application site. However there have been previous proposals for other vacant sites nearby, at Hutchison Terrace and Hutchison Place for much larger more complex residential dwelling proposals. These were subsequently withdrawn, for example at 11 Hutchison Terrace (2 x 2 Bed Flats in garden ground), and at west of 2 Hutchison Place (block of 6 flats over three storeys) in 2017 and 2018 respectively.

## **Development Plan Policy**

The adopted City of Edinburgh Local Development Plan (LDP) is primary, along side supplementary guidance (The Edinburgh Design Guidance January 2020) which adds more detail (and can draw more weight in the decision-making process). The relevant policies, as outlined in the Key Issues section of this Statement as previously noted includes:

1. Principle - The site is located within the Urban Area as shown on the Local Development Plan (LDP) map. Therefore, residential development is supported in principle. Nevertheless, the site must be assessed against all relevant policies within the LDP including policy Hou1 Housing Development. This states the principle of housing can be acceptable subject to compliance with other policies of the LDP.
2. Detailed Considerations - As an urban development, the LDP requires proposals to also satisfy LDP policies Des 1, Des 4, Des 5, Des 6, Env 12, Hou 3, Hou 4, Tra 2 and Tra 3.
3. Design - LDP policies include policy Des 1 (Design Quality and Context) which states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area. LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings. Also, policy Hou 4 (Housing Density) which states the Council will seek an appropriate density of development on the site having regard to
  - its characteristics and those of the surrounding area;
  - the need to create an attractive residential environment and safeguard living conditions within the development ;
  - the accessibility of the site includes access to public transport; and
  - the need to encourage and support the provision of local facilities necessary to high quality urban living.
4. Living Environment - Policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. Policy Des 5 states it should be demonstrated that the design of a proposal will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses. Des 5 further states future occupiers should have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook
5. Residential Amenity - LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that: a) the amenity of neighbouring developments is not adversely affected.
6. Accessibility – LDP Policy Tra2 and Tra 3 require specific provision for parking and cycling to be included in proposed residential developments.

As stated above, supplementary planning guidance adds more detail to the policy areas, found in the Edinburgh Design Guidance. The Key design issues are:

- Design, integration and quantity of parking
- Materials and detailing
- Daylight, Sunlight, Privacy and Outlook
- Private Open Space

### **Planning Policy Discussion**

Based on the proposals and our assessment against the development plan, it can be principally accepted that a new one-and-a-half storey house is supported at this location, given the site lies in the urban area and is surrounded by residential properties.

The scale of development, for a single house is also considered acceptable for the setting and its surroundings. The positive environmental quality benefits of the development is a strong argument to support the proposal, as it will significantly improve residential amenity and help to create an improved residential streetscape, adding to local amenity and desirability. It will remove a dilapidated shed, and under utilised vacant ground which is presently boarded.

In terms of layout design principles, the applicant has examined the design options available for the site. Some of the key design matters incorporated into the layout include:

- Formation of one additional dwelling to the streetscape, increases the density of this low density residential area, but such an increased density would not have an adverse impact on neighbouring amenity or valuable natural heritage features (thus compliant with Policy Hou4 on matters of density)
- Incorporates existing landscape features – whilst the site is predominately regular shaped and defined by the existing mature hedging, with no mature or protected trees, the new development will retain the regular shape by formation of 1.8m and 2.0m boundary fencing with landscaping. The quality of the existing hedging is low, and of limited amenity or visual interest (thus compliant with Policy Des3 (development design) and Des7 (layout design))
- Height and form of building – the proposed 1 and a half storey building matches the general height and form of buildings surrounding. The new building will not exceed, or overbear the existing dwelling heights and forms. Policy Des4a is complied with as the height is matched in such a villa area.
- The scale and proportion of the new building matches the scale of existing buildings including the general size and form, windows and doors and other features. Policy Des4b is complied with as the massing of the new dwelling is appropriate to the nearby block at No.37-39 and being located end of terrace, the shorter height is an appropriate tail off to the streetscape that will not over bear or dominate the streetscape. Policy Des4b Development Design is complied with.
- The position of the new dwelling on the site, is lined-up and matches the frontage and form of the existing row of dwellings on the streetscape. The design uses the positioning of existing buildings to create an interesting and attractive streetscape, as outlined above the new dwelling will occupy a 'tail end' to the terrace and so will not over bear or outsize its neighbours. As will be discussed below, the position of the building is taken carefully with a full understanding of the topography and environmental constraints of adjacent spaces and the site, taking into account orientation and exposure e.g. allowing sufficient private garden space, and avoid over looking and loss of daylight on neighbouring properties. The proposed dwelling complies with Policy Des4c development design as the proposed building as shown in block plan submitted is roughly the same size in plan as its neighbours and is positioned so that its frontage is the same distance from the road as its immediate neighbours.

Turning to design integration and quantity of parking, these are additional key design requirements of the Local Development Plan, and the supplementary guidance in The Edinburgh Design Guide. As follows:

The policy and design guidance requires welcoming, attractive and sustainable places. It states proposals for parking within new developments should be design-led and reflect the positive characteristics of the place. Car parking within new developments should not visually dominate the



streetscene. The proposed development aims to remove parking from the busy streetscape (unrestricted parking) and as there is space available, allocate one off-street parking space within the curtilage. This will not visually dominate the streetscene, as it will be set to the side (this is identified in the Edinburgh Design Guide as acceptable in high amenity areas, page 54). Instead it will remove a car from the public space and provide better visual tie in with the tail end of the street at this location. This design approach complies with LDP Policy Tra 2 Private Car Parking.

The proposed one parking space complies with LDP policy. As the property is for a private residence, then cycle parking can be readily integrated into private garden (e.g. shed) or stored within the property itself. These aspects comply with standards in the Edinburgh Design Guidance and Policy Tra 3 private cycle parking.

The proposed new 2.5m access and driveway to the scheme with defined hard and soft landscaping to the driveway will help create a *“defensible private space and helps create high quality public realm, while minimising the visual impact of car parking”* in line with the Edinburgh Design Guide on alternative options for car parking (page 55). The proposed car park does not compromise or result in the expense of private open space to the front garden or to the rear garden. See garden comments below.

With regard to materials and detailing, in line with LDP Policy Des 4d, the proposed finishes and use of materials is described as follows:

- The use of slate roofing, lead flashings and valley gutters is designed to match and harmonise the materials with the surrounding existing finishes to roofs
- For the exterior walls and finish, the rendering will match existing and will be finished to high standards of insulation and match.

With regard to daylight, sunlight, privacy and outlook, LDP Policy 5 Development Design along with the Edinburgh Design Guide requires new building to be spaced far enough apart to provide to existing and new occupants of the area privacy, outlook, daylight and sunlight. Achieving reasonable amenity needs to be balanced against the factors outlined above – about making a sense of place (spaces, massing, character and function of a place). The following considers that the planning application can achieve this balance for the reasons as follows:

To achieve reasonable level of amenity to new occupants of the dwelling, the windows and doors are scaled and positioned in appropriate locations to maximise natural daylight penetration through out the year.

Protecting daylight to existing buildings, for example to the immediate property at No. 37-39, the proposed new dwelling will not extend beyond the frontage nor extend to the rear to the extent that neighbouring properties will have reduced levels of sunlight or daylight.

For the proposed main back garden, the new development will provide sufficient levels of sunlight and daylight, as the ‘narrow length’ of the plot has been deliberately laid out to provide longer north facing space to the rear to allow for longer projection angles of sunlight throughout the year even during winter and autumn. Similarly the existing gardens and spaces will not be adversely affected by the new development as the positioning of the new building as described above allows adequate space for natural light to penetrate.

With regard to privacy and outlook, the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The new dwelling proposed window positions are set out so that direct views between dwellings are avoided. Thus the new development does not block out the immediate outlook of any of the existing dwellings.

### **Private garden space**

LDP Policy Des 5d (Development Design) and technical guidance in the Edinburgh Design Guide require new dwellings to provide the required amenity as well as visual interest.

The proposed different levels of garden fence heights (at 1.8m and 2.0m) allows visual interest and will enable interaction between neighbours.

We note Edinburgh Design Guidance recommends a minimum depth of 9 metres for residential gardens. The proposed rear depth is around 11m. Nevertheless this is guidance, the assessment for this case should consider on balance the positive environmental benefits of the reuse of the site, where the constraints about site size, shape and boundary cannot be amended to fully comply with the guidelines, so working with the constraints to create a new 3-bed dwelling is considered a positive approach to delivery.

The front and rear garden spaces have the required capacity to receive sunlight as outlined earlier.

The proposed garden space to the rear particularly allows future adaption if necessary – for example future alterations to the new dwelling, or alterations to meet domestic or functional requirements.

The private front garden space provides a smaller private area than to the rear, however this is in keeping with the Edinburgh Design Guidance as the front garden can also provide an intermediate space between the public realm and the privacy of dwellings so it provides some amenity . The rear garden is expected to provide the greater balance of open space amenity.

The rear garden space can be achieved such that it provides a garden of a similar size to neighbouring gardens which will help preserve the character of the area.

### **Summary**

The proposal will result in a satisfactory residential environment as it would remove unsightly shed and vacant space, and provide a new home which is compatible with its surrounding use and form.

The proposed use would not result in any loss of amenity. The amenity of neighbours is not adversely affected. It is unlikely that the proposal will have a negative impact on daylight to neighbouring windows, given the distances achieved from the proposed development. No part of the new dwelling would overlook the gardens of no. 37 Hutchison Medway.

There would be no overshadowing effects. These are likely to be achieved with replacement of the shed and vacant space with a new house, adding a net visual improvement to the streetscape and making environmental improvements.

The access arrangements are acceptable in terms of road safety and public transport accessibility. The proposal includes off-road parking for one car. The principle of off-street parking is acceptable. Cycle parking to comply with standards in the Edinburgh Design Guidance can be provided within the new house or a garden shed.

With regard to the wider principles of design and layout, it has been demonstrated that the new dwelling can be suitably scaled and positioned so that it would not be out of keeping with the character of the area in terms of height and mass. The new dwelling would be positioned such that it formed a continued frontage to the existing dwellings, and that the front and rear garden arrangements would not be compromised by the choice of position of the new dwelling. The positioning defines the amenity mitigation for surrounding neighbours, and we have shown that no overlooking, loss of daylight and sunlight or privacy will be created by the new development.

The proposals comply with the relevant policies of the adopted Edinburgh Local Development Plan, alongside the relevant design guidance in the Edinburgh Design Guidance.

We therefore respectfully request the planning application be supported given that it meets on balance the relevant development planning policies. The end result will be removal of unsightly shed and vacant space with wider streetscape visual improvements in this residential area as a result. The use is compatible with the surroundings and the design is acceptable in relation to fitting with the nearest neighbouring properties.

Prepared By



**Neil Gray**

MA (Hons), MSc, Dip TP, MRTPI  
Director GRAY PLANNING & DEVELOPMENT Ltd

E: [neil@grayplanning.co.uk](mailto:neil@grayplanning.co.uk)  
M: 07514 278 498

To: Lewis McWilliam, Planning: Householders & Enforcement: West Team  
From: Barry Inglis, Environmental Protection

Date: 28/10/2020

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
20/03877/FUL | Proposed 1 1/2 storey 3 bedroom house, 39 Hutchison Medway  
Edinburgh.

**Environmental Protection has no objection to this application subject to the attached conditions.**

#### Condition

i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

#### Informative

1. To support the City of Edinburgh Council's Carbon Neutral Targets, zero and low carbon technology is recommended as the energy source, rather than a gas boiler which contributes to global warming.
2. It is recommended that an electric vehicle charging point is installed.

#### Assessment

The application site is located within the garden of 39 Hutchison Medway, Edinburgh. It is in a residential area and the site is surrounded on all sides by residential accommodation. The neighbouring accommodation varies between two storey, four in a block flats, or a three storey tenement style buildings with surrounding gardens. Directly to the east, approximately 50m away is the busy thoroughfare, Slateford Road, which runs approximately in a north – south direction. On the other side of the road is a rail line and to the north-east approximately 200m away is located the Slateford Rail Yard.

There are no concerns regarding the suitability of the site for residential accommodation in terms of noise, odour and air quality. However, approximately half the garden appears to have been used over the years as a yard for storage of materials, including a partially dismantled vehicle. Therefore, as there is the possibility of ground contamination, a condition has been recommended.

A Climate Emergency has been declared by the Scottish Government and they have amended the Climate Change Bill to set a 2045 target for net zero emissions. The City of Edinburgh Council has set an even more ambitious target for the city to become carbon neutral by 2030. Therefore, new developments provide a great opportunity to include zero carbon or low carbon technology for the energy source(s). An informative is recommended.

Similarly, an informative has been recommended that an electric vehicle charging point is installed.

Environmental Protection has no objection to this application subject to the attached conditions.

Should you wish to discuss the above please contact me on 0131 469 5357.

# MEMORANDUM

PLACE

To: Lewis McWilliam

Our Ref: T/TP/DC/42534/CB

Your Ref: 20/03877/FUL

Date: 2<sup>nd</sup> October 2020

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PLANNING APPLICATION No: 20/03877/FUL  
FOR: PROPOSED 1 1/2 STOREY 3 BEDROOM HOUSE.  
AT: 39 HUTCHISON MEDWAY, EDINBURGH, EH14 1QQ**

## ROADS AUTHORITY ISSUES

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

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2018(see [http://www.edinburgh.gov.uk/info/20069/local\\_plans\\_and\\_guidelines/63/planning\\_guidelines](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) at a maximum of 3m wide (4.8m including transitions);
  - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
  - d. Any gate or doors must open inwards onto the property;
  - e. Any hard-standing outside should be porous;
  - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
  - g. Electric vehicle charging infrastructure should be considered for this development;

Note:

- The proposed level of car parking provision is considered acceptable;
- No requirement for cycle parking as proposals include a private garden;

**Cameron Baillie**

**Tel: 2-3562**

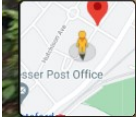


33 Hutchison Medway  
Edinburgh, Scotland  
Google  
Street View

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Google

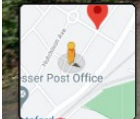




23 Hutchison Loan  
Edinburgh, Scotland  
Google  
Street View



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37 Hutchison Medway  
Edinburgh, Scotland  
Google  
Street View

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Dear Mr Graham,

**THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY  
REQUEST FOR REVIEW – 62 FORD’S ROAD, EDINBURGH  
APPLICATION NO 17/02500/FUL**

I refer to your request for a review of the refusal of planning permission for the proposed erection of a 2 storey dwelling within private grounds at 62 Ford’s Road, Edinburgh which was dealt with by the Chief Planning Officer under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 4 October 2017.

**Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission for the proposed erection of a 2 storey dwelling within private grounds at 62 Ford’s Road, Edinburgh subject to the following informatives:

**Informatives**

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

**Assessment**

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 and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plan used to determine the application was numbered 01-05, scheme 1. Full details of the application can be found under application number 17/02500/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.

**Committee Services, Strategy and Insight, Chief Executive**

Waverley Court, Business Centre 2, 14 East Market Street, Edinburgh EH8 8BG, Tel 0131 200 2000

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan:
  - Des 1 (Design Quality and Context)
  - Des 4 (Development Design – Impact on Setting)
  - Des 5 (Development Design – Amenity)
  - Hou 1 (Housing Development)
- 2) Non-Statutory Guidelines on ‘Edinburgh Design Guidance’.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

### **Conclusion**

The LRB, having taken all the above matters into consideration did not agree with the assessment in the case officer’s report, and was of the opinion that the proposed house design fitted in with other buildings in the area and was not detrimental to the spatial pattern of the area. It acknowledged that this was an unusual site at the end of the block and its impact would be limited. In addition, the LRB was not convinced that there would be sufficient negative impacts on neighbouring daylighting and sunlighting to justify refusal of the application. There were no material planning reasons for coming to a different conclusion. It therefore did not uphold the decision of the Chief Planning Officer and granted planning permission.

### **Contact**

Please contact me on 0131 529 4107 or email [rachel.gentleman@edinburgh.gov.uk](mailto:rachel.gentleman@edinburgh.gov.uk) if you have any queries about this letter.

Yours sincerely

Rachel Gentleman  
for Clerk to the Review Body

### **Notes:**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within six weeks of the date of the decision.

- 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 the 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Sorrell Associates  
FAO: Jim Sorrell  
The Green House  
41 St Bernard's Crescent  
Edinburgh  
EH4 1NR

**Date:** 25 August 2020

**Our Ref:** LRB7.4/SS

Dear Mr Sorrell,

**THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY  
REQUEST FOR REVIEW – APPLICATION NO 19/03249/FUL  
REQUEST FOR REVIEW –3 ELTRINGHAM GROVE, EDINBURGH  
TOWN AND PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING  
ETC (SCOTLAND) ACT 2006**

I refer to your request for a review submitted on behalf of Ms Chelsie Black for refusal of planning permission for demolition of an existing detached bungalow and garage and construction of two new detached dwellings with new driveway to the rear and associated parking at 3 Eltringham Grove, Edinburgh, which was dealt with by the Chief Planning Officer under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 19 August 2020.

**Decision**

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

**The following condition and informatives:**

**Condition**

Notwithstanding the submitted site layout details, a further site layout plan reducing the car parking to one space per dwelling shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

**Reason:**

In order to ensure that the level of off-street parking complies with policy.

**Informatives**

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- (b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date

on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.

- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- (d) Prior to the commencement of works on site the applicant must agree a recycling and waste management strategy with the Waste Management team - [waste@edinburgh.gov.uk](mailto:waste@edinburgh.gov.uk)

## Assessment

At the meeting on 19 August 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 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 - 14, being the drawings shown under the application reference number 19/03249/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 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 5 (Development Design – Amenity)
  - Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)
  - Edinburgh Local Development Plan Policy Hou 4 (Housing Density)
  - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
  - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
  - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
  - Edinburgh Local Development Plan Policy Policy Hou 1 (Housing Development)
- 2) Relevant Non-Statutory Guidelines.
  - 'Edinburgh Design Guidance'

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

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

- Considering the reasons for refusal, the applicant had agreed to reduce parking to one space per dwelling.
- That in the immediate and surrounding area, there had been significant new development already, therefore the proposed development would be in keeping with the character of the area and was not contrary to Policy Des 1 (Design Quality and Context).
- The proposed development was unlike the other dwellings in the area and would impact on green space. According to development policies, there were no reasons to overturn the officer's recommendations. Additionally, there would be issues with bin collection.
- Green space was not an issue. The surrounding area had changed already with a large development on the south side. Therefore, the policies which has been previously applied were no longer applicable. The application should be approved, subject to the reduction in parking to one space per house.
- Whether this was contrary to Policy Des 1 as this was area where there had been significant change. It was difficult to apply this to what was not a uniform area.
- Whether this was contrary to Policy Hou 4 (Housing Density). The density in this area was difficult to establish given the existing level of redevelopment.
- That it would be necessary to condition waste management strategy, if the officer's recommendations were overturned.
- This was a mixed site with a number of different types of houses in this area and the proposed development would be a good use of the site.

Having taken all the above matters into consideration, the LRB determined that the proposal was not contrary to the following LDP policies:

1. Des 1 and the Edinburgh Design Guidance as it would not have an adverse impact on the character and appearance of the surrounding area.
2. Hou 4 as the density of development on the site would not damage the character of the surrounding area.

3. Hou 1 as the principle of housing on this site was already established and the proposals are compatible with the relevant policies of the LDP.

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

### **Contact**

Please contact Blair Ritchie on 0131 529 4085 or e-mail [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk) if you have any queries about this letter.

Yours sincerely

Blair Ritchie

for the Clerk to the Review Body

### **Notes:**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within six weeks of the date of the decision.
- 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 the 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



# Development Management Sub Committee

Wednesday 25 November 2020

**Application for Planning Permission 20/02743/FUL  
at Land 16 Metres North East Of, 2 Allan Park Crescent,  
Edinburgh.  
New 3 bedroom dwelling house (as amended).**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

## Summary

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The proposal replaces a set of garages which do not contribute positively to the area. The proposal is acceptable in its scale, form and design and will not have a detrimental impact on neighbouring amenity. The proposal complies with relevant policies in the Local Development Plan. The proposal infringes guidance in relation to its position on the site, garden depth and the design of dormer windows. However, these infringements will not result in adverse harm and are acceptable. There are no material considerations that would outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LHOU01, LHOU03, LHOU04, LEN21, LTRA02, LTRA03, NSG, NSGD02,

# Report

## **Application for Planning Permission 20/02743/FUL at Land 16 Metres North East Of, 2 Allan Park Crescent, Edinburgh. New 3 bedroom dwelling house (as amended).**

### **Recommendations**

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1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

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#### **2.1 Site description**

The application site is a group of four garages located on the east side of Allan Park Crescent.

The surrounding area is residential in character, largely consisting of bungalows.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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#### **3.1 Description of the Proposal**

The proposal is for the demolition of the existing garages which are to be replaced by a one and a half storey, three bedroom residential unit with an internal floor area of approximately 104 square metres. The proposal includes a rear curtilage with a depth of five metres and an area of approximately 60.4 square metres.

External walls are to be finished in wet dash. The proposal includes two velux windows to the north elevation and one velux window to the south.

#### Previous Scheme

The scheme has been amended to reduce the length of the building by approximately 1.1 metres and moving the proposed dwelling approximately 300mm north-west. A proposed driveway has been removed from the scheme. The revised scheme introduces a hipped roof to the principal elevation and a new slate-cheeked dormer window, with a slate roof.

### 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, the Committee needs to consider whether:

- a) the principle of a new house in this location is acceptable;
- b) the proposal is acceptable in its scale, form and design;
- c) a satisfactory residential environment can be achieved for the amenity of future occupiers;
- d) the proposal will impact on neighbouring amenity;
- e) any other planning matter have been addressed and
- f) any matters raised in representations have been addressed.

#### a) Principle

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan.

#### b) Scale, Form and Design

Policy Des 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- i) height and form
- ii) scale and proportions, including the spaces between buildings
- iii) position of buildings and other features on the site
- iv) materials and detailing

The site is part of an established residential area, defined by a strong rhythm of long plots with houses fronting onto the street with generous private rear gardens. There is a clear articulation of private and public spaces. This is a settled townscape with a strong urban grain. The area is defined by mid 50's bungalows with hipped roofs which follow a well-defined building line. A notable exception to this is the bend on which the application site sits. Here, No. 2 Allan Park Crescent is set at an angle to the road which breaches the building line. This, when combined with the curve of the road and distance between properties, makes the building line less clear. No. 2 is also the only property in the immediate area with a gabled roof. Several properties have garages and although there is some variation in the overall finishing of properties, there is a consistency in elevations finished in roughcast/render with decorative stonework around windows and edges being the defining style. Most properties in the area were constructed in the mid-50s whilst the garages which occupy the application site, as well as property numbers 6, 8 and 10, were added in the early 60s.

The existing garages located on site do not contribute positively to the existing streetscape. The proposed 1.5 storey dwelling with slate roof and dormer window is of a scale and design generally in line with other properties on the street. The roof will be hipped at the principal elevation with a dormer window. To the rear, the roof will be gabled. The gable wall will not be noticeable from the street and overall, the new building will look similar to others on the street. The proposed dormer window would take up more than one third of the roof plane; however, this is characteristic of the area. The design of the dormer ensures that the window will be set below the roof ridge and will maintain a visible expanse on all sides of the roof. An infringement of guidance in these circumstances is acceptable.

The proposed dwelling will be positioned closer to the pavement than other properties in the area. However, given the location of the development site on a curve, the building line in this part of the area is not as strong as elsewhere. The neighbouring property to the south already breaches the building line and the distance between the application site and the neighbouring property to the north ensures that the position of the new house will not be disruptive to the rhythm of the street.

Overall, the design, scale, positioning, height and detailing are appropriate for the area. The proposal complies with Local Development Plan policy Hou 4.

### c) Residential Environment

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that future occupiers of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

*Edinburgh Design Guidance* sets out minimum internal floor space standards for residential development.

In this instance, the proposed 1.5 storey, three bedroom house has an internal floorspace well in excess of the minimum 91 square metres recommended in guidance.

The arrangement of the proposed living spaces and windows will ensure that future occupiers will have sufficient levels of daylight.

To ensure amenity space is sufficient for the use and enjoyment by occupiers and to ensure that there is scope for dwellings to be developed over time to suit the changing needs of occupiers, Edinburgh Design Guidance recommends a minimum depth of 9 metres for residential gardens. The area surrounding the application site is relatively low density with detached and semi-detached properties located on large plots with generous rear gardens. Garden depths in the area typically reach around 11 metres. Property no. 6, which neighbours the site to the north has a smaller rear garden in comparison to other properties, with an area of 49 square metres and a depth of 5.7 metres, though this is supplemented by space to the side and front of the house. No. 8 also has a garden with a limited depth of 6.5 metres. In this case the space to the rear garden of the application site would reach a depth of approximately 5 metres and cover a total area of approximately 60 square metres. The result would be usable garden space in line with the immediate neighbouring properties. In these circumstances an infringement of guidance is considered acceptable.

The proposal complies with Local Development Plan policy Hou 3 and Des 5 and would result in a satisfactory residential environment for future occupiers.

#### d) Neighbouring Amenity

Policy Des 5 (Development Design - Amenity) states permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.

The proposed development complies with the 45-degree daylight criterion outlined in guidance. Some objectors have raised concern that the new position of the proposed building will result in a loss of daylight to neighbouring properties. Guidance on the protection of daylight to existing buildings outlined in Edinburgh Design Guidance states that daylight to gables and side windows is generally not protected. In this instance the neighbours to the north have no windows on the south elevation which would be affected and the windows of the neighbouring property to the south (no. 2 Allan Park Crescent) are angled away from the proposed new dwelling. The proposal complies with guidance in this regard.

Given the height of the proposal and the orientation of neighbouring properties in relation to the site, the proposal would not result in overshadowing to the garden spaces of the neighbours at no. 2 Allan Park Crescent or at no. 17 Allan Park Road. The proposal will result in approximately 15.05 square metres of overshadowing to the garden space of no. 6 Allan Park Crescent. However, it is acknowledged that the existing garages on the application site already overshadow this affected space to a degree. The increase in overshadowing would be relatively small and given the size of the garden space to the side of the property (approximately 138 square metres) this represents an acceptable minor infringement of policy which would not form grounds for refusal of this application.

In terms of privacy, a 1.8 metre fence to the north and east boundaries ensure that the new ground floor windows will not have a direct view into neighbouring windows or neighbouring gardens. The sill of velux windows on the north and south elevations of the proposal will be set 1.7 metres from ground level. Drawing 07A shows that these windows will not offer direct views to neighbouring properties. The proposal also includes a window to the rear at attic level, looking east toward no.17 Allan Park Road. However, this window will serve a stairwell and not a room. As the window will serve circulation space rather than a habitable room, it will not breach the privacy of the neighbours to the east of the site.

The proposal will not result in a loss of neighbouring amenity and is acceptable in this regard. The proposal complies with LDP policy Des 5.

#### e) Other Planning Matters

##### Road Safety and Parking

The proposal does not include provision for off-street parking. However, the application site is not located within a controlled parking zone, with vehicles able to park on the street. No cycle parking is indicated in the submitted plans. However, bikes could reasonably be stored in the rear garden or within the house itself.

The proposal complies with Tra 2 and a minor infringement of Tra 3 is acceptable in these circumstances.

##### Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

Accordingly, a Surface Water Management plan is required to assess the impact of the proposal on surface water on the site. This has not been provided. Before development on site can begin, this must be provided to the Planning Authority. This has been made a condition of this consent.

#### f) Public Comments

##### **Material Considerations**

- Removal of proposed driveway from the scheme is unacceptable/negative impact of the proposal on parking and road safety; this is addressed in section 3.3(e).
- Proposal built forward of established building line; this is addressed in section 3.3(b).
- Proposal will result in a loss of daylight to neighbouring properties; this is addressed in section 3.3(d).

## Conclusion

The proposal replaces a set of garages which do not contribute positively to the area. The proposal is acceptable in its scale, form and design and will not have a detrimental impact on neighbouring amenity. The proposal complies with relevant policies in the Local Development Plan. The proposal infringes guidance in relation to its position on the site, garden depth and the design of dormer windows. However, these infringements will not result in adverse harm and are acceptable.

It is recommended that this application be Granted subject to the details below.

### **3.4 Conditions/reasons/informatives**

#### **Conditions: -**

1. Prior to the commencement of development, a Surface Water Management Plan shall be submitted for the further approval of the Planning Authority and thereafter implemented prior to the occupation of the development.

#### **Reasons: -**

1. To ensure the proposal does not increase flood risk and surface water is managed correctly.

#### **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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The original application was advertised on 9 July 2020. The application received six comments, five in support and one taking a neutral stance.

The revised scheme was subsequently amended and advertised on 8 September 2020. The revised scheme received eight objection comments.

These representations are summarised and addressed in the Assessment section of the main report.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)



## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan

### **Date registered**

7 July 2020

### **Drawing numbers/Scheme**

01A, 02A, 03C, 04A, 05C, 06A, 07A, 08,

Scheme 4

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail: [christopher.sillick@edinburgh.gov.uk](mailto:christopher.sillick@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

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

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Non-Statutory Guidelines**

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

# Appendix 1

**Application for Planning Permission 20/02743/FUL  
at Land 16 Metres North East Of, 2 Allan Park Crescent,  
Edinburgh.  
New 3 bedroom dwelling house (as amended).**

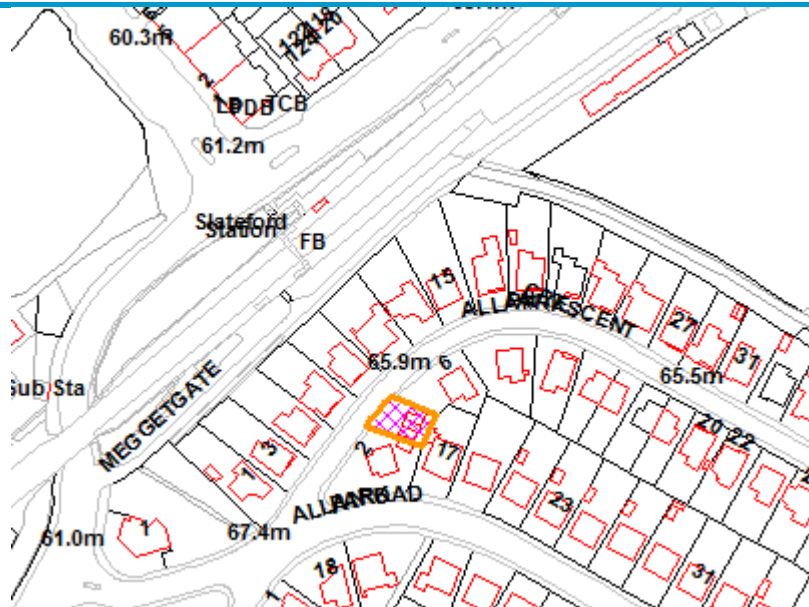
## Consultations

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No consultations undertaken.

## Location Plan

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**END**

2020-60

30<sup>th</sup> November 2020

The City of Edinburgh Council  
Local Review Body  
Business Centre  
G.2 Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG

Emailed to : [planning.systems@edinburgh.gov.uk](mailto:planning.systems@edinburgh.gov.uk)

Dear Sir/Madam

**PLANNING APPEAL TO LOCAL REVIEW BODY – ONLINE REFERENCE 100335849-001**

**PLANNING APPLICATION REFERENCE: 20/03877/FUL**  
**39 HUTCHISON MEDWAY EDINBURGH EH14 1QQ**  
**PROPOSED 1 ½ STOREY 3-BEDROOM HOUSE**

We are instructed by Ms C Black to request that City of Edinburgh Local Review Body reviews the decision by the planning authority to refuse planning permission for the above proposed development. The Review has been electronically submitted with reference 100335849-001.

The Review Documents comprise the following:

- Completed Notice of Review forms
- Grounds for Review Statement including Appeal Documents 01 to 09 (appended to Statement)
- List of Documents intended to be relied upon in the Review within Content page of Statement
- Original planning application drawings and supporting Planning Statement

Should you require any further information to assist in determining the Review, please contact me in the first instance..

We trust the information enclosed is sufficient to register and proceed. If you require any further assistance, please contact me.

[REDACTED]

[REDACTED]

**Gray**  
MA (Hons), MSc, Dip TP, MRTPI  
Director  
GRAY PLANNING & DEVELOPMENT Ltd

E: [neil@grayplanning.co.uk](mailto:neil@grayplanning.co.uk)  
M: 07514 278498

W: [www.grayplanning.co.uk](http://www.grayplanning.co.uk)

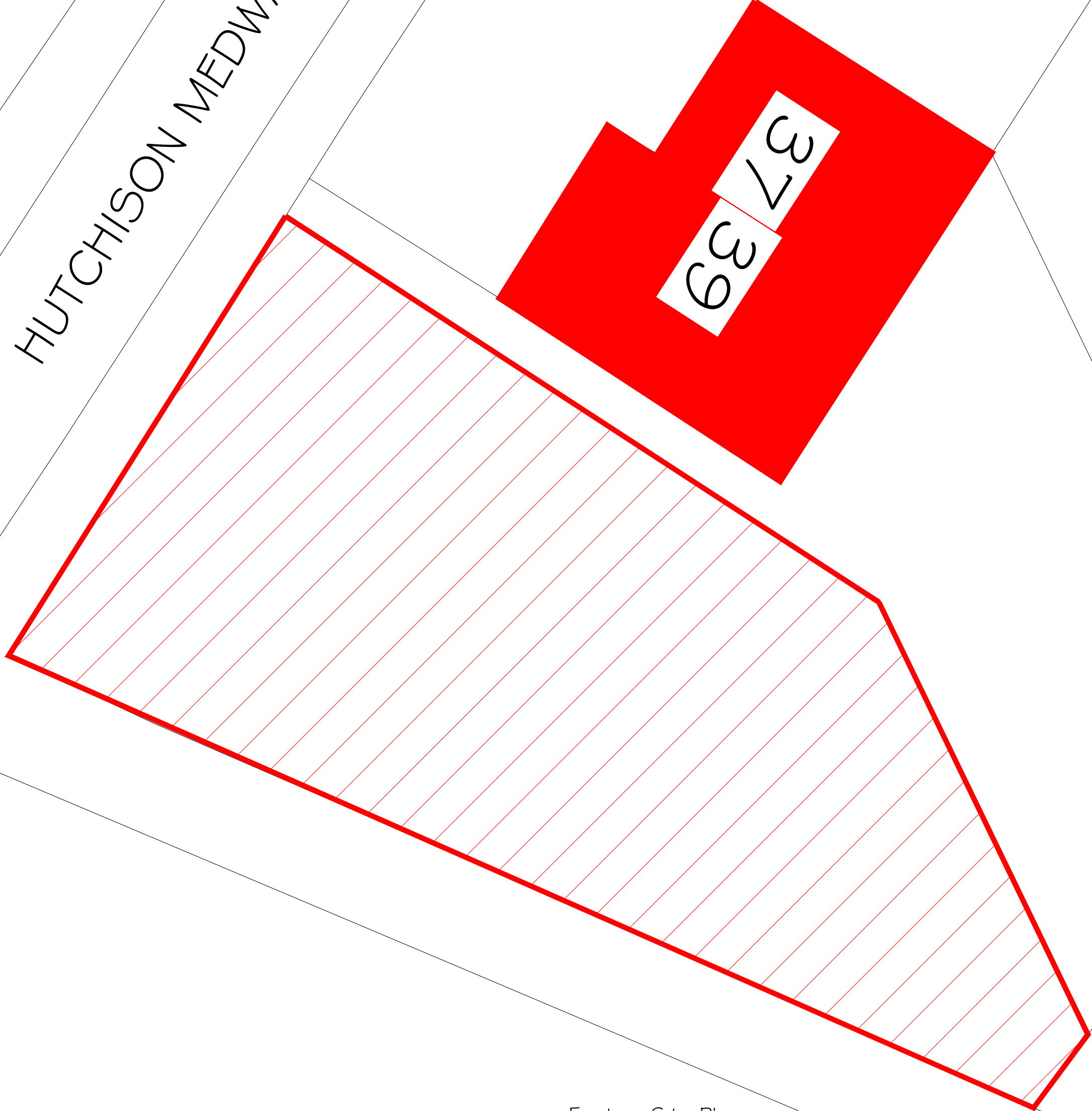
AYE House, Admiralty Park, Rosyth, Dunfermline KY11 2YW  
Personal | Professional | Proactive | Commercial | Results



HUTCHISON MEDWAY

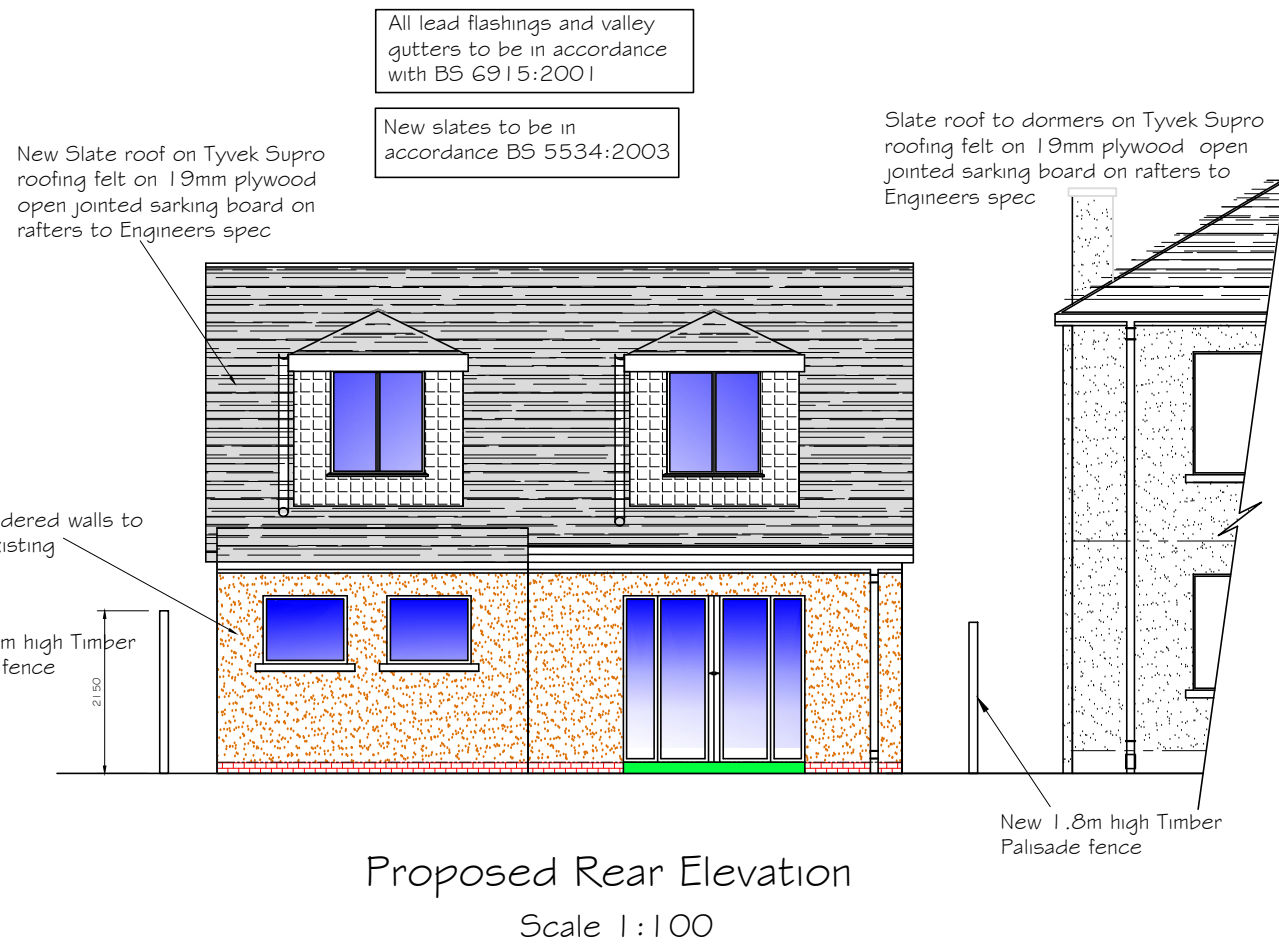
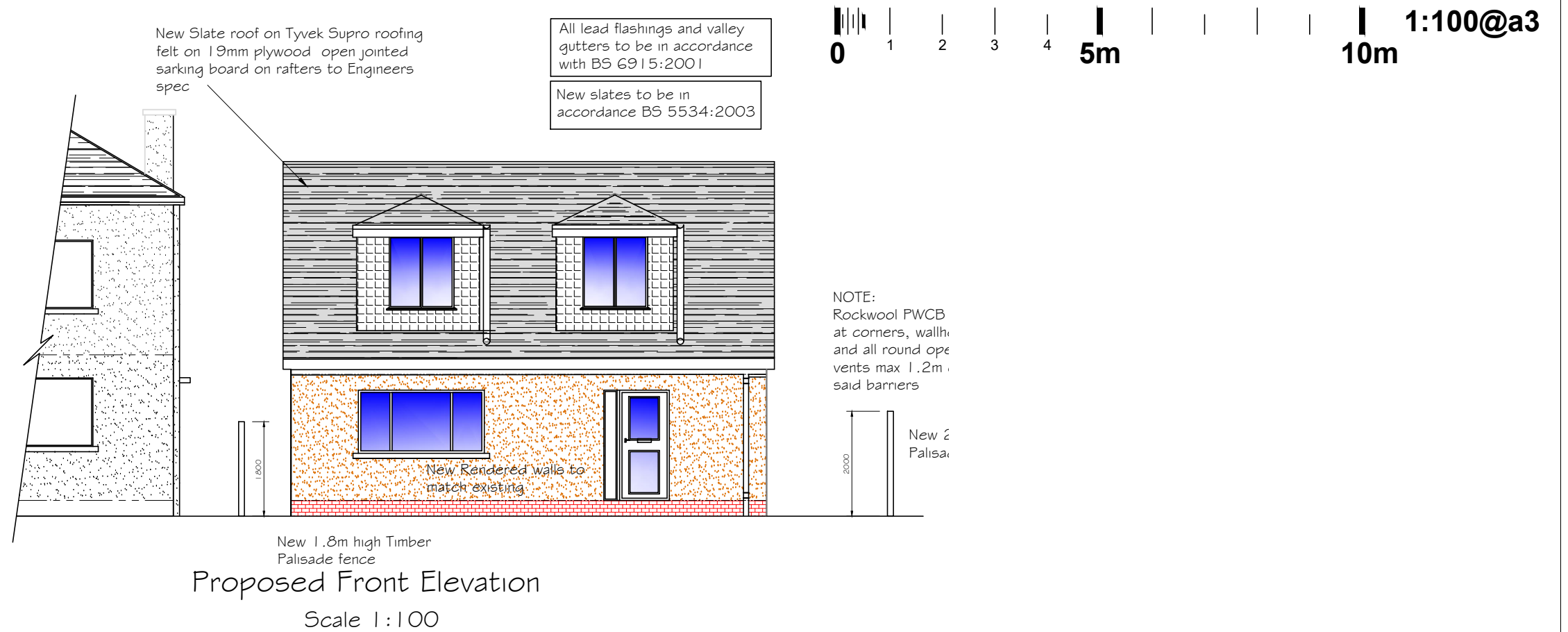
3335

3739



Existing Site Plan  
Scale 1:100

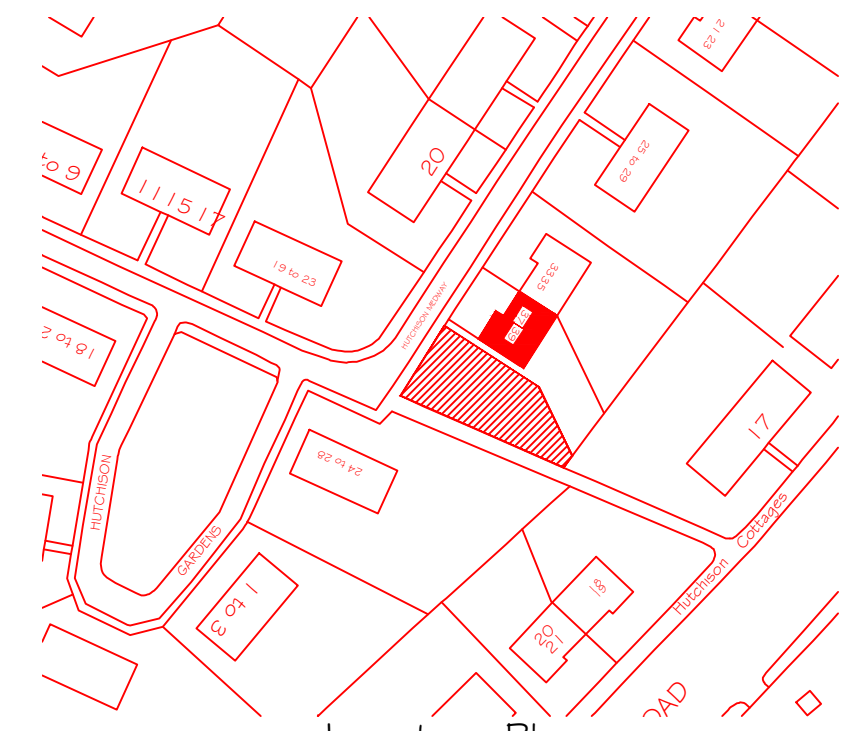
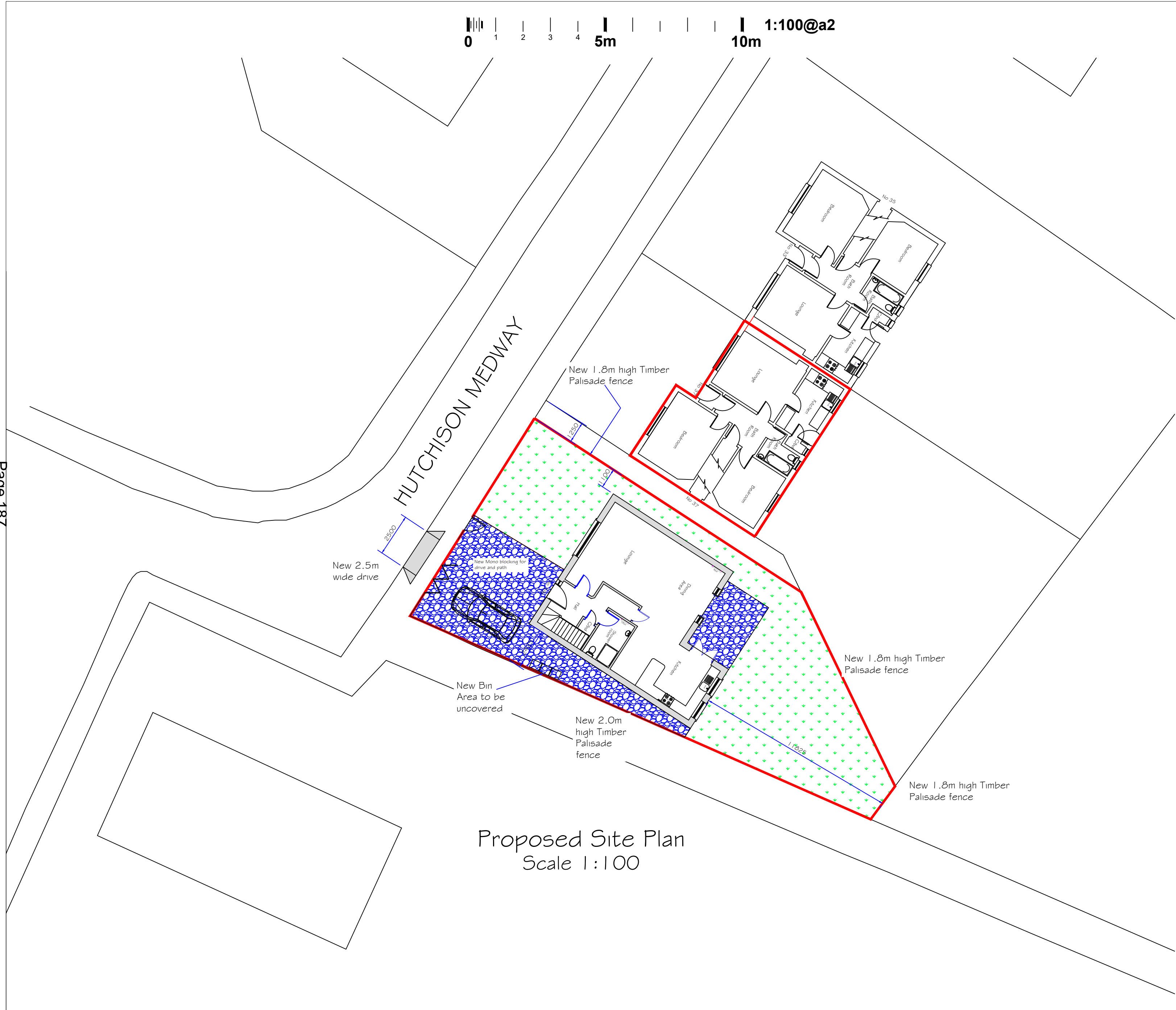
Rev	Description	Date
<b>Capital Draughting Consultant's Ltd</b> 40 Dinmont Drive Edinburgh EH16 5RR <small>Email: cdc.ltd@sky.com Tel: 0131 666 1804            Mob: 07834156071</small>		
Status <b>Planning</b>		
Project Title Proposed New 3 Bedroom 1 1/2 Story house at side of 39 Hutchison Medway Edinburgh		
Client Mr K. Black		
Drawing Title <b>Existing Site Plan</b>		
Date	Sep '20	Scale As Shown
Drawing Number <b>CDC/20/146/00</b>		Rev.



Rev	Description	Date
<b>Capital Draughting Consultant's Ltd</b> 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
<b>Status</b> Planning		
<b>Project Title</b> Proposed New 3 Bedroom 1 1/2 Story house at side of 39 Hutchison Medway Edinburgh		
<b>Client</b> Mr K. Black		
<b>Drawing Title</b> Proposed Elevations Sheet 1 of 2		
<b>Date</b> Sep '20		<b>Scale</b> As Shown
<b>Drawn</b>		
<b>Drawing Number</b> CDC/20/146/04		<b>Rev.</b>



0 1 2 3 4 5m 10m 1:100@a2



Location Plan  
Scale 1:1250

Rev	Description	Date
<b>Capital Drafting Consultant's Ltd</b> 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
<b>Status</b> Planning		
<b>Project Title</b> Proposed New 3 Bedroom 1 1/2 Story house at side of 39 Hutchison Medway Edinburgh		
<b>Client</b> Mr K. Black		
<b>Drawing Title</b> Proposed Site Plan		
<b>Date</b> Sep '20		<b>Scale</b> As Shown
<b>Drawn</b>		
<b>Drawing Number</b> CDC/20/146/01		<b>Rev.</b>



All doors to be min 826mm wide with clear opening of 775mm from edge of door to doorstep

The minimum performance of, space heating and hot water systems, heating appliances and controls is set out in the Domestic Building Services Compliance Guide for Scotland <http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/techbooks/techhandbooks/dbscgs>.

New Worcester boiler Combi boiler and room sealed appliance. With a Sedbuk rating of A+ efficiency to be positioned and mounted with noncombustible material min 25mm thk fixed to back of boiler with a fan flue vented thro wall with mesh cover. In addition to the functional standards, Gas-fired appliance installations must also comply with the Gas Safety (Installation and Use) Regulations 1998. Gas-fired installations are to be installed by a competent person. The Gas Safety (Installations and Use) Regulations 1998 regulates gas installations while the Gas Appliance (Safety) Regulations 1995 address the product safety of appliances.

For Combi-Boiler Installations the following BS are to be adhered to BS 6891 Gas Installation. BS 5546 Installation of hot water supplies for domestic purposes.

Flue to be min 25mm from any combustible material flue pipe to comply with BS. 5440-1-2000  
Combustion & Cooling Air to comply with BS. 5440-2-2000

Boiler control to be fitted interlock and Automatic bypass valve, Time control Time switch with 7 day for space heating

All new windows are tilt and turn and to be fire escape of a min 850mm high x 450mm wide and to be cleanable from inside and all to be fitted with ventilation of Living Rooms & Bedrooms 12000mm<sup>2</sup> Kitchens & Bathrooms 10000mm<sup>2</sup>. U-Value of window glazing to be 1.6

All new doors and windows to be designed to resist forced entry and to be tested and certified such as PAS 24 :2007 for doorsets and for windows BS 7950 :1997 Glazing should be designed to resist human impact as set out in BS 6262: Part 4: 2005, where all, or part, of a pane is:  
• within 800mm of floor level or  
• part of a door leaf or  
• within 300mm of a door leaf and within 1.5m of floor level.

All glazing to comply with BS6262 : part 4 : 2005  
Note  
All vegetable matter and any debris to be removed from site within area of proposed extension

All Insulation for pipes and ducts should be carried out in accordance with the guidance contained within BRE Report:- Ref 626 Thermal Insulation avoiding risks and to BS 5422: 2009

Window/door specification:

New door and side glazing panels to comply with BS 6262: Pt.4: 2005.

All glazing below 800mm high to be toughened safety glass.  
All new windows to be 28mm double glazed pvc-u fitted with with double glazed units of Low Emissivity Pilkington 'E' glass, argon filled with a 20mm air gap within the sealed unit.  
Manufacturer of windows and doors to provide certification that 'U' value does not exceed 1.4 W/m<sup>2</sup> K  
All new windows and doors to be fitted with trickle vents (12000mm<sup>2</sup> min).

Fixed lighting Lighting efficacy  
Internal light fittings (75%) 45 lamp lumens per circuit-watt  
External lighting – automatic presence and daylight control Lamp capacity < 100 lamp-watts per light fitting External lighting – manual switching and automatic daylight control 45 lumens per circuit-watt

Water efficient fittings should be provided to all WCs and WHBs within a dwelling.  
Dual flush WC cisterns should have an average flush volume of not more than 4.5 litres. Single flush WC cisterns should have a flush volume of not more than 4.5 litres.  
Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per minute.

CO2

Mains operated CO2 ( Carbon Dioxide ) monitoring equipment should be provided in the apartment expected to be the main or principal bedroom in a dwelling where infiltrating air rates are less than 1.5m<sup>3</sup>/hr/m<sup>2</sup> @ 50 Pa. This should raise occupant awareness of CO2 levels (and therefore other pollutants) present in their homes and of the need for them to take proactive measures to increase the ventilation. Guidance on the operation of the monitoring equipment, including options for improving ventilation when indicated as necessary by the monitor should be provided to the occupant.

New 4 French Doors 1500 x 2050 high with side lights and lintol with 150mm min bearing and trickle vents of 12000mm<sup>2</sup>

PIR fitted illuminated lighting above or to the right hand side of door to clients specification

Bedroom

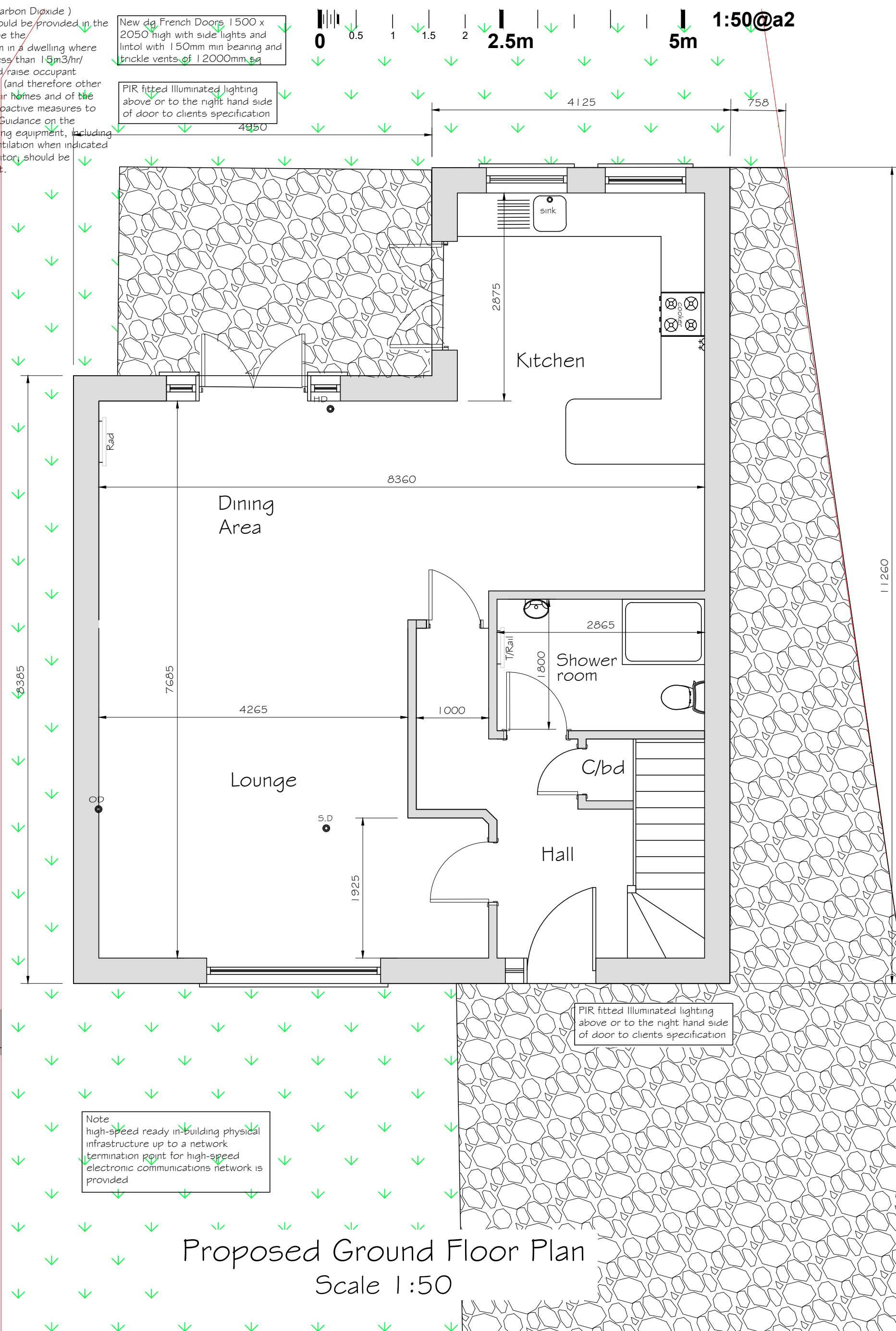
On completion of works a sustainability label is to be affixed to the building in a readily accessible location ie on back of door

Bedroom

Bedroom 1 Floor Area = 11.97sq. m  
Ventilation req'd = 0.4m  
Actual is = 1.65m  
Daylight Required is 0.8m  
Actual daylight is = 1.55m

Note  
high-speed ready in-building physical infrastructure up to a network termination point for high-speed electronic communications network is provided

Proposed Ground Floor Plan  
Scale 1:50



- Denotes Carbon Monoxide Detector. 1.0-3.0m away from appliance compliant with BS EN 50291-1:2010 & Scottish building standards section 3.20.20.
- Denotes new ceiling mounted smoke detector alarm to be mains connected and have battery back up, to be not more than 3.0m from any bedroom door, to comply with BS5839-pt G:2004 & to be on a separate circuit, detector to be at least 300mm from a wall or light fitting. All smoke detectors are to be interconnected.
- Heat alarms conforming to BS 5446: Part 2: 2003
- All Optical smoke alarms should conform to BS EN 14604: 2005

Note  
All Bedroom in windows 1st floor are Tilt & Turn and are fire escapable  
lounge Floor Area = 11.92sq. m  
Ventilation req'd = 0.39m  
Actual is = 1.7m  
Daylight Required is 0.8m  
Actual daylight is = 1.7m

PIR fitted illuminated lighting above or to the right hand side of door to clients specification

All glazing to comply with BS6262 : part 4 : 2005  
Note  
All vegetable matter and any debris to be removed from site within area of proposed extension

Note :- All new DPC's and DPM's to be lapped

Log Book requires to be provided for use of the occupier on the operation and maintenance of the heating and hot water service system.

All Insulation for pipes and ducts should be carried out in accordance with the guidance contained within BRE Report:- Ref 626 Thermal Insulation avoiding risks and to BS 5422: 2009

Showers to be fitted with a thermostatic mixing valve

All new windows and velux's are to be cleanable from inside, with either pole or electronic operation to open velux

An openable window, rooflight or other ventilator, that provides natural ventilation to meet Standard 3.14, should have controls for opening, positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of:  
• not more than 1.2m above floor level,

Carbon monoxide detectors (Kidde 4MCO Carbon monoxide alarms, main powered) should comply with BS EN 50291-1:2010 and be powered by a battery designed to operate for the working life of the detector. The detector should incorporate a warning device to alert the users when its working life is due to expire. Hard wired mains operated carbon monoxide detectors complying with BS EN 50291-1:2010 (Type A) with fixed wiring (not plug in types) may be used as an alternative, provided they are fitted with a sensor failure warning device. Carbon dioxide detector head should not be sited if ceiling mounted, within 300mm of any wall, if wall mounted, within 150mm of the ceiling or a junction with another wall, where it can be obstructed (for example by curtains, blinds or furniture), next to a door or window, or next to an air vent or similar ventilation opening.

General Notes

- 1. electrical :- denotes light switch  
denotes light point  
denotes 13amp P.P. circuit

All electrical works to be in accordance with part 4.5 of the current technical handbook. BS7671:2008 and current I.E.E. Regulations  
2. 2. external walls :- External Wall Construction to be render as existing 100mm Thermalite Block, 50mm Cavity, 9mm OSB Sheathing on, 145x45 Timber Studs at 600mm crs with 120 Celotex Insulation Between Studs and 25mm thk to inner leaf of stud with vapour barrier to internal Surface with 12.5mm thk p/board and Skim-Coat Plaster Finish to Achieve a Thermal Value of 0.17 W/M2.K

3. roofs :- to give 0.11 'U' value (as noted) walls :- to give 0.17 'U' value (as noted) Floors :- to give 0.15 'U' value (as noted)

3. All drainage to be to part 3.6, 3.7 & 3.12 of the current technical handbook and to BS EN 12056-2: 2000, to be installed in accordance with manufacturer's recommended instructions

The electrical installation should be designed, constructed, installed and tested in accordance with the recommendations of BS7671:2008. New electrics to be connected to existing supply. White uPVC switch covers & sockets. Outlets and controls of electrical fixtures and systems should be positioned at least 350 mm from any internal corner, projecting wall or similar obstruction and, unless the need for a higher location can be demonstrated, not more than 1.2 m above floor level. This would include fixtures such as sockets, switches. Within this height range:  
• light switches should be positioned at a height of between 900 mm and 1.1 m above floor level;  
• standard switched or unswitched socket outlets and outlets for other services such as telephone or television should be positioned at least 400 mm above floor level. 75% of all new artificial lighting should be low energy type. Electrical installation to be designed, constructed, installed and tested in accordance with the recommendations of BS 7671:2008, As amended and submitted only by a person or company having membership to S.E.L.E.C.T or similar electrical schemes recognised by the Scottish Building Standards Agency to comply with safety 4.5. Electrical fixtures and fittings to be positioned as per the Scottish Building Standards section 4.8.5.

Rev	Description	Date
<b>Capital Draughting Consultant's Ltd</b> 40 Dinmont Drive Edinburgh EH16 5RR		
Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
<b>Planning</b>		
Project Title Proposed New 3 Bedroom 1 1/2 Story house at side of 39 Hutchison Medway Edinburgh		
Client Mr K. Black		
Drawing Title Proposed Ground Floor Plan		
Date Sep '20	Scale As Shown	
Drawn		
Drawing Number CDC/20/146/02	Rev.	





**FLAT ROOF CONSTRUCTION - (warm construction)**  
 Single ply membrane bonded to 18mm thick plywood on 170mm thick Celotex insulation (2 Layers) on vapour barrier on 200 x 50 joists at 400crs 12.5thk plasterboard ceiling fixed to u/side of roof joists with skim coat plaster finish to give a minimum half hour fire resistance Roof to achieve a 'U' value of 0.13W/m²K

Bedroom 2 Floor Area = 6.32sq. m  
 Ventilation req'd = 0.22m  
 Actual is = 1.65m  
 Daylight Required is 0.210m  
 Actual daylight is = 1.55m

Note  
 All Bedroom in windows 1st floor are Tilt & Turn and are fire escapable

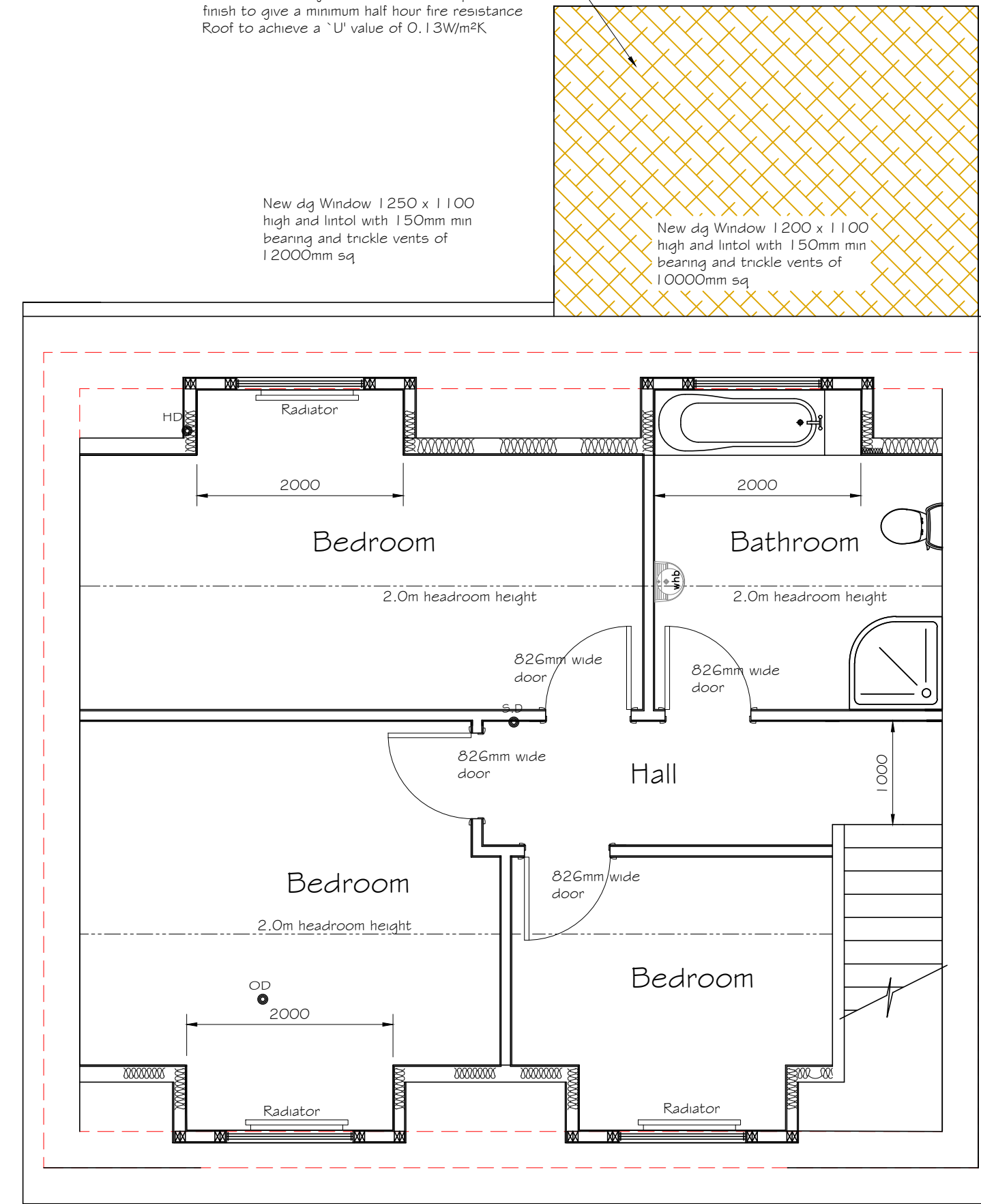
**STAIR SPEC.:**  
 SITE CHECK ALL DIMENSIONS PRIOR TO MANUFACTURE:  
 950 wide o/a STAIR (900min. between wall & balustrade):  
 Timber stair to comply with British Standard BS 585 PART 1 : 1989. 230x38thk stringers - (check on site);  
 Treads 22thk; Risers 15thk  
 Treads to be equal, with 225 going and 13 equal risers @ 197.85  
 Tapered treads to have min 50mm, goings @ centreline of tapered treads to be not less than 225mm  
 N.B. Max. pitch not to exceed 42°.  
 Handrail, far side, to be 44x69 (groove 26x5), and set at 900 high and fitted to wall of stairwell

Designated space for drying of washing. Minimum area of 1.0m³, to comply to Scottish building standards section 3:11.

Handrail, far side, to be 44x69 (groove 26x5), and set at 900 high and fitted to wall of stairwell

All hot water pipes including discharge to be To prevent scalding, the temperature of hot water, at point of delivery to a bath or bidet, should not exceed 48° C. Where both hot and cold water are supplied achieved by use of a thermostatic mixing valve (TMV) or fitting complying with BS EN 1111: 1999 or BS EN 1287: 1999.  
 Every dwelling should have some form of fixed heating system, or alternative that is capable of maintaining a temperature of 21°C in at least 1 apartment and 18°C elsewhere, when the outside temperature is minus 10C.

Water efficient fittings should be provided to all WCs and WHBs within a dwelling. Dual flush WC cisterns should have an average flush volume of not more than 4.5 litres. Single flush WC cisterns should have a flush volume of not more than 4.5 litres.  
 Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per minute.



New dg Window 1350 x 1000 high and lintol with 150mm min beaming and trickle vents of 10000mm sq

Bedroom 3 Floor Area = 9.48sq. m  
 Ventilation req'd = 0.63m  
 Actual is = 1.25m  
 Daylight Required is 0.315m  
 Actual daylight is = 1.30m

New blow off valve to be thro wall and returned to wall at bottom with protective cage around it

All glazing to comply with BS6262 : part 4 : 2005

All new glazing to have a u-value of not exceeding 1.4W/m²K

All new doors and windows to be designed to resist forced entry and to be tested and certified such as PAS 24 :2007 for doorsets and for windows BS 7950 :1997

Wall mounted Xpelair fan to be capable of 15/sec 3ach per hr. to duct thro' wall with proprietary sleeve system and fitted with Isolator switch

All new windows are to be cleanable from inside

All Bedrooms to have min 10000mm trickle ventilation

Bedroom 4 Floor Area = 9.43sq. m  
 Ventilation req'd = 0.63m  
 Actual is = 1.32m  
 Daylight Required is 0.315m  
 Actual daylight is = 1.3m

**FLAT ROOF CONSTRUCTION - (warm construction)**  
 Single ply membrane bonded to 18mm thick plywood on 170mm thick Celotex insulation (2 Layers) on vapour barrier on 18mm plywood on 200 x 50 joists at 400crs 12.5thk plasterboard ceiling fixed to u/side of roof joists with skim coat plaster finish to give a minimum half hour fire resistance Roof to achieve a 'U' value of 0.13W/m²K

General Building Standards Notes (Applies to all drawings):

All new structural timber to be preservative treated in accordance with the British Wood Preserving and Damp Proofing Association Commodity. Existing timbers to be cleaned and inspected and treated against rot and insect attack before commencement of work.

No solvent based paints to be used.

Dimensions to be checked on site before work commences and any discrepancies reported to the Architect.

All standard safety precautions as issued by the Health and Safety Executive to be observed during construction.

Consideration should be given to notifying neighbours of proposed construction works and access prior to commencement of the works. All temporary works/hoardings, etc shall comply with Regulation 13 & 14 (General Section of Domestic Handbook) relative to scaffolding, notices, protective works and cleaning footpaths/access.

All new construction should comply with limiting air infiltration and thermal bridging as Regulation 6.2.4 and 6.2.4 of the Domestic Handbook. Sealing dry-lining junctions between floor, wall, ceiling and all service penetrations and VCL around openings. Draughtproof all openings and refer to Accredited Construction Details (ACD) (Scotland) 2010 and BRE 262 'Thermal Insulation Avoiding Risks' 2002.

All work shall be carried out in accordance with the Building (Scotland) Regulations 2004 and the technical standards handbook 2015 as defined within the Building (Scotland) Act 2003.

Denotes Carbon Monoxide Detector. 1.0-3.0m away from appliance compliant with BS EN 50291-1 : 2010 & Scottish building standards section 3.20.20.

Denotes new ceiling mounted smoke detector alarm to be mains connected and have battery back up, to be not more than 3.0m from any bedroom door, to comply with BS5839-pt 6:2004 & to be on a separate circuit, detector to be at least 300mm from a wall or light fitting. All smoke detectors are to be interconnected.

Heat alarms conforming to BS 5446: Part 2: 2003

All Optical smoke alarms should conform to BS EN 14604: 2005

General Notes

1. electrical :- denotes light switch  
 denotes light point  
 denotes 13amp P.P. circuit

All electrical works to be in accordance with part 4.5 of the current technical handbook. BS7671 :2008 and current I.E.E. Regulations

2. 2. external walls :- External Wall Construction to be render as existing 100mm Thermalite Block, 50mm Cavity, 9mm OSB Sheathing on 145x45 Timber Studs at 600mm crs with 120 Celotex Insulation Between Studs and 25mm thk to inner leaf of stud with vapour barrier to internal Surface with 12.5mm thk p/board and Skim-Coat Plaster Finish to Achieve a Thermal Value of 0.17 W/M2.K

3. roofs :- to give 0.11 'U' value (as noted) walls :- to give 0.17 'U' value (as noted) Floors :- to give 0.15 'U' value (as noted)

3. All drainage to be to part 3.6, 3.7 & 3.12 of the current technical handbook and to BS EN 12056-2: 2000, to be installed in accordance with manufacturer's recommended instructions

The electrical installation should be designed, constructed, installed and tested in accordance with the recommendations of BS7671:2008. New electrics to be connected to existing supply. White uPVC switch covers & sockets. Outlets and controls of electrical fixtures and systems should be positioned at least 350 mm from any internal corner, projecting wall or similar obstruction and, unless the need for a higher location can be demonstrated, not more than 1.2 m above floor level. This would include fixtures such as sockets, switches. Within this height range:

- light switches should be positioned at a height of between 900 mm and 1.1 m above floor level;
  - standard switched or unswitched socket outlets and outlets for other services such as telephone or television should be positioned at least 400 mm above floor level. 75% of all new artificial lighting should be low energy type.
- Electrical installation to be designed, constructed, installed and tested in accordance with the recommendations of BS 7671:2008, As amended and submitted only by a person or company having membership to S.E.L.E.C.T or similar electrical schemes recognised by the Scottish Building Standards Agency to comply with safety 4.5. Electrical fixtures and fittings to be positioned as per the Scottish Building Standards section 4.8.5.

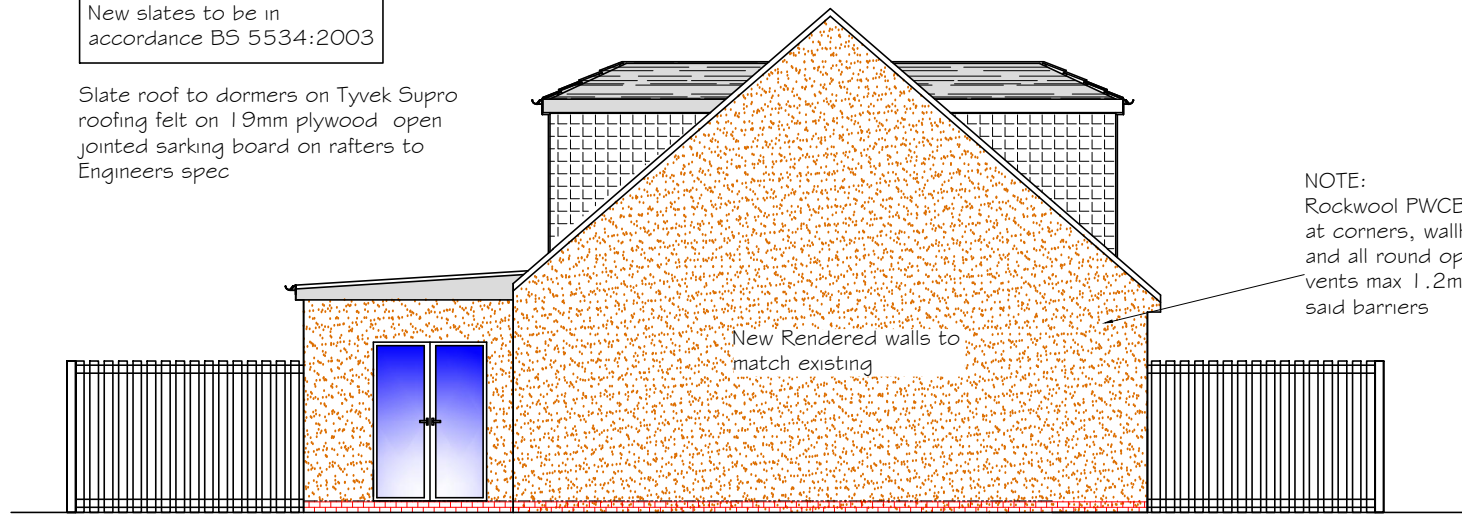
Rev	Description	Date
<b>Capital Draughting Consultant's Ltd</b> 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834756071		
<b>Status</b> Planning		
<b>Project Title</b> Proposed New 3 Bedroom 1 1/2 Story house at side of 39 Hutchison Medway Edinburgh		
<b>Client</b> Mr K. Black		
<b>Drawing Title</b> Proposed First Floor Plan		
<b>Date</b>	Sep '20	<b>Scale</b> As Shown
<b>Drawn</b>		
<b>Drawing Number</b>	CDC/20/146/03	<b>Rev.</b>

## Proposed First Floor Plan Scale 1:50

All lead flashings and valley gutters to be in accordance with BS 6915:2001

New slates to be in accordance BS 5534:2003

Slate roof to dormers on Tyvek Supro roofing felt on 19mm plywood open jointed sarking board on rafters to Engineers spec



NOTE:  
Rockwool PWCB Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers

New Rendered walls to match existing

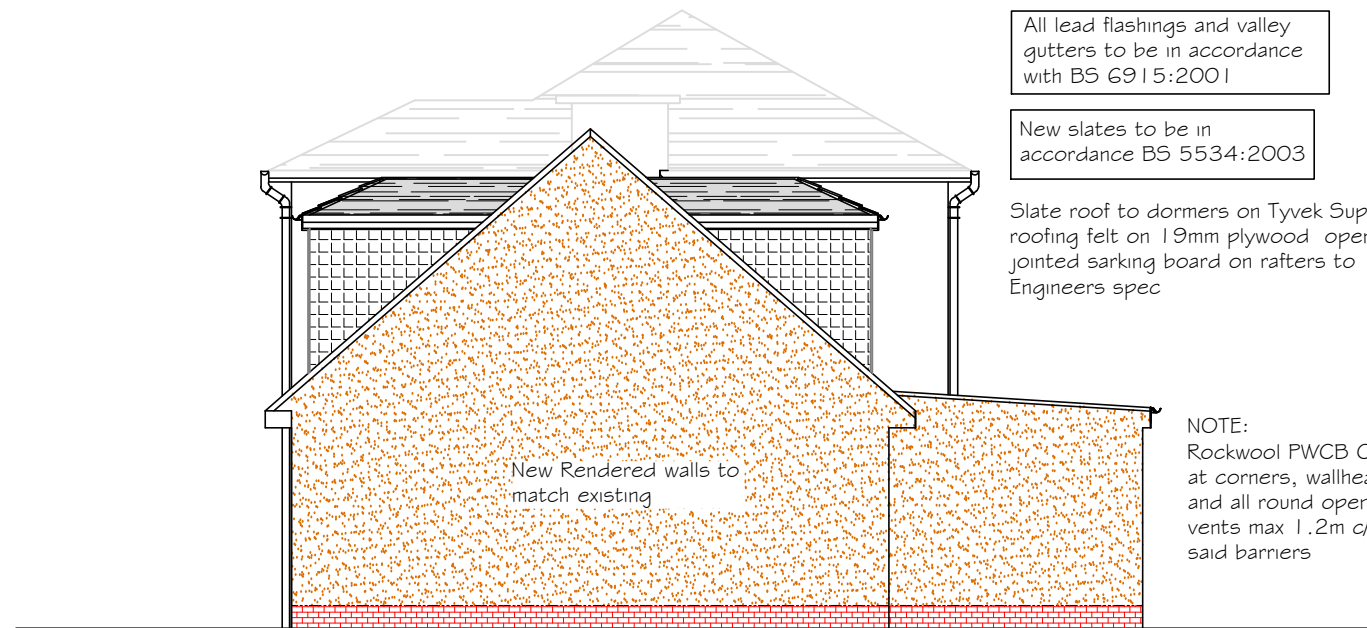
Proposed Gable Elevation

Scale 1:100

All lead flashings and valley gutters to be in accordance with BS 6915:2001

New slates to be in accordance BS 5534:2003

Slate roof to dormers on Tyvek Supro roofing felt on 19mm plywood open jointed sarking board on rafters to Engineers spec

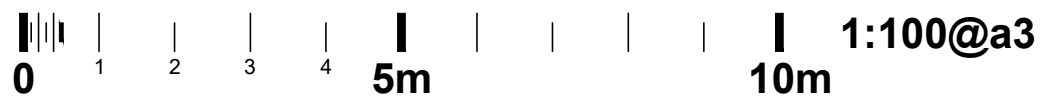


NOTE:  
Rockwool PWCB Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers

New Rendered walls to match existing

Proposed Gable Elevation

Scale 1:100

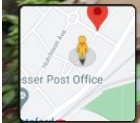


Rev	Description	Date
<b>Capital Draughting Consultant's Ltd</b> 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status <b>Planning</b>		
Project Title Proposed New 3 Bedroom 1 1/2 Story house at side of 39 Hutchison Medway Edinburgh		
Client <b>Mr K. Black</b>		
Drawing Title Proposed Elevations Sheet 2 of 2		
Date	Sep '20	Scale As Shown
Drawn		
Drawing Number CDC/20/146/05		Rev.



33 Hutchison Medway  
Edinburgh, Scotland  
Google  
Street View

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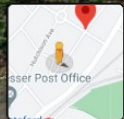
Google



23 Hutchison Loan  
Edinburgh, Scotland  
Google  
Street View



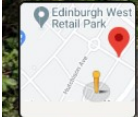
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37 Hutchison Medway  
Edinburgh, Scotland  
Google  
Street View

Page 103



Google

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Stuart Robinson.  
15 Greenbank Drive  
Edinburgh  
EH10 5RE

Mr Michael Duffy.  
59 North Gyle Loan  
Edinburgh  
Scotland  
EH12 8LB

**Decision date: 1 December 2020**

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

1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension.  
At 59 North Gyle Loan Edinburgh EH12 8LB

**Application No:** 20/04212/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 2 October 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 in scale, form and position is a dominant addition that overwhelms the existing property harmful to its character and appearance. The proposed scale is discordant in the context of the street and harmful to the existing neighbourhood character. The proposal is contrary to LDP 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, 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:

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](mailto: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](http://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](mailto: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**  
**59 North Gyle Loan, Edinburgh, EH12 8LB**

**Proposal: 1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension.**

**Item – Local Delegated Decision**  
**Application Number – 20/04212/FUL**  
**Ward – B03 - Drum Brae/Gyle**

## **Recommendation**

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

## **Summary**

## **SECTION A – Application Background**

### **Site Description**

-The proposal relates to a semi-detached bungalow located on the south-east side of North Gyle Loan. The site lies on a corner plot in a primarily residential area.

### **Description Of The Proposal**

-1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension.

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 13 October 2020

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### 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?

### Assessment

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

- a) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

#### a) Scale, form, design and neighbourhood character

Edinburgh Local Development Plan policy Des 12 states, amongst other criteria, that permission will be granted for alterations and extensions that in their design and form, choice of materials and positioning are compatible with the character of the existing building and neighbourhood character.

The Guidance for Householders states in regard to 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.'

In regard to design, 'Extensions should not overwhelm or dominate the original form or appearance of the house or detract from the character of the area.'

The proposal site is located on a corner plot at the junction between North Gyle Loan and North Gyle Park where the main property is visible from these locations. Garden space to the rear and partly to the side is screened by the height of the existing boundary hedge.

The principal elevation of the main house is of a symmetrical appearance to the adjoining property in terms of its gable roof form, scale, window detailing and materials.

This property type is replicated on North Gyle Loan to the south-west, with semi-detached bungalows of hipped roof form positioned between these. Predominantly, existing extensions to these property types are single storey, contained within the rear gardens or well setback from the street. The exception to this is 1 North Gyle Park, where an extension of similar form but lesser scale to the proposal has been constructed which predates current policy and guidance.

The two storey side extension mirrors the height, depth and width of the main property. It would sit flush with the existing principal elevation. The cumulative scale, mass and position of the extension lacks subservience to the main property, disruptive to the symmetry of the bungalow and pattern of development evident on the street.

To the south-east on North Gyle Park, the cumulative scale of the proposal would be visible from this location. The height of the proposed development (two storey and single storey) would exceed that of the proposed 1.8m boundary fence adjacent to the street. The proposed mass of development would overwhelm and dominate the original form of the house. It is a discordant addition in scale that it is not characteristic of these property types in the area. It would occupy a visible location and detract from the character of the area.

Negotiations took place, however the applicant wished the scheme to be determined.

The scale, form and position of the proposal is harmful to the character of the existing property and neighbourhood character. It is contrary to LDP policy Des 12 and the non-statutory guidance.

#### b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

In regard to neighbour's amenity the proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

#### c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

#### d) Public comments

No comments were received.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. The proposal in scale, form and position is a dominant addition that overwhelms the existing property harmful to its character and appearance. The proposed scale is discordant in the context of the street and harmful to the existing neighbourhood character. The proposal is contrary to LDP policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 2 October 2020**

### **Drawing Numbers/Scheme**

01, 02, 03, 04, 05, 06

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](mailto:lewis.mcwilliam@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100312166-004

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stuart"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Robinson"/>	Building Number:	<input type="text" value="15"/>
Telephone Number: *	<input type="text" value="07538838404"/>	Address 1 (Street): *	<input type="text" value="Greenbank Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH10 5RE"/>
Email Address: *	<input type="text" value="stuartdrobinson82@gmail.com"/>		

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="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="Michael"/>	Building Number:	<input type="text" value="59"/>
Last Name: *	<input type="text" value="Duffy"/>	Address 1 (Street): *	<input type="text" value="North Gyle Loan"/>
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="EH12 8LB"/>
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="59 NORTH GYLE LOAN"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH12 8LB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673054"/>	Easting	<input type="text" value="318348"/>
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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)

1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension.

## 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.

There has been similar extensions within the area. Some examples are 1 North Gyle Park, 87 North Gyle Loan, 47 North Gyle Grove, 69 North Gyle Loan, 79 North Gyle Loan, 67 North Gyle Loan, 97 North Gyle Loan, 93 North Gyle Loan. All proposed materials are in keeping with the area. The client was willing to discuss reducing the size of the extensions, but not by the area suggested by the Planning Officer, which was to reduce a third of both the side and rear extensions.

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 address of previous extensions that have been made in the area

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)

2040-PL01 2040-PL02 2040-PL03 2040-PL04 2040-PL05 2040-LP 2040 - Application 2040 - Rejection

## Application Details

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

20/04212/FUL

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

02/10/2020

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

01/12/2020

## 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)

Inspection of the site to get a scale of the area. Inspection of the surrounding properties to view the existing extensions that have already been carried out.

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

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

Yes  No

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

Yes  No

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

Yes  No  N/A

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

Yes  No

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

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

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mr Stuart Robinson

Declaration Date: 17/12/2020



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100312166-001

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)

1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension.

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:

Ref. Number:

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

First Name: \*

Stuart

Building Name:

Last Name: \*

Robinson

Building Number:

15

Telephone Number: \*

07538838404

Address 1  
(Street): \*

Greenbank Drive

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Edinburgh

Fax Number:

Country: \*

United Kingdom

Postcode: \*

EH10 5RE

Email Address: \*

stuardrobinson82@gmail.com

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:

Mr

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

Other Title:

Building Name:

First Name: \*

Michael

Building Number:

59

Last Name: \*

Duffy

Address 1  
(Street): \*

North Gyle Loan

Company/Organisation

Address 2:

Telephone Number: \*

Town/City: \*

Edinburgh

Extension Number:

Country: \*

Scotland

Mobile Number:

Postcode: \*

EH12 8LB

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:

59 NORTH GYLE LOAN

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 8LB

Please identify/describe the location of the site or sites

Northing

673054

Easting

318348

## 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: Stuart Robinson

On behalf of: Mr Michael Duffy

Date: 01/10/2020

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 Stuart Robinson

Declaration Date: 01/10/2020

**Payment Details**



Created: 02/10/2020 07:40

Stuart Robinson.  
15 Greenbank Drive  
Edinburgh  
EH10 5RE

Mr Michael Duffy.  
59 North Gyle Loan  
Edinburgh  
Scotland  
EH12 8LB

**Decision date: 1 December 2020**

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

1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension.  
At 59 North Gyle Loan Edinburgh EH12 8LB

**Application No:** 20/04212/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 2 October 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 in scale, form and position is a dominant addition that overwhelms the existing property harmful to its character and appearance. The proposed scale is discordant in the context of the street and harmful to the existing neighbourhood character. The proposal is contrary to LDP 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, 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:

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](mailto:lewis.mcwilliam@edinburgh.gov.uk).

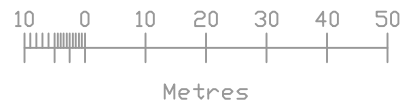
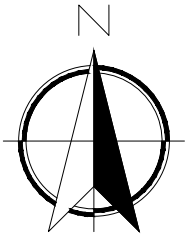
*D R Leech*

**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](http://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](mailto: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.



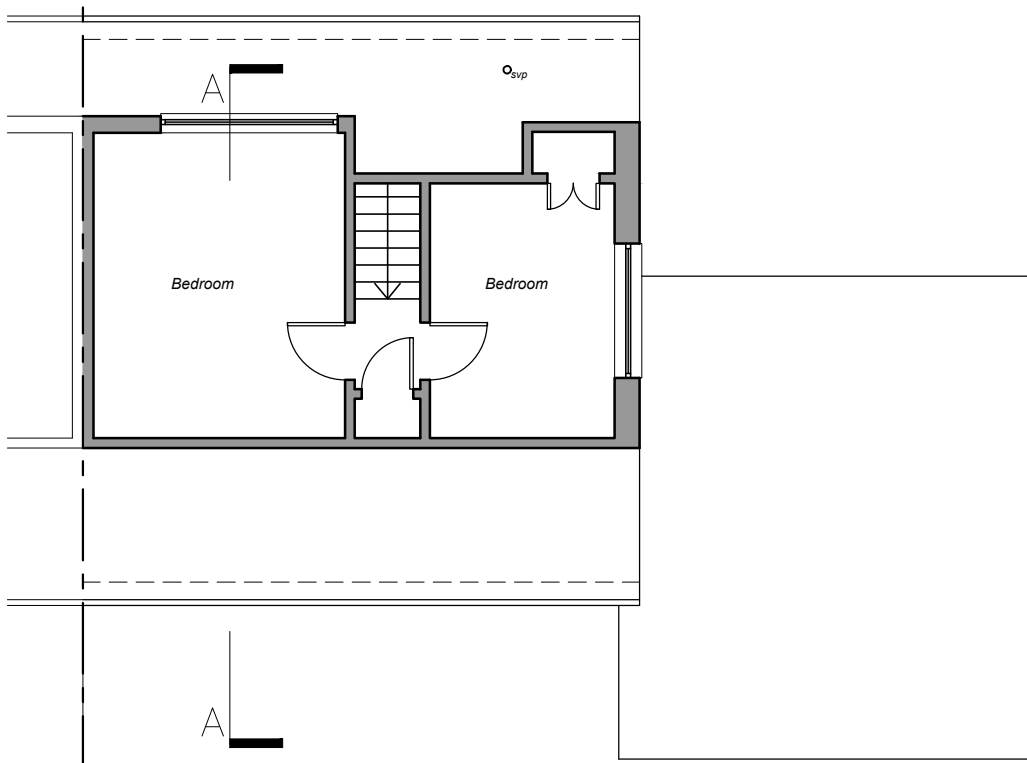
Location Plan 1:1250

footprint of new extension shown dotted

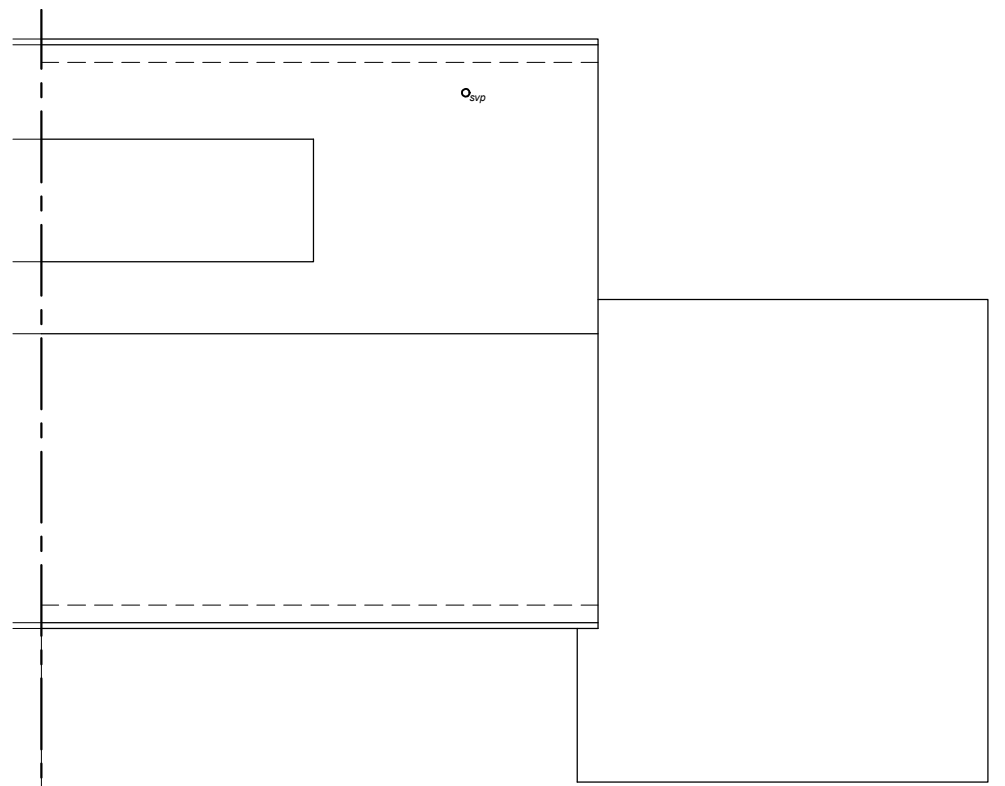


Site Plan 1:500

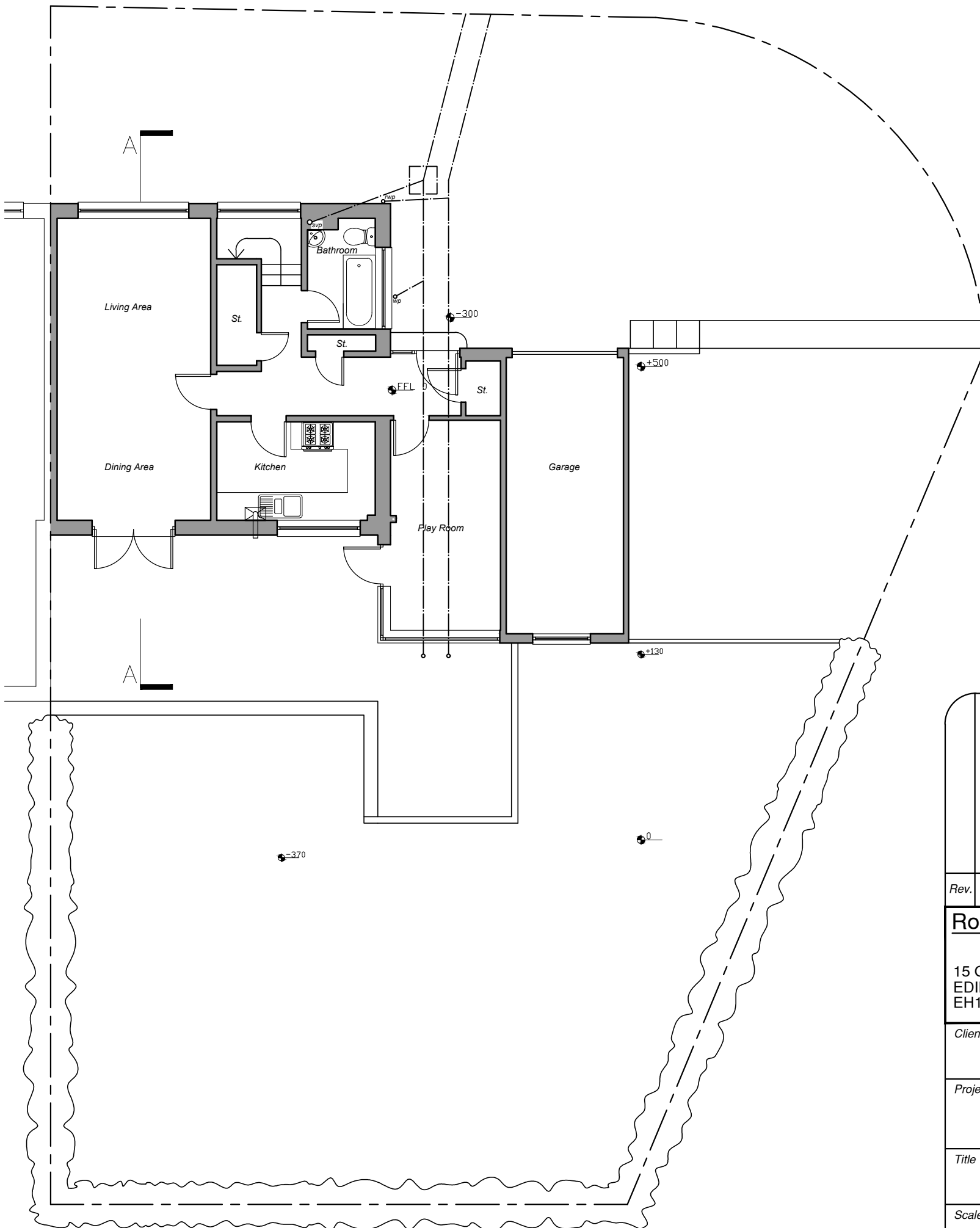
Planning	Oct20	Client Michael Duffy	Project Extension and Alterations to 59 North Gyle Loan, Edinburgh		
		Robinson Architectural Services		Title Location and Site Plan	
		15 GREENBANK DRIVE EDINBURGH EH10 5RE		Scale 1:1250/500@A4 Date OCT20	Drawn SR
				Drwg No 2040-LP	Revision



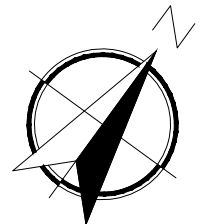
EXISTING FIRST FLOOR PLAN 1:100



EXISTING ROOF PLAN 1:100

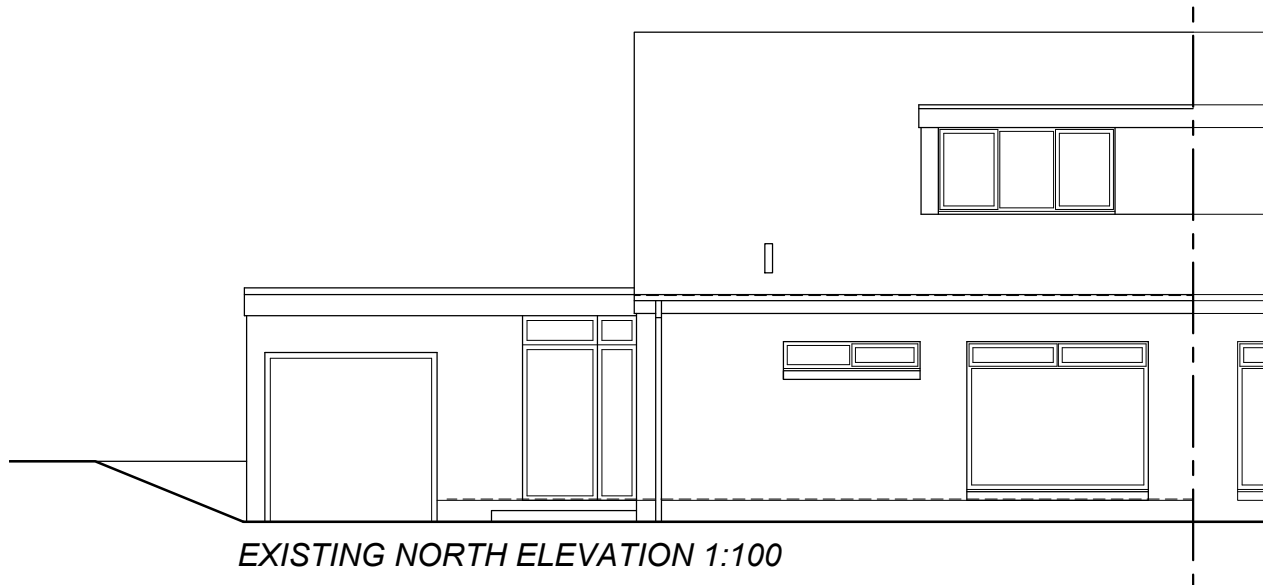
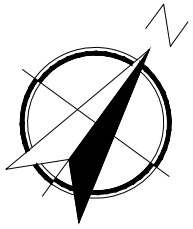


EXISTING GROUND FLOOR PLAN 1:100

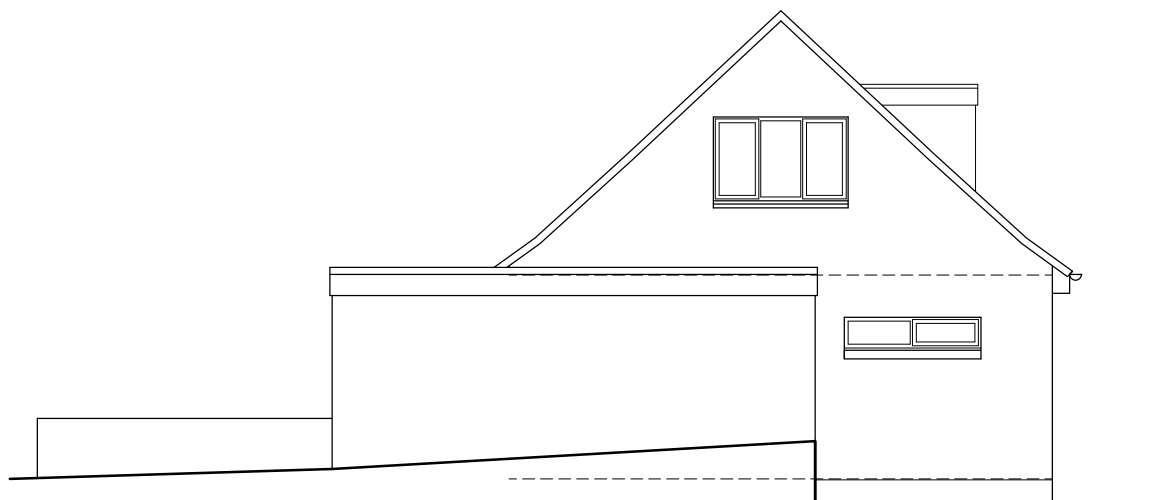


Planning		Oct20
Rev.	Revision	Date
<b>Robinson Architectural Services</b> 15 GREENBANK DRIVE EDINBURGH EH10 5RE		
Client		Michael Duffy
Project		Extension and Alterations to 59 North Gyle Loan, Edinburgh
Title		Existing Floor Plans
Scale 1:100@A3	Date Sept 20	Drawn SR
Drwg No	2040-(PL)01	Revision

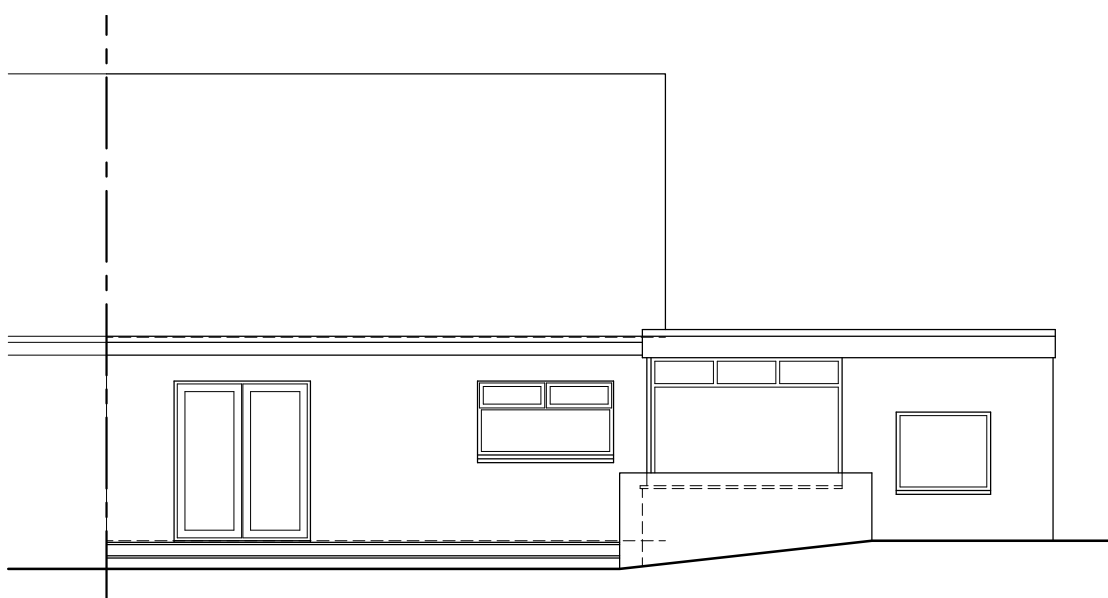




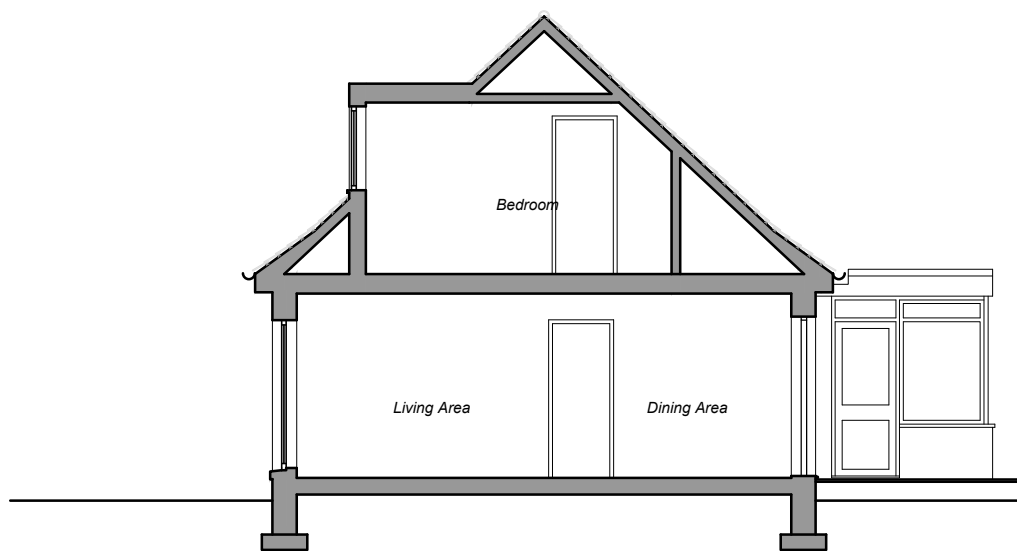
EXISTING NORTH ELEVATION 1:100



EXISTING EAST ELEVATION 1:100



EXISTING SOUTH ELEVATION 1:100

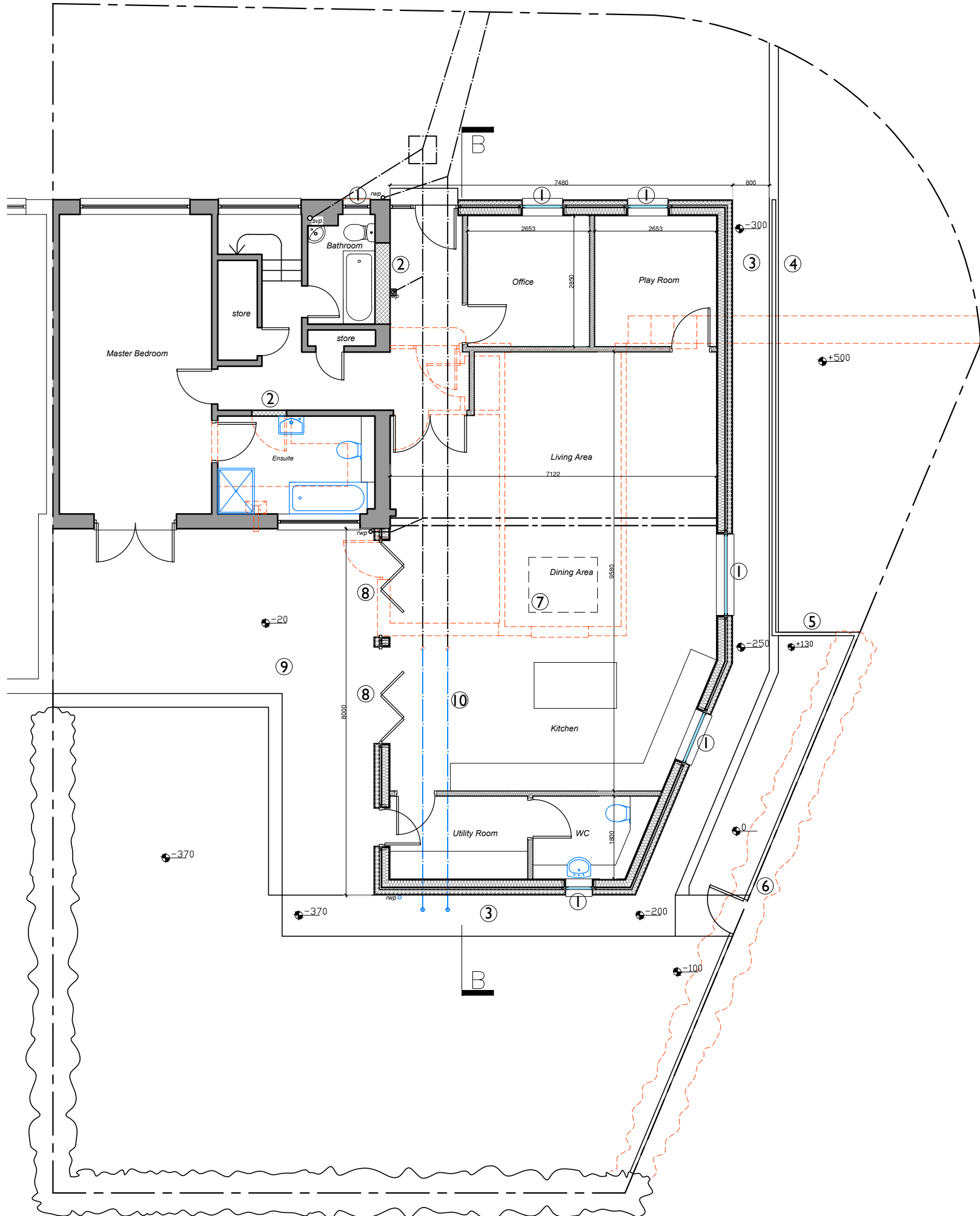
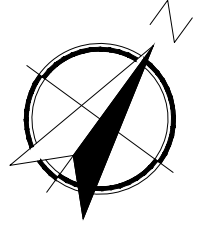


EXISTING SECTION A-A 1:100

Planning	Oct20	Client Michael Duffy	Project Extension and Alterations to 59 North Gyle Loan, Edinburgh		
		Robinson Architectural Services	Title Existing Elevations and Sections		
		15 GREENBANK DRIVE EDINBURGH EH10 5RE	Scale 1:100@A3	Date Sept 20	Drawn SR
		Page 219	Drwg No 2040-(PL)02	Revision	

**LEGEND - red lines indicates removals**

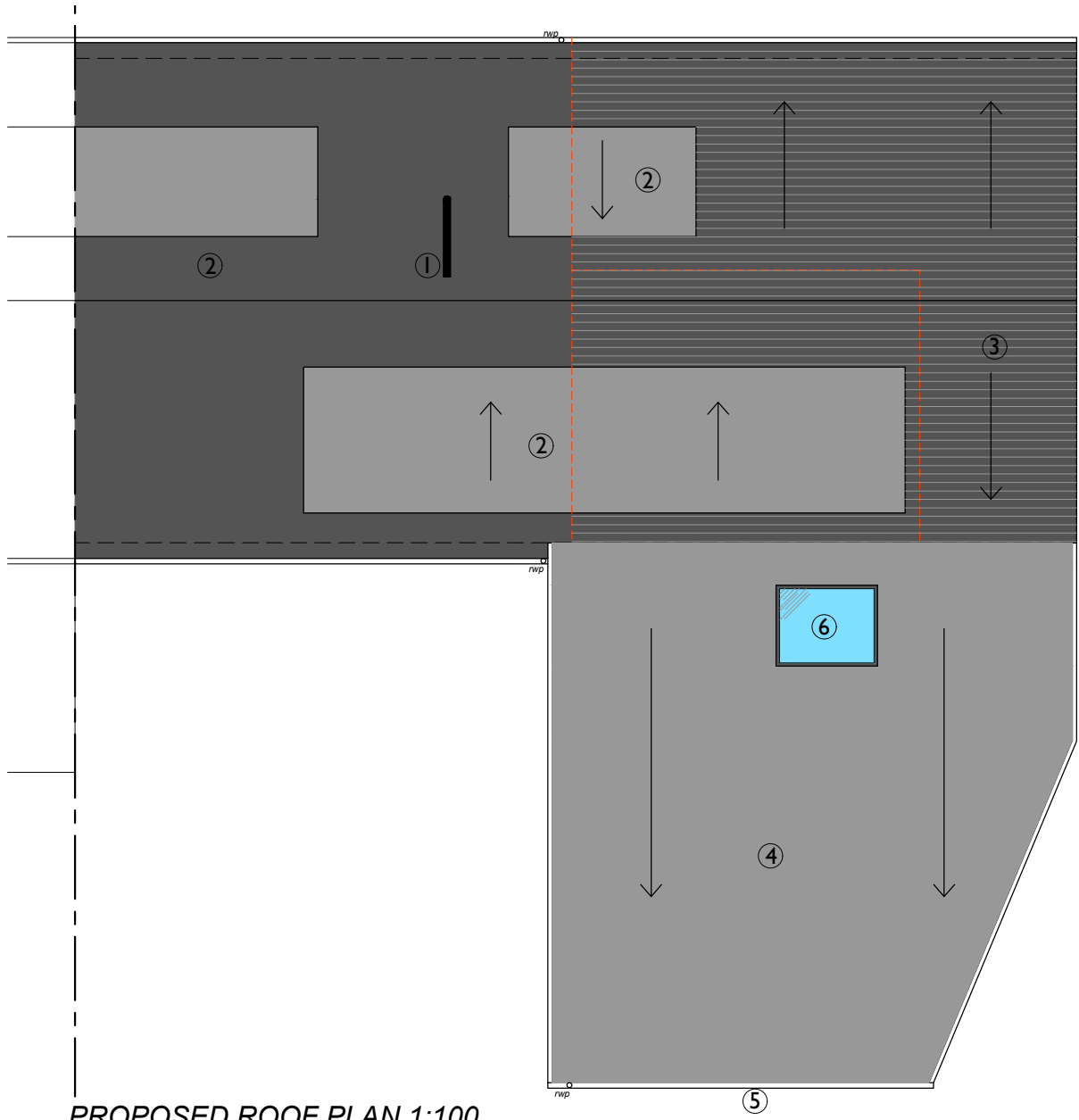
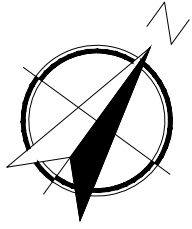
- 1 - New window. uPVC in style to match existing
- 2 - Existing window/ door opening blocked up
- 3 - New path around property to keep adjacent ground level below internal floor level
- 4 - Retaining wall with fence/ protective barrier as height difference greater than 600mm
- 5 - New 1.8m fence
- 6 - New 1.8m boundary fence with gate for rear garden access
- 7 - 1.5m x 1.5m Flat roof roof window
- 8 - New bifold doors
- 9 - Timber deck
- 10 - Existing drainage lines extended. Rodding eyes at terminal



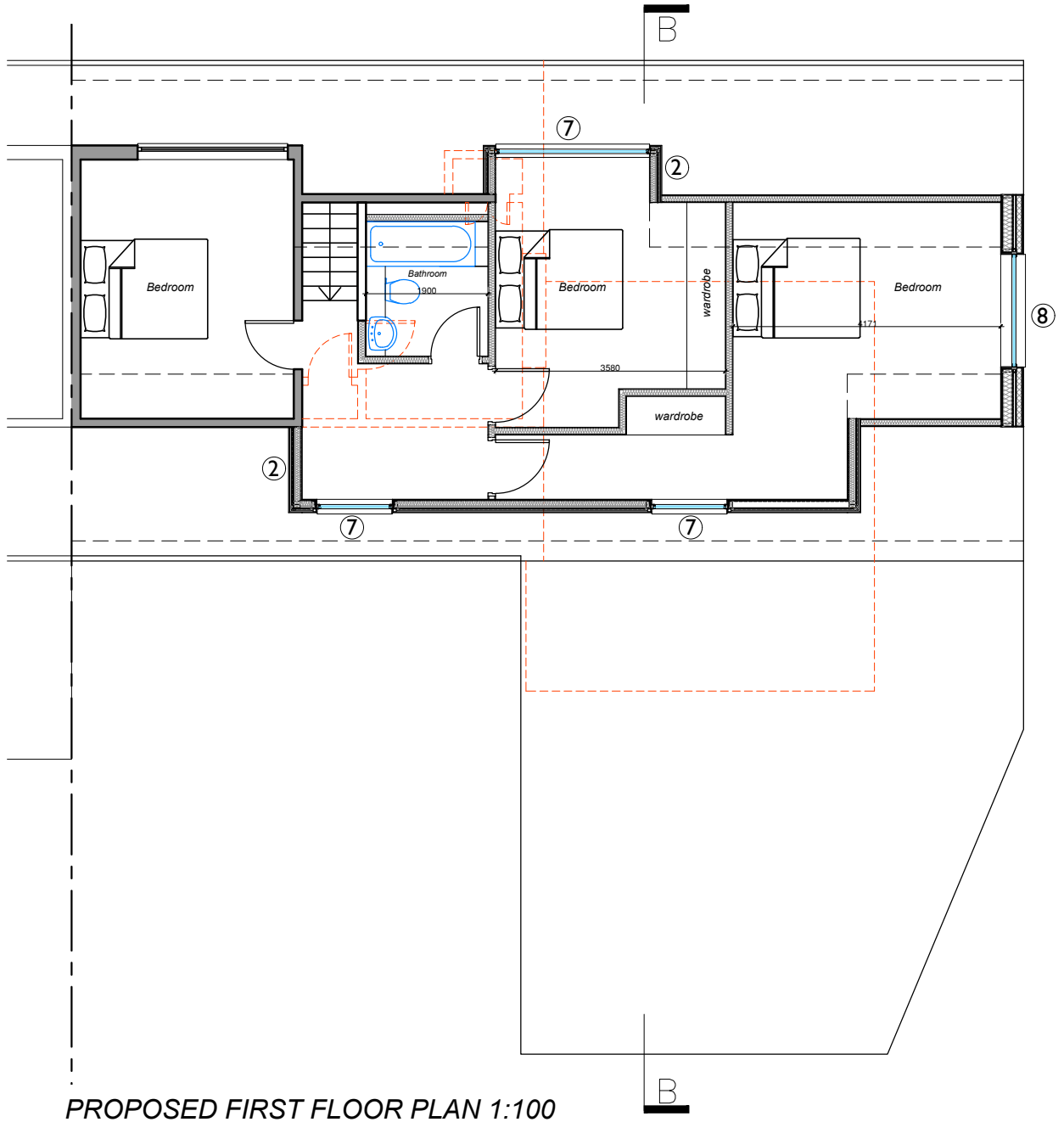
**PROPOSED GROUND FLOOR PLAN 1:100**

Planning	Oct20	Client Michael Duffy	Project Extension and Alterations to 59 North Gyle Loan, Edinburgh				
		Robinson Architectural Services			Title Proposed Ground Floor Plan		
		15 GREENBANK DRIVE EDINBURGH EH10 5RE			Scale 1:100@A3	Date Sept 20	Drawn SR
		Page 220			Drwg No 2040-(PL)03		Revision

- LEGEND - red lines indicates removals**
- 1 - New terminal point for SVP. Re-routed to connect to new 1st floor bathroom fittings
  - 2 - New flat roof dormer. Hung tiles to match new roof (dary grey)
  - 3 - Existing roof extended. Pitch to match existing. Dark grey tiles.
  - 4 - Single ply flat roof over extension. 1:60 gradient
  - 5 - New gutter with rainwater pipe
  - 6 - 1.5m x 1.5m Flat roof roof window
  - 7 - Dormer window
  - 8 - New gable end window. To match existing being removed
  - 9 - Re tile existing roof in dark grey to match extension



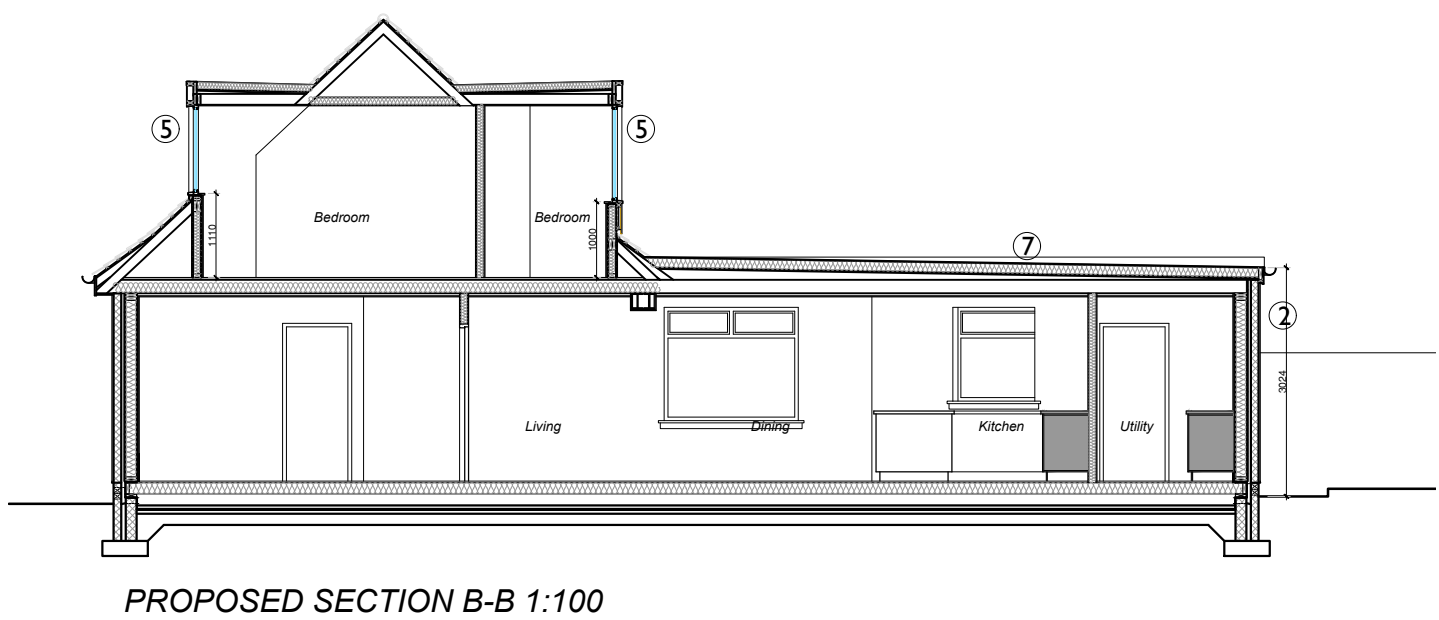
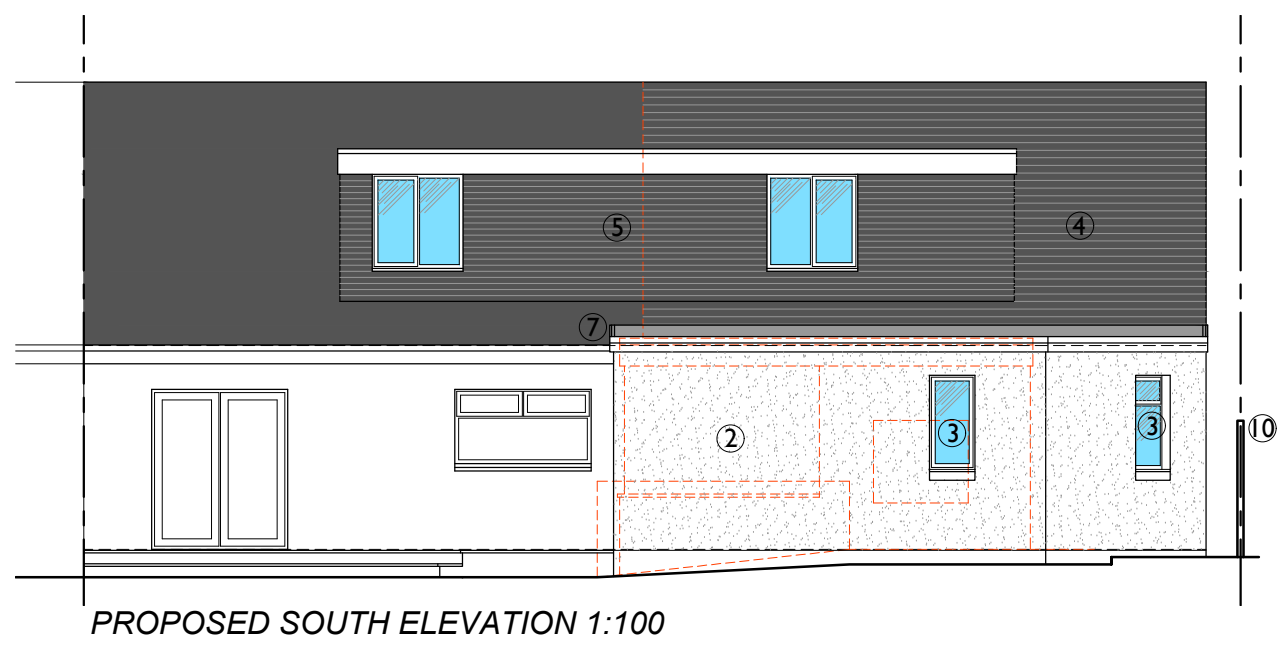
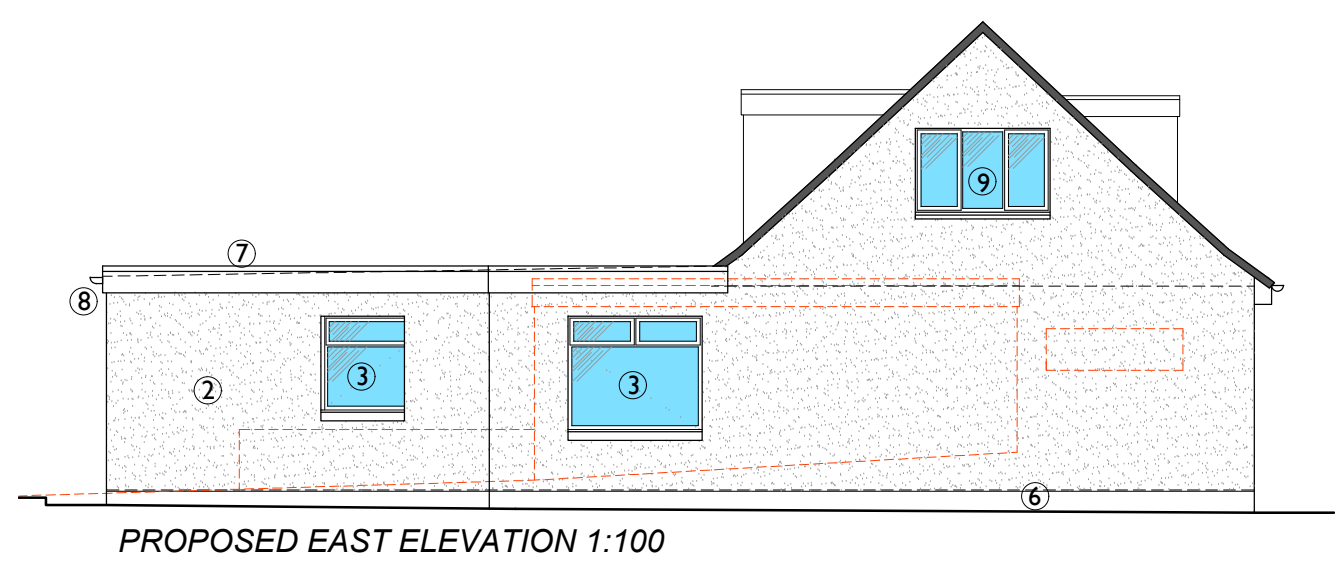
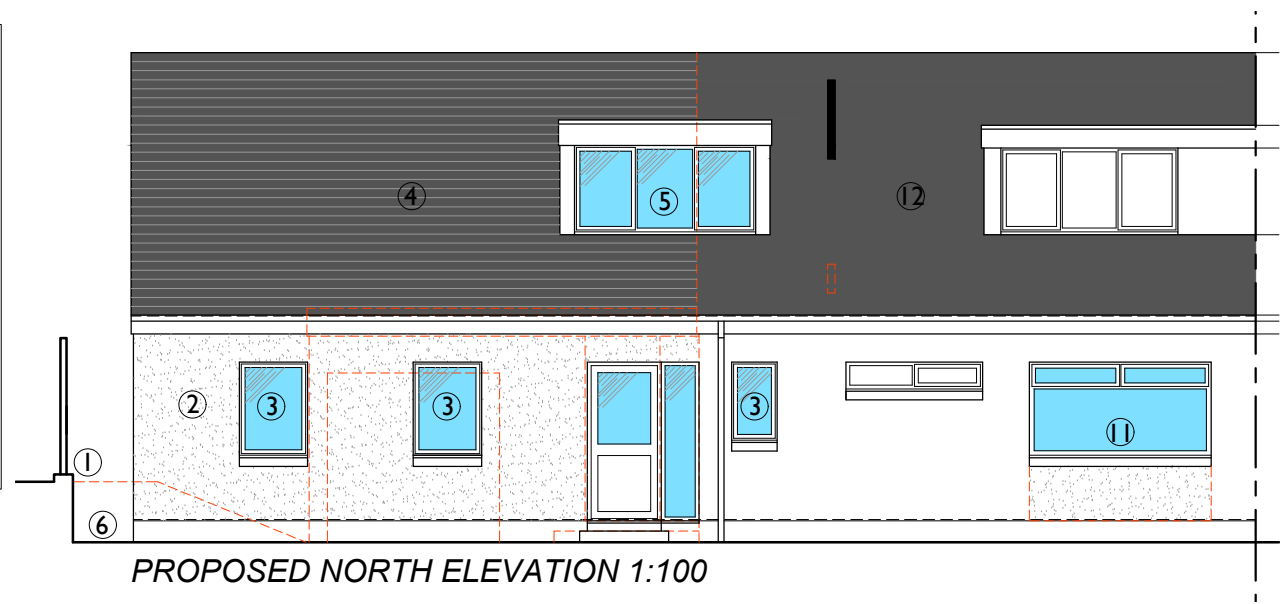
PROPOSED ROOF PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100

Planning	Oct20	Client	Michael Duffy	Project	Extension and Alterations to 59 North Gyle Loan, Edinburgh				
		Robinson Architectural Services		Title	Proposed Roof and First Floor Plan				
		15 GREENBANK DRIVE EDINBURGH EH10 5RE		Scale	1:100@A3	Date	Sept 20	Drawn	SR
		Page 221		Drwg No	2040-(PL)04		Revision		

- LEGEND - red lines indicates removals**
- 1 - Retaining wall with protective barrier/ fence
  - 2 - Timber frame extension. White render to match existing
  - 3 - New uPVC windows. White
  - 4 - Existing roof extended. Pitch to match existing. Dark grey tiles
  - 5 - Flat roof dormer. Hung tiles to match new roof tiles.
  - 6 - 800mm path around building so adjacent ground level is below finished floor level.
  - 7 - Single ply flat roof to extension
  - 8 - New gutter to drain flat roof
  - 9 - New gable end window to match existing being removed
  - 10 - New 1.8m boundary fence with gate for rear access
  - 11 - Cill height raised. Block up opening with finish to match.
  - 12 - Re tile existing roof. Dark grey to match extension



Planning	Oct20	<i>Client</i> Michael Duffy	<i>Project</i> Extension and Alterations to 59 North Gyle Loan, Edinburgh			
		<b>Robinson Architectural Services</b>		<i>Title</i> Proposed Elevations and Sections		
		15 GREENBANK DRIVE EDINBURGH EH10 5RE		<i>Scale</i> 1:100@A3	<i>Date</i> Sept 20	<i>Drawn</i> SR
		Page 222		<i>Drwg No</i> 2040-(PL)05		<i>Revision</i>

## Proposal Details

Proposal Name	100312166
Proposal Description	1 1/2 storey extension to the side. New dormers to 1st floor. Single storey flat roof extension to the rear. Re tile existing roof in dark grey to match extension.
Address	59 NORTH GYLE LOAN, EDINBURGH, EH12 8LB
Local Authority	City of Edinburgh Council
Application Online Reference	100312166-004

## Application Status

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

## Attachment Details

Notice of Review	System	A4
2040-PL01	Attached	A3
2040-PL02	Attached	A3
2040-PL03	Attached	A3
2040-PL04	Attached	A3
2040-PL05	Attached	A3
2040-LP	Attached	A4
2040 - Application	Attached	A4
2040 - Rejection	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

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Les Mccaskey Architectural Design Services.  
 18A Rothesay Place  
 Edinburgh  
 EH3 7SQ

Mr Aamir Chaudry.  
 1 Sighthill Avenue  
 Edinburgh  
 EH11 4QU

**Decision date: 23 October 2020**

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

Attic conversion incorporating dormer windows to front and side of property  
 At 1 Sighthill Avenue Edinburgh EH11 4QU

**Application No:** 20/03600/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 28 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 **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:-**

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, 06, 07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The scale, form and position of the side dormer fails to respect the established form of the existing property harmful to its character and appearance. It is an incompatible and incongruous addition to the streetscene detrimental to the existing neighbourhood character. The proposal is contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

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](mailto: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](http://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](mailto: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 20/03600/FUL At 1 Sighthill Avenue, Edinburgh, EH11 4QU Attic conversion incorporating dormer windows to front and side of property**

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	20/03600/FUL
<b>Wards</b>	B07 - Sighthill/Gorgie

### Summary

---

The scale, form and position of the side dormer fails to respect the established form of the existing property harmful to its character and appearance. It is an incompatible and incongruous addition to the streetscene detrimental to the existing neighbourhood character. The proposal is contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES12, NSG, NSHOU,
--	---------------------------

# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The proposal relates to an upper flat in a four in a block property on the east side of Sighthill Avenue in a residential area.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

---

### 3.1 Description Of The Proposal

The application proposes the following works;

-Front dormer and side dormer

Permitted Development

Installation of new first floor window (west elevation) and rooflights (east elevation) :  
These works are permitted development under Class 4A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No assessment of their merits is therefore required as part of this planning application.

### 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 scale, form and design is acceptable
- b) There would be no unreasonable loss to neighbour's residential amenity
- c) Any public comments have been addressed

a) Scale, form, design and neighbourhood character

Edinburgh Local Development Plan (LDP) policy Des 12 (alterations and extensions) states that permission will be granted for alterations and extensions that in design, form, material and position are compatible with the character of the existing building and will not be detrimental to the neighbourhood character.

In regard to dormers, the non-statutory guidance states these should be of a size that do not dominate the form of the roof. They should not come to the edge of the roof and leave visible expanses on all four sides.

Dormers on side elevations will be considered acceptable where it can be demonstrated that the proposal fits in well with the character of the surrounding area.

Front dormers should be no greater than one third of the average roof width.

The proposal site is an upper floor flat, part of a four in a block property. The whole building is of a symmetrical form. The hipped roof of no.1 mirrors the adjoining flat to the east and appears uniform in its overall appearance. The form, scale and materials of the building is typical of properties in the surrounding area.

The side dormer's height and outward projection would be disruptive to the symmetrical hipped roof form of the building. As viewed from the street, it would appear a dominant and incongruous addition that fails to respect the existing character of the building. Side dormers are not characteristic of the surrounding area. The scale and position of the dormer would result in a conspicuous intervention on the streetscene that fails to respect the established form of property types in the area. It is therefore an incompatible addition that would be detrimental to the existing neighbourhood character contrary to LDP policy Des 12 and the non-statutory guidance.

The front dormer would cover approximately 34 % of the average roof width, marginally in excess of the guidance. This infringement is marginal and whilst it is recognised the dormer is not set down from the property's ridge, there are existing front dormers of varying scale and form in the wider area. Its position on the principal elevation is centralised over the windows on the lower level, and its hipped roof would reduce its overall mass as viewed from the street. The materials would match the existing roof which is appropriate. In light of the above, this element of the scheme is acceptable on balance and does not justify grounds for refusal of the application in isolation.

b) Neighbouring Amenity

The side dormer faces the applicant's own garden and complies with guidance distance to the boundary. No privacy issues would occur as a result.

The front dormer would overlook the neighbour's front garden. This garden occupies a visible location as existing positioned adjacent to the street. It is already overlooked by the first floor windows and in this regard no new privacy issues would occur as a result of the proposal. A departure from the non-statutory guidance is therefore acceptable in this instance.

No loss of sunlight to garden spaces or daylight to neighbour's windows would occur.

No unreasonable impact on neighbour's amenity would occur as result of the proposal.

#### c) 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 scale, form and position of the side dormer fails to respect the established form of the existing property harmful to its character and appearance. It is an incompatible and incongruous addition on the street scene detrimental to the existing neighbourhood character. The proposal is therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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

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### 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

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

## Statutory Development

**Plan Provision** Edinburgh Local Development Plan - Urban Area

**Date registered** 28 August 2020

**Drawing numbers/Scheme** 01, 02, 03, 04, 05, 06, 07,  
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 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

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No consultations undertaken.

END



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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      100338960-001

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:	les mccaskey architectural design services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	les	Building Name:	
Last Name: *	mccaskey	Building Number:	18a
Telephone Number: *	07817809327	Address 1 (Street): *	18a
Extension Number:		Address 2:	Rothsay Place
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 7SQ
Email Address: *	lesmccaskeyaciob@gmail.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="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="AAMIR"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="CHAUDRY"/>	Address 1 (Street): *	<input type="text" value="SIGHTHILL AVENUE"/>
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" value=""/>	Postcode: *	<input type="text" value="EH11 4QU"/>
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="1 SIGHTHILL AVENUE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH11 4QU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="670785"/>	Easting	<input type="text" value="320092"/>
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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 ATTIC CONVERSION COMPRISING DORMER WINDOWS TO BOTH FRONT AND SIDE ELEVATIONS OF PROPERTY

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

REFER TO SUPPORTING STATEMENT

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

Yes  No

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

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

Supporting Statement Drawings 01p site location plan and existing elevations 02p existing first floor and attic plans 03p first floor and attic plans proposed 04p sections 05p proposed elevations

## Application Details

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

20/03600/FUL

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

28/08/2020

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

23/10/2020

## 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 les mccaskey

Declaration Date: 04/12/2020

### Proposal Details

Proposal Name	100338960
Proposal Description	ATTIC CONVERSION
Address	1 SIGHTHILL AVENUE, EDINBURGH, EH11
4QU	
Local Authority	City of Edinburgh Council
Application Online Reference	100338960-001

### Application Status

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

### Attachment Details

Notice of Review	System	A4
01p	Attached	A3
02p	Attached	A3
03p	Attached	A3
04P	Attached	A3
05P	Attached	A3
STATEMENT	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

## **Notice of Review**

In response to the planning authorities reasons for refusal.

The applicant would strongly disagree with and dispute the planning authorities decision for refusal of this application.

It is the applicants strong opinion that the proposed new roof dormer extensions to both the side and front of the property in terms of scale, form and position would certainly not have a detrimental impact on either the property or the surrounding street scene generally.

The applicant would feels that the introduction of said dormer structures would sit comfortably on the existing property roof at both locations.

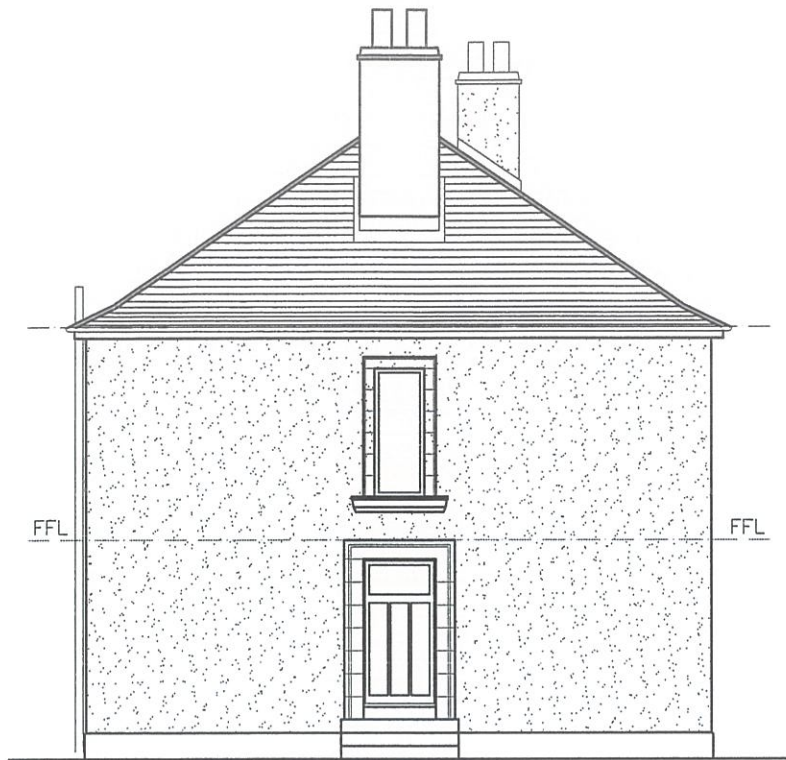
They would not present an overly obtrusive addition as viewed from the adjacent streets or in respect of the surrounding properties and would not be detrimental to the surrounding area in general.

The applicant is of the firm opinion that the proposed new dormers provide the most practical and best way of utilising the space within the property, whilst providing the required additional living accommodation to suit growing family requirements.

The scale, design and materials proposed in respect of extension reflect generally what is currently in place on adjacent properties and would not have a detrimental impact or look out of place.

No public objections or complaints have been submitted in respect of the proposals.

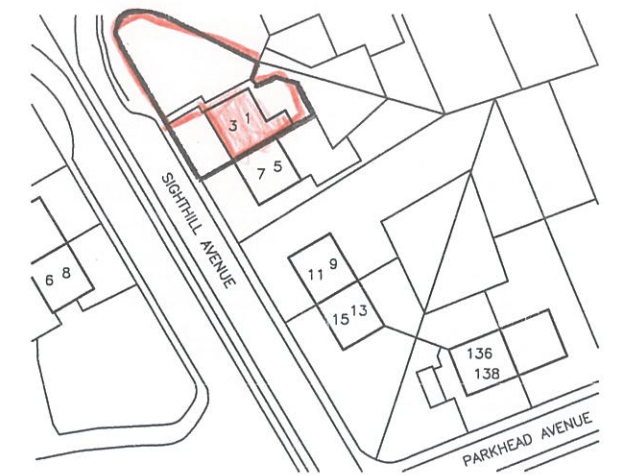
It is hoped that the review board shall look favourably in respect of this appeal and take into consideration the points raised by the applicant in support of his appeal.



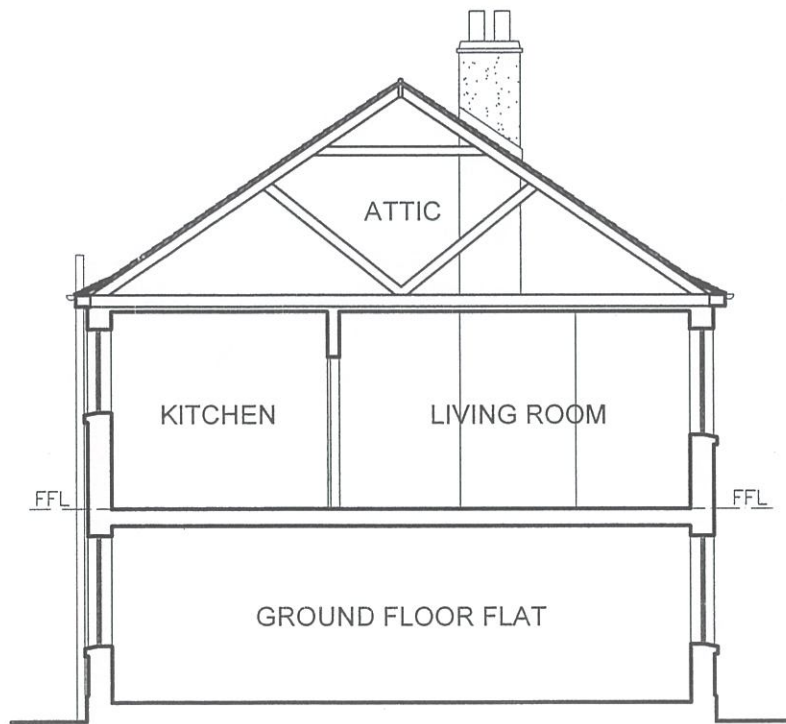
SIDE ELEVATION 1:100



FRONT ELEVATION 1:100



LOCATION PLAN 1:1250



CROSS SECTION 1:100



REAR ELEVATION 1:100

\* EXISTING SCATTERED ROOF.

SCALE BAR 1:100



JOB TITLE:  
PROPOSED LOFT CONVERSION ...AT  
1 SIGHILL AVENUE  
EDINBURGH ...FOR  
MR AAMIR CHAUDRY

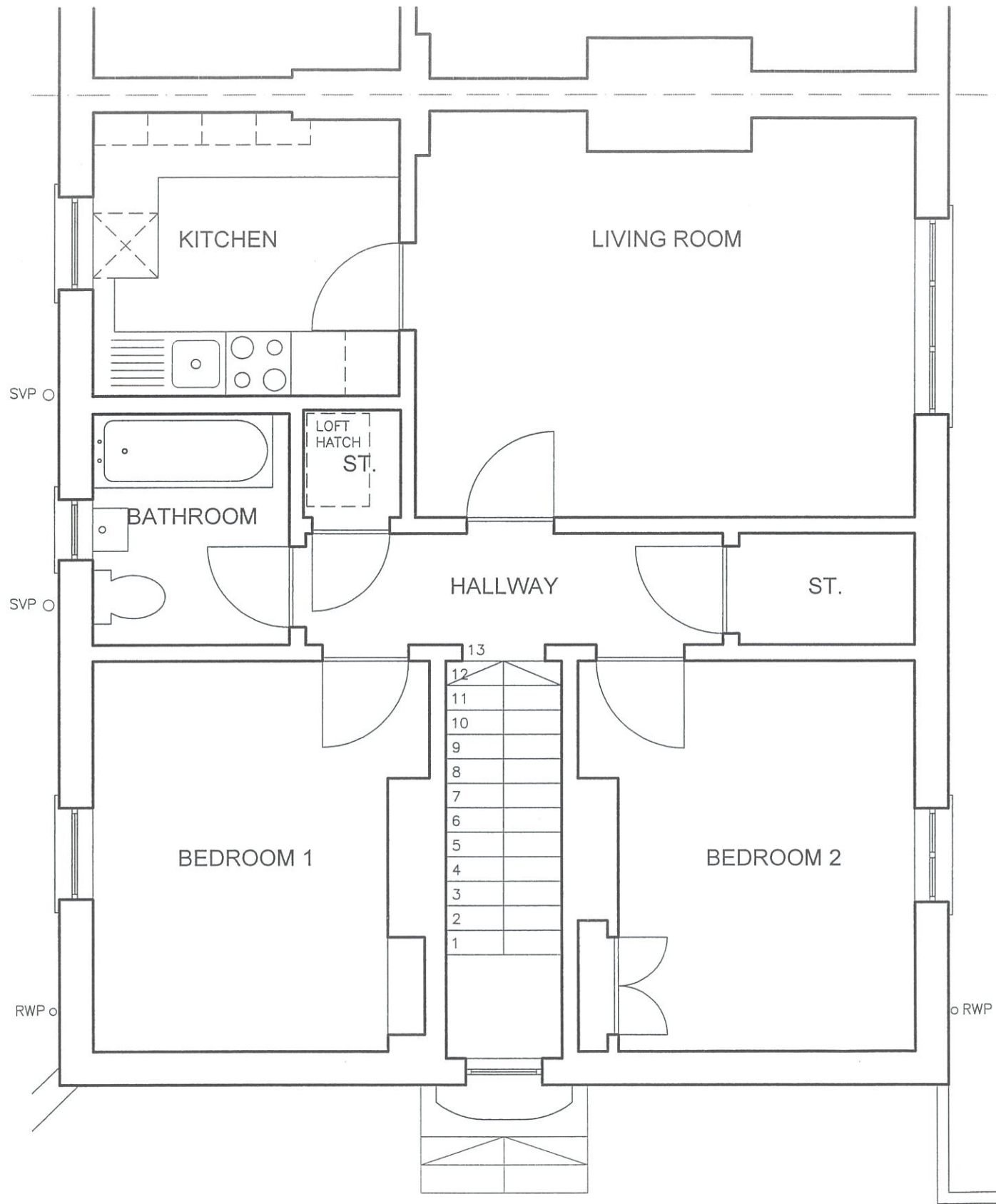
DRAWING TITLE:  
SEC/ELEV & LOCATION PLAN

SCALE: 1/100 @ A3  
DATE:

AUGUST 20.

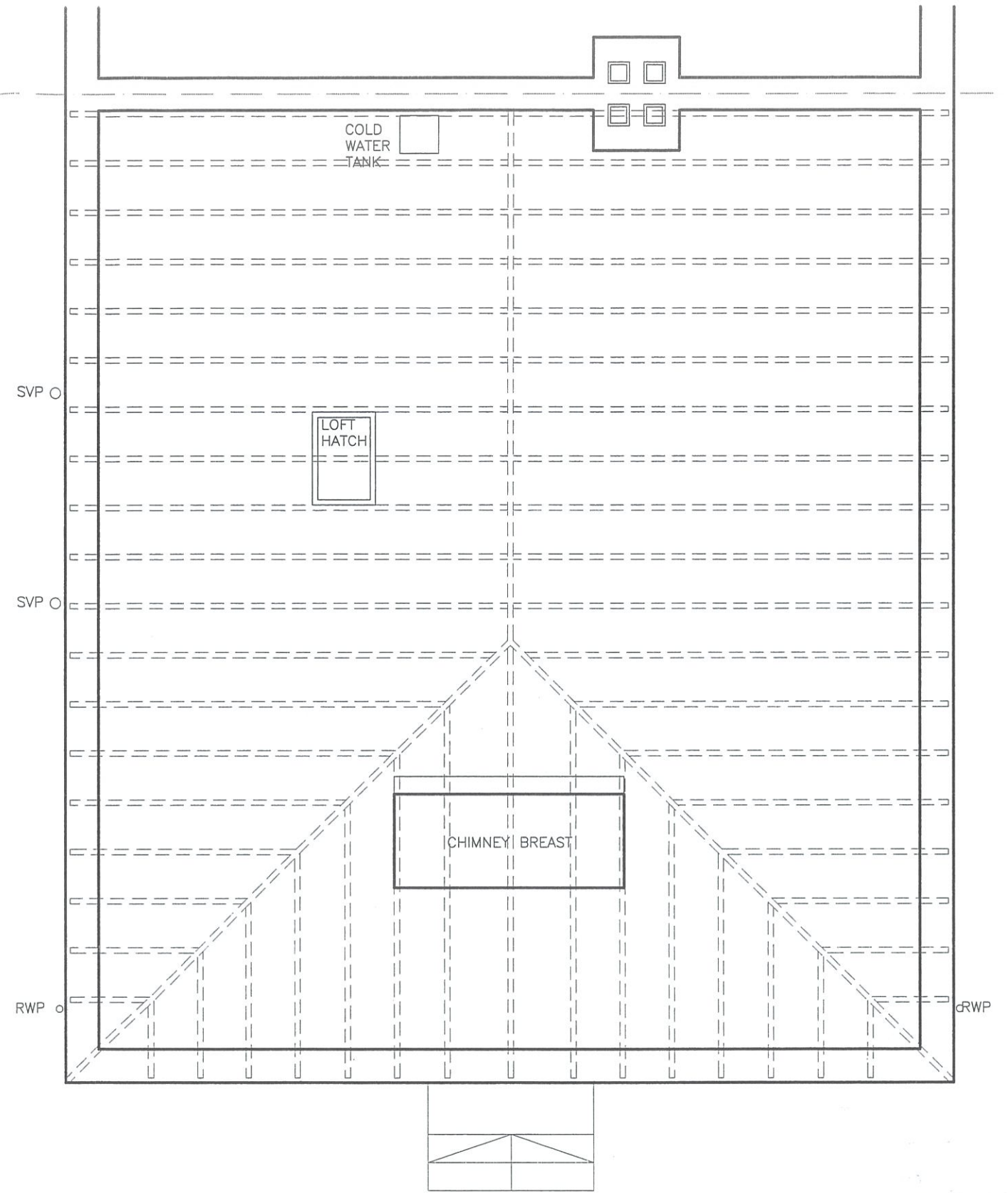
DRAWING NO. SA-01P





FIRST FLOOR PLAN 1:50

SCALE BAR 1:50



ATTIC FLOOR PLAN 1:50

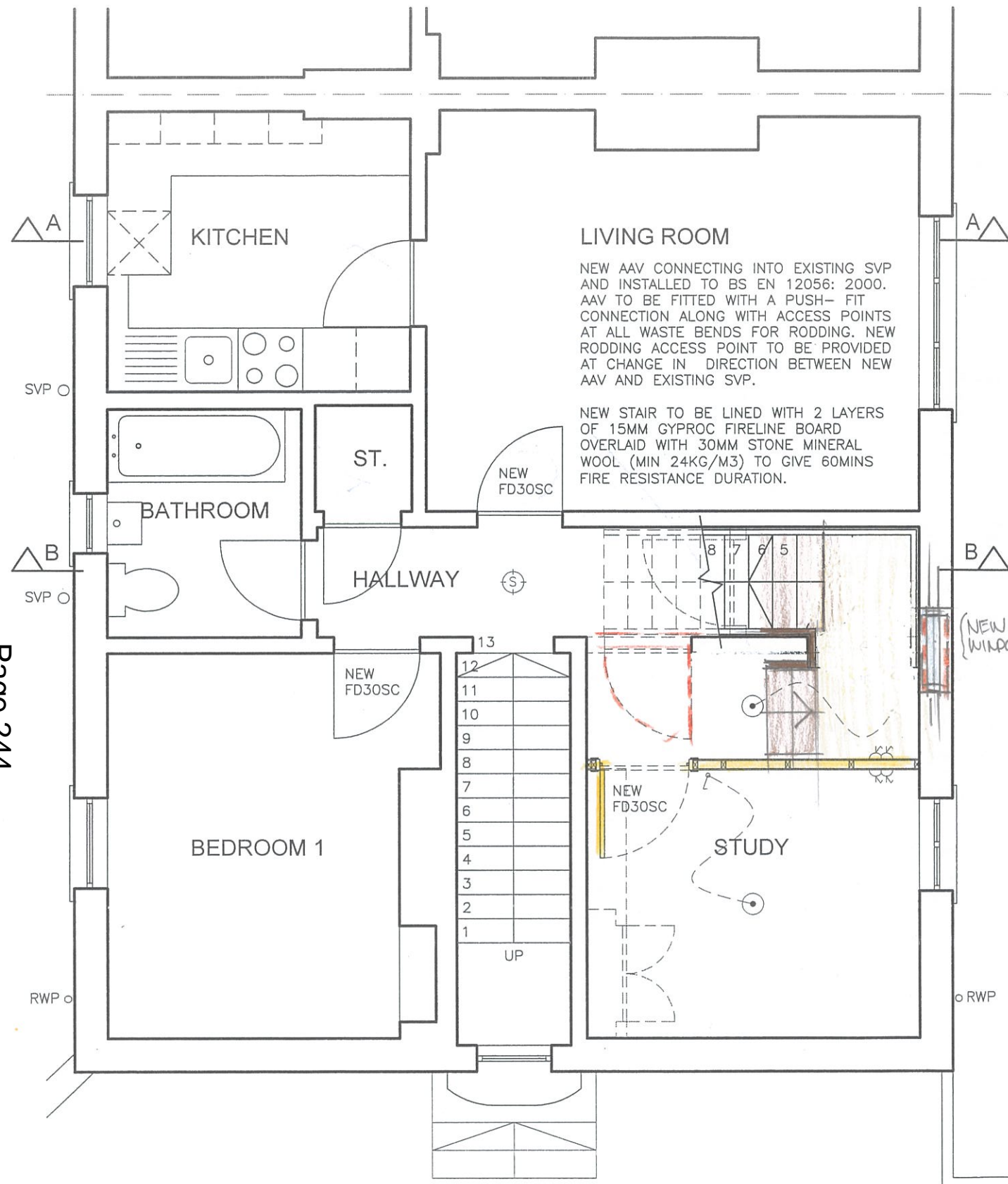
JOB TITLE:  
 PROPOSED LOFT CONVERSION ...AT  
 1 SIGHTHILL AVENUE  
 EDINBURGH ...FOR  
 MR AAMIR CHAUDRY

DRAWING TITLE:  
 FLOOR PLANS as existing

SCALE: 1/50 @ A3  
 DATE: AUGUST 20.

DRAWING NO. SA-02P.





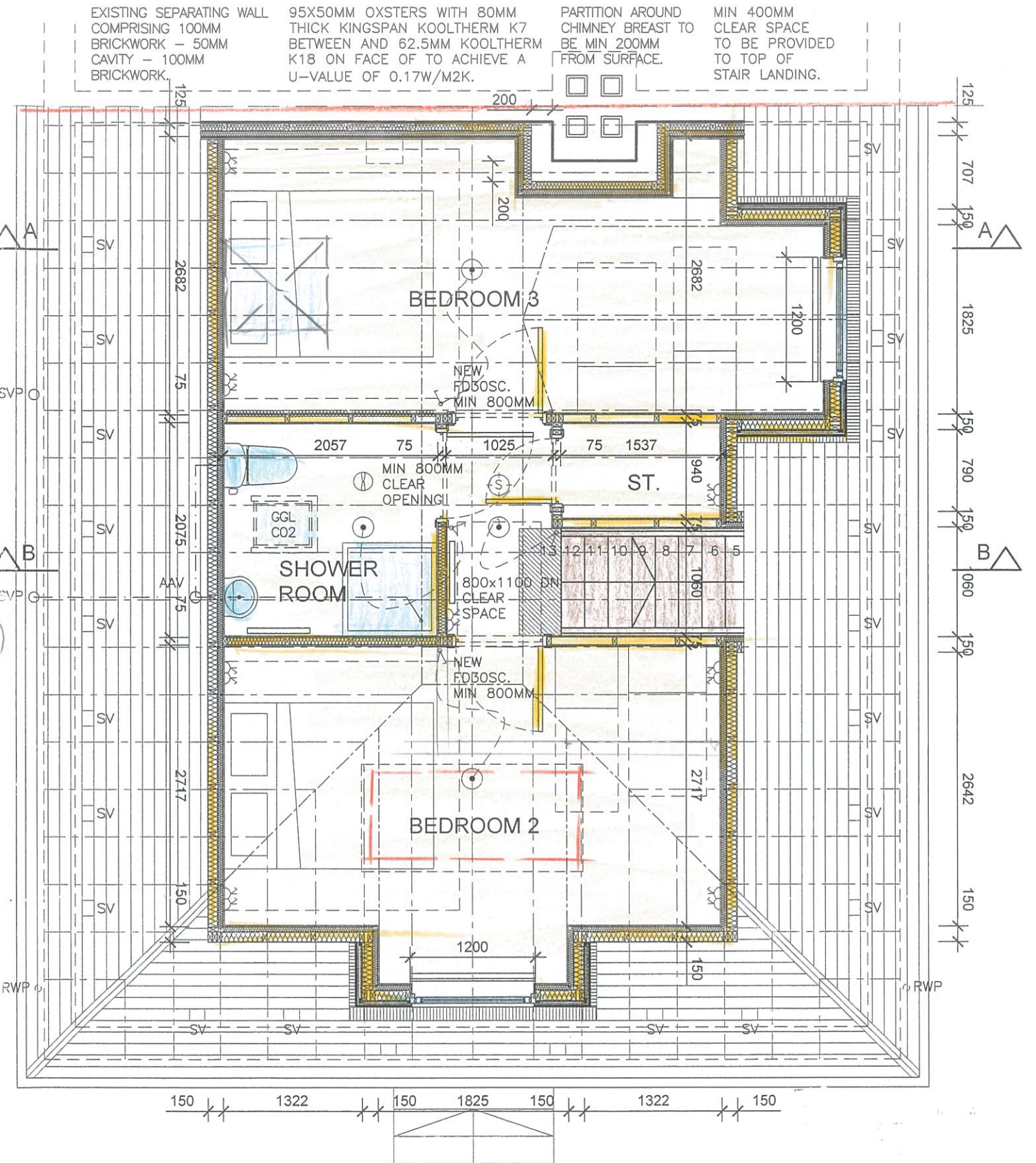
FIRST FLOOR PLAN 1:50

SCALE BAR 1:50



**ELECTRICAL KEY**

- LIGHT PENDANT
- LIGHT SWITCH
- ⊗ 13A DOUBLE SOCKET
- ⊙ SMOKE DETECTOR
- ⊕ EXTRACT FAN
- ▬ RADIATOR



SECOND FLOOR PLAN 1:50

**SEPARATING WALL**

3 LAYERS OF TAPERED EDGE PLASTERBOARD (9MM & 2 x 12.5MM) ON 75 x 50MM TIMBER FRAMING @ 600MM MAX CENTRES WITH 75MM THICK KINGSPAN KOOLTHERM K12 BETWEEN AND 62.5MM KOOLTHERM K18 ON FACE OF TO ACHIEVE A U-VALUE OF 0.17W/M2K. 50MM THICK ISOVER ACOUSTIC PARTITION ROLL (APR1200) (MIN DENSITY 12-36KG/M3) FOR ACOUSTIC SEPARATION.

NEW TIMBER STUD PARTITIONS FORMED WITH 75X50MM C16 SW TREATED TIMBER STUDS AT 600MM MAX CENTRES. 12.5MM TAPERED EDGE PLASTERBOARD FIXED TO STUDS. ALL JOINTS TAPED & FILLED. NEW HALF HR FIRE DOORS INTO ALL EXISTING AND NEW BEDROOMS.

JOB TITLE:  
 PROPOSED LOFT CONVERSION ...AT  
 1 SIGHTHILL AVENUE ...FOR  
 EDINBURGH  
 MR AAMIR CHAUDRY

DRAWING TITLE:  
 FLOOR PLANS as proposed

SCALE: 1/50 @ A3  
 DATE:

August 20

DRAWING NO. SA - 03P



**EXISTING MAIN ROOF STRUCTURE**  
 THE EXISTING MAIN ROOF STRUCTURE COMPRISES SLATE ROOFING ON 130X50MM ROOF TRUSSES @ APPROX 450MM CENTRES SUPPORTED ON MASONRY WALLS WITH 115X50MM HORIZONTAL SUPPORTING COLLAR.

**ROOF VENTILATION**  
 NEW MARLEY UNIVERSAL SLATE VENT TERMINALS INSTALLED BETWEEN EXISTING ROOF TRUSSES TO GIVE CONTINUOUS VENTILATION THROUGHOUT. COLOUR TO MATCH EXISTING.

**STAIR**  
 NEW S.W STAIRCASE WITH A MIN 225MM GOING & MAX 220MM RISE (X13) - 40° PITCH. 800MM CLEAR UNOBSTRUCTED WIDTH BETWEEN HANDRAILS. HANDRAILS 900MM ABOVE PITCHED LINE MEASURED VERTICALLY WITH MIN 2000MM HEADROOM.

**WATER EFFICIENT FITTINGS**  
 SHOULD BE PROVIDED TO ALL WCS AND WHBS WITHIN A DWELLING. DUAL FLUSH WC CISTERNS SHOULD HAVE AN AVERAGE FLUSH VOLUME OF NOT MORE THAN 4.5 LITRES. SINGLE FLUSH WC CISTERNS SHOULD HAVE A FLUSH VOLUME OF NOT MORE THAN 4.5 LITRES. TAPS SERVING WASH OR HAND RINSE BASINS SHOULD HAVE A FLOW RATE OF NOT MORE THAN 6 LITRES PER MINUTE. ALL IN ACCORDANCE WITH 3.27 OF THE BUILDING REGULATIONS.

**PROPOSED LOFT ROOF STRUCTURE (U-VALUE 0.13W/M2K)**  
 THE EXISTING ROOF TRUSSES TO BE REINFORCED TO STRUCTURAL ENGINEERS DETAILS & SPECIFICATION AND ALSO WHERE NEW VELUX WINDOWS ARE TO BE INSTALLED. A TOTAL OF 125MM THICK "KINGSPAN KOOLTHERM K7" INSULATION BETWEEN ROOF TRUSSES WITH 62.5MM THICK "KINGSPAN KOOLTHERM K18" INSULATED PLASTERBOARD FIXED TO UNDERSIDE OF TRUSSES. ALL INSTALLED IN ACCORDANCE WITH INSTRUCTIONS ISSUED BY KINGSPAN. (WHERE THE CEILING FOLLOWS THE PITCH OF THE ROOF THE RECOMMENDATIONS IN BS5250: 2002 SHOULD BE FOLLOWED). 500 GAUGE VAPOUR BARRIER STAPLED TO TRUSSES WITH 150MM LAPS. MIN 50MM AIR GAP TO BE PROVIDED BETWEEN INSULATION AND SARKING BOARDS AT COOMBE LEVEL.

**NEW ATTIC FLOOR**  
 22MM T & G MOISTURE RESISTANT CHIPBOARD FLOORING FIXED THROUGH TO S.W FLOOR JOISTS TO STRUCTURAL ENGINEERS DETAILS AT MAX 600MM CENTRES. 50X50MM S.W DWANGS FITTED BETWEEN JOISTS AT PERIMETER TO SUPPORT FLOORING. 2 LAYERS OF 12.5MM TAPERED EDGE PLASTERBOARD FIXED TO U/S OF FLOOR JOISTS. ALL JOINTS AMES TAPED, FILLED AND READY FOR DECORATION. DOUBLE TRIMMERS TO FLOOR & TO STAIR OPENING TO S.E DETAILS AND TO BE DOUBLED BELOW ALL NEW STUD PARTITIONS.

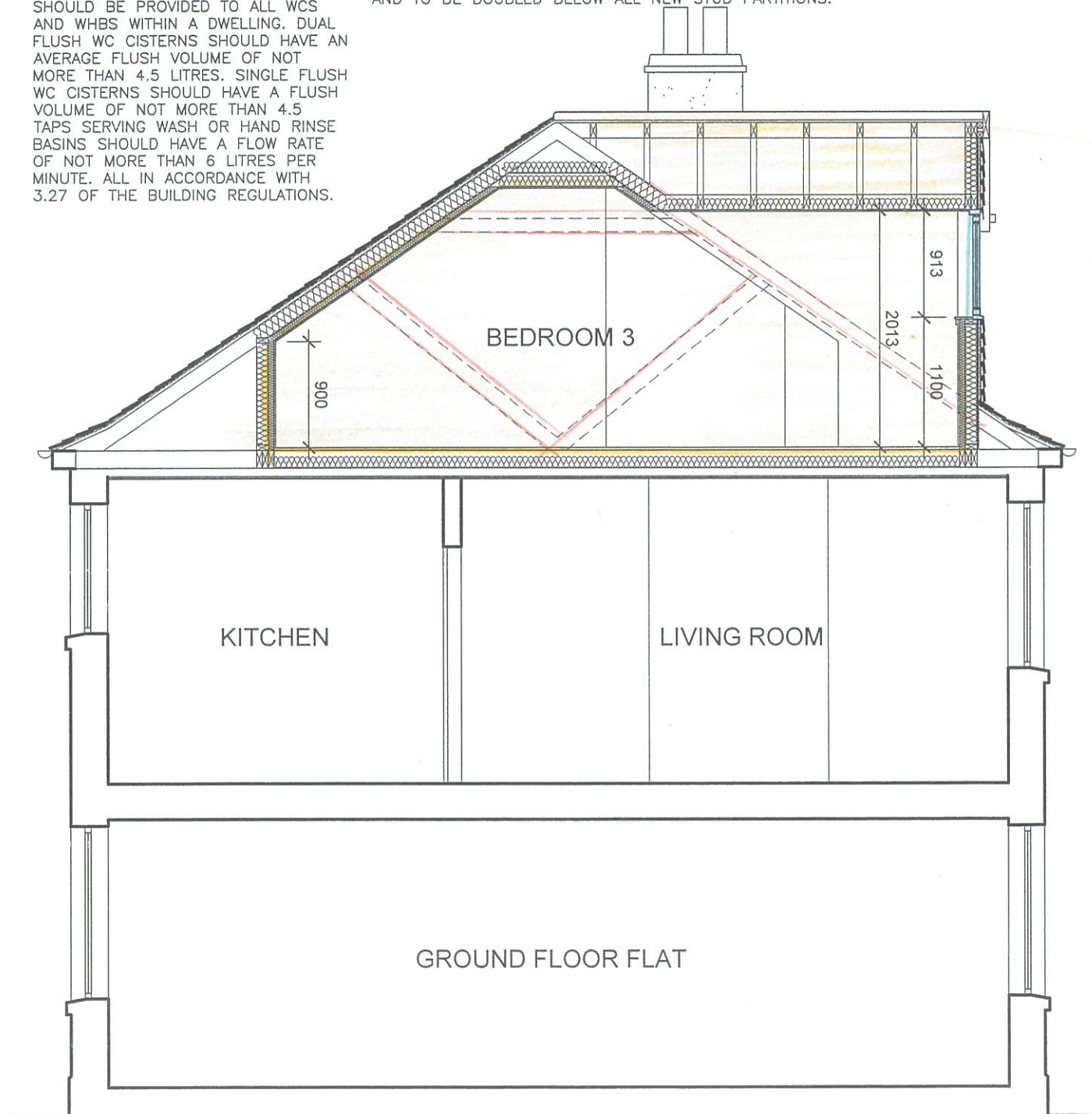
**DORMER ROOF CONSTRUCTION (U-VALUE 0.11W/M2K)**  
 TYPICAL ROOF SECTION DETAIL AND SUPPORTED ON TIMBER WALL CONSTRUCTION WITH FINISHES TO MATCH EXISTING. TRIMMING JOISTS AND RAFTERS SUPPORTING DORMER ROOFS TO S/ENGINEERS DETAILS AND CALCULATIONS. DOUBLE GLAZED WINDOW AND MEANS OF ESCAPE OPENINGS. CODE 5 LEAD FLASHINGS WITH HIGH & LOW LEVEL ROOF VENTS.

BOTTOM OPENING OF NEW VELUX WINDOWS TO BE MIN 1100MM FROM FLOOR LEVEL. TRICKLE VENTILATORS TO NEW ROOF WINDOWS TO BE POSITIONED MIN 1750MM FROM FLOOR LEVEL.

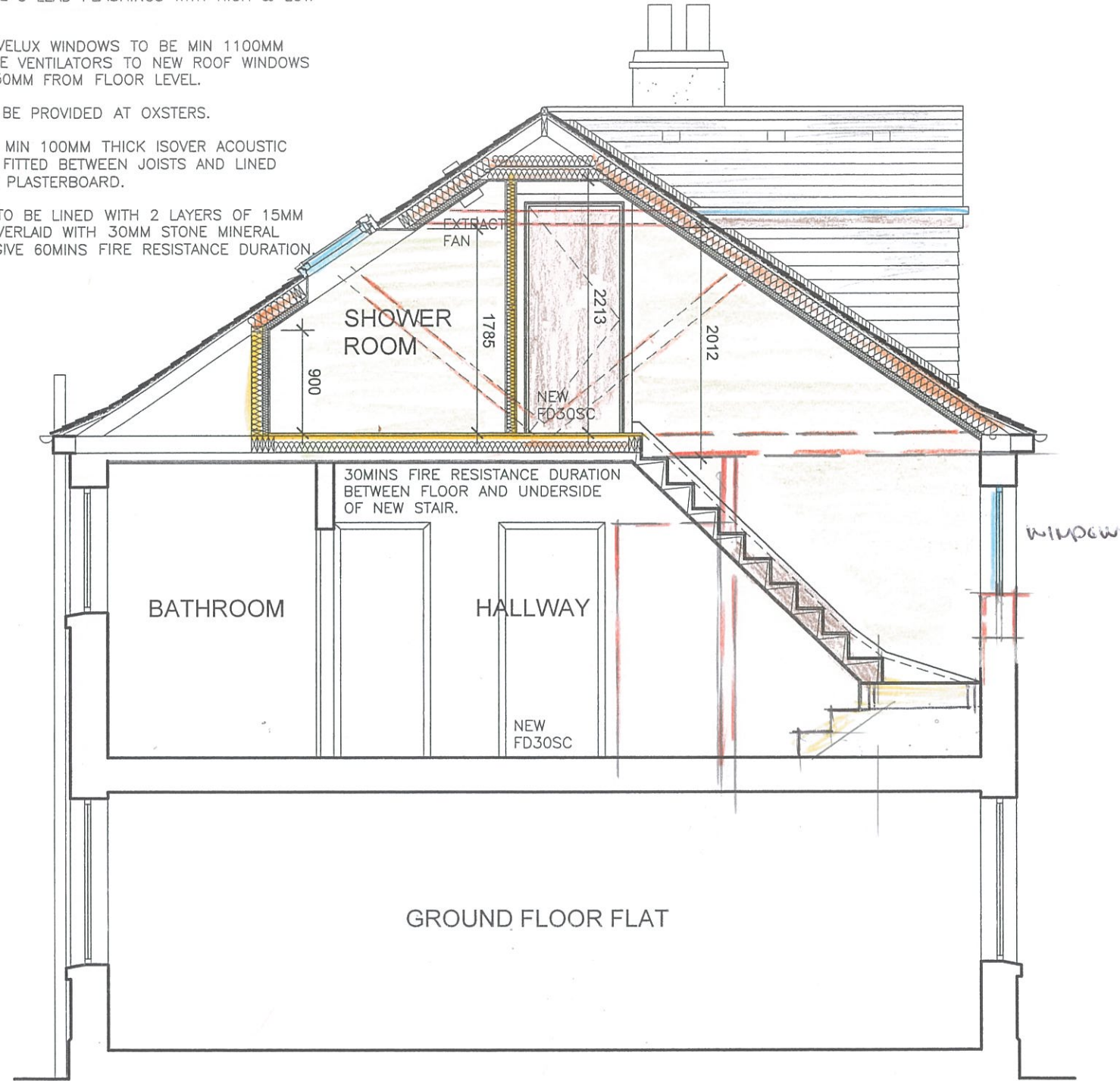
NEW VAPOUR BARRIERS TO BE PROVIDED AT OXSTERS.

NEW ATTIC FLOOR TO HAVE MIN 100MM THICK ISOVER ACOUSTIC PARTITION ROLL (APR1200) FITTED BETWEEN JOISTS AND LINED WITH 2 LAYERS OF 12.5MM PLASTERBOARD.

UNDERSIDE OF NEW STAIR TO BE LINED WITH 2 LAYERS OF 15MM GYPROC FIRELINE BOARD OVERLAID WITH 30MM STONE MINERAL WOOL (MIN 24KG/M3) TO GIVE 60MINS FIRE RESISTANCE DURATION



SECTION A-A 1:50



SECTION B-B 1:50

SCALE BAR 1:50



*REMOVALS*

JOB TITLE:  
 PROPOSED LOFT CONVERSION ...AT  
 1 SIGHTHILL AVENUE  
 EDINBURGH ...FOR  
 MR AAMIR CHAUDRY

DRAWING TITLE:  
 SECTIONS A-A & B-B as proposed

SCALE: 1/50 @ A3  
 DATE: *11/05/20*

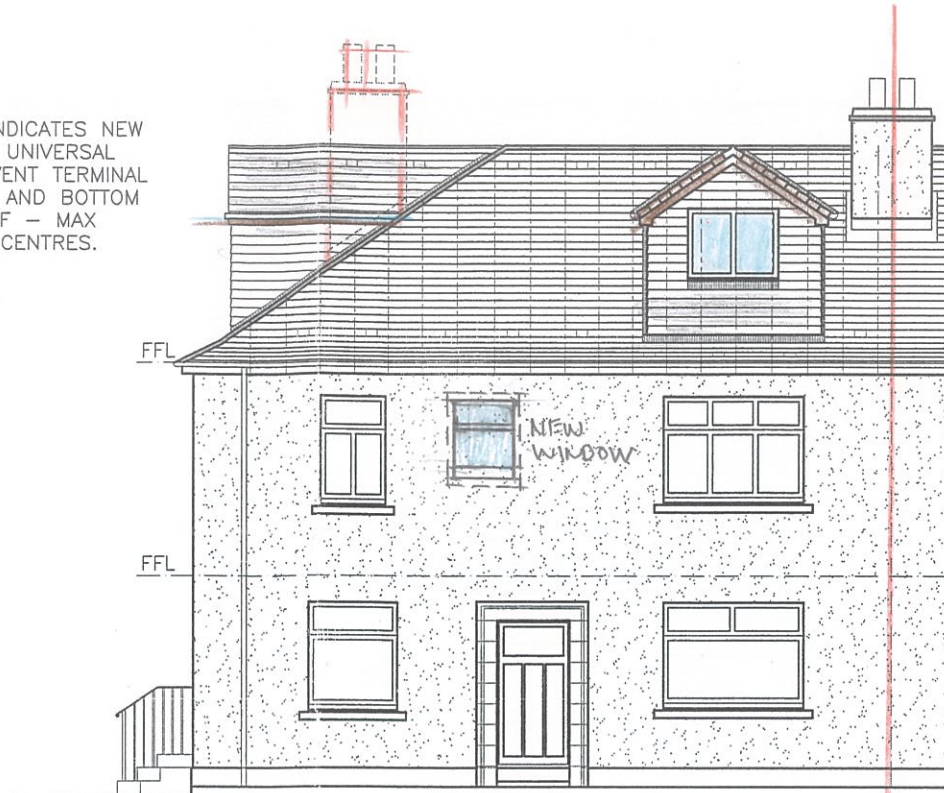
DRAWING NO. *SA -04P*



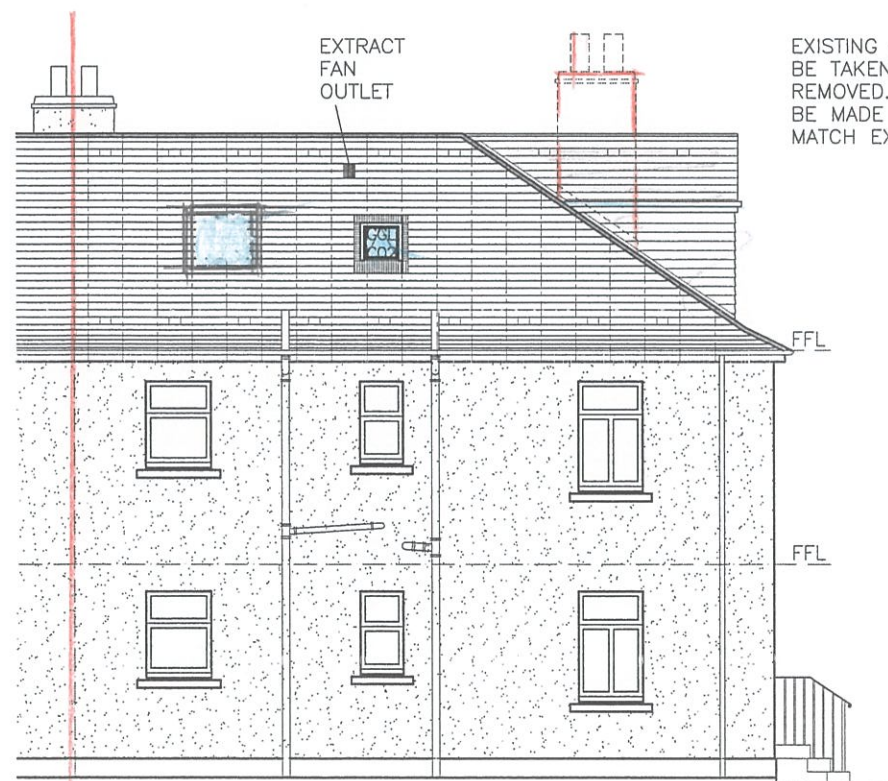


SIDE ELEVATION 1:100

□ SV - INDICATES NEW MARLEY UNIVERSAL SLATE VENT TERMINAL AT TOP AND BOTTOM OF ROOF - MAX 600MM CENTRES.



FRONT ELEVATION 1:100



REAR ELEVATION 1:100

EXISTING CHIMNEY TO BE TAKEN DOWN AND REMOVED. ROOF TO BE MADE GOOD TO MATCH EXISTING.

SCALE BAR 1:100



\* DORMERS WALLS/ROOF - SCATED FINISH

**SPECIFICATION**

**DRAINAGE**

THE EXISTING DRAINAGE SYSTEM IS A COMBINED SYSTEM. UPVC FITTINGS - SHWR/WHB 42MM DIA WASTE WITH 75MM TRAP - WC 100MM WASTE WITH 100MM TRAP. ALL CONNECTING INTO NEW AIR ADMITTANCE VALVE WHICH WILL CONNECT INTO EXISTING SVP STACK. ALL SANITARY/WASTE WATER DRAINAGE TO BS EN 12056-2: 2000.

**TIMBER PARTITIONS**

75X45MM C16 S.W TREATED TIMBER STUDS @ 600MM CENTRES. 50MM THICK KNAUF EARTHWOOL ACCOUSTIC INSULATION BETWEEN STUDS WHERE ADJOINING NEW SHOWEROOM. 12.5MM TAPERED EDGED PLASTERBOARD FIXED TO STUDS. ALL JOINTS TAPED & FILLED.

**FIRE PRECAUTIONS**

ALL DOORS TO STAIRWAY SERVING HABITABLE ROOMS TO BE FD30SC FIRE DOORS GIVING A 30 MIN FIRE RESISTANCE DURATION & FITTED WITH INSTUMESCENT SMOKE SEALS. 2NR. LAYERS OF 15MM FIRELINE BOARD TO UNDERSIDE OF STAIRCASE TO GIVE 60MINS FIRE RESISTANCE DURATION. MAINS OPERATED, SELF CONTAINED AND INTER LINKED SMOKE DETECTORS TO BE PROVIDED AT EACH LANDING.

**ELECTRICAL INSTALLATION**

ALL ELECTRICAL WORK TO BE DESIGNED, CONSTRUCTED, INSTALLED & TESED IN ACCORDANCE WITH BS 7671:2008. ALL SOCKET OUTLETS TO BE POSITIONED AT LEAST 350MM FROM ANY INTERNAL CORNER, PROJECTING WALL OR SIMILAR OBSTRUCTION AND NOT MORE THAN 1.2M ABOVE FLOOR LEVEL.

**HEATING**

EXTEND EXISTING CENTRAL HEATING SYSTEM TO NEW AREAS. NEW RADIATORS FITTED WITH THERMOSTATIC RADIATOR VALVES WITH PIPEWORK INSULATED TO NON HEATED LOCATIONS. ALL NEW HOT WATER PIPES TO BE INSULATED AGAINST HEAT LOSS COMPLYING WITH BS 5422: 2009.

**NATURAL & MECHANICAL VENTILATION**

NEW BEDROOMS: VIA VELUX WINDOW VENT WHICH IS 1/30 OF THE FLOOR AREA.  
NEW SHOWEROOM: VIA MECHANICAL EXTRACT FAN PROVIDING AT LEAST 15L/SEC.

**VELUX ROOF WINDOWS**

NEW GGL M06 (1180H X 780W) ROOF WINDOWS TO NEW BEDROOMS AND NEW GGL C02 (780H X 550W) TO NEW SHOWEROOM. TRIM OUT WITH DOUBLE RAFTERS TOP & BOTTOM WHERE REQUIRED FOR NEW VELUX WINDOWS. WINDOWS TO BE INSTALLED TO MANUFACTURERS WRITTEN INSTRUCTIONS.

**MANUAL CONTROLS**

OUTLETS AND CONTROLS OF ELEC FIXTURES TO BE POSITIONED MIN 350MM FROM INTERNAL CORNERS OR ANY OBSTUCTIONS, NOT MORE THAN 1.2M ABOVE FFL. LIGHT SWITCHES TO BE POSITIONED BETWEEN 900MM AND 1100MM ABOVE FFL. SOCKETS TO BE MIN 400MM FROM FFL. MANUAL CONTROLS TO OPENABLE WINDOWS TO BE MAX 1.7M FROM FFL. ANY MANUAL CONTROLS FOR WINDOWS ABOVE THIS LEVEL TO BE ACCESS USING A REACHING AID OR POLE.

JOB TITLE.  
PROPOSED LOFT CONVERSION ...AT  
1 SIGHILL AVENUE ...FOR  
EDINBURGH ...FOR  
MR AAMIR CHAUDRY

DRAWING TITLE.  
ELEVATIONS as proposed

SCALE. 1/100 @ A3  
DATE AUGUST 20

DRAWING NO. SA - 05P

Method Architecture.  
FAO: Alexander Liddell  
12A Montpelier  
Edinburgh  
EH10 4NA

Mr Johnston  
20 Wester Coates Gardens  
Edinburgh  
EH12 5LT

**Decision date: 8 December 2020**

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

Alterations with conversion of attic and associated roof windows and dormer balcony.  
At 20 Wester Coates Gardens Edinburgh EH12 5LT

**Application No:** 20/04417/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 14 October 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:-**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the proposal is not compatible with the character of the property or the surrounding area.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal does not preserve or enhance the special character of the conservation area.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the roof alterations are not appropriate for the conservation area.



4. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the proposed roof dormer would overlook neighbouring property and impact on privacy.

## **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 - 17, 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:

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

Should you have a specific enquiry regarding this decision please contact Luke Vogan directly at [luke.vogan@edinburgh.gov.uk](mailto:luke.vogan@edinburgh.gov.uk).

*D R Leach*

**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](http://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](mailto: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 Wester Coates Gardens, Edinburgh, EH12 5LT**

**Proposal: Alterations with conversion of attic and associated roof windows and dormer balcony.**

**Item – Local Delegated Decision**  
**Application Number – 20/04417/FUL**  
**Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The scale, form and design of the proposal will have a detrimental impact to the character of the host property, neighbouring properties and to the character of the conservation area and will impact on the amenity of the neighbouring property. The proposal does not comply with LDP policies Des 6, 12, the non-statutory Guidance for Householders and the non-statutory Guidance for Listed Buildings and Conservation Areas. There are no other material considerations that outweigh this decision.

## **SECTION A – Application Background**

### **Site Description**

The property is a two storey semi-detached traditional Victorian villa. Located within an established residential area, Roseburn Terrace lies to the south of the property and the Water of Leith lies to the west.

The property is located within the Coltbridge and Wester Coates conservation area.

### **Description Of The Proposal**

The application proposes the erection of a dormer roof terrace to the western elevation of the property, four large roof windows to the central flat roof plane towards the front and western side of the property and the installation of two rooflights to the northern and western elevations.



Officer engaged in discussion for possible amendments however, the applicant wished to proceed.

### **Relevant Site History**

04/02038/FUL

Alterations to exterior of house - new windows and balustrade to existing balcony

Granted

2 August 2004

11/01254/FUL

Proposed hardwood cladding, new glazed window proportions, external access stair, remove existing rear windows/door, fit glazed sliding facade.

Granted

7 June 2011

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 8 December 2020

**Date of Advertisement:** 30 October 2020

**Date of Site Notice:** 27 October 2020

**Number of Contributors:** 1

## **Section B - Assessment**

### **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?

### **Assessment**

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

- a) the proposed scale, form and design is acceptable and will not be detrimental to the conservation area;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

a) Scale, form, design and neighbourhood character

Policy Des 12 (Alterations and Extensions) states 'planning permission will be granted for alterations and extensions to existing buildings which...in their design and form, choice of materials and positioning are compatible with the character of the existing building; will not result in an unreasonable loss of privacy or natural light to neighbouring properties...and will not be detrimental to neighbourhood amenity and character.'

Policy Env 6 (Conservation Areas - Development) states 'development within a conservation area or affecting its setting 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; preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and demonstrates high standards of design and utilises materials appropriate to the historic environment'.

The non-statutory Guidance for Householders states 'permission for roof terraces and balconies will not be granted where there is significant overlooking into neighbouring property due to positioning and height or if the terracing results in loss of privacy to neighbouring properties' and 'extensions and alterations should be architecturally compatible in design, scale and materials with the original house and its surrounding area'.

The non-statutory Guidance for Listed Buildings and Conservation Areas state 'extensions and alterations should be architecturally compatible in design, scale and materials with the original house and its surrounding area'.

The Coltbridge and Wester Coates Conservation Area Character Appraisal emphasises low density form of the area and the predominance of detached and semi-detached villas complemented by the profusion of mature trees, extensive garden settings, and stone boundary walls.

Wester Coates Gardens and the surrounding streets are characterised by the period residential development. The streetscape is defined by detached and semi-detached traditional Victorian villas, primarily two storey in height. The roofscape is defined by a mixture of mansard and pitched roofs. Frontages are defined by primarily private gardens with driveways. Boundary treatments consist of a mixture of high and low walls, with iron railings, gates across driveways and mature vegetation. The property is an example of a two storey semi-detached villa, of traditional sandstone build with a mansard roof finished with dark grey slate. These two properties attached offer a good

example of a well preserved roofscape, including chimney stacks and traditional central rooflights.

The application proposes a number of alterations to the roof of the property. Works include the installation of a dormer roof terrace to the western elevation and a number of roof windows to the north and western elevations and central flat roof.

The proposed dormer terrace is out with the character and appearance of the area. The western elevation of the property is exposed and publicly visible from Wester Coates Gardens and Wester Coates Terrace. The introduction of a roof terrace onto this elevation would have a detrimental impact to the character of the original roof design and appearance of the property. The loss of the original roof fabric and introduction of an inset terrace with glass balustrade would have an imposing impact to the form of the roof and the wider roofscape and streetscape. This element of the proposal would have a significant impact to the structural pattern of the historical fabric and special architectural features of the property and therefore, it does not align with the non-statutory Guidance for Listed Buildings and Conservation Areas. Whilst the property benefits from a modern extension to the ground floor, the proposed dormer terrace is not architecturally compatible in design, scale and materials with the original house and its surrounding area. Therefore, given its exposed location it does not preserve or enhance the character of the conservation area. The proposed dormer terrace does not align with Policies Des 12 and Env 6.

The proposed roof windows to the central flat roof, whilst not visible from public view, would see the loss of historic fabric important to the character of the property and of the wider roofscape of the conservation area. This element of the proposal incorporates an inappropriate design solution which does not preserve or enhance the special character of the property or the surrounding area and therefore, does not align with Policies Des 12 and Env 6.

As highlighted in the non-statutory Guidance for Listed buildings and Conservation areas, the proposed velux rooflights to the western and northern elevations do not align with the guidance. The proposed rooflights are not of a conservation style and therefore by design would not preserve or enhance the special character of the property or of the conservation area, particularly not given the levels of amendments proposed to the roof. The proposed rooflights does not align with Policies Des 12 and Env 6.

Collectively, the proposal would overwhelm the original form and design of the roof and would have a detrimental impact to the character of the conservation area therefore, the proposals do not comply with Local Development Plan Policies Des 12, Env 6, the non-statutory Guidance for Householders, the non-statutory Guidance for Listed Buildings and Conservation Areas and the Coltbridge and Wester Coates Conservation Area Character Appraisal.

#### b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The non-statutory Guidance for Householders makes it clear that roof terraces will not be given consent as a result of loss of privacy to neighbouring property. Due to the

elevated position of the dormer terrace, the terrace would benefit from views across neighbouring properties and gardens along Wester Coates Terrace.

The proposal does not comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

#### c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

#### d) Public comments

One representation has been received from an amenity body.

Material considerations:

Concern for the adverse impact to the character and appearance of the host property - this is addressed in section a);

Concern for the adverse impact to the character and appearance of the conservation area - this is addressed in section a);

Concern for the location of the proposed balcony - this is addressed in section a);

Concern for the visual impact of the proposal to the property and the area - this is addressed in section a);

Concern for the scale of and number of rooflights proposed - this is addressed in section a);

Concern for the design of the balcony and of the rooflights - this is addressed in section a): and,

Concern the proposal does not preserve or enhance the original fabric and design of the roof - this is addressed in section a).

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

### **Reasons**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the proposal is not compatible with the character of the property or the surrounding area.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal does not preserve or enhance the special character of the conservation area.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the roof alterations are not appropriate for the conservation area.

4. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the proposed roof dormer would overlook neighbouring property and impact on privacy.

### **Informatives**

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

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

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

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 14 October 2020**

### **Drawing Numbers/Scheme**

01 - 17

Scheme 1

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

Contact: Luke Vogan, Planning Officer  
E-mail: [luke.vogan@edinburgh.gov.uk](mailto:luke.vogan@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.

# Comments for Planning Application 20/04417/FUL

## Application Summary

Application Number: 20/04417/FUL

Address: 20 Wester Coates Gardens Edinburgh EH12 5LT

Proposal: Alterations with conversion of attic and associated roof windows and dormer balcony.

Case Officer: Luke Vogan

## Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined the application and wishes to object to the proposals.

The property sits within the Coltbridge and Wester Coates Conservation Area, and on a corner, whereby the property is quite exposed, with the side being very visible.

1) The proposals significantly diminish the special character of the Conservation Area and are inappropriate development. The new double doors to the side of the roof, an inset dormer, are overwhelming and imposing.

2) The proposed rooflights contravene the Council's planning guidance for Conservation Areas, as they are not conservation style, with the central vertical glazing bar. There are too many in number, as this is a traditional property and the roof should be protected. The two very large flat rooflights to the front are also detrimentally large and the upstands are very visible from the street, again detracting from the character of the Conservation Area.

We object to this application which conflicts with Local Development Plan Policy ENV6, Listed Building and Conservation Area Guidance (City of Edinburgh Council, Feb 2019), and will negatively affect the special architectural and historical interest of the Conservation Area.



# Comments for Planning Application 20/04417/FUL

## Application Summary

Application Number: 20/04417/FUL

Address: 20 Wester Coates Gardens Edinburgh EH12 5LT

Proposal: Alterations with conversion of attic and associated roof windows and dormer balcony.

Case Officer: Luke Vogan

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined the application and wishes to object to the proposals.

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We object to this application which conflicts with Local Development Plan Policy ENV6, Listed Building and Conservation Area Guidance (City of Edinburgh Council, Feb 2019), and will negatively affect the special architectural and historical interest of the Conservation Area.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100316847-003

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Method Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alexander	Building Name:	
Last Name: *	Liddell	Building Number:	12a
Telephone Number: *	07753 766 342	Address 1 (Street): *	Montpelier
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH10 4NA
Email Address: *	mail@methodarchitecture.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Sam"/>	Building Number:	<input type="text" value="20"/>
Last Name: *	<input type="text" value="Johnston"/>	Address 1 (Street): *	<input type="text" value="Wester Coates Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH12 5LT"/>
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="20 WESTER COATES 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="EH12 5LT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673436"/>	Easting	<input type="text" value="323165"/>
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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)

Alterations with conversion of attic and associated roof windows and dormer balcony.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see separate document in Supporting Documents section

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)

Grounds for Appeal DS 0 DS Cover DS 1 DS Introduction DS 2 DS Context DS 3 DS Proposals DS 4 DS Policies P 001 Location Plan P 011 Ex lower ground floor P 012 Ex ground floor P 013 Ex first floor P 014 Ex attic floor P 015 Ex roof P 031 Ex front elev P 032 Ex rear elev P 033 Ex side elev P 111 Pro lower ground floor P 112 Pro ground floor P 113 Pro first floor P 114 Pro attic floor P 115 Pro roof P 131 Pro front elev P 132 Pro rear elev P 133 Pro side elev

## Application Details

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

20/04417/FUL

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

14/10/2020

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

08/12/2020

## 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 Alexander Liddell

Declaration Date: 11/12/2020

## Proposal Details

Proposal Name	100316847
Proposal Description	Alterations to 20 Wester Coates Gardens with conversion of attic and associated roof windows and dormer balcony.
Address	20 WESTER COATES GARDENS, EDINBURGH, EH12 5LT
Local Authority	City of Edinburgh Council
Application Online Reference	100316847-003

## Application Status

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

## Attachment Details

Notice of Review	System	A4
DS 0	Attached	A3
DS 1	Attached	A3
DS 2	Attached	A3
DS 3	Attached	A3
DS 4	Attached	A3
P 001	Attached	A4
P 011	Attached	A3
P 012	Attached	A3
P 013	Attached	A3
P 014	Attached	A3
P 015	Attached	A3
P 031	Attached	A3
P 032	Attached	A3
P 033	Attached	A3
P 111	Attached	A3
P 112	Attached	A3
P 113	Attached	A3
P 114	Attached	A3
P 115	Attached	A3
P 131	Attached	A3
P 132	Attached	A3
P 133	Attached	A3



Grounds for Appeal	Attached	A3
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

## 20 Wester Coates Gardens: Grounds for Appeal for refusal of Planning Application

The Planning Decision has been made without sufficient consideration of the particulars of the design, and the need to interpret Planning Policies. Policies and Guidance is generally valid but in being general does not anticipate every unique situation. The particulars of these proposals comply with Policy, as summarised below, and explained in more detail in the Design Statement.



EXISTING



PROPOSED

The text of the refusal is generic text which suggests that the application may not been give the consideration required. For example, the refusal state that overlooking is a problem; this is clearly not the case: the dormer balcony is 11.5 meters from the boundary whereas Householder Guidance requires 9 meters distance to boundary, the proposals exceed this. (see P114)

The form of the dormer is similar to the form of the chimneys. The proposed materials are similar to those used elsewhere on the house. As a result, the proposals are sympathetic to the original house and their addition does not detract from the appearance of the house or the conservation area.

The west side of 20 Wester Coates Gardens has a substantial existing modern addition; by comparison, the dormer balcony on the same side is a modest change. The view of the dormer is restricted by the side location and the tall trees, so the balcony can only be viewed from the view as illustrated, and there is little impact on the character of the conservation area.

There have been a number of recent additions allowed in the street; Planning decisions should be made consistently. Please refer to the Design Statement for more details

While protection of Conservation areas is important, this protection needs to be proportionate, accommodating the needs of those people who maintain and invest in those properties for future generations to enjoy.

We respectfully ask that this application should be allowed.





Alterations to 20 Wester Coates Gardens  
Design Statement



2004 application



2011 application



## DESIGN STATEMENT

### INTRODUCTION

This statement has been prepared in support of the planning application for 20 Wester Coates Gardens. The proposals comprise an attic conversion with associated roof lights and dormer balcony, and a new external stair to the rear garden.

This statement focuses on the more visible part of this application, the dormer balcony.

### PLANNING HISTORY OF 20 Wester Coates GARDENS

- 2004 Application: 'Alterations to exterior of house - new windows and balustrade to existing balcony'
- 2011 Application: 'Proposed hardwood cladding, new glazed window proportions...'

### LISTED BUILDING STATUS

20 Wester Coates Gardens is not Listed.

### RELEVANT PLANNING POLICY

Consideration for the following policies has been given when developing the design proposals:

Edinburgh Local Development Plan (2016)

- Policy DES 12 Alterations and Extension
- Policy ENV 6 Conservation Areas - Development
- Supplementary Planning Documents: Guidance for Householders
- Coatbridge and Wester Coates Conservation Area





### CONTEXT

There are a number of modern interventions within Wester Coates Gardens.

20 Wester Coates Gardens has itself undergone a number of changes in the recent past (2004, 2011). Most noticeably the timber clad sitting room that sits above a garage to the side of the house, with an aspect to the front.

3 Wester Coates Gardens (2012), new houses. A good example of modern architecture in a traditional context, and a similar aesthetic to the additions to number 20.

19 Wester Coates Gardens has a different scale and material to the Victorian houses that define the character of the area. This view of 19 Wester Coates Gardens looks toward no 20; this is the first views of 20 Wester Coates Gardens on the approach along Wester Coates Terrace. While not a great example of architecture, 19 Wester Coates Gardens has a balcony at roof level, a larger version of that proposed at no 20.

5 Wester Coates Gardens has an external stair that has been enclosed in glass, 2012. This frameless glass construction is similar to the balcony detail proposed at no 20.

Within the street, there have been permitted changes that have similarities to the current proposals.





## DESCRIPTION OF PROPOSALS

This view was chosen to illustrate the dormer balcony because it gives the clearest view of the proposed dormer conversion.

From a position further to the east, the west side of the roof is concealed by the south facing roof. From a position further to the west, the west side of the roof is concealed by trees. Indeed, it is difficult to find another view that could be used to demonstrate the proposed alterations, and conversely, the proposed roof alterations are not easily seen from other vantage points.

Views of the proposed dormer balcony from the public space are limited.

The inclusion of the dormer balcony enhances the amenity of the house. The modest ceiling heights of the attic conversion are given relief by the glazed doors that open onto a balcony and the treetops that fringe the edges of the Water of Leith. The views from this point will be significantly different to the aspect from other windows in the house.

We have proposed a bespoke roof dormer, as opposed to an off the shelf proprietary product. While it may have been easier to use a ready-made product, the modest size of the proprietary products would seem small for a house of this size. The choice by the applicant to a purpose-made design underlines the ambition to make a high quality intervention to reflect the quality of architecture of the house.

The detail of the new addition is restrained, deliberately unadorned, so that the new addition recedes rather than stands out. The predominate colours of the new works are grey, to sit with the grey slate of the roof. This exercise in understatement helps the new works sit comfortably with the Victorian house.



## ASSESSMENT OF PROPOSALS IN RELATION TO RELEVANT POLICIES

The Town & Country Planning Act requires planning applications to be determined in accordance with the Development Plan. While planning policy is a matter of law, the application of policy is a matter of judgement, informed by understanding of policy. If a proposal is in accord with the development plan consent should be granted, unless any site specific matters preclude consent.

**- DES12 Alterations and Extensions – planning permission will be granted where design, form and materials are compatible with the existing building; there will not be unreasonable loss of privacy or natural light; there will be no detrimental impact on the character of the neighbourhood.**

The design respects the existing architecture by avoiding the more formal front elevation, instead proposing changes to the more informal side elevation. The eaves line is maintained, and the works affect just the side face of the pitched roof.

The immediate context to the proposed dormer balcony is the well crafted existing contemporary extension that faces the street, which given its size and prominence, is a more radical departure from the Victorian original than the current proposals.

The form of the proposed dormer with integrated roof light, has a vertical emphasis and is of similar plan size to the adjacent chimney, although the taller chimney remains the dominant feature at roof level on this side of the house. Had the dormer been deeper, it would seem a heavy imposition on the roofscape. Keeping the balcony deep and the dormer shallow ensures the intervention remains a light touch.

The proposed materials draw on the existing materials of the house: lead flashings and timber door frames can be found in the original house. The glass balustrade has more in common with the modern additions, and the glass balustrade leading to the entrance below.

There is no loss of privacy or natural light. While the dormer balcony does face toward the site boundary, there is 11.5m from the balcony edge to the boundary. The woodland to the west of the boundary drops steeply towards the Water of Leith.

The proposals are a minor change to the appearance of the side of the house, and on character of the house as a whole. Clearly these proposals do not change the character of the neighbourhood.

**- ENV6 Conservation Areas Development – development will be permitted where it preserves or enhances the character and appearance of the conservation area.**

The illustrations demonstrate the proposed changes have little impact on the appearance of the house as a whole. Design considerations of form and material as described above ensure the proposals maintain the character of the conservation area.

## GUIDANCE FOR HOUSEOLDERS

While the general guidance has good advice on typical alterations, it does not cover balcony dormers. As such the guidance is not applicable to this particular application.

## COATBRIDGE AND WESTER COATES CONSERVATION AREA

There is little relevant guidance within the conservation area document. The section titled 'Building Alterations' gives no direction on how buildings can be altered, as such the proposals cannot be said to be in contradiction of these. The proposals are consistent with the Conservation Area, and if permission were granted, the description would be unaltered.

The location of this house, at the end of the street, is an unusual situation. The same dormer balcony on other houses could generate an overlooking condition, however at the end of the street, this is not the case. It is a unique condition that makes the most of the particular context, and as such, this does not set a precedent that could be repeated.

## CONCLUSION

The current proposals constitute a small change to the west side of the house which has been more significantly altered in the past.

Permitted changes within Wester Coates Gardens demonstrate that the robust Victorian designs can accommodate this change.

We note there have been no objections from neighbours.

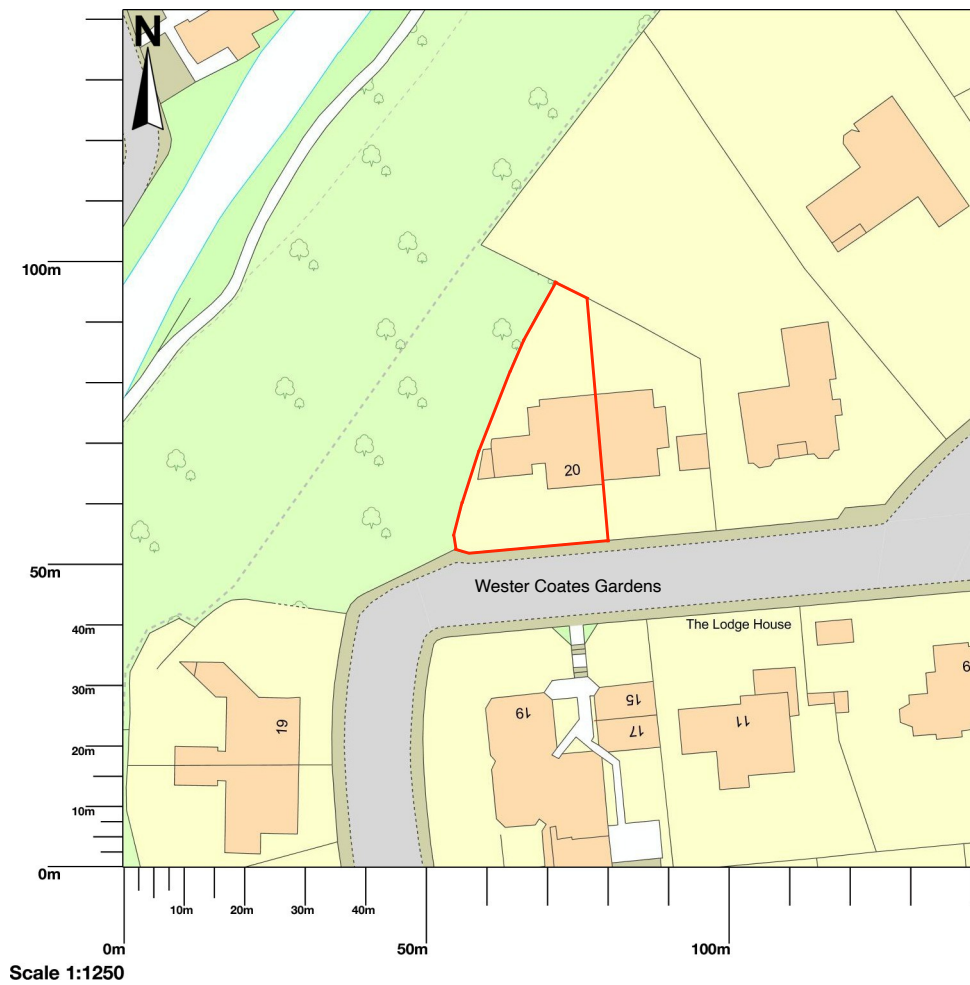
In light of the above assessment, we conclude:

- The proposal satisfies the criteria of LDP policies and will be in accordance with the character and setting of the surrounding area.
- The design of the proposal will have no adverse effect on the residential amenity or the character and appearance of the conservation area.
- The dormer balcony not result in unreasonable loss of amenity, privacy or natural daylight to neighbouring properties.

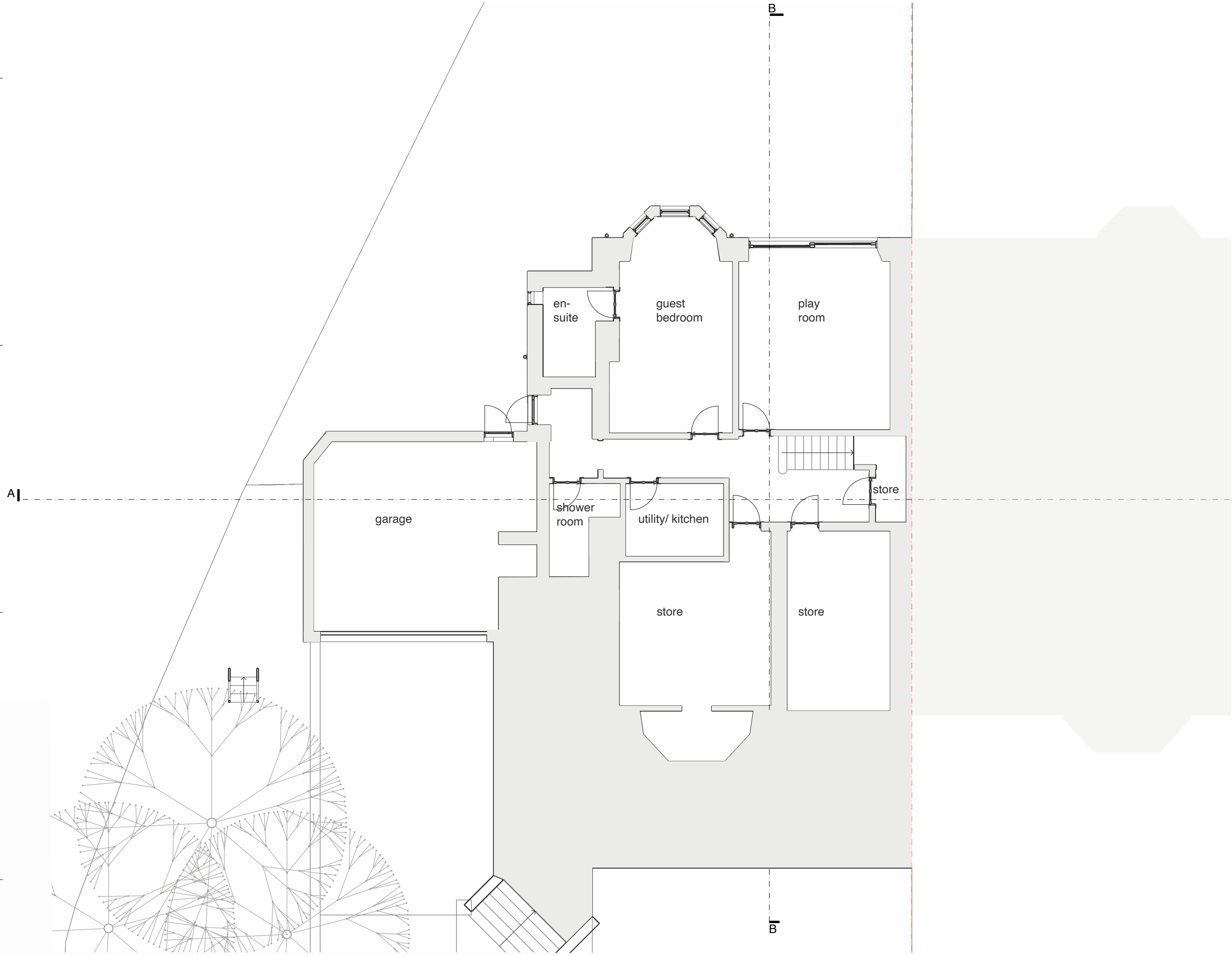
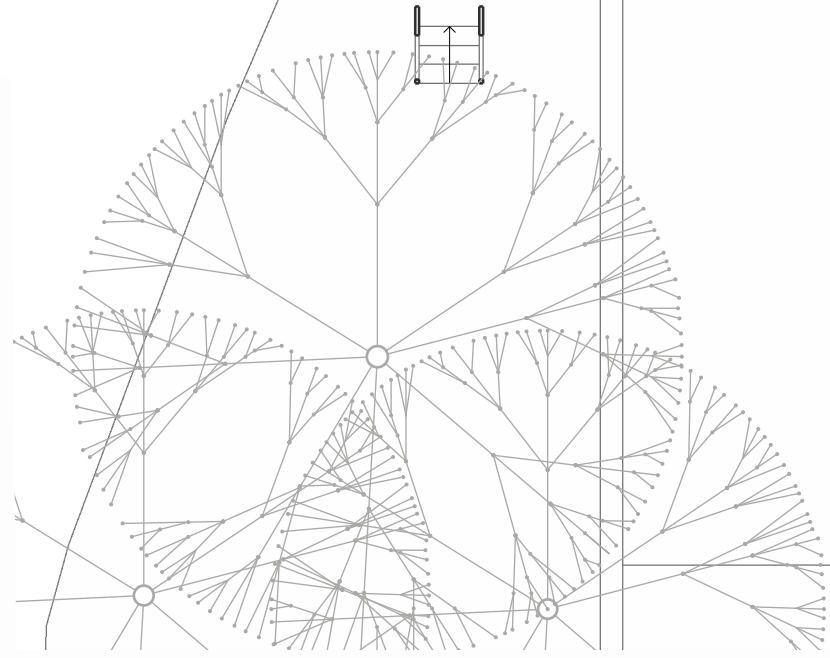
Therefore, we respectfully request that this application should be approved.

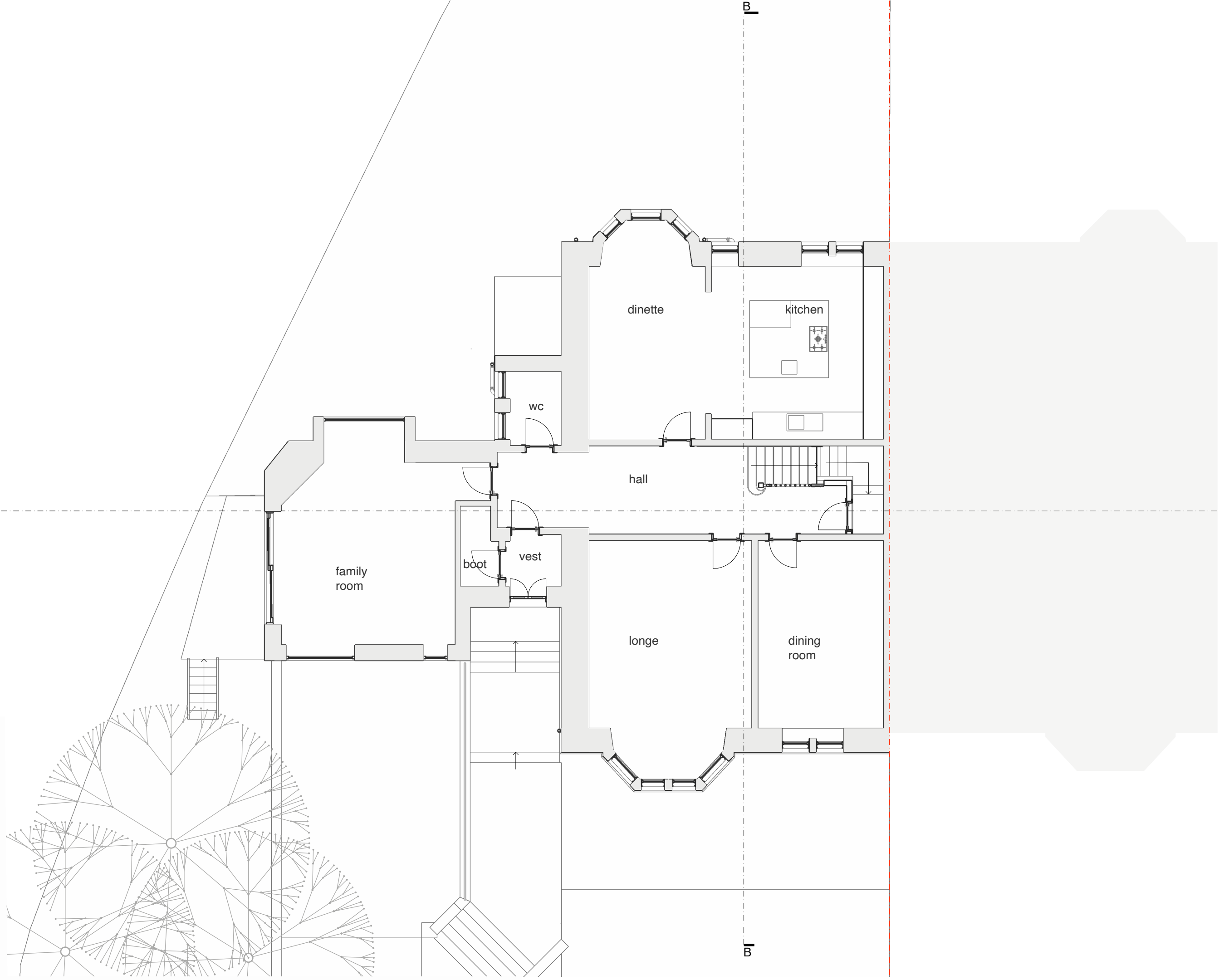


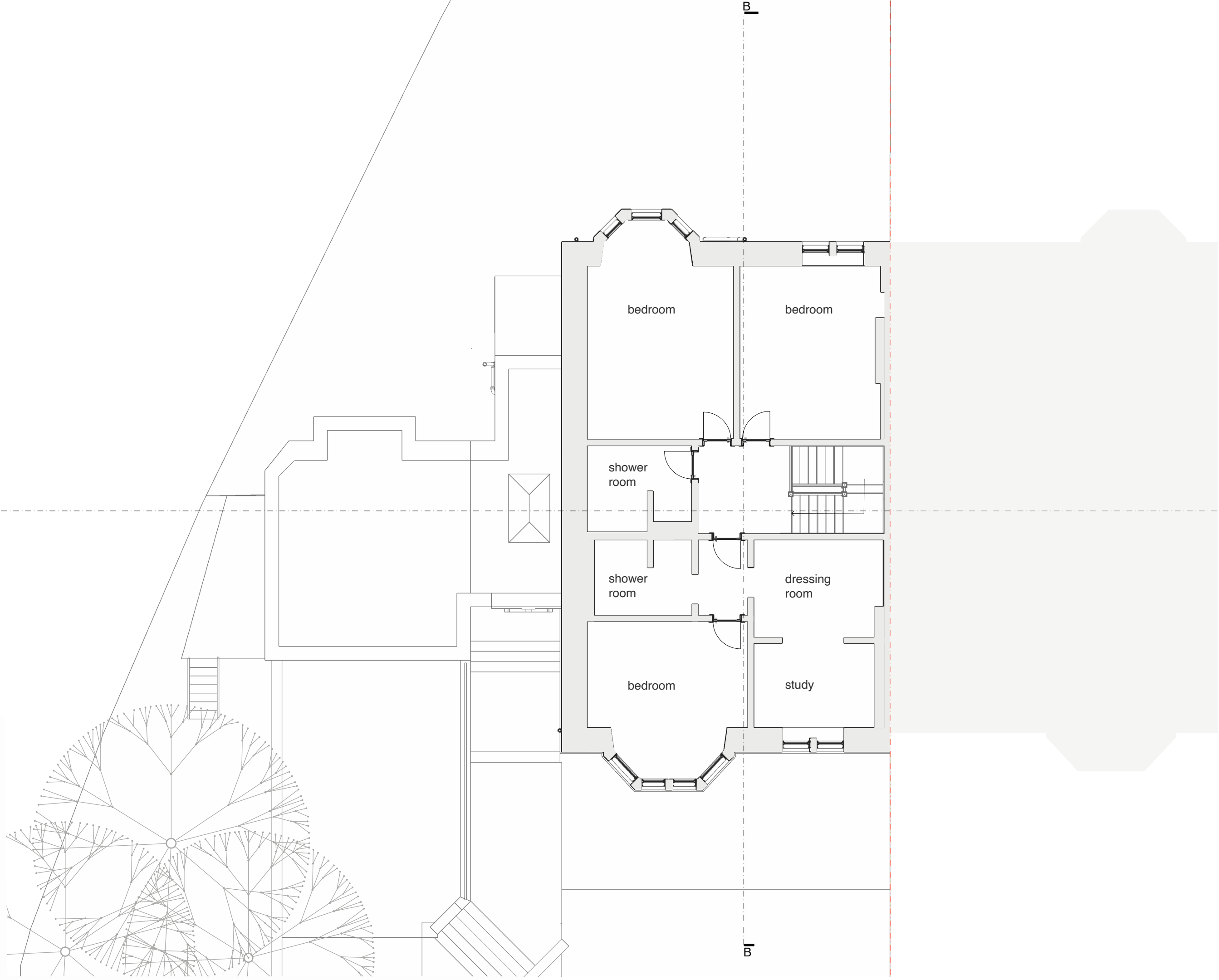
## 20 Wester Coates Gardens, Edinburgh, EH12 5LT

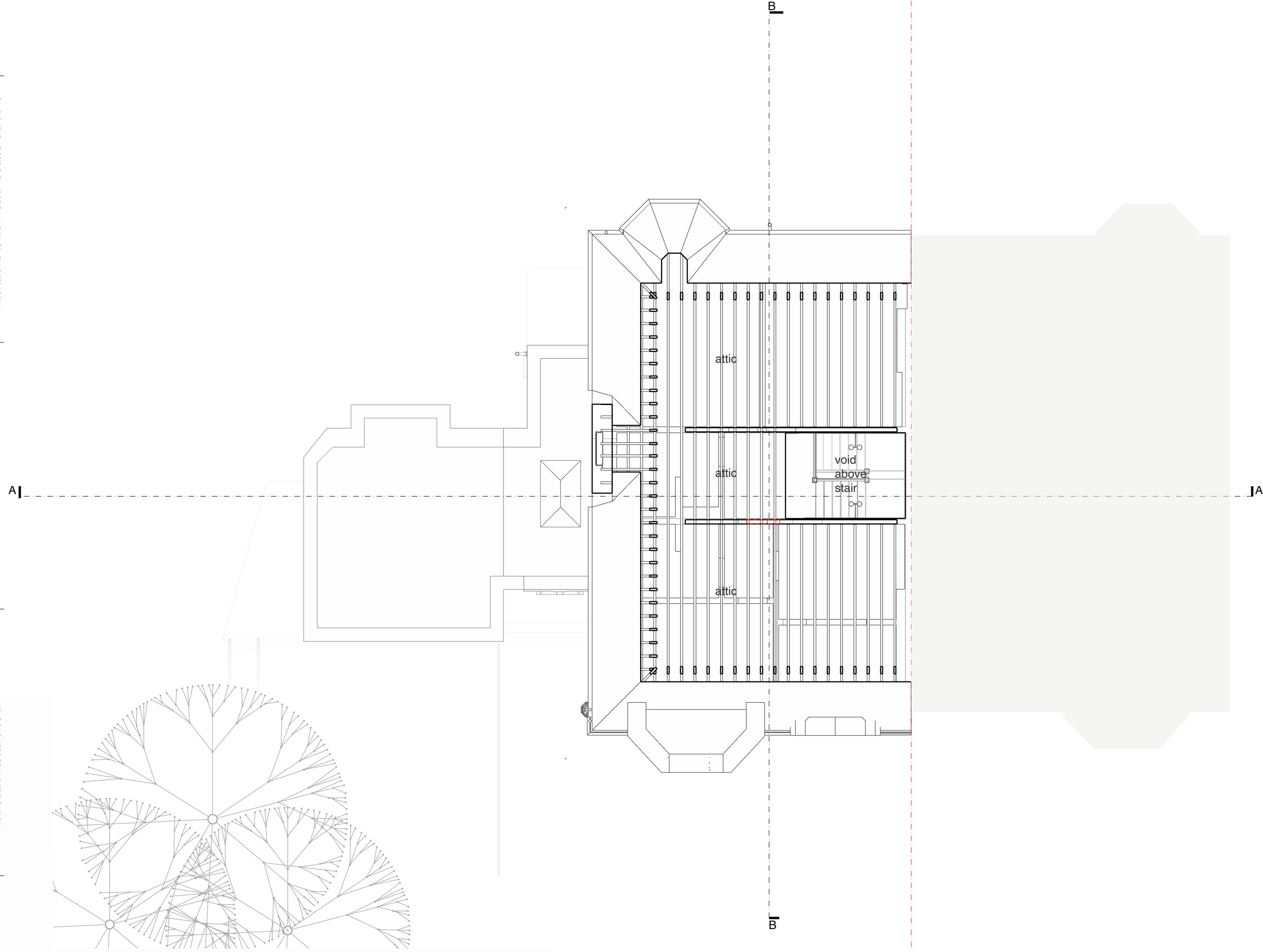
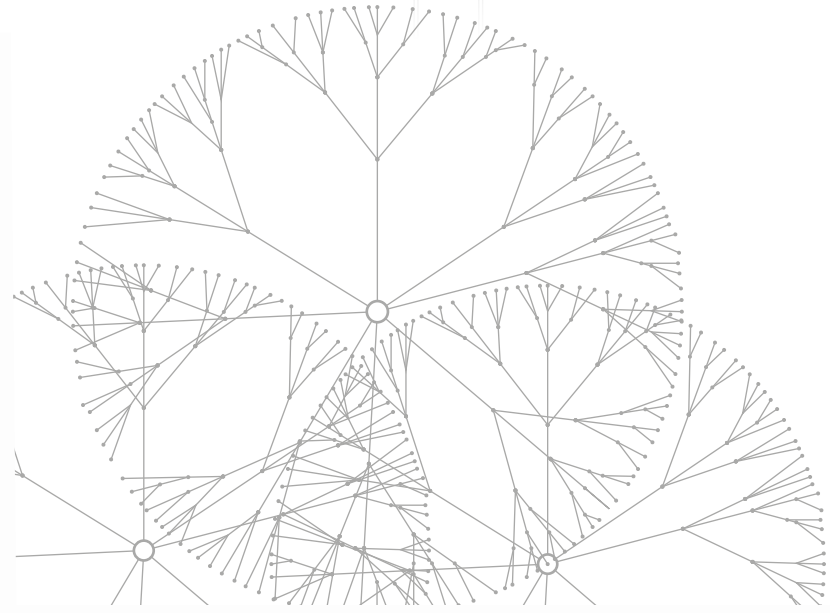


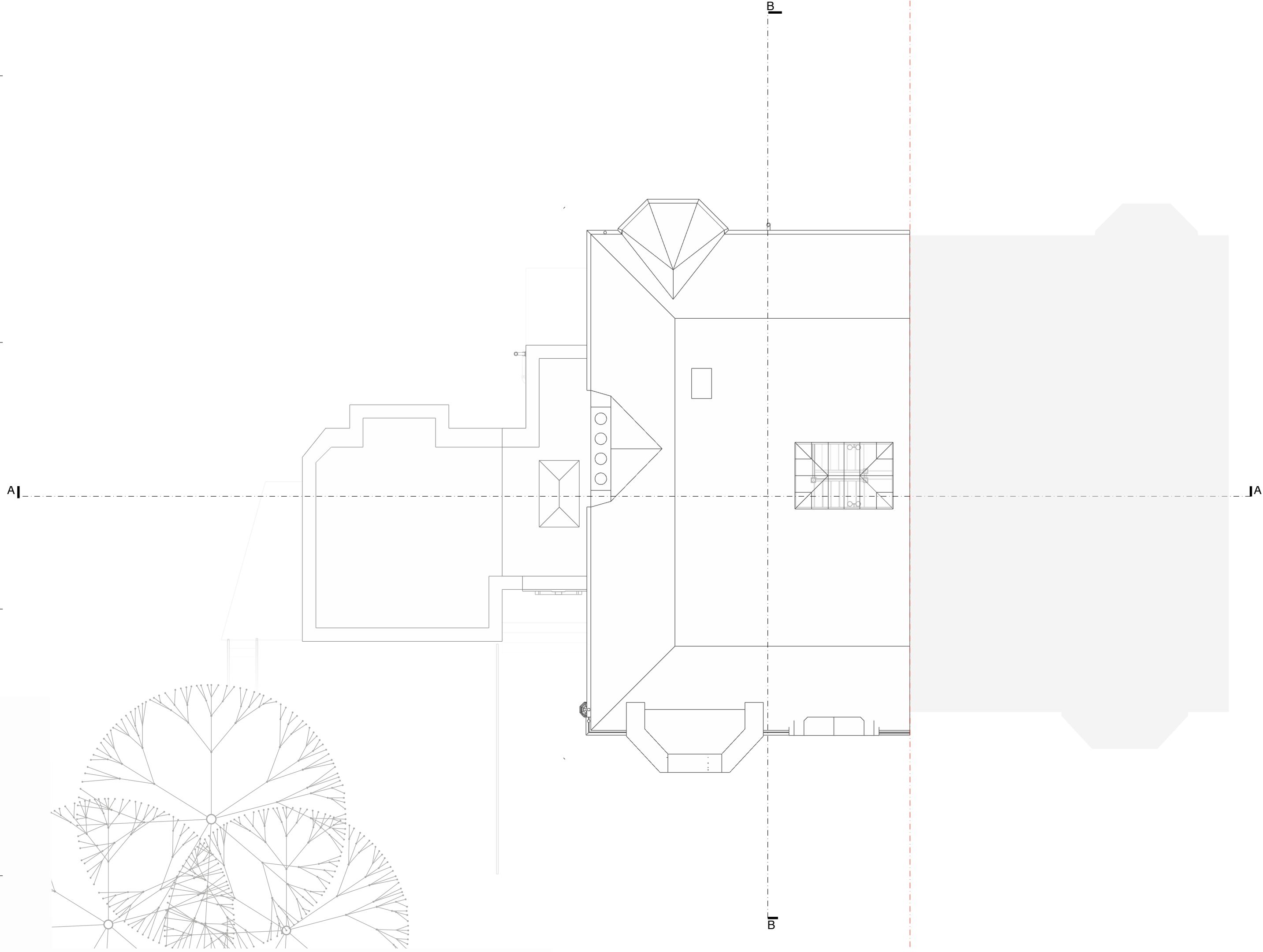
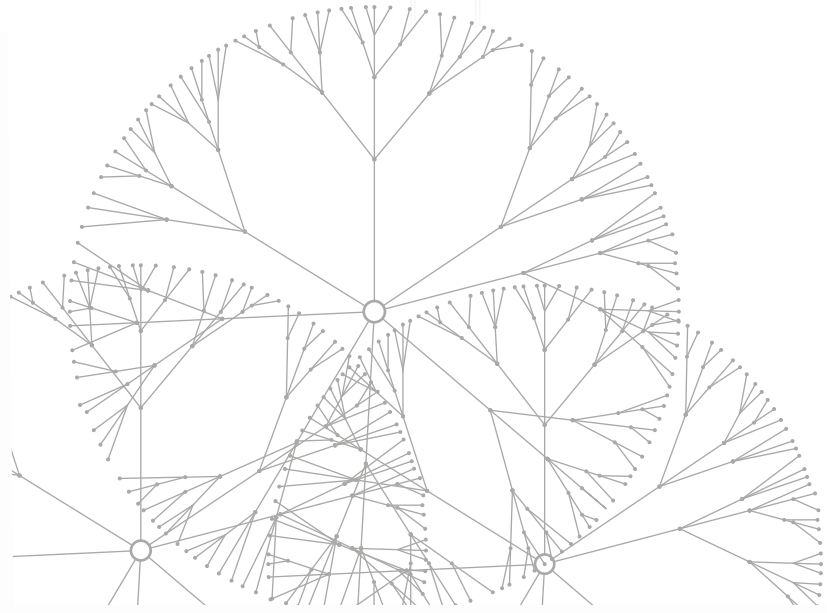
Map area bounded by: 323094,673365 323236,673507. Produced on 14 October 2020 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2020. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/520527/705234









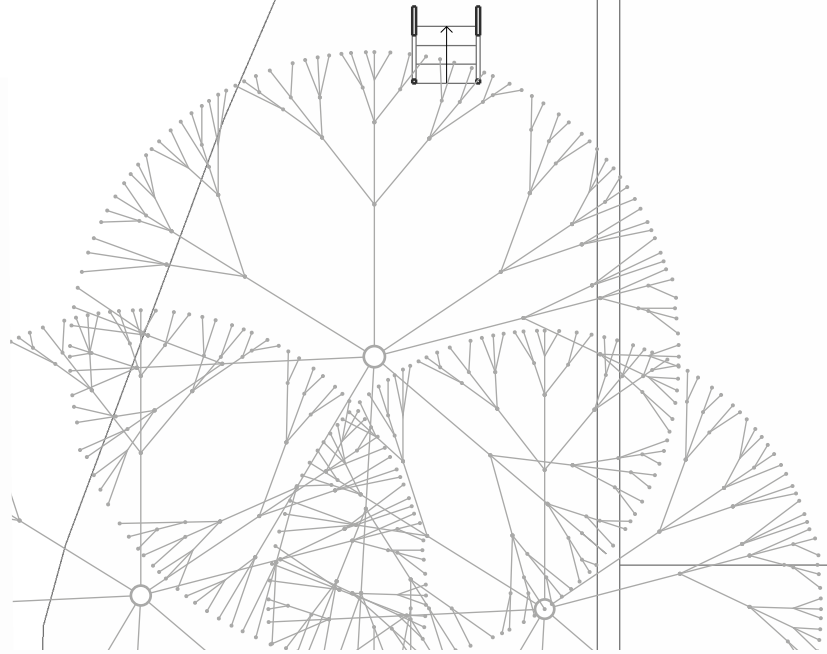




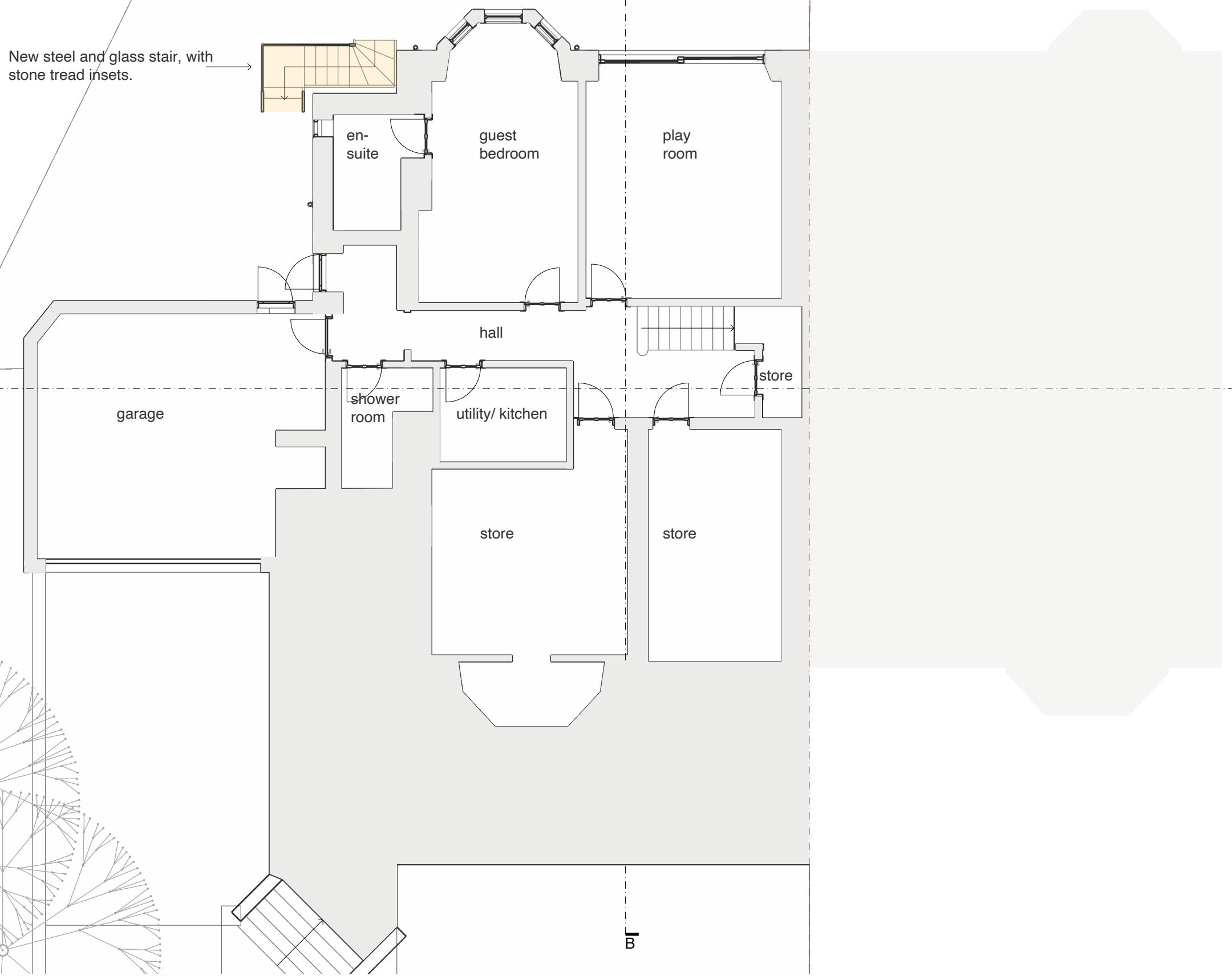
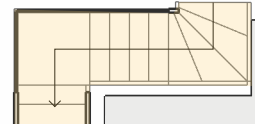


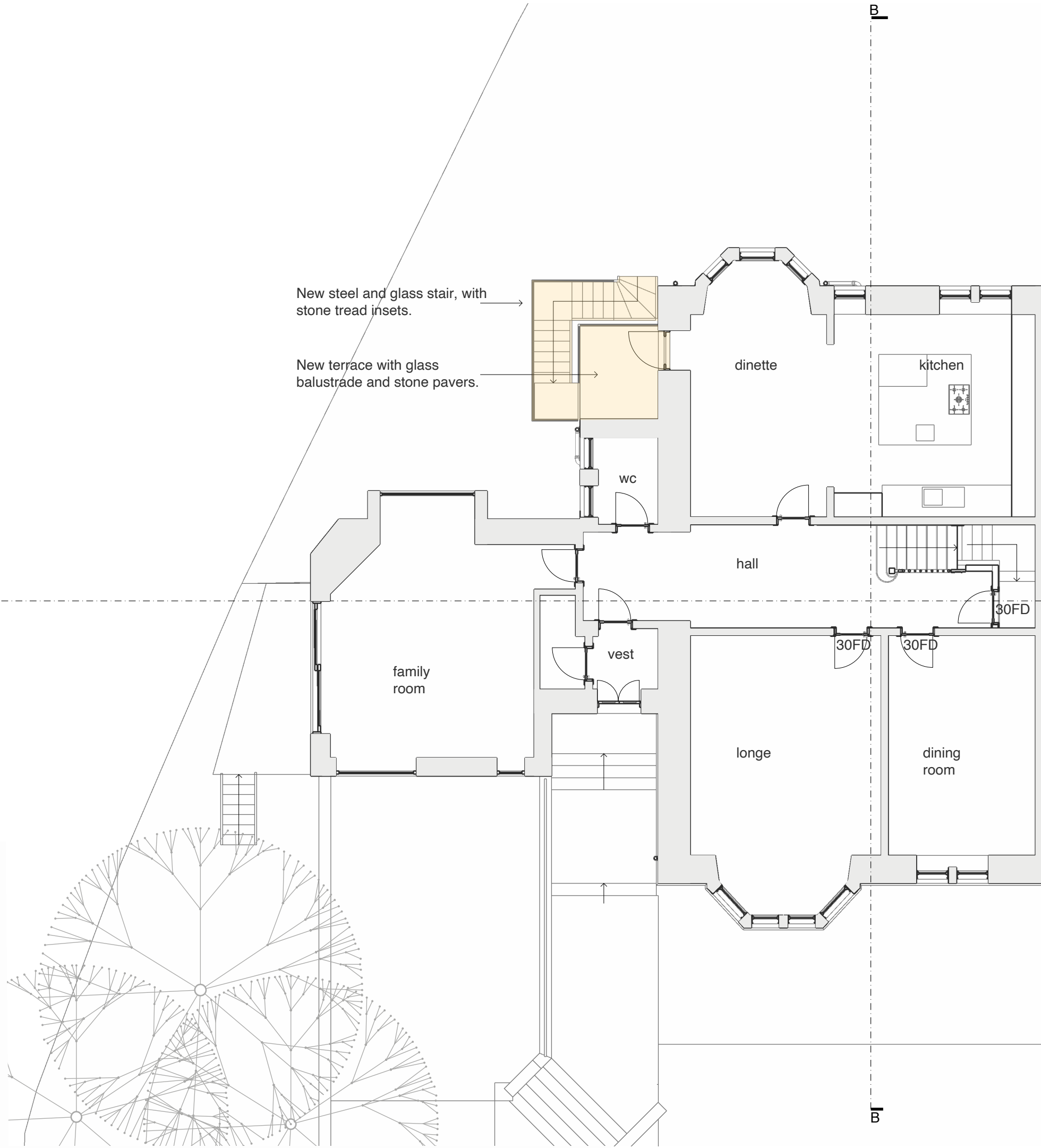


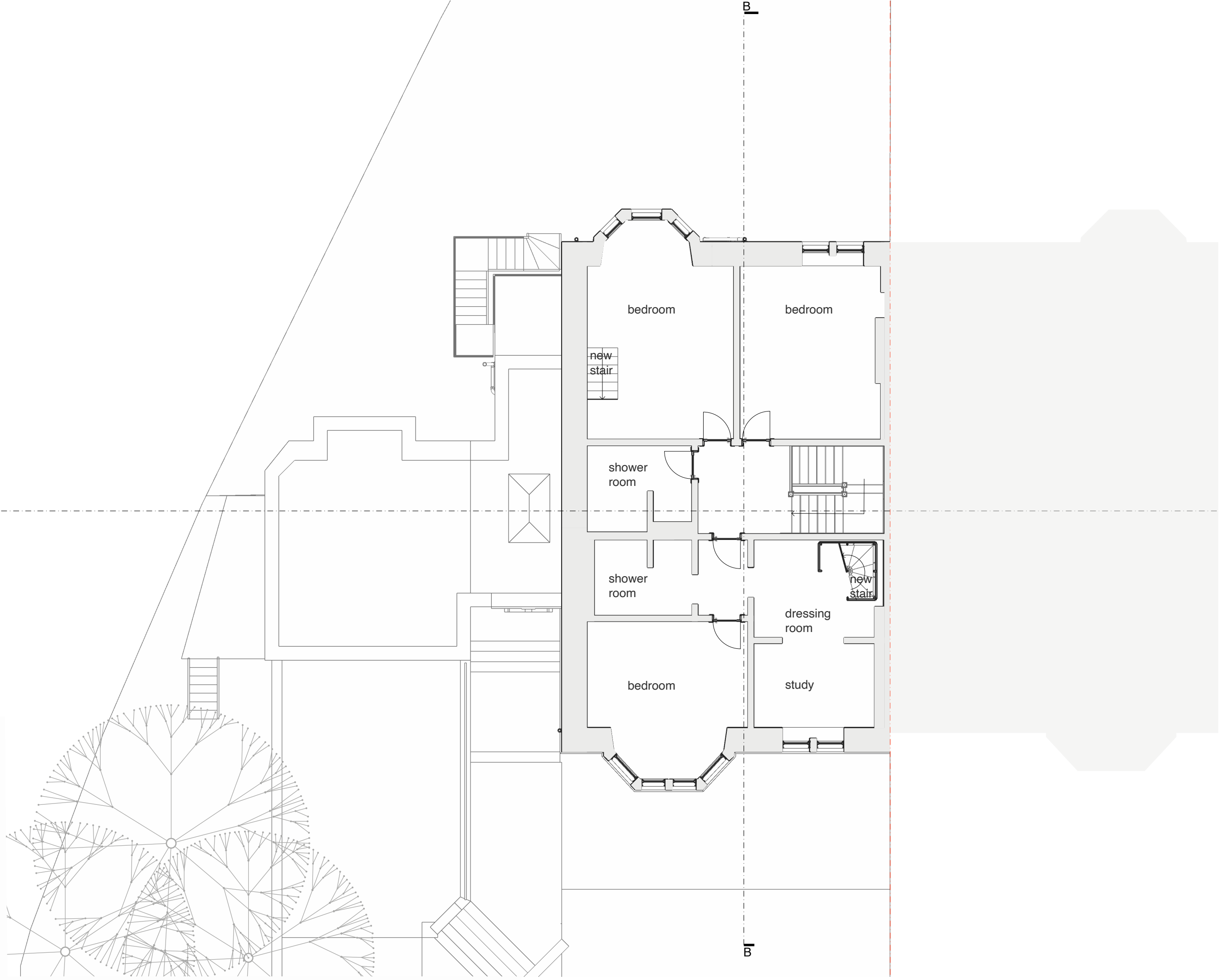




New steel and glass stair, with stone tread insets.







New balcony with glass balustrade and timber deck

boundary

11.5m

New velux type rooflights with dark grey aluminium frame

bedroom

bedroom

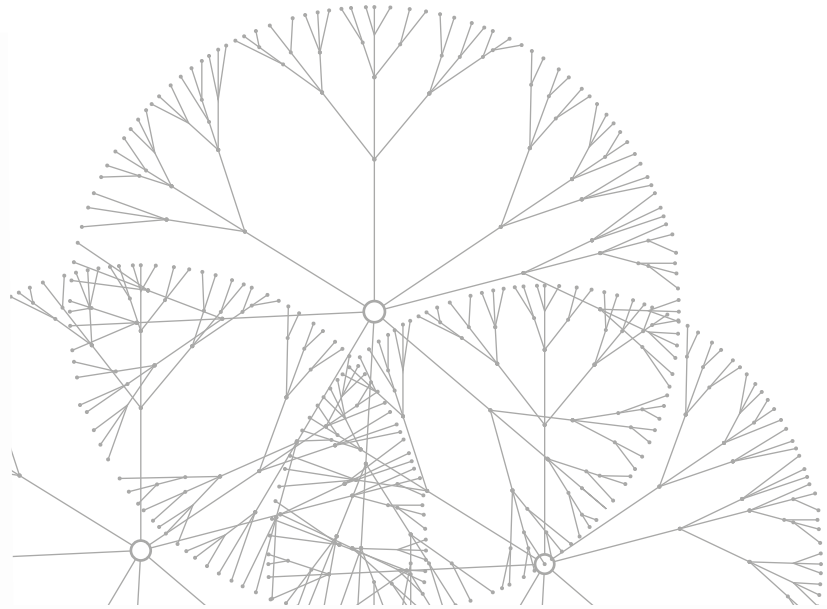
new stair

void above stair

study

new stair

New glazed doors

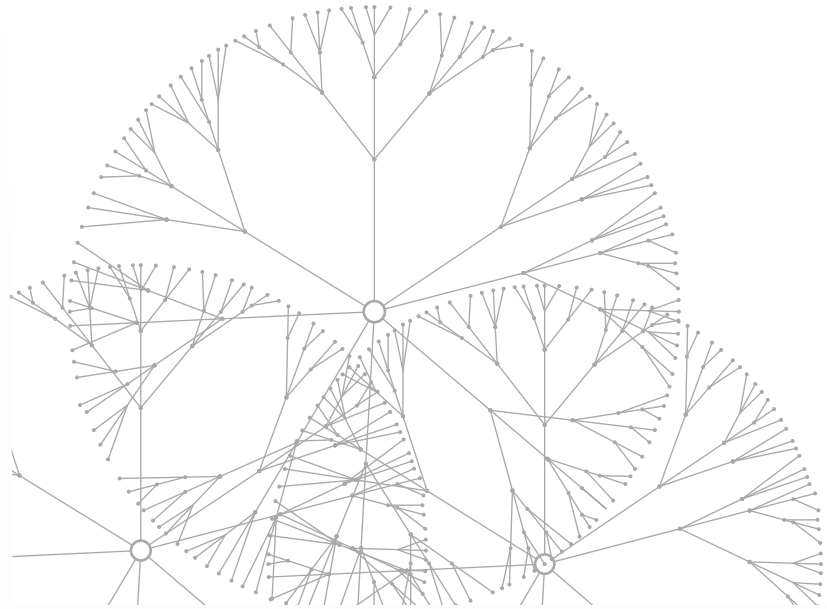


A|

|A

1a

B



A|

New flat rooflights  
with dark grey aluminium frame

New balcony with glass  
balustrade and timber deck

New velux type rooflights  
with dark grey aluminium frame

New flat rooflights  
with dark grey aluminium frame

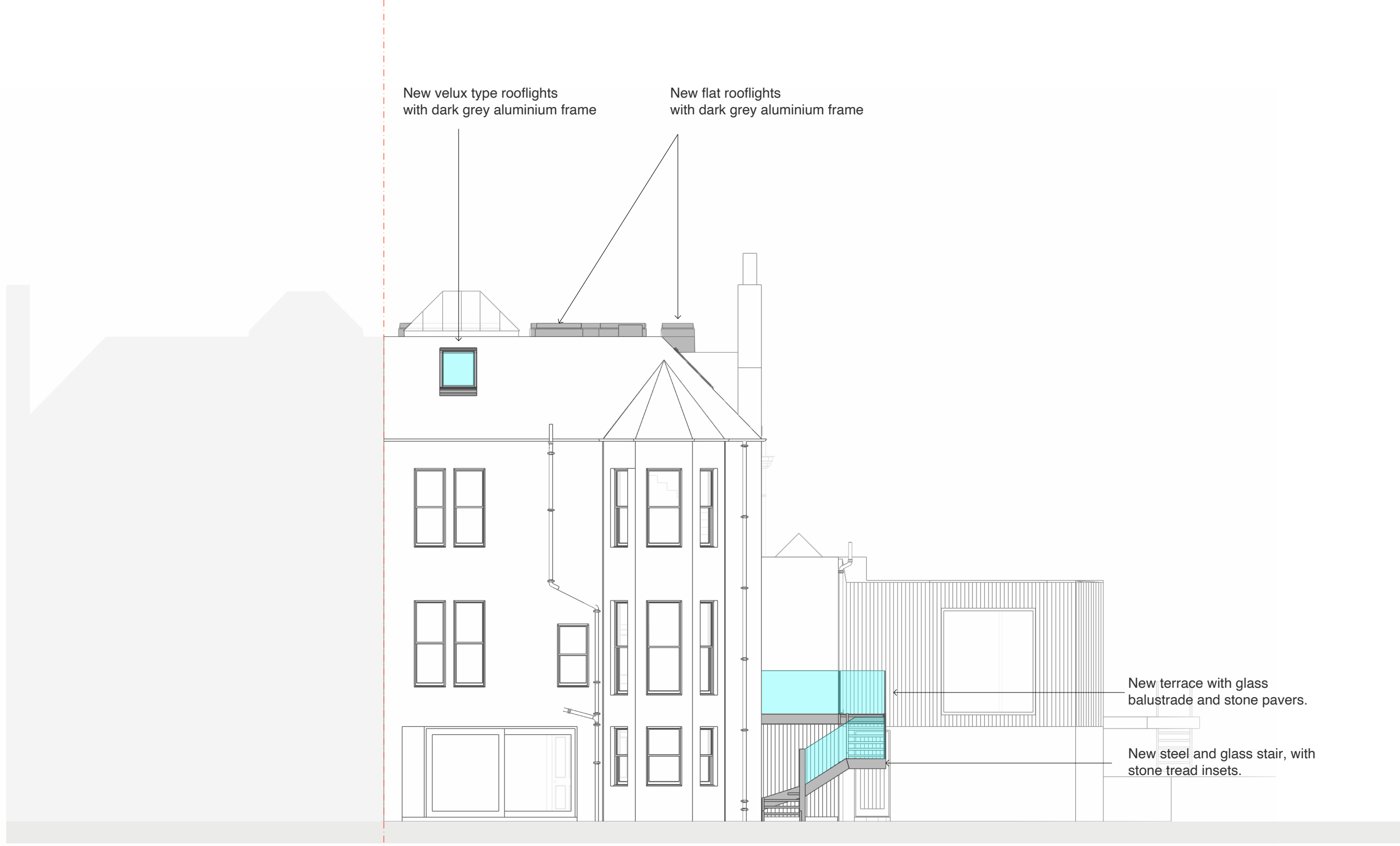
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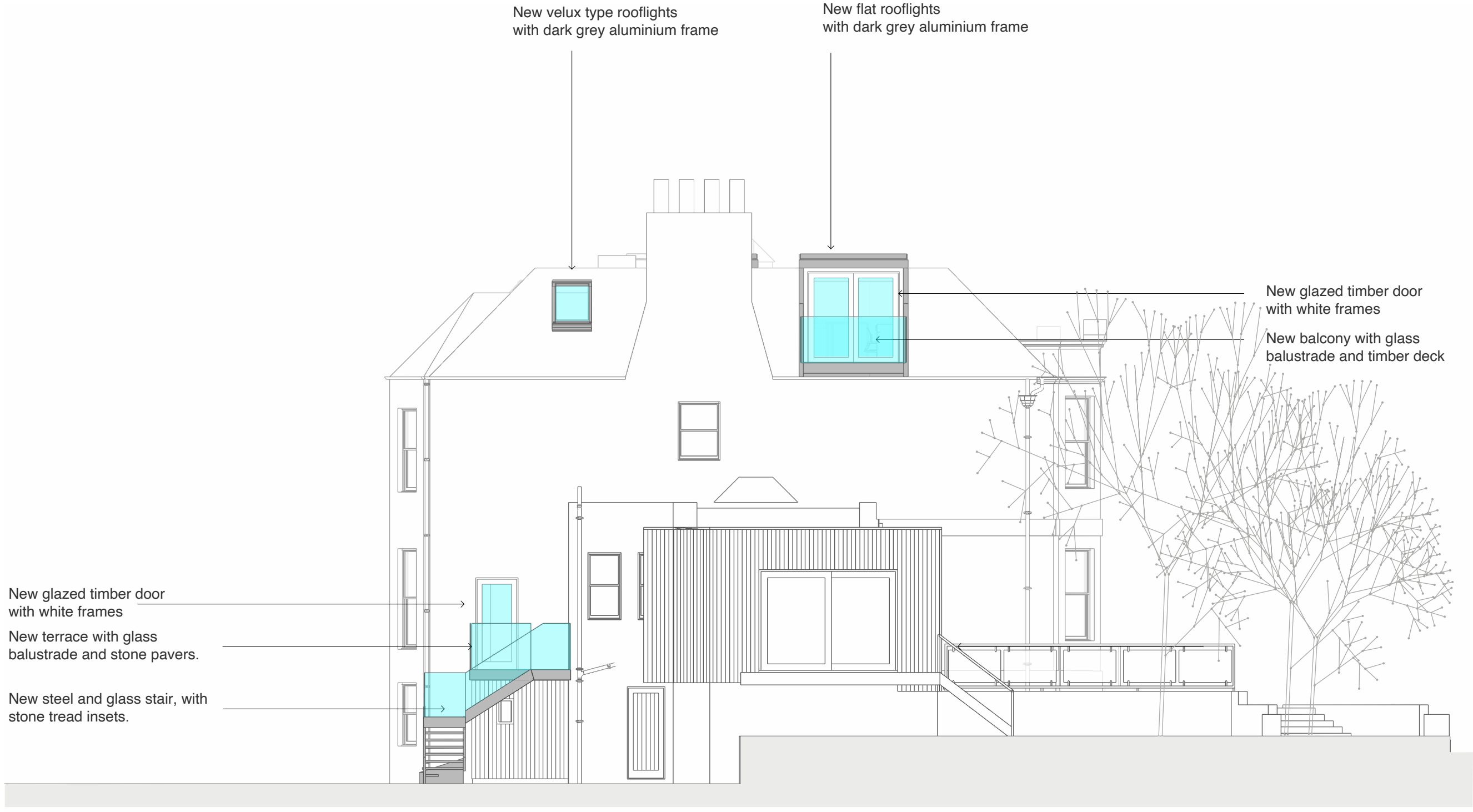
|A

B









New glazed timber door with white frames

New terrace with glass balustrade and stone pavers.

New steel and glass stair, with stone tread insets.

New velux type rooflights with dark grey aluminium frame

New flat rooflights with dark grey aluminium frame

New glazed timber door with white frames

New balcony with glass balustrade and timber deck

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