

Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00 am Wednesday, 23rd March, 2022

Virtual Meeting - via Microsoft Teams

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

Contacts

Email: natalie.le.couteur@edinburgh.gov.uk

1. Appointment of Convener

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

2. Order of Business

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

3. Declaration of Interests

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

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 2) – 23 February 2022 – 7 - 14
submitted for approval as a correct record

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 15 - 16

6. Requests for Review

- 6.1 57 Broomhouse Crescent, Edinburgh – Front and rear dormers – 17 - 52
application no 21/06109/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 and a site visit
- 6.2 89 Charterhall Grove, Edinburgh – Front porch amendment and rear 53 - 78
garden amendment / additions (as amended and in part retrospect) –
application no 21/03155/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.

- 6.3** 2F 2 Morningside Gardens, Edinburgh – Replace the existing aluminium windows with uPVC windows. – application no 21/05446/FUL 79 - 102

- (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.

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

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

[Local Development Plan Online](#)

Edinburgh Local Development Plan Policy Des 11 (Tall Buildings-Skyline and Key Views)

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

Edinburgh Local Development Plan Policy Des 13 (Shopfronts)

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

8. Non-Statutory Guidance

- 8.1** Listed Building and Conservation Areas – Report by

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillors (Convener), (Vice-Convener), Councillor Chas Booth, Councillor Maureen Child, Councillor Hal Osler and Councillor Cameron Rose

Information about the Planning Local Review Body (Panel 2)

The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations. The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors.

Further information

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

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damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

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Minutes

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

10.00am, Wednesday 23 February 2022

Present: Councillors Booth, Child, Dixon, Mitchell and Osler.

1. Appointment of Convener

Councillor Dixon was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 19 January 2022 as a correct record., subject to the correction of the error on item 6 of the minute where the address should reflect the address Manor Place, not Minto Place.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 1 North Bughtlin Neuk, Edinburgh

Details were submitted of a request for review to remove and replace the existing timber boundary fence on the front elevation with a new taller timber fence at 1 North Bughtlin Neuk, Edinburgh. Application number 21/04625/FUL.

Assessment

At the meeting on 23 February 2022, the LRB had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents.

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 being the drawings shown under the application reference number 21/04625/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 that a site visit was necessary to determine the review.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Householders
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- That it would be permitted development if the fence had been 1 metre high, and that the applicant had stated within their appeal that they were content with a 1 metre fence height however the applicant was not happy with reasons for refusal as they felt the proposed fence was not detrimental to the character of the area or the character of the existing property.
- That the fence currently sat at 600mm.
- That there was a slope and an embankment to the property and it was queried whether it was known the height difference between the path and the fence.
- That it was confirmed that the height of the embankment was not particularly high.
- Clarification on the height of the fence the appellant wished to erect was provided and it was confirmed that the proposed height was 1.5 metres.
- That the panel needed to decide if they would uphold the Chief Planning Officer's decision and refuse the application on the basis of it being out with policy which enabled the appellant the option of building a one metre high fence which did not require planning permission as this could be undertaken under permitted development.
- That the photographs sent by the appellant, appeared to be back garden fences, and that the fence proposed was to the front elevation of the property therefore not directly comparable.
- That a one metre fence would offer a deterrent to pedestrians crossing the boundary and would still comply with policy.

Having taken all the above matters into consideration, and although there was some sympathy for the proposals, 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 and to refuse planning permission.

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

5. Request for Review – 2F 10 Randolph Crescent, Edinburgh

Details were submitted of a request for review to access and provide permanent stairs to the new opening roof light, remove existing lantern over bathroom and replace with new, flat glass rooflight and alter inward facing pitched roof faces to give enlarged, accessible flat roof area - application number 21/04427/FUL.

Assessment

At the meeting on 23 February 2022, 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.

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 being the drawings shown under the application reference number 21/04427/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 to determine the review.

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 Env 4 (Listed Buildings - Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.

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

Conclusion

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

- That it was highlighted that when the building was listed, the roof line had been alerted from the original design.

- That clarification was sought as to whether there had been alterations to the roofscape since the date of the listing, however it was advised that this was not known.
- That the appellant had included photographs where there had been a different roof form in the past.
- That a Member asked whether it would be appropriate to continue consideration of this application until the DPEA had considered the listed building consent appeal which was related to the fabric of the building.
- That the Listed Building Consent application looked specifically at the character and appearance of the listed building. The full planning application would consider the wider impact of the development and would need to be considered in accordance with the Development Plan.
- That the DPEA LBC Appeal was still awaiting determination.
- That Historic Environment Scotland (HES) had not objected to this application however had done for prior applications of a similar nature relating to this property and the significance of HES not objecting to this planning application was queried.
- That it was advised that the glass balustrade which Historic Environment Scotland objected to previously was due to the reflective nature of the glass from long views, which could draw attention to the material and could lead to the diminution of the conservation area. The concern was that this change would give the visual impression of a flat roof and impact the appearance of the street. It was highlighted that this application had removed the glass balustrade.
- That it was not felt that the proposals differed significantly from previously submitted proposals and that the panel felt that there was enough information to make a decision and that the preference was to make a decision in advance of the DPEA making their LBC determination.
- That another member felt there was sufficient information to make a determination and that while this application removed the glass, and that was a step forward, it was up to the panel to determine whether it was an acceptable change overall.
- That although the roof was not an original form, this was since the 1970s when the building was listed which was a significant period of time.
- That it was accepted that the change would not be readily visible, but when thinking of listed buildings and the historical environments, consideration ought to be given to the acceptability of the change, the visibility and the integrity of the listed building, and this application would diminish integrity of the built heritage.
- That the value of outdoor space was understood and there was sympathy for the appellant however it was understood that there was residents' access to outdoor space via a private garden for a fee nearby.
- That the application was quite out of keeping with the character of the area.

Having taken all the above matters into consideration, and although there was some sympathy for the proposals, 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 and to refuse planning permission.

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

6. Request for Review – 77A George Street, Edinburgh

Details were submitted of a request for a review for extensions to enlarge existing windows to doors including protective barrier at 77A George Street, Edinburgh. Application number 21/02872/FUL.

Assessment

At the meeting on 19 January 2021, 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. The Panel had also been provided with a copy of the DPEA decision notice which granted listed building consent on appeal for the same proposals.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions. He also explained the reporter's reasoning as set out in the listed building consent decision notice.

The plans used to determine the application being the drawings shown under the application reference number 21/02872/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:

Assessment

At the meeting on 23 February 2022, 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.

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 being the drawings shown under the application reference number 21/02872/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 to determine the review.

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 Ret 11 (Food & Drink Establishments)

Edinburgh Local Development Plan Policy Ret 9 (Alternative Use of Shop Units in Defined Centres)

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

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

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

City Centre Retail Core Supplementary Guidance (Policy CC 3)

- 2) Relevant Non-Statutory Guidelines.

The New Town Conservation Area Character Appraisal

- 3) The procedure used to determine the application.

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

Conclusion

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

- That in January 2020, the Supplementary Guidance for the City Centre was reviewed.
- That no more than one third of the frontages in this block should be in a non-retail use and that was why the application did not meet the terms of the City Centre Retail Core Supplementary Guidance (Policy CC 3).
- That this would be a difficult application to consider, as it was a very subjective and there was sympathy for the applicant.
- That the proposed use would be complementary to the street.
- That it would be lovely to have a vibrant street with restaurants, however the Members did not know what the future held, and the Supplementary Guidance for the City Centre had been reviewed recently. Once the change of use from retail to restaurant was granted, it was unlikely that the unit would return to a retail use.
- That while this proposal infringed on policy and guidance, the city centre was suffering greatly. Ultimately this was a successful cluster of restaurants which

could be added to and restaurants were still destinations in a way that some shops were no longer.

- That retail in George Street was important and that a loss of retail was not in accordance with the development plan, and there was no reason to accept this.
- That there were strong arguments on both sides. This application did not comply with the City Centre Retail Core Supplementary Guidance (Policy CC 3) but that Local Development Plan Ret 9 offered a range of arguments which leant toward overturning the Chief Planning Officer's decision. The policy aimed to avoid areas of dead frontage which would detract from the character and vitality of the centre and the vacancy rate on George Street could not be ignored, reflecting the change of shopper behaviour to online instead of in store, particularly exacerbated by the pandemic.
- That Environmental Protection had no objections subject to conditions in the event that the panel decided to overturn the chief planning officer's decision and grant planning permission.
- That this application had an opportunity to add to the vitality of the area and a panel Member was persuaded by the support from Essential Edinburgh.
- That the rationale for preserving retail was important, and that a Member felt the Officer's recommendations should be upheld.
- That a Member felt the Officer's recommendation should be refused and that the decision should be overturned and planning permission should be granted.
- That the pandemic had changed shopper behaviour.
- That a Member felt that the application complied with LDP Ret 9.

With contrasting opinions between the panel Members on whether to grant or refuse planning permission, the final decision was taken by means of a vote, with three members of the panel voting to refuse planning permission and two members voting to grant permission.

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

Motion

To overturn the decision by the Chief Planning Officer and grant planning permission.

Reasons for Approval:

To overturn the decision of the Chief Planning Officer and grant permission for the reason that:

The proposals were not contrary to Edinburgh Local Development Plan Policy Ret 9 (Alternative Use of Shop Units in Defined Centres)

Moved by Councillor Booth, seconded by Councillor Mitchell.

Amendment

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

Moved by Councillor Dixon, seconded by Councillor Child.

Voting

For the motion - 2 votes

For the amendment - 3 votes

For the Motion: Councillors Booth and Mitchell.

(For the Amendment: Councillors Child, Dixon and Osler.

Decision

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

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

Procedures for Local Review Body Virtual Meetings

The virtual meeting will be conducted as follows

- 1) The Clerk will take the register of members in attendance by roll call to ensure the meeting is quorate and to note members in attendance.
- 2) Members should advise the Clerk before the meeting if they intend to have substitute member attending for them or to give their apologies.
- 3) The Clerk will advise Members that they should be in attendance at the beginning of consideration of each request for review, all the way through to enable them to partake in decision making.
- 4) Due to the risk of decisions being legally challenged if there is doubt regarding members that are in attendance for each request for review, and to provide clarity on members that have declared interests and left the meeting, the Clerk will take the register at the beginning of consideration of each request for review to ensure that a record is taken of all members present, and again at the end. The Clerk will also ask members to confirm their declarations of interest before consideration of each request for review at the same time as taking the register. Members are advised that if they declare an interest they should leave the meeting by ending the Skype call and not take part in decision-making on the item(s) they have declared an interest in. The Clerk will advise members when they can re-join the meeting to consider the next request for review by email or text.
- 5) Should members and/or officers experience issues with their connectivity and drop out of the meeting, they should text the Clerk to advise when they have dropped out on 07936317620 and the Clerk will advise the LRB.
- 6) LRB Members must be present for every aspect of the presentation and determination of the request for review if they are to participate in the decision. If Member(s) drop out of the virtual meeting, the LRB can decide either to:
 - a. adjourn the meeting to allow time for the Member(s) to re-join, with no presentation or deliberation taking place during this period of adjournment, or
 - b. proceed to determine the request for review without the Member(s) participating any further.

If the Member(s) are unable to re-join, the LRB should proceed to determine the request for review without that Member participating further. This applies only if the LRB is quorate (three members present).

Member(s) and officer(s) should text the Clerk to advise when they have re-joined the meeting and the Clerk will advise the LRB.

- 7) Members also have the option to opt out of participating in the decision on a request for review if they have been unable to re-join the meeting for a significant period of time. This opt-out applies only if the LRB would otherwise be quorate (three members present). Members can advise the Clerk by text and the Clerk will advise the LRB.
- 8) Should the Convener drop out of the meeting, the procedure at (6) above should be followed. If the Convenor is unable to re-join, a member of the LRB should be appointed Convenor, subject to the meeting remaining quorate.
- 9) If members wish to ask a question, make a comment, raise a point of order or have an amendment (see paragraph 14 below), they should do so using the text box. Members should say 'Question', 'Comment' 'Point of Order' or 'Amendment'. The text box should not be used for anything else as this will be visible to the public on the webcast.
- 10) Members and officers should mute their microphones when they are not speaking to reduce the interference from background noise.
- 11) In the interests of openness and transparency, members and officers (who are involved in the request for review being determined) should have their cameras on at all times.
- 12) There will be a short adjournment between each request for review to allow officers time to prepare the slides for the next item.
- 13) Members wishing to submit an amendment should do so using the text box to alert the Convener when the meeting has reached the formal stage and questions to officers have concluded. Members will be given a few minutes to propose an amendment after the motion has been proposed and seconded.
- 14) If an amendment or motion is proposed by Members to (a) uphold the Officer's determination subject to amendments or additions to the reasons for refusal; or (b) to grant planning permission, imposing or varying conditions, then a short adjournment may be held to allow the planning adviser to provide assistance with the framing of conditions or with the amended reasons for refusal. The Convenor will advise the LRB accordingly and at the resumption of the meeting, Members will then have the opportunity to consider the advice provided and adjust their motion prior to any vote to determine the request for review.
- 15) Votes will be taken by roll call in accordance with paragraph 21.1 of the Interim Standing Orders. The motion and amendment(s) will be read out by the clerk who will then ask each member to state if they are voting for the motion or amendment(s). The clerk will announce the numbers and the decision taken.

QB Wood Architects.
FAO: Sarah Brown
The Station Masters Office
Station Road
South Queensferry
EH30 9JP

Mr & Mrs Mohamed.
57 Broomhouse Crescent
Edinburgh
EH11 3UB

Decision date: 31 January 2022

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

Front and rear dormers
At 57 Broomhouse Crescent Edinburgh EH11 3UB

Application No: 21/06109/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 November 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Conditions:-

Reasons:-

1. The proposal is contrary to Edinburgh Local Development Plan Des 12 (Alterations and Extensions). The scale, form and position of the dormers would result in incompatible, dominant additions on the roofslope that would be harmful to the character and appearance of the existing property and detrimental to the existing neighbourhood character.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they are not compatible with the character of the existing house 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 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is contrary to the Edinburgh Local Development Plan. The scale, form and position of the dormers would result in incompatible, dominant additions on the roofslope that would fail to respect the character of the existing terrace and would be detrimental to the existing neighbourhood character. There are no material considerations which indicate that the proposal should be approved. Therefore, the recommendation is to refuse 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.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

**Application for Planning Permission
57 Broomhouse Crescent, Edinburgh, EH11 3UB**

Proposal: Front and rear dormers

**Item – Local Delegated Decision
Application Number – 21/06109/FUL
Ward – B07 - Sighthill/Gorgie**

Recommendation

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

Summary

The proposal is contrary to the Edinburgh Local Development Plan. The scale, form and position of the dormers would result in incompatible, dominant additions on the roofslope that would fail to respect the character of the existing terrace and would be detrimental to the existing neighbourhood character. There are no material considerations which indicate that the proposal should be approved. Therefore, the recommendation is to refuse planning permission.

SECTION A – Application Background

Site Description

The proposal site is a mid-terrace property located on the west side of Broomhouse Crescent. The site is located in a primarily residential area.

Description Of The Proposal

-Front and rear dormers.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 30 November 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

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

a) **The proposals comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant policies to be considered are:

- LDP Design policies Des 12.

The non-statutory Householder Guidance is a material consideration that is relevant when considering policy Des 12.

Scale, form, design and neighbourhood character

The Guidance for Householders states the relationship between a dormer and its surroundings is particularly important. Dormers should not dominate the form of the roof. On principal elevations, a single dormer should be no greater in width than one third of the average roof width. On rear elevations, which are not publicly or readily visible a larger dormer may be acceptable where this fits with the character of the building and surrounding area.

The site forms part of a terrace of a uniform appearance in terms of form, materials and window detailing. Its pitched roof slope is largely unaltered as viewed from the street.

The width of the front dormer at over 5m would occupy approximately 70 % of the existing roof width in excess of the one third guidance. This width, in tandem with its height and depth would form an addition of a disproportionate scale on the roof slope.

There is some variation in property types evident in the area with older terraces of similar character to the site on the west side of Broomhouse Crescent and modern residential development on the east. Notwithstanding this range, front dormers are not characteristic of the immediate surroundings. The scale of dormer would result in a dominant, conspicuous intervention on the roof slope at odds and harmful to the character of the terrace and streetscene.

The rear dormer would occupy a less visible location from public views. Mainly it would be seen from the rear side of neighbouring properties and a dead end on Broomhouse Place North. This notwithstanding, the addition is excessively large in scale, of over 5m wide, covering three quarters of the roof width. This would result in a dominant structure, disruptive to the current appearance of the terrace and uncharacteristic in the context of the surrounding area.

The proposal is therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

Negotiations took place in regard to a revised scheme however the applicant confirmed the original submission is to be determined.

Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory Guidance for Householders. The proposals will not result in any unreasonable loss to neighbouring amenity.

Conclusion in relation to the Development Plan

The proposal in scale, form and position would result in incompatible, dominant additions on the roofslope that fail to respect the character of the existing property and would be detrimental to the existing neighbourhood character.

The proposal is therefore contrary to LDP policy Des 12.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

No comments have been received.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

c) Overall conclusion

The proposal is contrary to the Edinburgh Local Development Plan. The scale, form and position of the dormers would result in incompatible, dominant additions on the roofslope that would fail to respect the character of the existing terrace and would be detrimental to the existing neighbourhood character. There are no material considerations which indicate that the proposal should be approved. Therefore, the recommendation is to refuse planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

1. The proposal is contrary to Edinburgh Local Development Plan Des 12 (Alterations and Extensions). The scale, form and position of the dormers would result in incompatible, dominant additions on the roofslope that would be harmful to the

character and appearance of the existing property and detrimental to the existing neighbourhood character.

2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they are not compatible with the character of the existing house 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: 18 November 2021

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Consultations

No consultations undertaken.

This page is intentionally left blank

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100502323-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	QB Wood Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Sarah	Building Name:	QB Wood Architects
Last Name: *	Brown	Building Number:	
Telephone Number: *	0131 319 1260	Address 1 (Street): *	The Station Masters Office
Extension Number:		Address 2:	Station Road
Mobile Number:		Town/City: *	South Queensferry
Fax Number:		Country: *	UK
		Postcode: *	EH30 9JP
Email Address: *	sarah@qbwoodarchitects.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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Anwar"/>	Building Number:	<input type="text" value="57"/>
Last Name: *	<input type="text" value="Mohamed"/>	Address 1 (Street): *	<input type="text" value="Broomhouse Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH11 3UB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="sarah@qbwoodarchitects.com"/>		

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="57 BROOMHOUSE CRESCENT"/>
Address 2:	<input type="text" value="BROOMHOUSE"/>
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 3UB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671282"/>	Easting	<input type="text" value="320255"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Front and rear dormers

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to supporting document

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)

Planning Appeal supporting statement Planning refusal ref: 21/06109/FUL: - Application form - Refusal notice - Drawing no's. 21060 / P01, P02 & P03 - Email correspondence with Planner including sketches

Application Details

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

21/06109/FUL

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

18/11/2021

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

31/01/2022

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

We would suggest a site visit would be significant especially when reviewing the buildings opposite the proposed house. There are also front dormer on house in Broomhouse Terrace with a flat roof structure similarly to what we have shown.

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: Mrs Sarah Brown

Declaration Date: 10/02/2022

City of Edinburgh Council
Planning Local Review Body
G2, Waverly Court
4 East Market Street
EDINBURGH
EH8 8BG

10 February 2022
21060 / 3.1 / CL100222-127

Dear Sirs,

57 Broomhouse Crescent, Edinburgh
Planning Appeal for ref no. 21/06109/FUL

Further to our Client's planning application (Ref: 21/06109/FUL) for the above, we would like to appeal this planning refusal dated the 31st January 2022. On behalf of our Clients, Mr & Mrs A Mohamed, we would like to include our written appeal for your consideration.

The planning application was submitted to convert the attic space with a flat roof front and rear dormer. The reason issued in the decision notice for the refusal of the application included:

The proposal is contrary to Edinburgh Local Development Plan Des 12 (Alterations and Extensions). The scale, form and position of the dormers would result in incompatible, dominant additions on the roof slope that would be harmful to the character and appearance of the existing property and detrimental to the existing neighbourhood character.

Although dormers are not common to this street, the flat roof design can be reflected in the buildings across the street which would mean that the dormers were not detrimental to the existing neighbourhood character. The style of house / buildings all vary on this street as shown in image 1, 2, 3 & 4 below and is a mixture of new and old.

Although the dormers are large, they are kept lower than the existing roof line and is at least 700mm away from the ridge line and 500mm away from the eaves. The dormers are positioned at least 1m from the boundary on either side therefore feel we have left a reasonable distance. There are flat roof dormers that have been approved in the Broomhouse area before therefore the form of the dormer should not be included as a reason.

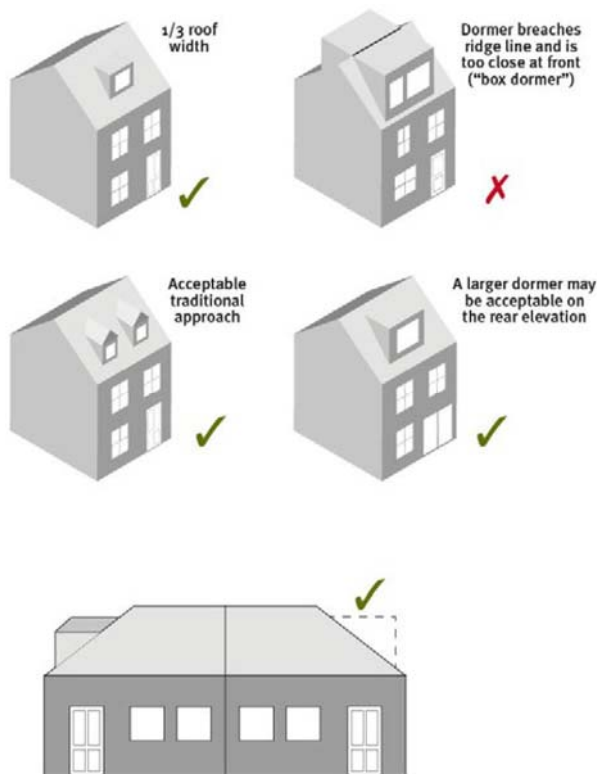
The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they are not compatible with the character of the existing house and the neighbourhood character.

As this is non-statutory this is not part of the local development and is guidance only. We feel this guidance should be applied on a case by case basis rather than applied the whole of Edinburgh as all areas vary in character especially when there is a mixture of house styles. New houses can have larger dormers to the front and rear and we question why this is not allowed on existing properties.

The guidance states:

On unlisted houses that are not in conservation areas, rear and side dormers may be "permitted development". Guidance on Householder Permitted Development Rights can be found in the Scottish Government Guidance (Circular 1/2012).

All proposals should comply with both general and specific guidance as set out below.



It states in this guidance that larger dormers may be accepted to the rear but despite showing a larger dormer 1m away from the boundary on either side we were asked to reduce this even further. The rear dormer takes up 53% of the whole roof area and occupies 75% of the length of the roof. In the permitted development we can erect a rear dormer that covers up to half the roof (this does not specify roof area or width) however we applied for Planning as we wanted larger dormer to the rear and the front and yet we seem to be held to the permitted development rights to an extent.

The flat roofs over the dormers do not exceed the ridge line as shown above therefore do not create a box dormer as shown.

Discussions with planner:

We have included our email communication with the planner and this includes requests to alter the front dormer and even reduce the rear dormer despite being within a reasonable distance from the boundary, ridge line and eaves.

Despite reducing this front dormer, the changes in our sketches were not accepted by the Planner and was leading to a significant compromise on the internal space.

Conclusion:

The Client wants to stay in the area and ideally wants to add an additional 2 bedrooms to their house but unfortunately with the front dormer restrictions, we are limited on what space we can use. We feel we have complied with the rear dormer recommendations and have kept the dormer at a reasonable distance from the boundary, ridge and eaves. We have also

taken note of the existing houses and building in the street and do not believe the dormers we have shown would have a detrimental impact on the character of the street.

Yours faithfully,



Sarah Q Brown
For
QB Wood Architects



Image 1



Image 2



Image 3



Image 4

QB Wood Architects.
FAO: Sarah Brown
The Station Masters Office
Station Road
South Queensferry
EH30 9JP

Mr & Mrs Mohamed.
57 Broomhouse Crescent
Edinburgh
EH11 3UB

Decision date: 31 January 2022

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

Front and rear dormers
At 57 Broomhouse Crescent Edinburgh EH11 3UB

Application No: 21/06109/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 November 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Conditions:-

Reasons:-

1. The proposal is contrary to Edinburgh Local Development Plan Des 12 (Alterations and Extensions). The scale, form and position of the dormers would result in incompatible, dominant additions on the roofslope that would be harmful to the character and appearance of the existing property and detrimental to the existing neighbourhood character.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they are not compatible with the character of the existing house 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 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is contrary to the Edinburgh Local Development Plan. The scale, form and position of the dormers would result in incompatible, dominant additions on the roofslope that would fail to respect the character of the existing terrace and would be detrimental to the existing neighbourhood character. There are no material considerations which indicate that the proposal should be approved. Therefore, the recommendation is to refuse 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.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Sarah Brown

From: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Sent: 27 January 2022 11:13
To: Sarah Brown
Subject: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent
Attachments: 21060 - SK01A Plans, section & elevations (A3).pdf

Hi Sarah,

Having reviewed the above I still have some concern regarding the scale of the front dormer which seems to exceed the guidance 1/3rd of the average roof width and would appear prominent on this terrace where front dormers are not common place.

If the width is reduced to comply with guidance, aligned centrally over the windows and its brought in by an additional 0.2m from the roof eaves I think this could be supported.

Alternatively the scheme would be recommended for refusal on Monday 31st and the applicant would have the right to appeal against the decision.

Kind regards,

Lewis

Lewis McWilliam | Planning Officer | Locals 2 -Monday to Wednesday and Householders -Thursday and Friday – City Wide | Sustainable Development| Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG | lewis.mcwilliam@edinburgh.gov.uk | www.edinburgh.gov.uk

Have you signed up to the [Planning Blog](#)? We will be using the Planning Blog to communicate and consult on important changes and improvements to the Planning service in 2021. Please sign up to the [Planning Blog](#) to make sure you are up-to-date.



From: Sarah Brown <sarah@qbwoodarchitects.com>
Sent: 24 January 2022 14:59
To: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Subject: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Lewis,

We have reviewed and discussed the design with the Client to try and include as much of your requirements as possible.

Unfortunately, we couldn't get all the space required for the Client upstairs with two small dormers at the front as the left side would be unusable and the Client didn't want to lose a bedroom or bathroom. Therefore, we propose a single dormer which is in line with the window fenestration below with a 22.5° pitched roof to give it a more traditional feel.

Due to space constraints, we couldn't lose as much as 1m at the back but have tried to compromise by taking off at least 500mm to keep the space that the Client needs and reduce the impact of the dormer.

Let me know your thoughts on the updated proposal on our attached sketch 20160 / SK01A.

Kind regards,

Sarah

From: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Sent: 20 January 2022 09:06
To: Sarah Brown <sarah@qbwoodarchitects.com>
Subject: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Sarah,

Thanks that's fine, if we could agree to extend the determination date until Monday 31st January - if you can confirm agreement to that I'll update the system.

Kind regards,

Lewis

Lewis McWilliam | Planning Officer | Locals 2 -Monday to Wednesday and Householders -Thursday and Friday – City Wide | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG | lewis.mcwilliam@edinburgh.gov.uk | www.edinburgh.gov.uk

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From: Sarah Brown <sarah@qbwoodarchitects.com>
Sent: 20 January 2022 08:56
To: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Subject: RE: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Lewis,

I have and they have asked to see the changes as suggested by yourself first. However I have an online public consultation today for a large development so I will not be able to show the Client the changes until tomorrow. Is it ok if I get back to you tomorrow with our proposed course of action?

Kind regards,

Sarah

From: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Sent: 20 January 2022 07:56
To: Sarah Brown <sarah@qbwoodarchitects.com>
Subject: RE: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Sarah,

Have you managed to speak to the applicant in regard to the below ?

Lewis

Lewis McWilliam | Planning Officer | Locals 2 -Monday to Wednesday and Householders -Thursday and Friday – City Wide | Sustainable Development| Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG | lewis.mcwilliam@edinburgh.gov.uk | www.edinburgh.gov.uk

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From: Sarah Brown <sarah@qbwoodarchitects.com>
Sent: 17 January 2022 11:00
To: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Subject: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Thanks Lewis,

Thanks for your comments, much appreciated. I'll have a chat with our Client and get back to you as soon as I can.

Kind regards,

Sarah

From: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Sent: 17 January 2022 10:05
To: Sarah Brown <sarah@qbwoodarchitects.com>
Subject: FW: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Sarah,

Having reviewed the above I still have some concern regarding the scale of dormers proposed.

If there were two dormers of a more modest width above the first floor windows on the front elevation I think this maybe okay.

In regard to the rear still think the dormer is too large, as dormers of this scale don't seem characteristic of the area – would look for this to be reduce by approximately 1m.

If these changes can be made I think they could be dealt with under this submission.

Kind regards

Lewis

Lewis McWilliam | Planning Officer | Locals 2 -Monday to Wednesday and Householders -Thursday and Friday – City Wide | Sustainable Development| Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG | lewis.mcwilliam@edinburgh.gov.uk | www.edinburgh.gov.uk

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From: Sarah Brown <sarah@qbwoodarchitects.com>
Sent: 14 January 2022 15:16
To: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Subject: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Lewis,

We've had a quick look at the size of the front dormer to make it a 1/3 of the roof, would this be a more acceptable size? I've attached a sketch on our drawing no. 21060 / SK01.

We are happy to shift the dormer over so that it is in line with the double window fenestration below if that helps at all?

If this is more acceptable, we can confirm with our Client before making a decision on whether the Client is happy with the changes or wishes to stick with the current application or withdraw the application.

Kind regards,

Sarah

From: Sarah Brown
Sent: 14 January 2022 14:38
To: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Subject: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Thanks Lewis,

If we were to reduce the front dormer to 1/3 width or provide two dormers at less than 50% could we substitute it within the current application without withdrawing the application? I could probably get drawings to you by early next week for you to have a look to see if they are more suitable.

Within the document you sent, it says that a larger dormer may be acceptable on the rear elevation therefore if it's just the front dormer that is an issue then we could tweak this. I'd rather see if we could do the changes in the current application if possible rather than resubmit to make these minor changes?

Thanks,

Sarah

From: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Sent: 14 January 2022 14:28
To: Sarah Brown <sarah@qbwoodarchitects.com>
Subject: RE: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Sarah,

Thanks for the below.

The 50 % width of the roof guidance relates to when two dormers are proposed on the front elevation.

It's difficult to say without seeing plans as to whether this arrangement may be acceptable but I would direct you to page 17 of the guidance below where there are small 3D visual examples given for dormers on front and rear elevations.

<https://www.edinburgh.gov.uk/downloads/file/27026/for-householders>

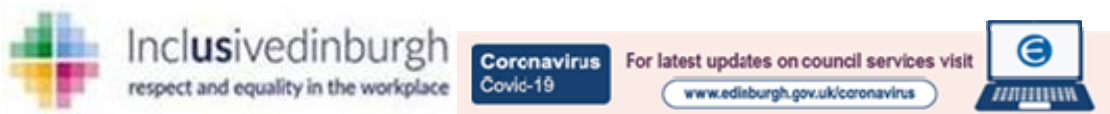
I would suggest if the applicant is willing to withdraw the current application, I can give some informal feedback on revised drawings in advance of any potential resubmission.

Kind regards,

Lewis

Lewis McWilliam | Planning Officer | Locals 2 -Monday to Wednesday and Householders -Thursday and Friday – City Wide | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG | lewis.mcwilliam@edinburgh.gov.uk | www.edinburgh.gov.uk

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From: Sarah Brown <sarah@qbwoodarchitects.com>
Sent: 14 January 2022 10:10
To: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Subject: 21060 Ref: 21/06109/FUL 57 Broomhouse Crescent

Hi Lewis,

Thanks for your comments and appreciate you getting in touch before making a decision. We need to speak to our Client first before you finalise your decision if you don't mind. This will allow us to determine whether we should withdraw the application at this stage.

Can I ask, if we were to reduce the dormers on the front elevation so that it takes up no more than 50% of the roof, would this make the application more favourable?

You also mentioned that the dormers are uncharacteristic for the property types, could you give us an example of a dormer that would be favourable in appearance? We are willing to adjust the appearance to suit.

Happy to discuss over the phone, my number is 0131 331 9915.

Kind regards,

Sarah

From: Lewis McWilliam <Lewis.McWilliam@edinburgh.gov.uk>
Sent: 13 January 2022 14:30
To: Sarah Brown <sarah@qbwoodarchitects.com>
Subject: Ref: 21/06109/FUL 57 Broomhouse Crescent

Dear Sarah,

In regard to the above application I have assessed against relevant policy and guidance.

The Guidance for Householders states the following :

The relationship between a dormer and its surroundings is particularly important. Dormers should be of such a size that they do not dominate the form of the roof. Dormers should not come to the edges of the roof. There should be

visible expanses of roof on all 4 sides. Where possible, the dormer should align with existing fenestration on the building's elevation.

On principal elevations a single dormer should be no greater in width than one third of the average roof width. If there are two or more dormers, their combined width should be less than 50% of the average width of the single roof plane on which they are located. On rear elevations which are not publicly visible or not readily visible from public viewpoints a larger dormer may be acceptable where this fits in with the character of the building and surrounding area.

LDP policy Des 12 : Planning permission will be granted for alterations and extensions to existing buildings which: a) in their design and form, choice of materials and positioning are compatible with the character of the existing building and neighbourhood character.

Dormers do not appear characteristic of these property types . I have concern the scale of dormers proposed will have a detrimental impact on the surrounding neighbourhood character, contrary to the above policy and guidance.

In light of this, I would not be in a position to support the proposal and would recommend it for refusal on the 20th January - should you wish to withdraw in advance of this please let me know via email.

Alternatively there would be the right to appeal against the decision to the local review body.

Kind regards,

Lewis

Lewis McWilliam | Planning Officer | Locals 2 -Monday to Wednesday and Householders -Thursday and Friday – City Wide | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Business Centre G2, 4 East Market Street, Edinburgh, EH8 8BG | lewis.mcwilliam@edinburgh.gov.uk | www.edinburgh.gov.uk

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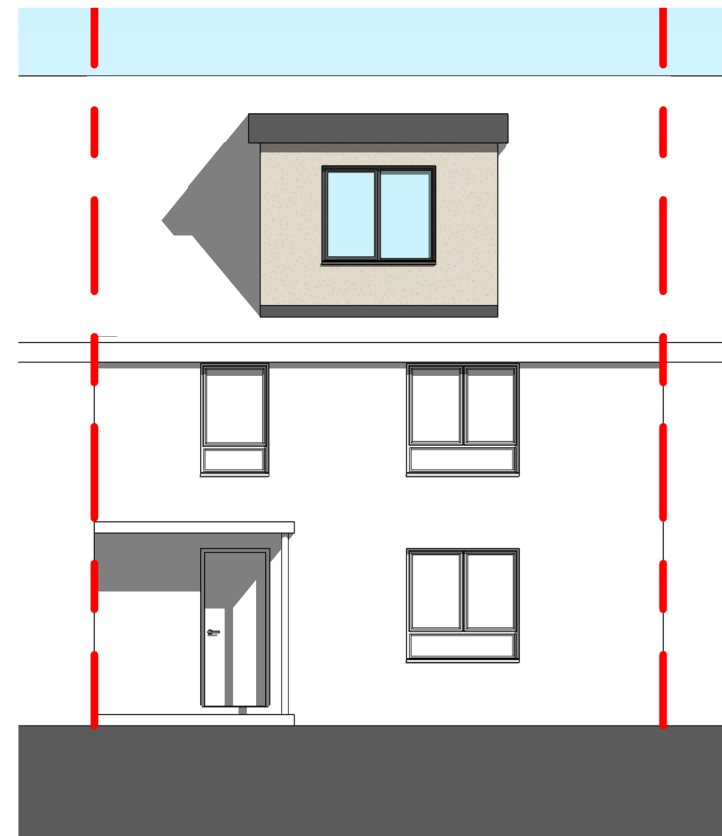
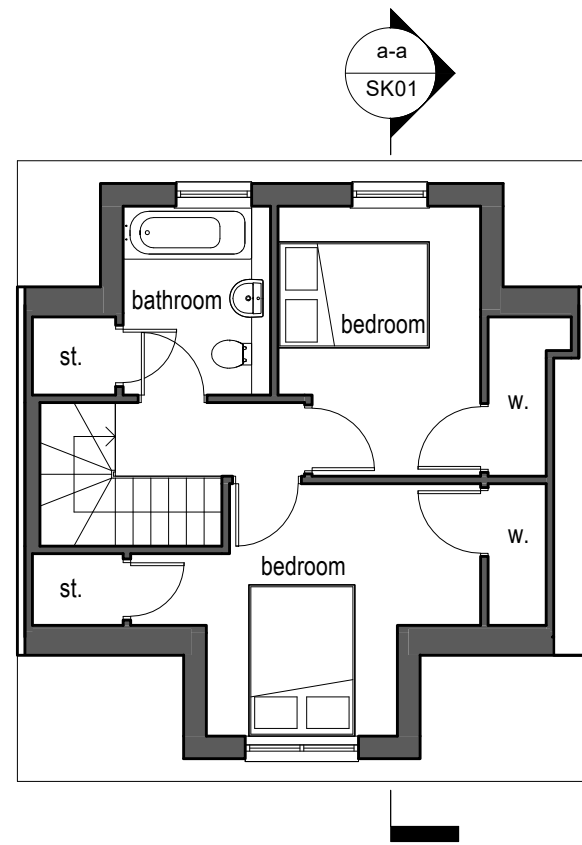
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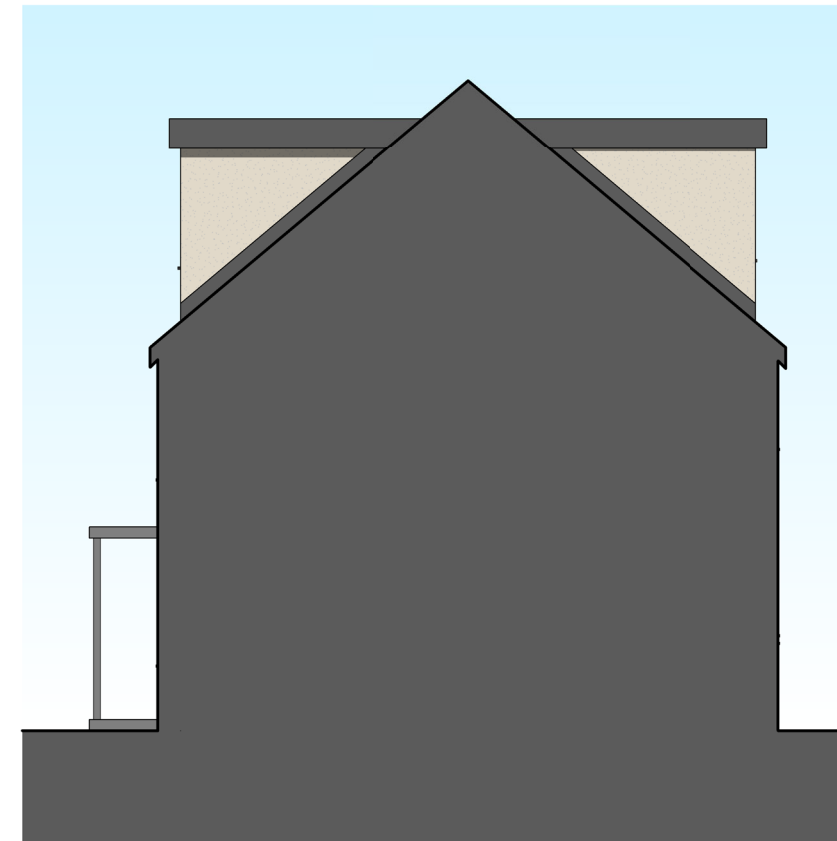
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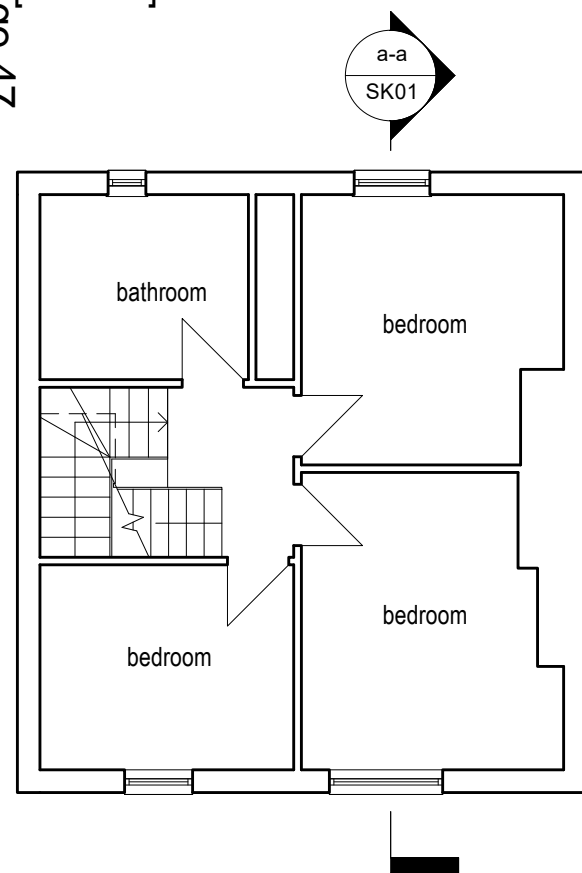


front elevation
[1 : 100]

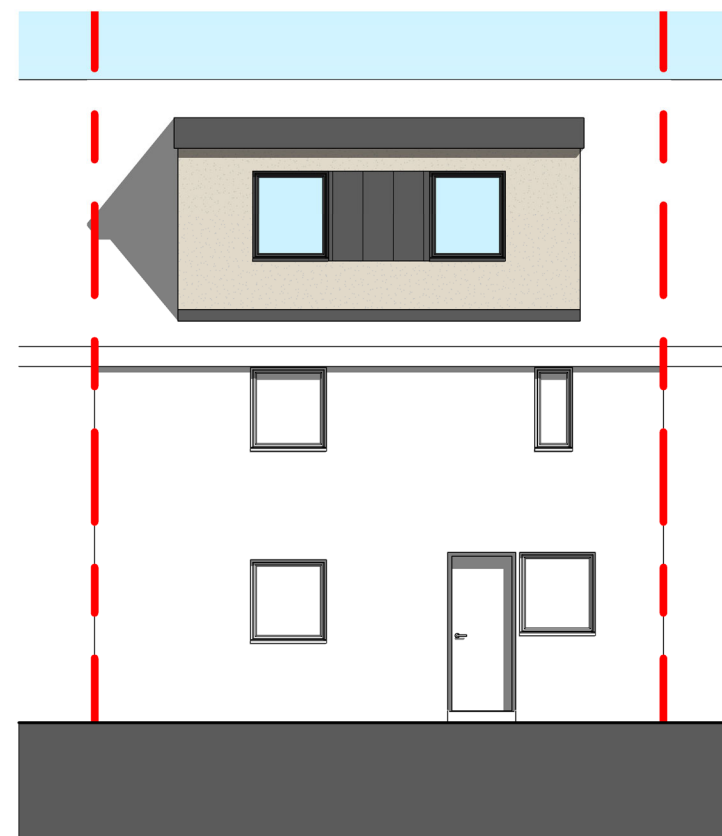


side elevation
[1 : 100]

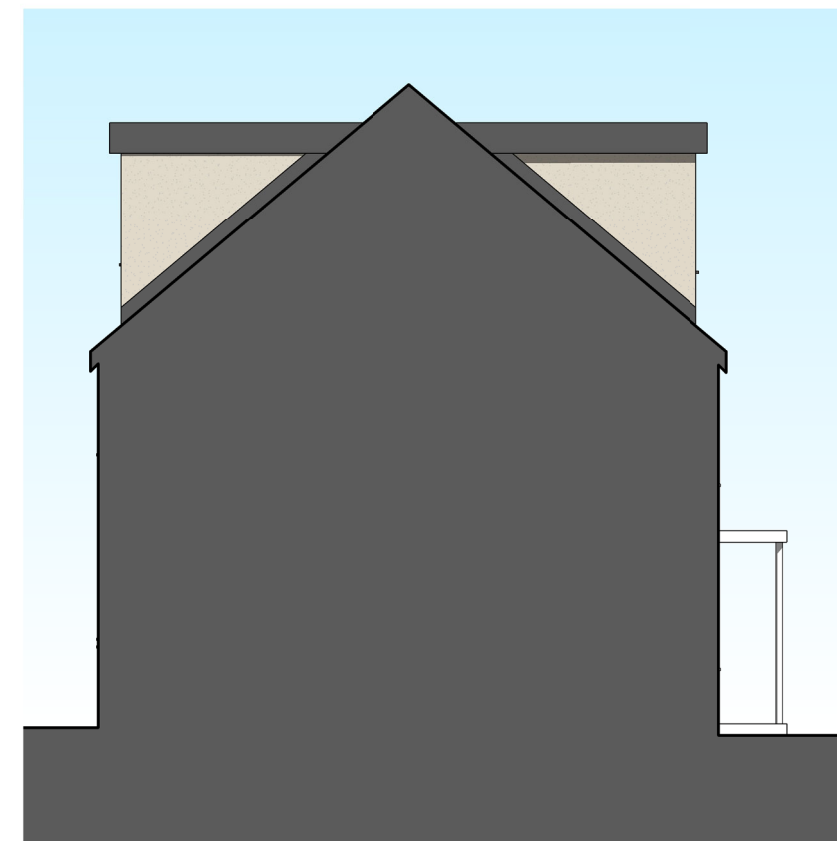
attic floor
Page 47
[1 : 100]



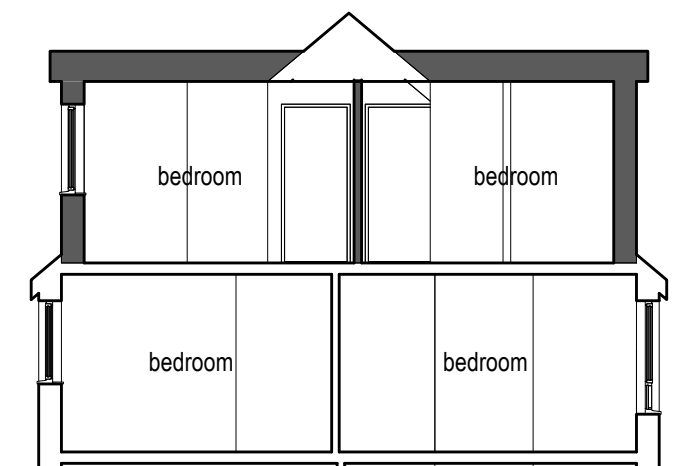
first floor
[1 : 100]



rear elevation
[1 : 100]



side elevation
[1 : 100]



section a-a (first floor & attic floor)
[1 : 100]

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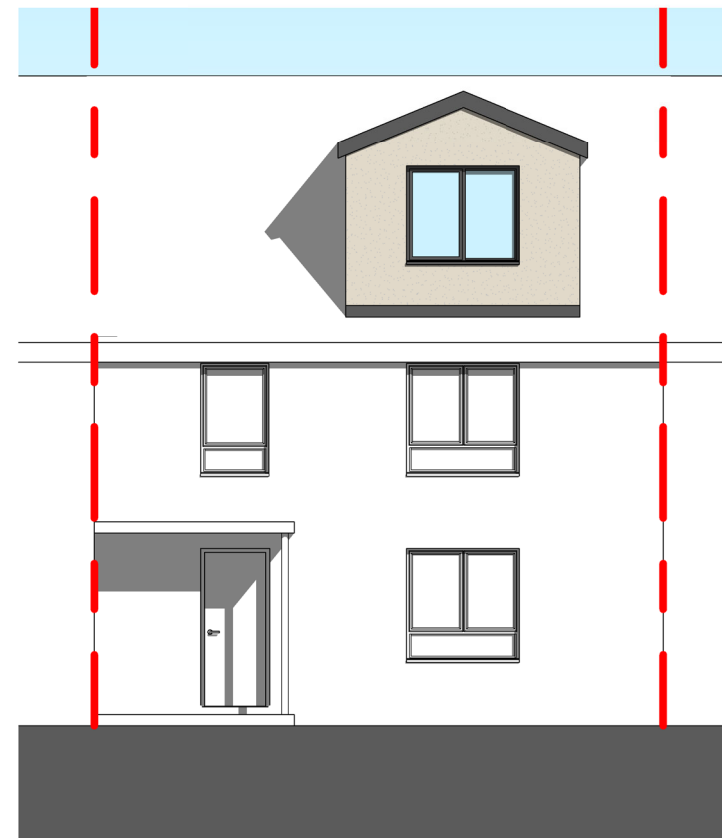
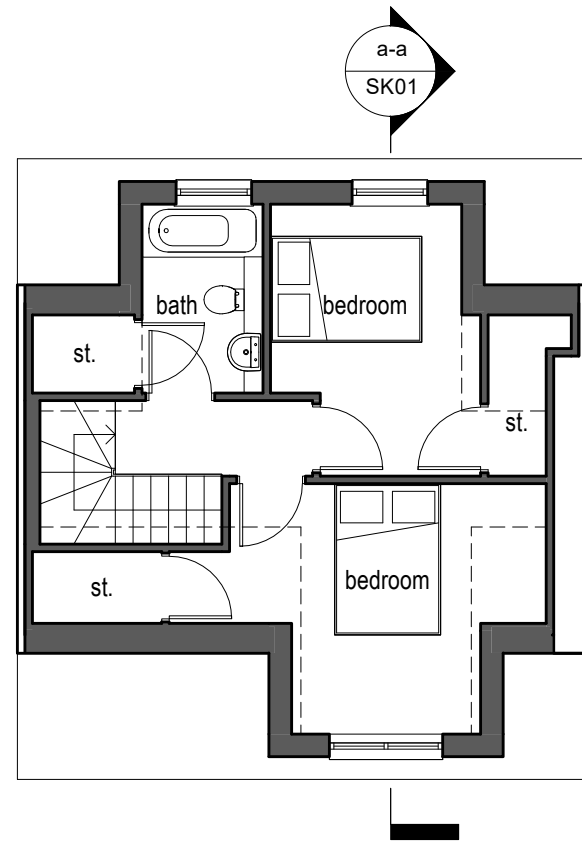
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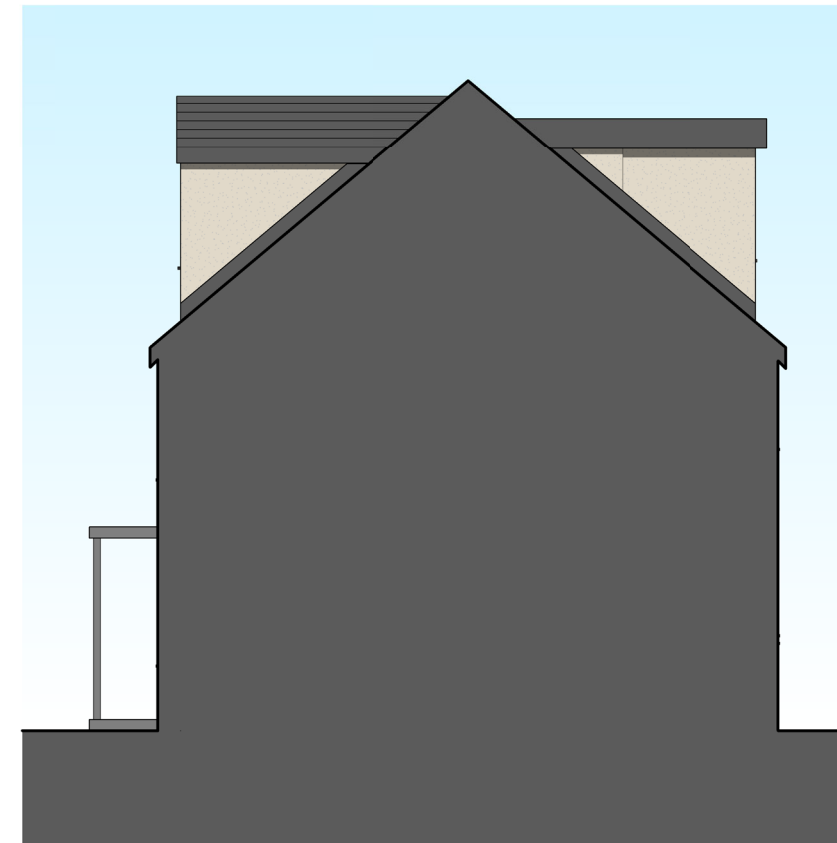
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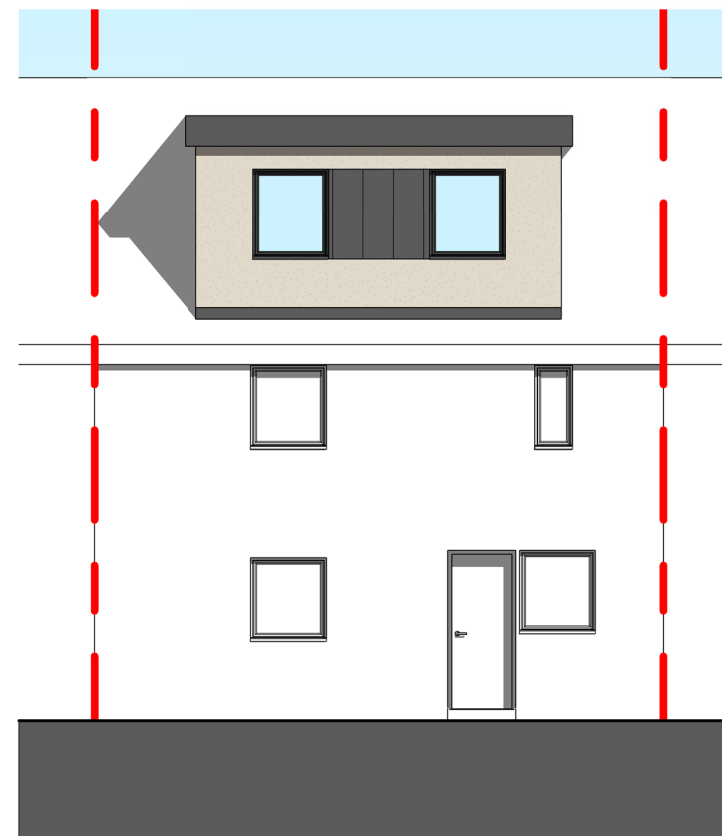
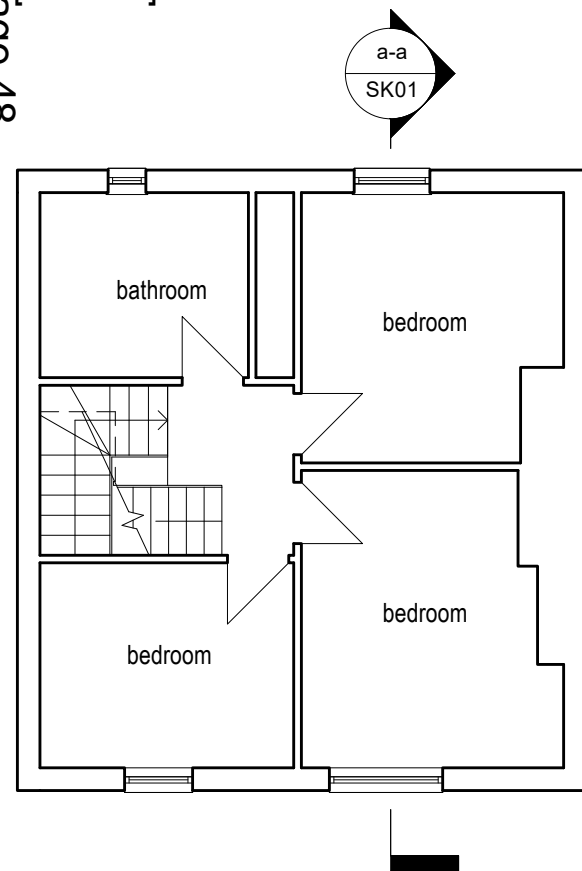


front elevation
[1 : 100]

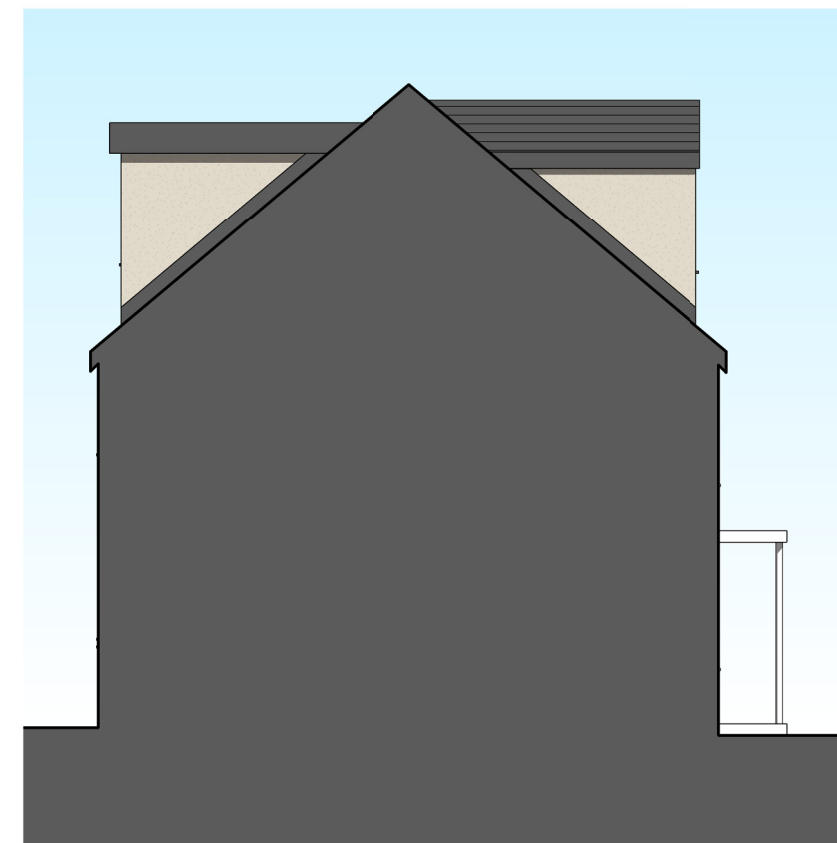


side elevation
[1 : 100]

attic floor
[1 : 100]
Page 48



rear elevation
[1 : 100]



side elevation
[1 : 100]

first floor
[1 : 100]



section a-a (first floor & attic floor)
[1 : 100]

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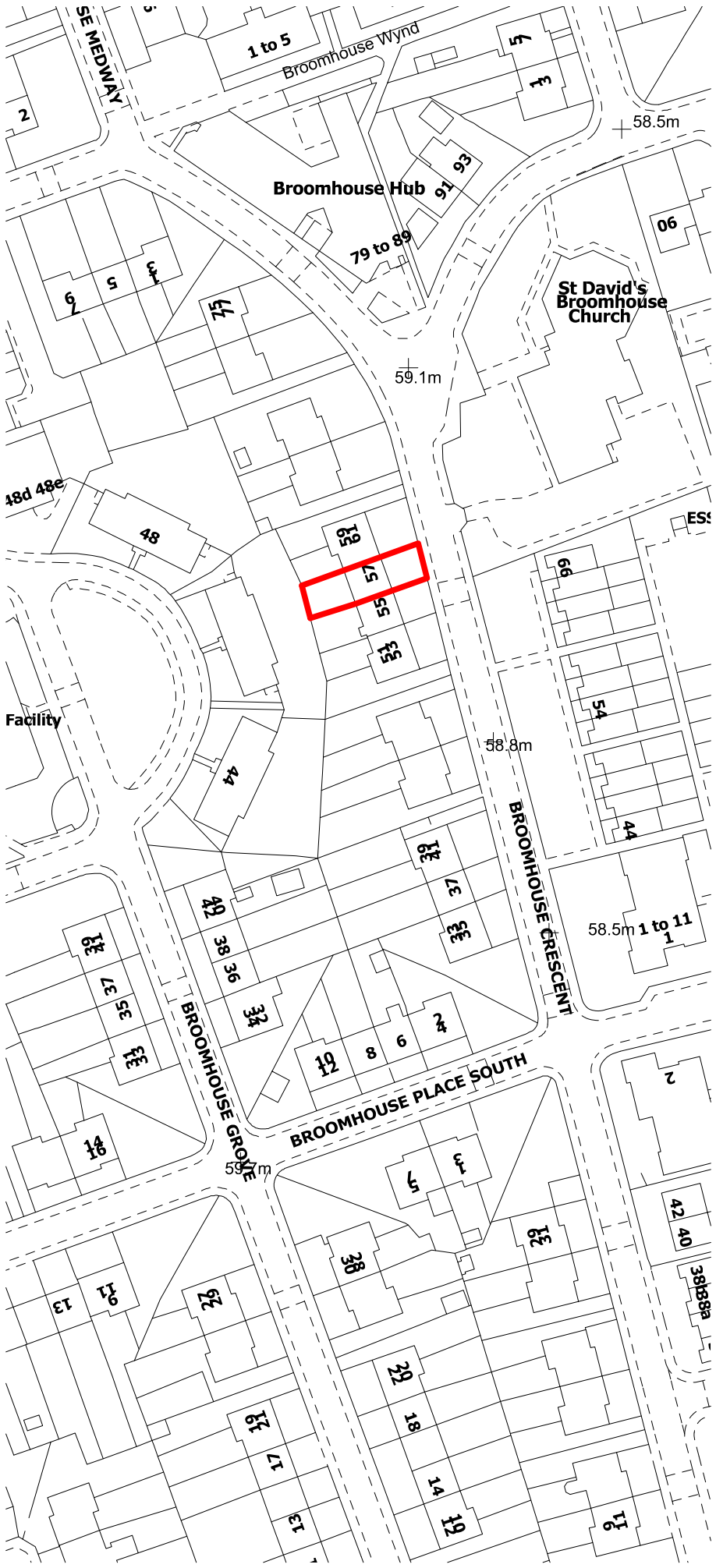
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EDINBURGH

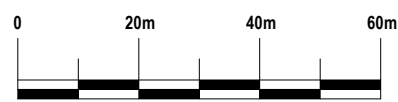
LOCATION PLAN

PLANNING

21060 - P01

1 : 1250 [A4]

ref. SQB



SCALE 1:1250



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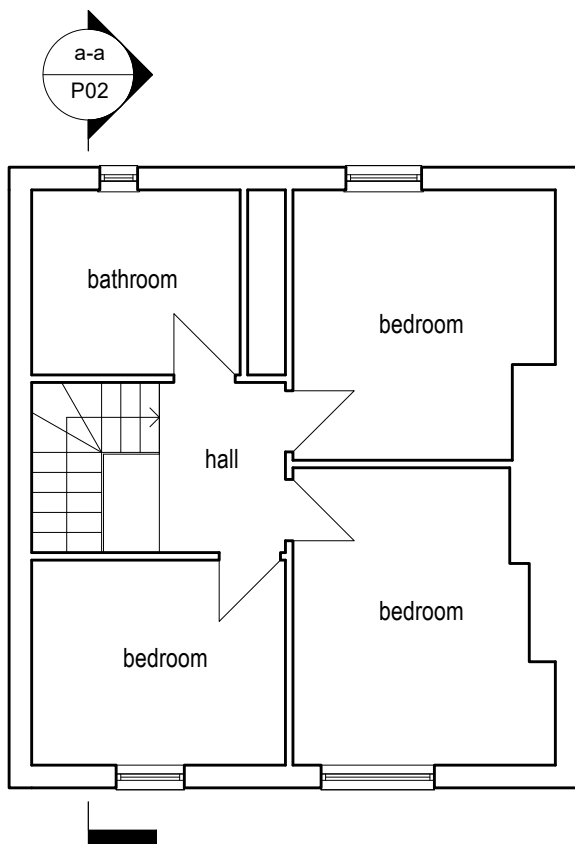
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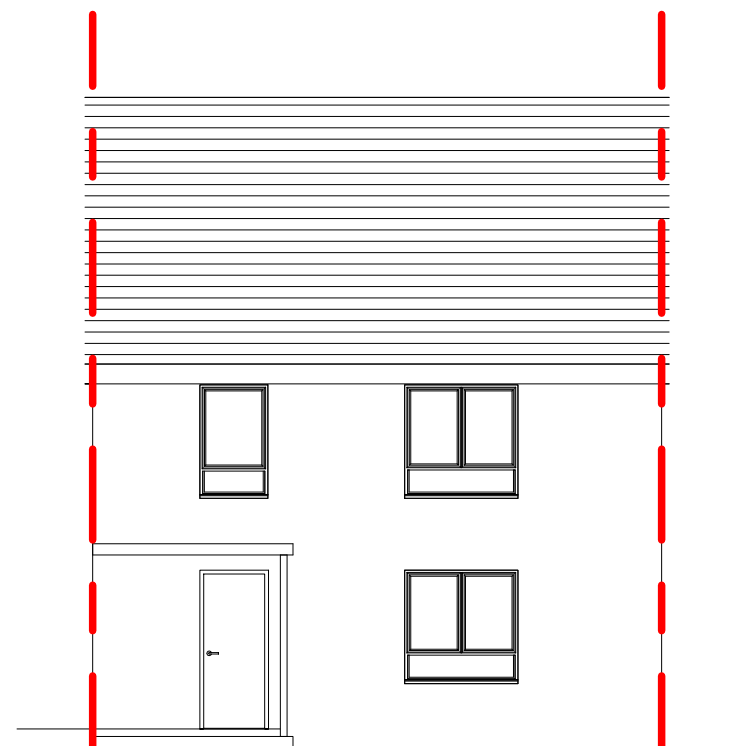
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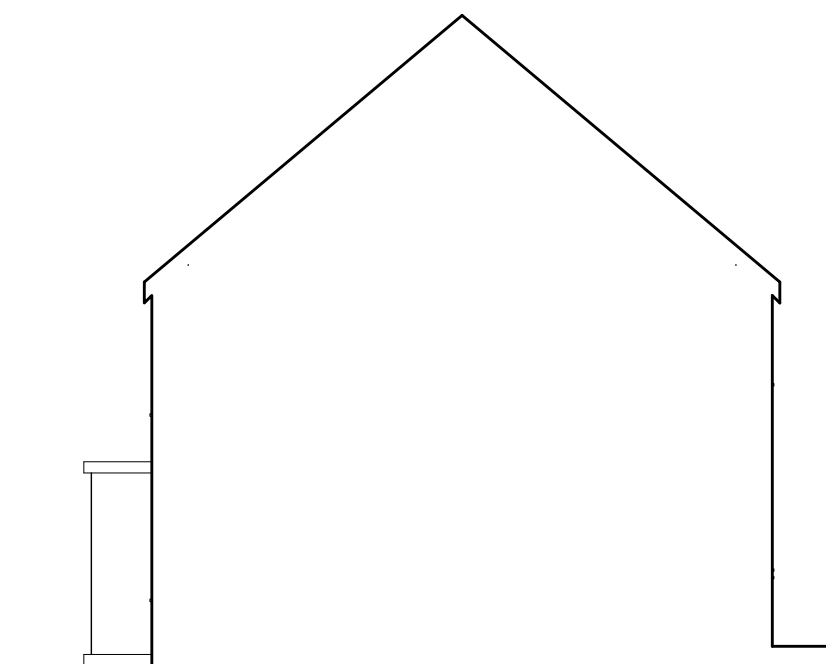
project
title
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ref.
revisions
notes



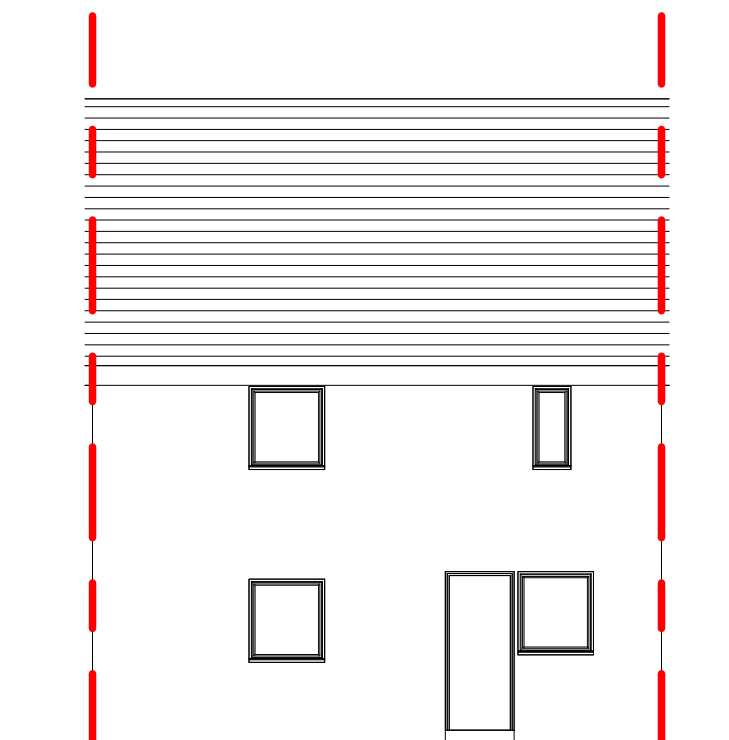
existing first floor
[1 : 100]



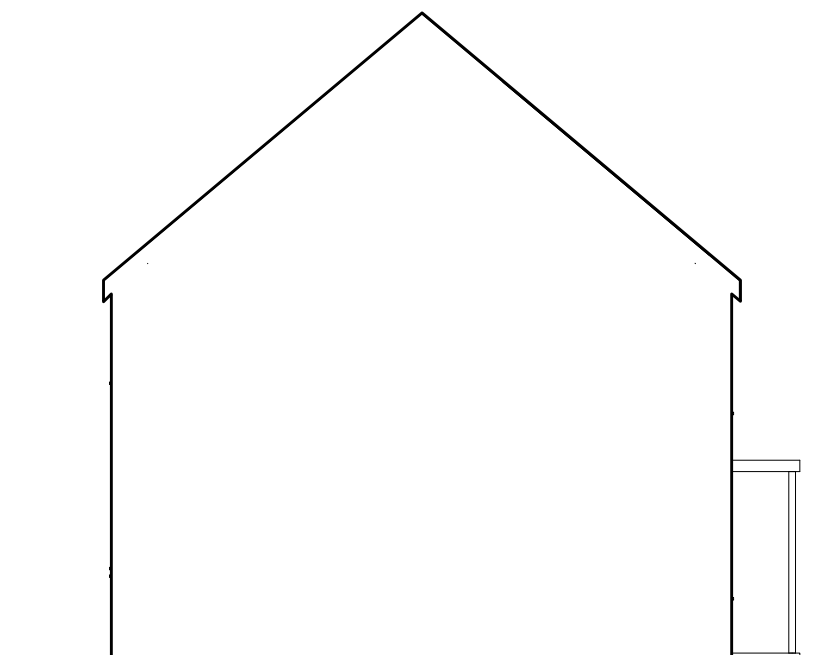
existing front elevation
[1 : 100]



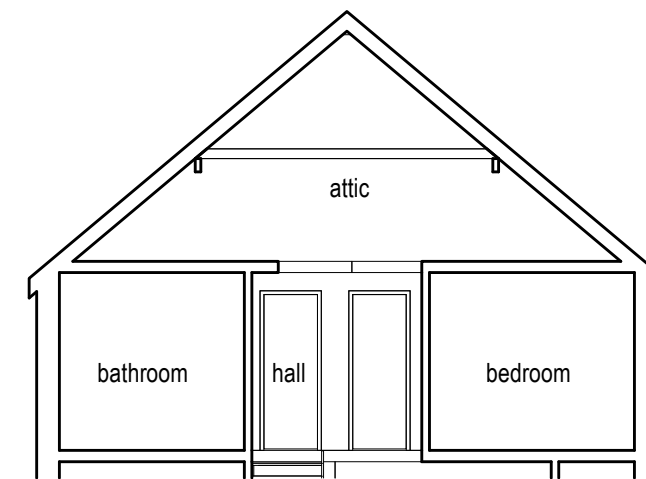
existing side elevation
[1 : 100]



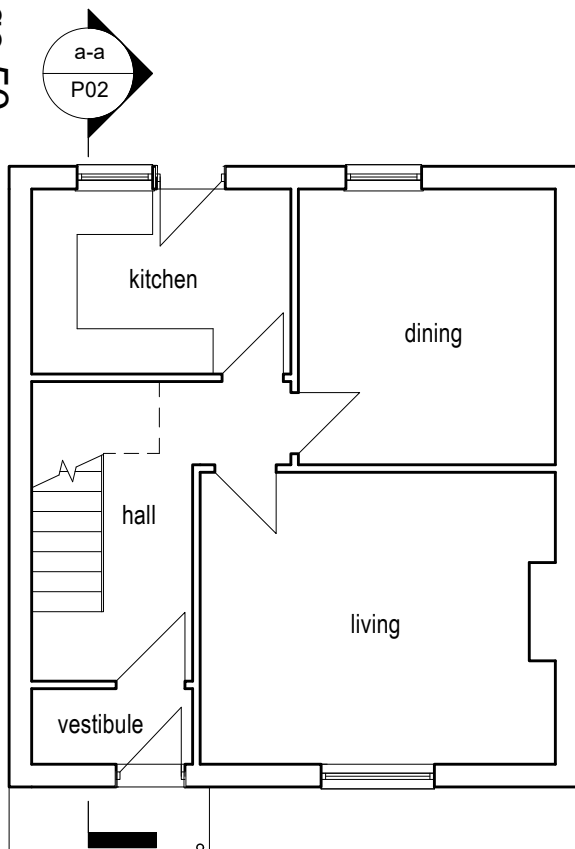
existing rear elevation
[1 : 100]



existing side elevation
[1 : 100]



existing section a-a (first floor & attic floor)



existing ground floor
[1 : 100]

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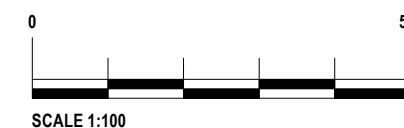
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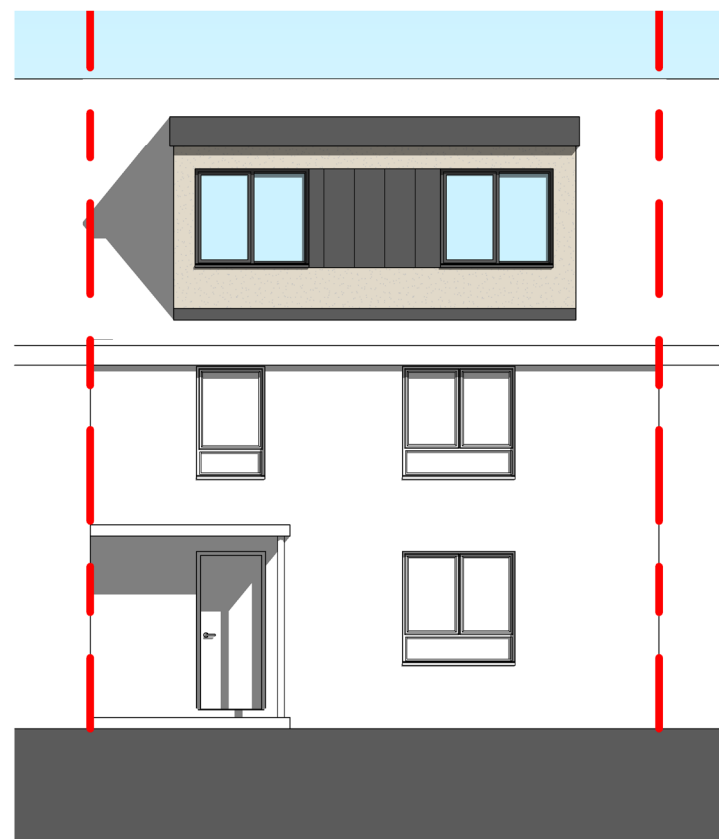
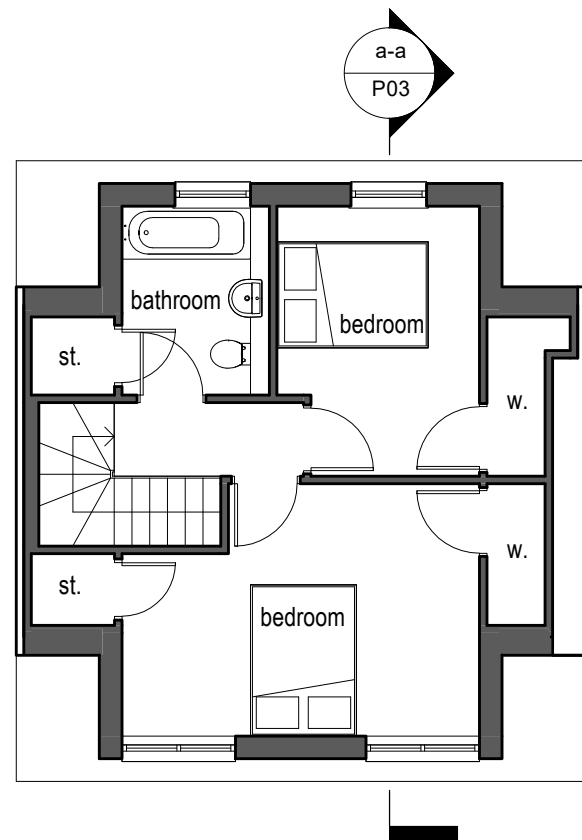
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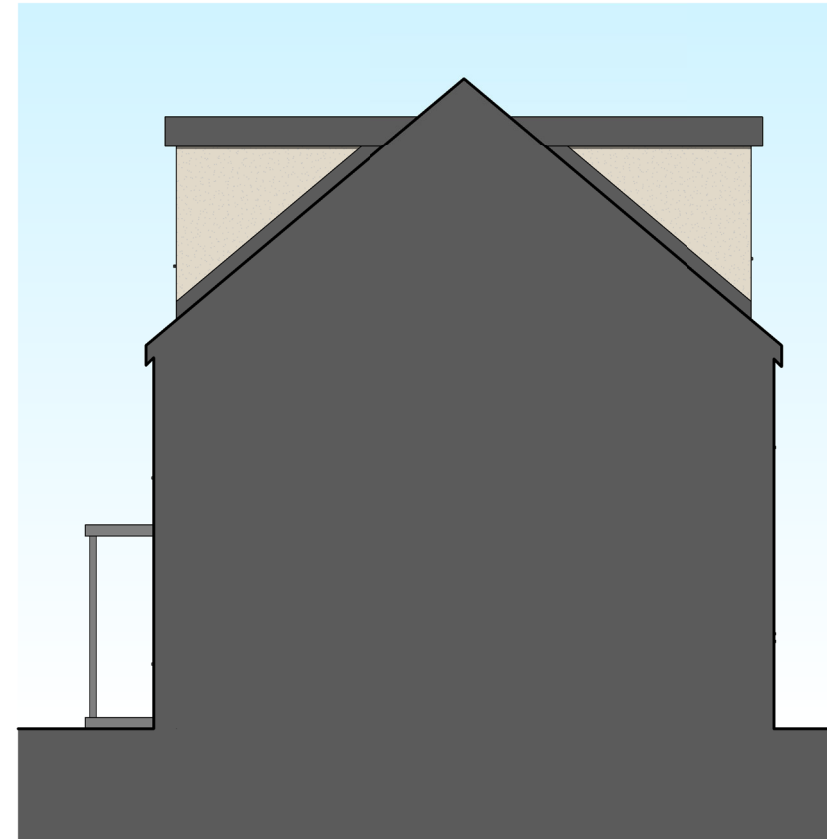
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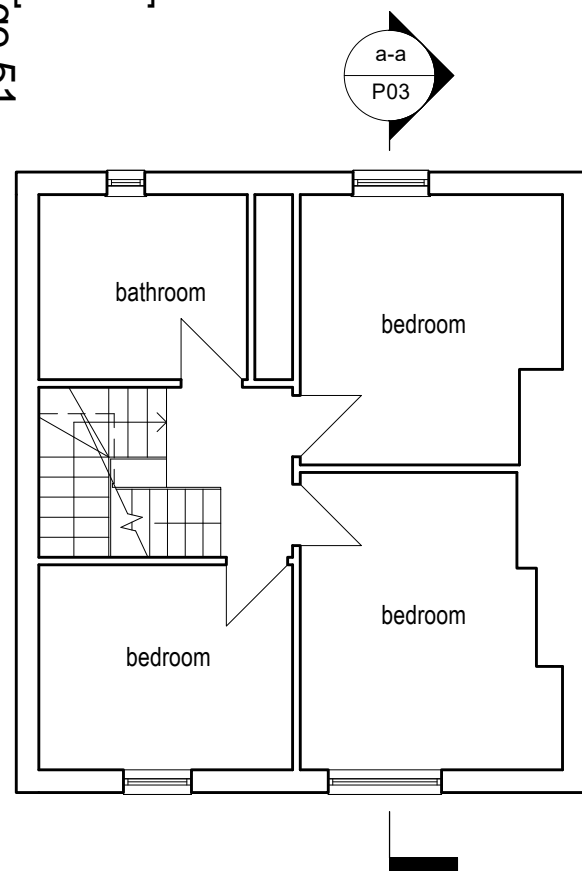


front elevation
[1 : 100]

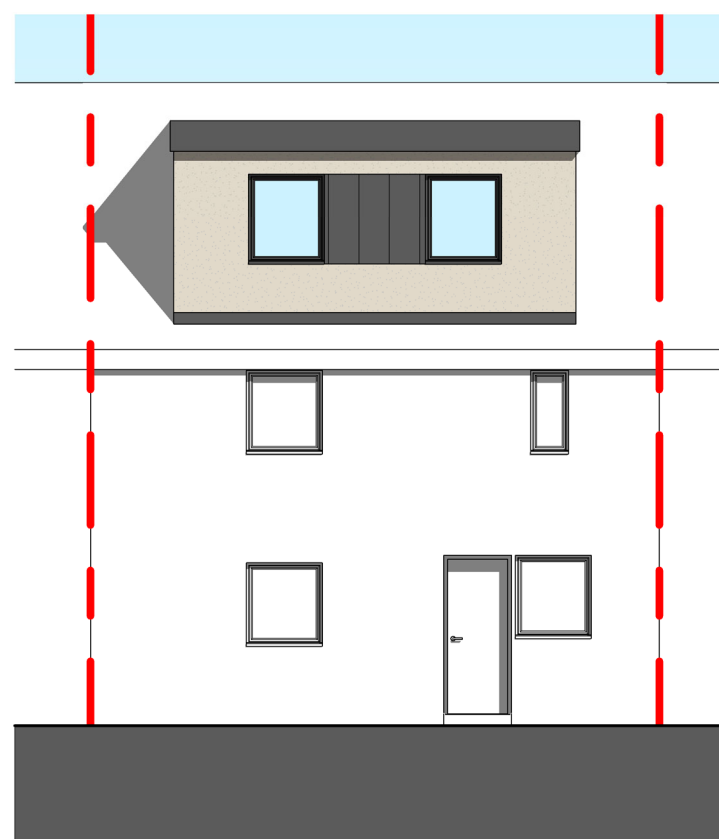


side elevation
[1 : 100]

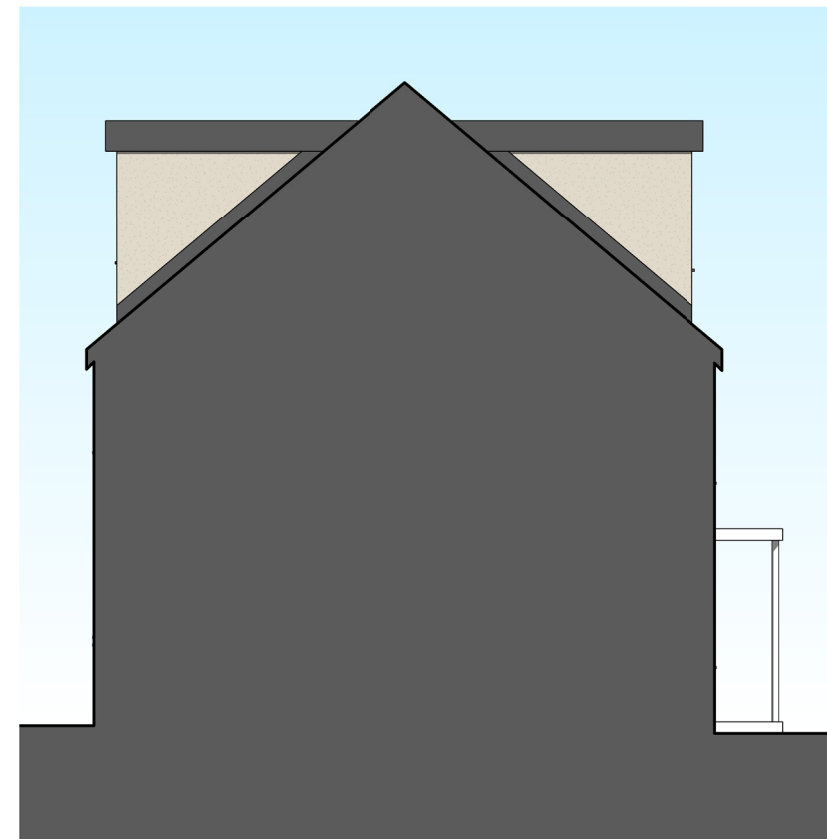
attic floor
Page 51
[1 : 100]



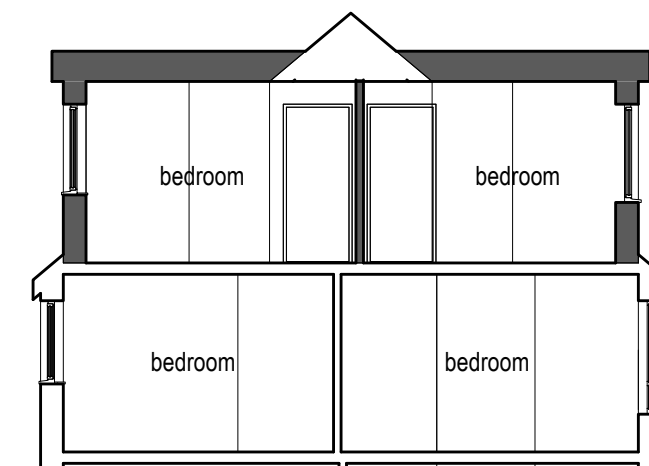
first floor
[1 : 100]



rear elevation
[1 : 100]



side elevation
[1 : 100]



section a-a (first floor & attic floor)
[1 : 100]

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Lothian Plans.
FAO: Stephen Lothian
18 Laidlaw Gardens
Tranent
EH33 2QH

Mrs Noble
89 Charterhall Grove
Edinburgh
EH9 3HT

Decision date: 25 November 2021

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

Front porch amendment and rear garden amendment / additions (as amended and in part retrospect).

At 89 Charterhall Grove Edinburgh EH9 3HT

Application No: 21/03155/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 8 June 2021, 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 will have a detrimental impact on the amenity of neighbouring residents by virtue of privacy . The proposal is therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders.

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

Drawings 01, 02, 03A, 04, 05A, 06B, 07, 08, 09, 10, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The development does not comply with LDP Policy Des 12 or the non-statutory Guidance for Householders as it would result in an unreasonable loss of privacy to neighbouring properties.

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 Jane Iannarelli directly at jane.iannarelli@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

**Application for Planning Permission
89 Charterhall Grove, Edinburgh, EH9 3HT**

Proposal: Front porch amendment and rear garden amendment / additions (as amended and in part retrospect).

**Item – Local Delegated Decision
Application Number – 21/03155/FUL
Ward – B15 - Southside/Newington**

Recommendation

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

Summary

The development does not comply with LDP Policy Des 12 or the non-statutory Guidance for Householders as it would result in an unreasonable loss of privacy to neighbouring properties.

SECTION A – Application Background

Site Description

This application relates to a 2 storey, semi-detached dwelling house situated in a predominately residential area. On this side of the street, the rear gardens generally slope down to the north.

Description Of The Proposal

The proposal is seeking planning permission, in part retrospect, for:

- Landscape works within the rear garden ground including raising the ground level and a raised deck - this work involves raising the level of the garden so it is in line with the roof of the applicant's single storey garage;
- Raised deck to the rear of the existing dwelling;
- Replacement garage;
- A timber fence along the boundary with No. 91;
- Alterations to the existing porch including a ramp into the property.

It is noted that part of this application is in retrospect. The following works have been completed: the ground works and raised deck to the rear of the garden, the deck on the rear elevation of the dwelling and the replacement garage.

The following works have not been completed: proposed boundary fence, porch and ramp in the front garden.

Amended scheme

Amended plans were submitted showing details of the proposed garage and including a close boarded fence on the shared boundary with No. 91. The proposed fence would be 1.2m above the new finished ground level of the garden of the application property.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 25 November 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

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.

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

Concerns were raised regarding the measurements on the plans, this was clarified with the applicant and an amended section was submitted providing additional details. This information was sufficient to allow the application to be determined.

In terms of the works that are proposed, the porch and ramp to the front of the dwelling are of an acceptable scale and form. The porch will replace an existing structure in the same location. There are examples of porches of a similar scale within the immediate area and therefore the development will not have an adverse impact on neighbourhood character.

As previously noted, the replacement garage has been completed. The garage replaced an existing garage in the same location and raises no issues in terms of scale, design or location.

In terms of the raised access deck directly to the rear of the house, this is of an acceptable scale and form and mirrors a similar development on the neighbouring property.

With regards to the other landscaping works that have been carried out, the rear garden ground level has been raised so that garden is one level and no longer slopes to the rear. This has resulted in an area of raised deck at the northern end of the property which sits above the garden of the neighbouring property. Planning permission is required for a deck or raised platform if any part of the platform would exceed a height of 0.5m above ground level. Given the topography of the site the proposal exceeds this requirement at the northern end of the garden.

It is noted that historically the garden had a similar gradient to the adjoining property at No. 91, sloping to the north with large retaining walls separating the residential properties from separate garage properties and the railway line to the north. The raising of the ground level and the consequential raised deck does change the character of the garden in terms of the surrounding properties but the visual impact is limited and it is considered acceptable in terms of scale, form and design.

The amended proposal includes a close boarded fence along the shared boundary with 91 Charterhall Grove. There is currently a post and wire fence separating the two properties. It is understood that fencing was removed to accommodate the development that has taken place. It is noted that in this location a fence of up to 2 metres could be erected along the boundary under the permitted development rights.

The proposed fence would be 1.2m above finished ground level of the application property; but given that the applicant's garden has been raised, the fence height would range from 1.2m to 2.1m from the perspective of the neighbouring property at No. 91 with the fence at its highest at the northern most point of the garden. In terms of scale, form and design of the fence, it is acceptable and typical of the type of fencing often used to separate the rear garden grounds of adjoining properties.

Overall, the works are of an acceptable scale and form and do not unreasonably impact on the character of the surrounding area the area. Overall, the proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

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 proposed garage, porch and ramp raise no concerns in relation to impact on residential amenity and accord with the relevant guidance and policy.

In terms of privacy, the non statutory Guidance for Householders requires that all areas of decking be as close to the ground level as possible. The impact that the two areas of decking will have on privacy will be considered in turn.

First of all, with regard to the raised deck on the rear elevation of the existing dwelling, it is acknowledged that the deck is approximately 0.9m above existing ground level. However, it will mirror a raised deck on the neighbouring property and benefits from an existing screen that has been erected on the shared boundary. It therefore complies with guidance in terms of impact on privacy.

With regard to the raised deck toward the rear garden ground, the height in relation to the neighbour's garden appears visually imposing from the perspective of the neighbouring property. The height difference allows for direct views into the neighbour's garden at No. 91. Previously the gardens followed a similar topography allowing for mitigation limiting any impact on neighbouring amenity. However, the raised floor level of deck allows for elevated views directly into the neighbouring garden has an adverse impact on their privacy.

In terms of mitigation, the proposal includes fence with a height of 1.2m above finished floor level. This is not sufficient to prevent a loss of privacy. The proposed fence will still allow for views into the neighbouring property.

A privacy screen would be expected to have a height of 1.8m to limit views into neighbouring properties but given the change in ground levels at the boundary, it would not be appropriate to increase the height of the screening fence on the boundary. As noted above, a typical screen fence would have a height of 1.8m above finished floor level and in this situation, this would result in a height of approx. 2.7m to the neighbouring property. A fence of this height would not be acceptable in this location in terms of overshadowing to the patio area of No. 91 at the end of its garden.

From the supporting documentation, it is understood that there was historically an open lattice fence along part of the shared boundary with a close boarded section separating the gardens at the rear (north). It could be argued that the design of the historic fence meant that the properties did not previously benefit from private amenity space and as such a higher screening fence would not be required. However, the neighbouring patio is garden ground of high amenity value and this was originally screened by the close boarded fence when both gardens were of similar ground levels. It would therefore be reasonable for the neighbours to expect the same level of privacy in this area. The

applicant's raised deck allows for views into the neighbouring garden and patio area resulting in an adverse impact on privacy.

On balance, the proposal in its current form would result in a loss of privacy to the neighbouring property contrary to the policy Des 12 and the non statutory guidance for householders. Overall, the proposals fail to comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders with regard to privacy,

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 was received to the application. The letter of objection raised the following concerns:

- inaccuracies in the plans regarding natural and finished ground level - addressed in section (a).
- Impact a privacy screen would have on amenity - considered in section (b)
- Privacy screen required at deck to rear of dwelling - considered in section (b) - it is noted that some of the works are in retrospect and there are tall steel posts connected by timber at the edge of the deck. This is not what is shown on the plans, shorter steel post that sit below the height of the back doors are shown. This application can only assess what is shown on the plans.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of privacy . The proposal is therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 8 June 2021

Drawing Numbers/Scheme

01, 02, 03A, 04, 05A, 06B, 07, 08, 09, 10

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jane Iannarelli, Planning Officer
E-mail: jane.iannarelli@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 21/03155/FUL

Application Summary

Application Number: 21/03155/FUL

Address: 89 Charterhall Grove Edinburgh EH9 3HT

Proposal: Front porch amendment and rear garden amendment / additions.

Case Officer: Abbie Eccles

Customer Details

Name: Mr Tomasz Krzyzelewski

Address: 91 Charterhall Grove Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are number of discrepancies between the submitted plans and the site. Starting with the height of back garden decking which is at 130cm off the ground level - not 90cm as on the plans. If somebody decides to put up a 180cm fence in the future we're going to end up with a wall over 3m high next to our property. The decking was already built on top of remaining part of old retaining wall - not sure how the drawings were done without uncovering existing wall. The grass area is 50cm higher than before - not same as previous level. New raised patio is also at 50cm rather than 15cm. Already rebuilt garage is taller and longer than the previous one - it is not noted on the plans. New high metal railing is under required 110cm and there's 2m drop between the decking and garages. There's missing privacy wall on top of the backdoor decking. There are already 210cm tall posts on top of the decking - taller than on the plans.

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MISS	Ref No.	
Forename	JANE	Forename	STEPHEN
Surname	NOBLE	Surname	LOTHIAN
Company Name		Company Name	LOTHIAN PLANS
Building No./Name	89	Building No./Name	18
Address Line 1	CHARTERHALL GROVE	Address Line 1	LAIDLAW GARDENS
Address Line 2		Address Line 2	
Town/City	EDINBURGH	Town/City	TRANENT
Postcode	EH9 3HT	Postcode	EH33 2QH
Telephone		Telephone	
Mobile		Mobile	07960 366 691
Fax		Fax	
Email		Email	Natalie@lothianplans.com
3. Application Details			
Planning authority	THE CITY OF EDINBURGH COUNCIL		
Planning authority's application reference number	21/03155/FUL		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>89 CHARTERHALL GROVE EDINBURGH EH9 3HT</p> </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> <p>FRONT PORCH AMENDMENT AND REAR GARDEN AMENDMENT / ADDITIONS (AS AMENDED AND IN PART RETROSPECT)</p> </div>		

Date of application

08/06/2021

Date of decision (if any)

25/11/2021

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

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

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

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please find attached documents stating the reasons for our notice of review.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

- 2 Photos of garden before work was done
- 1 Photo of 3.2m fence on our side of property
- 1 Photo of proposed fence
- 1 Plan of side elevation

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form


Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: 

Name: JANE NOBLE

Date: 01/02/2022

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

With regard to the refusal of planning in respect of 89 Charterhall Grove on the grounds that 'The development does not comply with LPD Policy Des 12 or the non-statutory Guidance for Householders as it would result in an unreasonable loss of privacy to neighbouring properties'

We respectfully request a review of the above.

We would like to make the following points regarding the refusal.

The raised decking in the neighbours garden was granted with no provision for privacy between the gardens. The decking gives an elevated view into our garden and is imposing from our garden.

The existing screen (mentioned in the report) is on the decking which gives privacy between the windows at the rear of the property but not between the gardens. In addition the said screen is 3.2m high from ground level on our side which was imposing and overshadowing. This was also granted (before we had our decking erected and one of the reasons why we decided on a decking).

The report states that a typical screen fence would have a height of 1.8m above finished floor level and in this situation this would result in a height of approx 2.7m to the neighbouring property. A fence this height would not be acceptable in this location. However a fence of 3.2 m was deemed acceptable on our side.

We made no objections to any of these plans but this does not negate the facts and we feel the same consideration be given to us regarding the fence which would be 2.1m on the neighbour's side only at the bottom of the garden.

The neighbour was concerned about the fence being too high ie 3m but we are not proposing such a height.

We originally wished to erect railings between the gardens thus giving light to both gardens. However this was not acceptable due to lack of privacy. We added a wooden fence. We feel the height 1.2m would be sufficient to obscure any line of vision into the neighbours garden without taking too much light away from either garden.

In addition our access path to the garden is on the garage side, opposite the neighbours garden as is our seating area so we would have no direct view into their garden. We feel therefore that the proposed fence would provide adequate privacy for both parties.

The reason we made changes to the garden was for ease of access and to provide a pleasant place to sit where previously there had been none. As I have recently retired I have more leisure time

The topography of the garden changed over the 48 years I have resided in the property. Over the years my father altered the garden for sloping downwards (as in the neighbours) to 3 levels. The first level was for ease of access for washing etc. The second level was originally to plant a few vegetables. The bottom level was of little amenity value. It was narrow with a compost heap behind the garage and a few pots and a chair at the opposite end.

My father erected the 6 foot panel at the bottom of the garden (mentioned in the report) for his own personal benefit and long before any amenity area was thought of in the neighbours garden. However this did not give complete privacy as when walking further up views into each other's gardens were possible.

My father also erected the trellis fence between the gardens to grow clematis on.

There was never any history of privacy fences between the gardens only the existing small boundary fence. It is difficult to have total privacy in a terraced street such as this.

We appreciate your time in reviewing our planning application.

Photo taken
in 2011
but had been like this
for at least 30 years



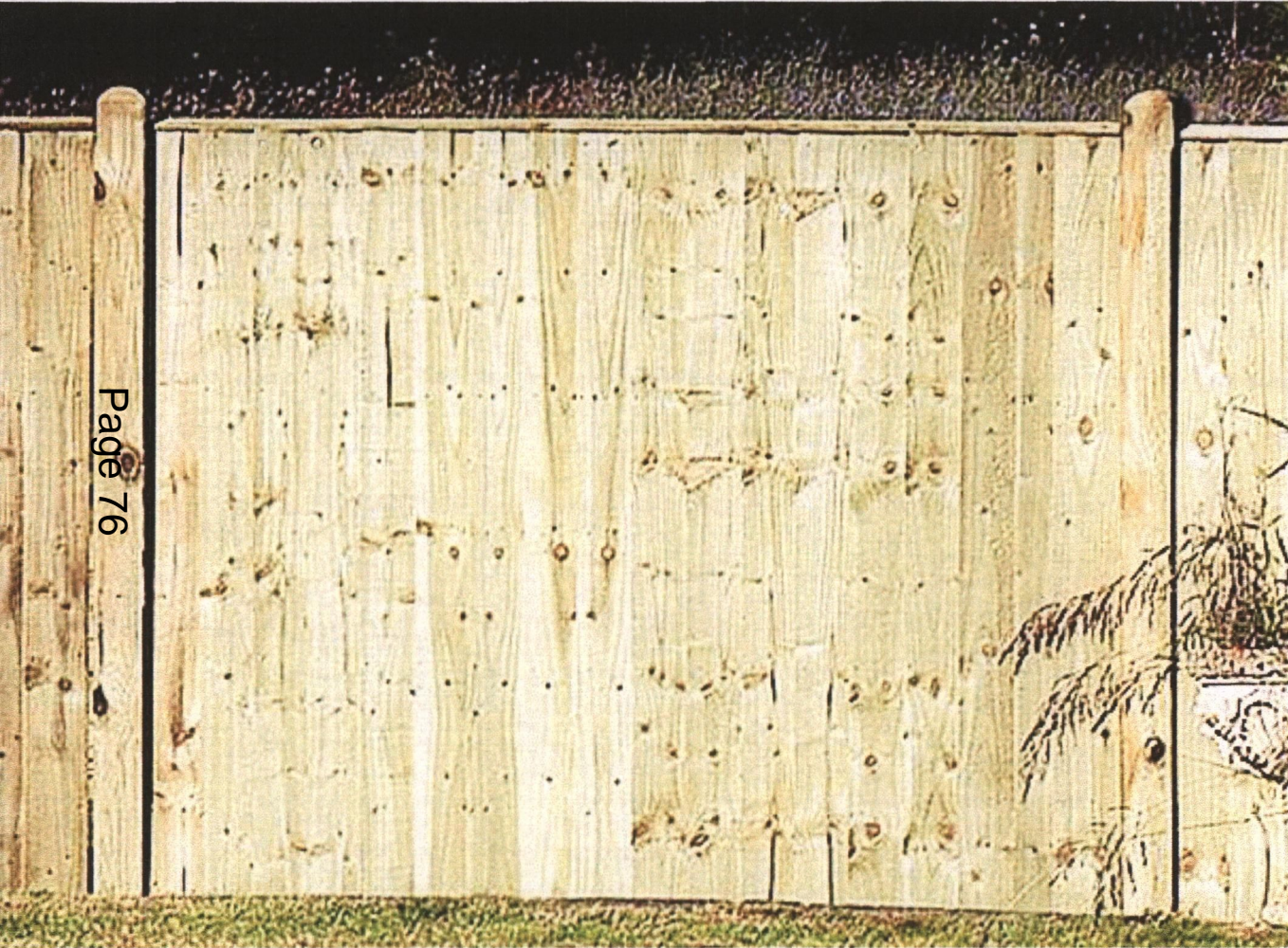


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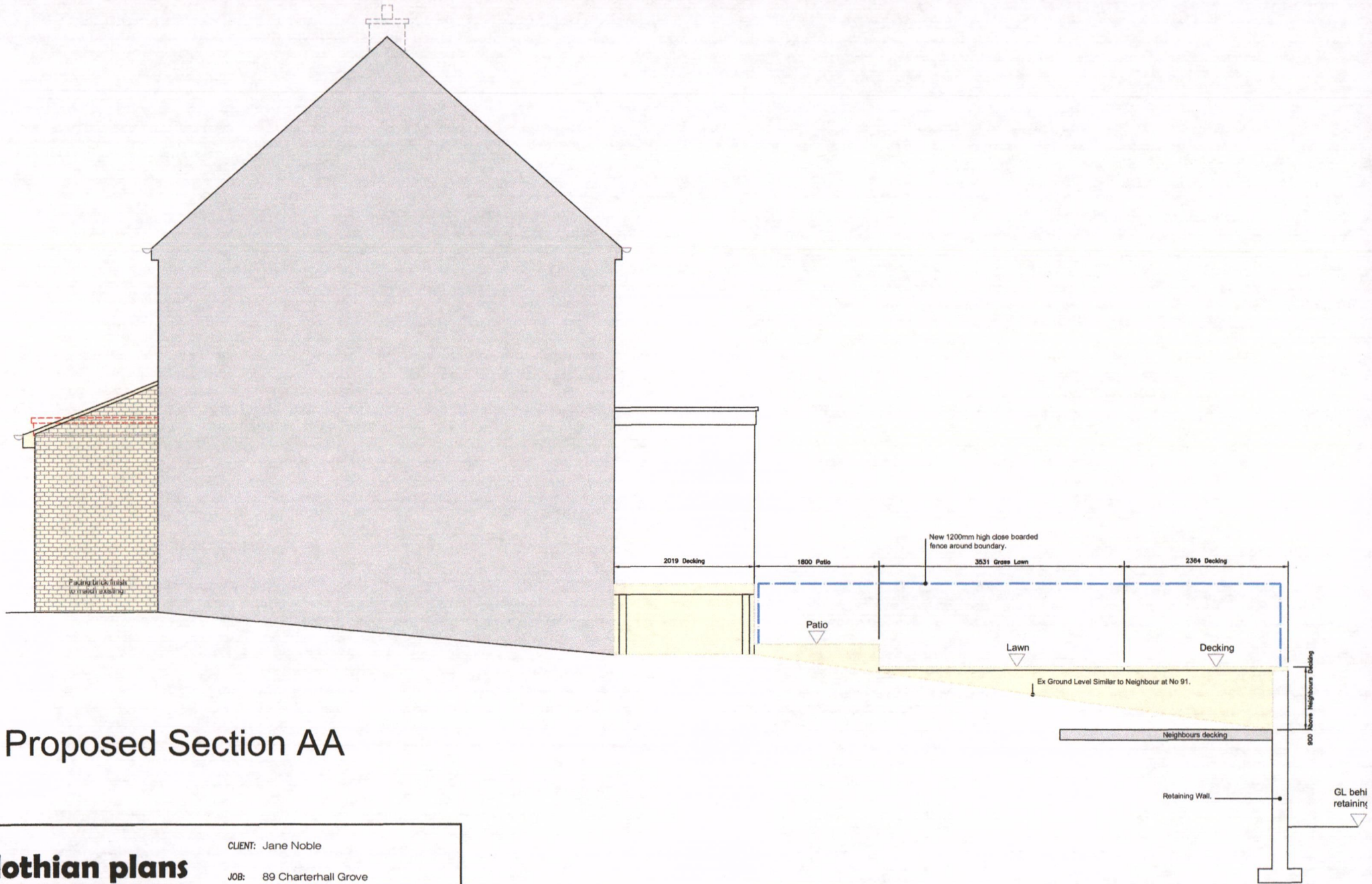
Taken in
2011



3.2m fence Council approved before
we erected the decking



Proposed Fence



Proposed Section AA

lothian plans		CLIENT: Jane Noble	
NUMBER: 89CG-BW8		JOB: 89 Charterhall Grove Edinburgh	
REVISION: A	SCALE: 1:50 @A3	TITLE: Section AA	
DRAWN: SL	CHECK: SL		
DATE: May2021			

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Mr Martin Cameron.
2F 2 Morningside Gardens
Edinburgh
EH10 5LA

Decision date: 31 January 2022

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

Replace the existing aluminium windows with uPVC windows.
At 2F 2 Morningside Gardens Edinburgh EH10 5LA

Application No: 21/05446/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 14 December 2021, 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 **Granted** in accordance with the particulars given in the application.

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

1. The new windows shall not have horns at the bottom of the upper sashes. In addition, trickle vents should be concealed in the meeting bars and should not be visible on the face of the windows.

Reasons:-

1. In order to safeguard the character of the conservation area.

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 01-09, 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 works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused.

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 Nancy Jamieson directly on nancy.jamieson@edinburgh.gov.uk.



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

NOTES

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

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

::

Report of Handling

Application for Planning Permission
2F 2 Morningside Gardens, Edinburgh, EH10 5LA

Proposal: Replace the existing aluminium windows with uPVC windows.

Item – Local Delegated Decision
Application Number – 21/05446/FUL
Ward – B10 - Morningside

Recommendation

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

Summary

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused.

SECTION A – Application Background

Site Description

The application property is a top floor flat in a traditional tenement in Plewlands Conservation Area. It currently has 10 aluminium sash and case windows.

Description Of The Proposal

It is proposed to replace the aluminium windows with sliding sash and case windows in UPVC.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 31 January 2022

Date of Advertisement: 7 January 2022

Date of Site Notice: 7 January 2022

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

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

a) The impact on the character and appearance of the conservation area is acceptable?

The Plewlands Conservation Area is mainly comprised of two storey residential terraced development. The predominant height is two storeys with a small number of flatted elements of mainly three and four storeys. The buildings are complemented by

mature trees, extensive garden settings, shallow stone boundary walls and spacious roads.

Whilst the use of UPVC in conservation areas is not normally acceptable, in this case the windows are already non-conforming. In terms of the appearance of the conservation area, the change from aluminium to UPVC at this high level will be largely imperceptible. Whilst the frames will be slightly thicker, this is unlikely to be noticeable.

In terms of the character of the conservation area, there are a number of properties within the area where UPVC was installed prior to designation. Overall, the introduction of UPVC in place of aluminium in this particular property will not affect the special character of the conservation area. An exception to the non-statutory guidance is acceptable on this basis.

However, the design of the windows needs some adjustment to minimise the impact. In particular, horns are not a traditional feature and the trickle vent should not be visible. A condition has been added with regard to these features.

The works will preserve the special character and appearance of the conservation area as they will have a neutral impact.

Conclusion in relation to the conservation area

The proposals comply to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant policies to be considered are:

- LDP Environment policy Env 6
- LDP Design policy Des 12

The non-statutory Listed Building and Conservation Area Guidance and Householder Guidance is a material consideration that is relevant when considering policies Env 6 and Des 12.

Scale, form, design and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the character and appearance of the conservation area as detailed in section a) of the report.

Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory Guidance for Householders. The proposals will not result in any unreasonable loss to neighbouring amenity.

Conclusion in relation to the Development Plan

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the special character and appearance of the conservation area as they will have a neutral impact.

Therefore, the proposals comply with LDP policy Env 6 and Des 12 and the overall objectives of the Development Plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

One objection has been received on the basis the frames will be thicker, fake sash horns, visible trickle vent and non-traditional profiles. These points have been addressed in section a).

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

d) **Overall conclusion**

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

1. The new windows shall not have horns at the bottom of the upper sashes. In addition, trickle vents should be concealed in the meeting bars and should not be visible on the face of the windows.

Reasons

1. In order to safeguard the character of the conservation area.

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 December 2021

Drawing Numbers/Scheme

01-09

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager
E-mail: nancy.jamieson@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 21/05446/FUL

Application Summary

Application Number: 21/05446/FUL

Address: 2F 2 Morningside Gardens Edinburgh EH10 5LA

Proposal: Replace the existing aluminium windows with uPVC windows.

Case Officer: Nancy Jamieson

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 objects to use of uPVC on this attractive block of three-storey tenements which extends up Morningside Gardens.

The majority of windows in these flats maintain the slim frames of wooden sash and case. Some replacement has been done in aluminium, but this is strong enough to match the slim widths of wood, so the visual impact of a non-compliant window is minimised. The proposed uPVC windows would be to the considerable detriment of the block, due to:

- 1) the much thicker frames, especially the visible case which is an unwelcome feature of all uPVC sash installations,
- 2) the fake sash horns, which are not a feature of this block,
- 3) the visible trickle vent, contrary to Edinburgh policy,
- 4) the non-traditional profiles.

This is contrary to Edinburgh policy and would detract from the largely uniform appearance of this block. We note that the few apparently uPVC windows in this block all seem to pre-date 2008, and therefore have not been assessed under present Edinburgh guidance. We also note that 2F 4 Morningside Gardens appears to have had its pre-2008 uPVC windows replaced with compliant wooden sash and case windows in 2013 (13/02561/FUL) and therefore the restoration of this terrace to its original appearance is underway and should not be subverted by a worsening in appearance of this prominent corner flat.

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Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100531070-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Martin	Building Number:	2
Last Name: *	Cameron	Address 1 (Street): *	2/2 Morningside Gardens
Company/Organisation		Address 2:	
Telephone Number: *	07986580135	Town/City: *	EDINBURGH
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH10 5LA
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

2F

Address 2:

2 MORNINGSIDE GARDENS

Address 3:

EASTER CRAIGLOCKHART

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH10 5LA

Please identify/describe the location of the site or sites

Northing

670651

Easting

323796

Description of Proposal

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

Replace the existing aluminium framed double glazing units with new uPVC A+ rated 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 condition that "trickle vents should be concealed in the meeting bars and should not be visible on the face of the windows". Cannot be met. Both my supplier and several others have indicated that "Trickle vents on Sash & Case windows can only be fitted to the top of the sash". A vent as requested would need an opening in both sashes. This type of frame cannot be manufactured in this way. Near by properties with similar frames have the vent in the top sash.

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)

Copy of email from planning officer. Copy of email from my selected installer with a CAD image of the selected frame for installation. Photo evidence of surrounding properties with uPVC frames and the trickle vent in the sash.

Application Details

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

21/05446/FUL

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

14/12/2021

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

31/01/2022

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 Martin Cameron

Declaration Date: 13/02/2022

On Tuesday, 1 February 2022, 11:29:51 GMT, Nancy Jamieson <nancy.jamieson@edinburgh.gov.uk> wrote:

Martin, as you are probably aware we do not usually allow UPVC in conservation areas but in this case I felt a case could be made as the change of material would not be highly evident. However, this is also dependent on the detailing being correct and in my opinion the addition of the trickle vent on the top of the window is an ugly addition contrary to our guidance on listed buildings and conservation areas where it states regarding windows

Ventilators and Extractor Fans - Ventilators cut through the glass or visible on the window frames will not be considered acceptable; they should be located unobtrusively in the meeting rail or through the box frame.

So this requirement is nothing new and I don't know why your chosen manufacturer cannot insert the vent in the bottom rail of the top sash hidden in the horizontal section. I would suggest you and your clients should shop around and find a manufacturer who can insert a discreet vent in compliance with the condition.

*Nancy Jamieson
Planning Team Manager
Locals 2*

Planning | Sustainable Development | Place Directorate | The City of Edinburgh Council |
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG |
nancy.jamieson@edinburgh.gov.uk | www.edinburgh.gov.uk

Copy email from my installer

On Tuesday, 1 February 2022, 08:32:11 GMT [REDACTED]

[REDACTED] > wrote:

Hi Martin

Please see below from the supplier

“Trickle vents on Sash & Case windows can only be fitted to the top of the top sash. We do not fit trickle vents to frame or to the interlock.”

This means these are noticeable on the face off the window but it looks like your council requests they are not noticeable. This is not something we can do.

Let me know how you wish to proceed. I have attached a CAD image of how the sash & case window looks, showing the vent on the top sash

Thanks

Jay Fairgrieve

[REDACTED]
[REDACTED]
[REDACTED]

Sample CAD image of the frame I have been quoted on.











