

# Notice of meeting and agenda

## Planning Local Review Body (Panel 1)

**10.00 am Wednesday, 27th April, 2022**

Microsoft Teams

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

### Contacts

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

Tel: 0131 529 30094085

## **1. Appointment of Convener**

---

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

## **2. Order of Business**

---

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

## **3. Declaration of Interests**

---

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

## **4. Minutes**

---

- 4.1 Minute of the Local Review Body (Panel 1) of 15 December 2021 – submitted for approval as a correct record. 9 - 14

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

---

- 5.1 Note of the outline procedure for consideration of all Requests for Review 15 - 18

## 6. Requests for Review

---

- 6.1** 288 Colinton Mains Road, Edinburgh – Proposed extension to rear of ground floor flat – application no 21/05490/FUL. 19 - 56
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
- 6.2** 4 Glenorchy Terrace, Edinburgh - Replace existing bathroom timber sash and case window with UPVC – application no. 21/06280/FUL. 57 - 78
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
- 6.3** 12 House O'hill Road, Edinburgh - Rear extension including a side dormer - application no - 21/06308/FUL. 79 - 100
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has application no requested that the review proceed on the basis of an assessment of the review documents only.
- 6.4** 13 Jordan Lane, Edinburgh – Refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane – application no 21/03213/FUL. 101 - 156
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the

basis of an assessment of the review documents and a site inspection.

- 6.5** 94 Lasswade Road, Edinburgh – Remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extensions – application no. 21/05409/FUL. 157 - 184

(a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

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

- 6.6** The Old Dairy House (At Land 20 Metres East Of) Dundas Home Farm, South Queensferry – Erection of 4-5 bedroom house. The erection of a detached 2 car garage – application no. 21/04768/FUL. 185 - 298

(a) Decision Notice and Report of Handling

(b) Notice of Review and Supporting Documents

(c) Further Representations

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

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

---

- 7.1** Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases 299 - 308

[Local Development Plan Online](#)

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

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

Edinburgh Local Development Plan Policy Des 7 (Layout Design)

Edinburgh Local Development Plan Policy Des 12 (Alterations

and Extensions)

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

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

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

## 8. Non-Statutory Guidance

---

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

[Listed Buildings and Conservations Areas](#)

[Development in the Countryside and Green Belt](#)

[Craigmillar Park Conservation Area Character Appraisal](#)

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

[The relevant Scottish Planning Policy – Sustainable Development Principles](#)

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

### **Nick Smith**

Service Director, Legal and Assurance

### Membership Panel

---

Councillor George Gordon, Councillor Lezley Marion Cameron, Councillor Max Mitchell, Councillor Joanna Mowat and Councillor Alex Staniforth

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

---

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

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

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

## Further information

---

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

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

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

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

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

# Minutes

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

**10.00am, Wednesday 15 December 2021**

**Present:** Councillors Dixon (substituting for Councillor Gordon), Mitchell, Mowat, and Staniforth.

### 1. Appointment of Convener

---

Councillor Mitchell was appointed as Convener.

### 2. Minutes

---

To approve the minute of the Local Review Body (LRB Panel 1) of 13 October 2021 as a correct record.

### 3. Planning Local Review Body Procedure

---

#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 2 (3F3) Barony Street, Edinburgh

---

Details were submitted of a request for a review of proposals for attic conversion and new dormer window to the rear and new velux roof light at 2 (3F3) Barony Street, Edinburgh. Application no. 20/05120/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 15 December 2021.

#### Assessment

At the meeting on 15 December 2021, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 1-3, 4A, Scheme 1 being the drawings shown under the application reference number 20/05120/FUL on the Council's Planning and Building Standards Online Services.

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

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)  
Edinburgh Local Development Plan Policy Env 1 (World Heritage Sites)  
Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)  
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  
The New Town Conservation Area Character Appraisal  
Listed Buildings and Conservation Areas  
Edinburgh Design Guidance  
Historic Environment Scotland's Guidance on Managing Change – Roofs
- 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:

- The response from Historic Environment Scotland was of a substantial nature and was quite unusual for this type of development as it was very detailed, considering the size and scale of the development.
- This was a Category A building and Historic Environment Scotland was a statutory consultee.
- The reference to listing was an interesting part of the appellant's submission, therefore, should this be given more weight than the original listings?
- The building was listed in its entirety with the highest grade of listing. The fact that the low gradient of the roof was not specified, did not affect it being part of listing.



- The photographs clearly indicated that the officer's recommendations were reasonable. Although there might be similar dormers further afield, the properties in the immediate area did not have dormers of this type and the proposals would be detrimental to the character of the conservation area.
- Although there was some sympathy to some developments of this type, in this context, this was a prominent building and was located in a conservation area. Although the proposal was not overly incongruous, it was necessary to agree with the officer's recommendations.
- Members were familiar with residents who wanted to improve their properties. Generally, this might be appropriate, but considering the letter from Historic Environment Scotland, it was difficult to overturn the recommendations. Dormers in this area tended to be located on the front of the property and overturning the recommendations would raise numerous issues.
- The robust guidance from Historic Environment Scotland could not be ignored. It was necessary to maintain consistency in decision making, the proposals would be detrimental to the conservation area and there was insufficient evidence to overturn the recommendations.
- The officer's recommendations should be overturned because the comments from Historic Scotland did not necessarily constitute an objection. There were, in fact, dormers in fairly close proximity of a similar type. It was not the case that this would be detrimental to the character of the building or the conservation area and it could be argued that the policies, which were cited in refusing the proposals, were quite subjective.

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 to refuse planning permission.

### **Reasons for Refusal:**

The alterations failed to preserve the character and appearance of both the conservation area and listed building, contrary to policies Env4 and Env6.

(Reference – Notice of Review, Report of Handling and Supporting documents, submitted)

## **5. Request for Review – 14 Columba Road, Edinburgh**

---

Details were submitted of a request for a review of proposed pitched roof side and front dormers (material variation from previous consent), alterations to existing property at 14 Columba Road, Edinburgh. Application No. 21/02694/FUL.

## Assessment

At the meeting on 15 December 2021, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-06, Scheme 1 being the drawings shown under the application reference number 21/02694/FUL on the Council's Planning and Building Standards Online Services.

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

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

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

## Conclusion

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

- Clarification was required to determine if the members were deciding if the flat roofed dormers or the pitched roof dormers were preferred, or if the window aspect was also being considered.
- It was confirmed that the front dormers were the same as the previous consent. The applicant wished to change the flat roof dormers to pitched roof dormers.
- Whether the four letters of comment were from neighbouring properties as it appeared that only two were from direct neighbours.
- It was confirmed that the appellant had indicated that there were four letters of support from neighbouring properties.
- There was no problem with this application as it was this not a listed building, was not located in a conservation area and did not adversely affect the character of the building or the area.

- From the inside of the house, there was very little difference from the existing structure. The Panel had dealt with dormers at previous meetings and there were existing dormers of an incongruous nature in the City. In this case, it was understood why the officers preferred flat roof dormers, however, the proposed pitched roof dormers represented only a subtle difference from the present structure.
- The proposals were not significantly worse than the present structure, it would have only a minor impact on the area and the Panel should overturn the officer's recommendations.
- There was sympathy for the applicant. There were no visible problems, the changes to the roofline seemed to work well, this was not detrimental to the character of the area or was in any way offensive.
- Some of the examples cited by the appellant in support of their application, were of an interesting nature and the proposals were not in breach of Edinburgh LDP Policy Des 12.

Having taken all the above matters into consideration, the LRB determined that the proposed side dormer in scale, form and position respected the established form of the existing bungalow property and was not harmful to its character and appearance. It would not be an incompatible and incongruous addition on the street scene, nor detrimental to the existing neighbourhood character. The proposal was therefore not contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions).

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

#### **Decision:**

To not uphold the decision by the Chief Planning Officer to grant planning permission.

#### **Reason**

The proposed side dormer in scale, form and position respected the established form of the existing bungalow property and was not harmful to its character and appearance. It would not be an incompatible and incongruous addition on the street scene, nor detrimental to the existing neighbourhood character. The proposal was therefore not contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions).

#### **Informatives**

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

constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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

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

## City of Edinburgh Planning Local Review Body (the LRB)

### General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB will only accept new information where there are exceptional circumstances as to why it was not available at the time of the planning application. The LRB will formally decide whether this new information should be taken into account in the review.

The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.

5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it. The LRB may decide it has insufficient information at any stage prior to the formal decision being taken.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used:
  - further written submissions;
  - the holding of one or more hearing sessions; and/or
  - an accompanied or unaccompanied inspection of the land to which the review relates.
8. Whichever option the LRB selects, it shall comply with legislation set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Chief Planning Officer and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 11 and 12 below.

9. The LRB may adjourn any meeting to such time and date as it may then or later decide.

### **Considering the Request for Review**

10. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any un-adopted development plan does not have the same weight but will be a material consideration. The LRB is making a new decision on the application and must take the 'de novo' approach.
11. The LRB will:
  - Identify the relevant policies of the Development Plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the Development Plan;
  - identify all other material planning considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the Development Plan should not be given priority;
  - take into account only those issues which are relevant planning considerations;
  - ensure that the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are assessed when the review relates to a listed building and/or conservation area; and
  - in coming to a determination, only review the information presented in the Notice of Review or that from further procedure.
12. The LRB will then determine the review. It may:
  - uphold the officer's determination;
  - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
  - grant planning permission, in full or in part;
  - impose conditions, or vary conditions imposed in the original determination;
  - determine the review in cases of non-determination.

### **Procedure after determination**

13. The Clerk will record the LRB's decision.
14. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
15. The Decision Notice will comply with the requirements of regulation 22.
16. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.

This page is intentionally left blank



Arkiplan Ltd. (Bo'Ness)  
FAO. Sean Elder.  
28 Grahamsdyke Place  
Bo'Ness  
EH51 9QZ

Mrs S Gilchrist.  
288 Colinton Mains Road  
Edinburgh  
EH13 9BS

**Decision date: 13 December 2021**

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

Proposed extension to rear of ground floor flat.  
At 288 Colinton Mains Road Edinburgh EH13 9BS

**Application No:** 21/05490/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 18 October 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 for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles.

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

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

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

The proposal for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles. There are no other material considerations which indicate that the proposal should be granted. 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 Rachel Webster directly at [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk).



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

## NOTES

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

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

# Report of Handling

**Application for Planning Permission**  
**288 Colinton Mains Road, Edinburgh, EH13 9BS**

**Proposal: Proposed extension to rear of ground floor flat.**

**Item – Local Delegated Decision**  
**Application Number – 21/05490/FUL**  
**Ward – B08 - Colinton/Fairmilehead**

## **Recommendation**

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

## **Summary**

The proposal for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles. There are no other material considerations which indicate that the proposal should be granted. Therefore, the recommendation is to refuse planning permission.

## **SECTION A – Application Background**

### **Site Description**

Lower cottage flat located on a small cul-de-sac to the south of Colinton Mains Road.

### **Description of the Proposals**

Erection of single storey rear extension. Proposed materials are roughcast rendered walls and redland regent roof tiles to match the existing house.

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 25 October 2021

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

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

Do the proposals comply with the development plan?

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

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

### Assessment

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

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

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

The proposals are of an acceptable scale in relation to the design of the existing flat. However, the extension will occupy a significant area of existing rear garden ground, the existing private garden extends 37.5sqm and the extension will occupy 23.7sqm (63%). This far exceeds the maximum one third of garden ground to be covered by extensions as recommended in Guidance for Householders. The proposals are therefore overdevelopment of the garden ground relating to the ground floor flat with little private outdoor space retained.

The proposals fail to comply with Local Development Plan Policy Des 12 but fail to comply with 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 overshadowing and loss of daylight or sunlight.

The extension will be located less than 9 metres from a garden boundary, being located only 1.75m from the garden boundary and is partially bound beyond this by an open common drying green and the private garden ground of the upper flat. There is little opportunity to screen the extension from neighbouring garden ground given the small distances involved.

The proposals fail to comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders in terms of privacy.

In addition, the proposed extension will be located on the boundary with the adjoining lower flat which has a private garden of a similar depth to the application site. Guidance for Householders identifies that there is the potential for a development to cause an unacceptable loss of sunlight to neighbouring garden ground where development exceeds 2.8m high on the boundary as the extension will be located to the east of the adjoining neighbour. As the proposed extension exceeds this height, the proposals will result in a loss of sunlight to neighbouring garden ground. No evidence has been submitted such as sun path analysis to contradict this conclusion.

The proposals fail to comply with Local Development Plan Policy Des 12 but fail to comply with the non-statutory Guidance for Householders.

#### c) Equalities and human rights

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

#### d) Public comments

No comments were received.

#### e) Other considerations

Due to the development plan being over 5 years old the Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration. 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.

To determine whether the proposals are sustainable development they require to be assessed against the sustainability principles as set out in Scottish Planning Policy.

The proposals are not considered to be sustainable development as they fail to accord with the sustainability principles of:

- 'Do the Proposals Comply with Sustainability Principle 3 of supporting good design and the six qualities of successful places? '
- 'Do the Proposals Comply with Sustainability Principle 13 of avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality?'

## Emerging Policy Context

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

City Plan 2030 - While the proposed City Plan is 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.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Reasons

1. The proposal for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles.

### Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 18 October 2021

### Drawing Numbers/Scheme

01-05

Scheme 1

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

Contact: Rachel Webster, Planning Officer  
E-mail: [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk)





Appendix 1

**Consultations**

No consultations undertaken.

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

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

Thank you for completing this application form:

ONLINE REFERENCE      100487439-002

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:	ARKIPLAN LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	SEAN	Building Name:	
Last Name: *	ELDER	Building Number:	28
Telephone Number: *	01506 500169	Address 1 (Street): *	GRAHAMSDYKE PLACE
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	BO'NESS
Fax Number:		Country: *	UK
		Postcode: *	EH51 9QZ
Email Address: *	seanelder@blueyonder.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="S"/>	Building Number:	<input type="text" value="288"/>
Last Name: *	<input type="text" value="GILCHRIST"/>	Address 1 (Street): *	<input type="text" value="COLINTON MAINS ROAD"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="EDINBURGH"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH13 9BS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="288 COLINTON MAINS ROAD"/>
Address 2:	<input type="text" value="FIRRHILL"/>
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="EH13 9BS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668800"/>	Easting	<input type="text" value="323173"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

PROPOSED EXTENSION TO REAR OF GROUND FLOOR FLAT

## 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 rear property is south facing and receives direct sunlight all day. There is no loss of daylight to the neighbouring property or over shadowing. The extension falls below the maximum allowance of over shadowing of the neighbours french doors ,this is demonstrated on the rear elevation drawing . The extension is within the garden area and has a common drying area adjoining. The applicant will be purchasing the immediate upper flat and garden area so will own the whole of the garden.

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)

It was pointed out that there would be no loss of daylight by over shadowing of the extension.

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

application drawings , photos of property, Refusal document

## Application Details

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

21/05490/FUL

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

18/10/2021

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

13/12/2021

## Review Procedure

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

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

Yes  No

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

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

Yes  No

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

Yes  No

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

## 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 SEAN ELDER

Declaration Date: 01/03/2022



















Arkiplan Ltd. (Bo'Ness)  
FAO. Sean Elder.  
28 Grahamsdyke Place  
Bo'Ness  
EH51 9QZ

Mrs S Gilchrist.  
288 Colinton Mains Road  
Edinburgh  
EH13 9BS

**Decision date: 13 December 2021**

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

Proposed extension to rear of ground floor flat.  
At 288 Colinton Mains Road Edinburgh EH13 9BS

**Application No:** 21/05490/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 18 October 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 for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles.

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

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

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

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 Rachel Webster directly at [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk).



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



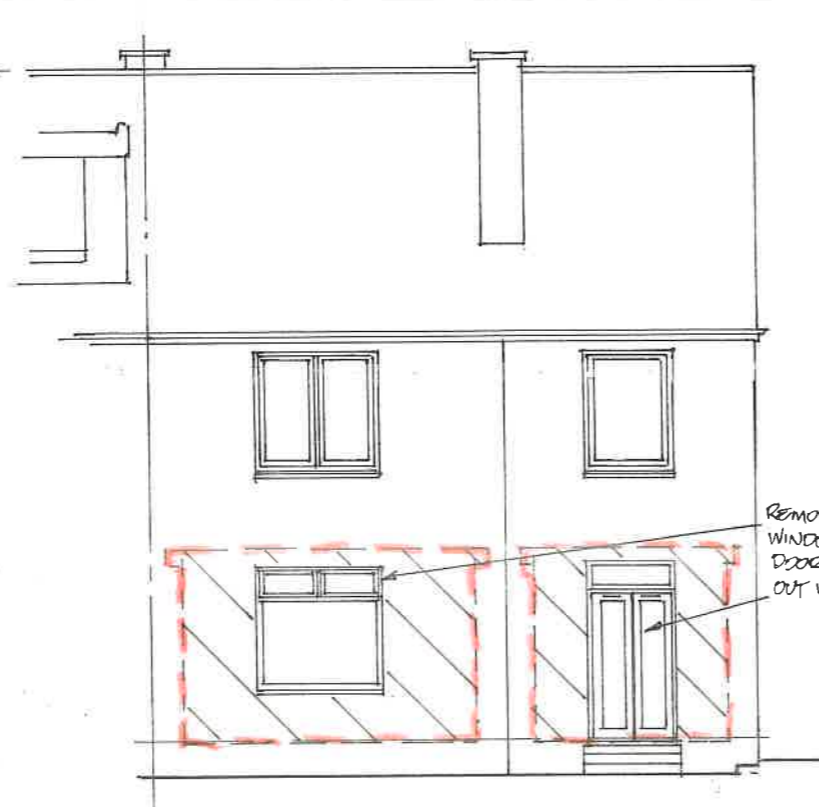
## NOTES

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

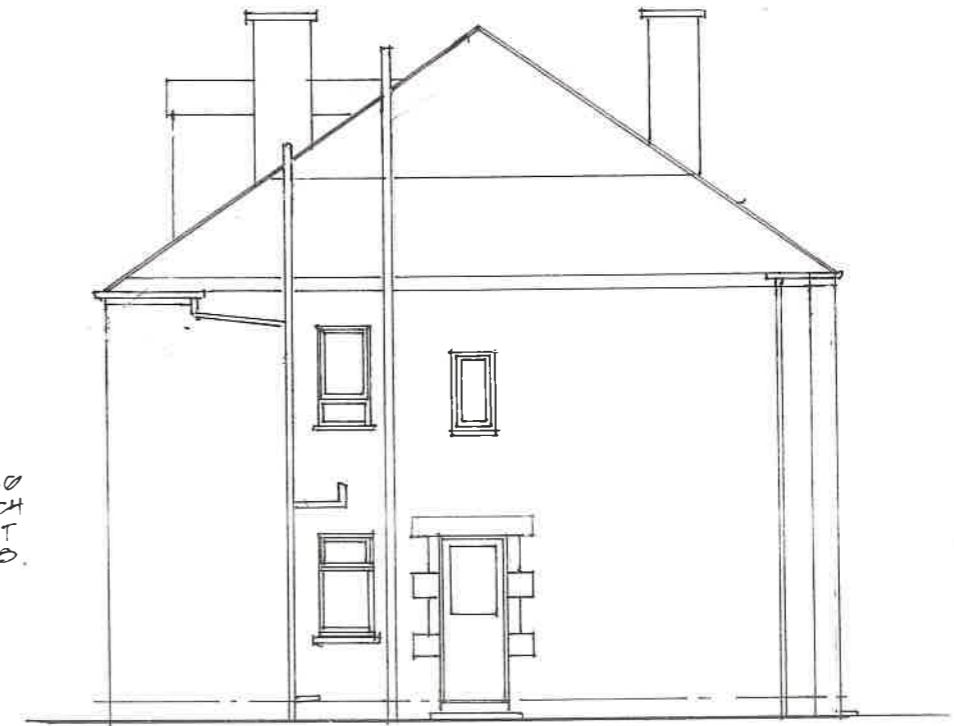
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has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



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

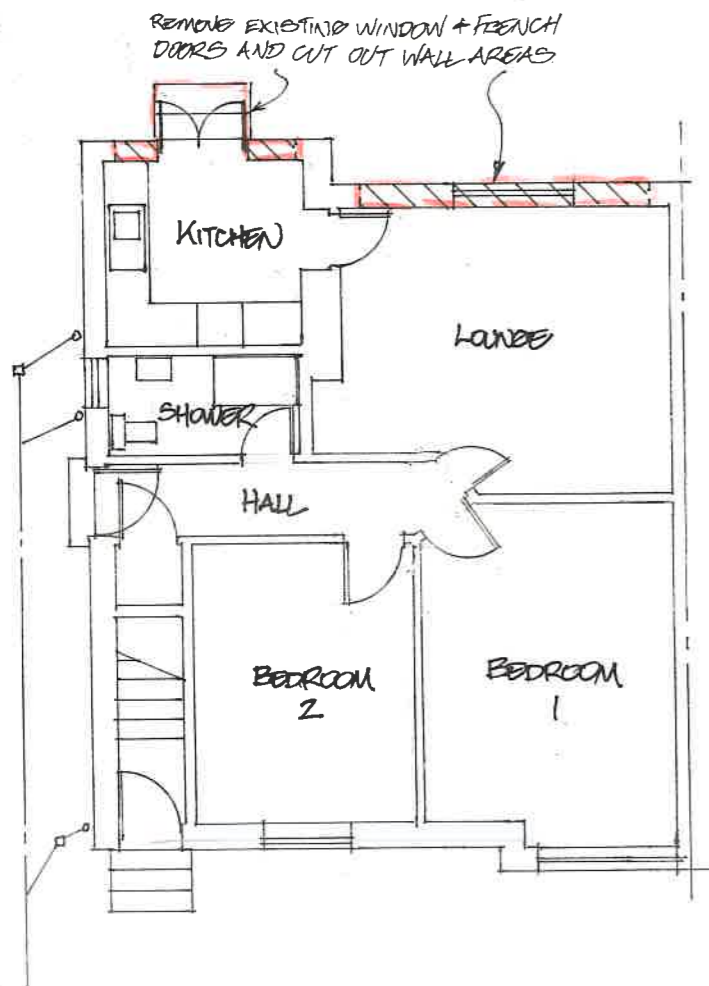


EXISTING SIDE ELEVATION

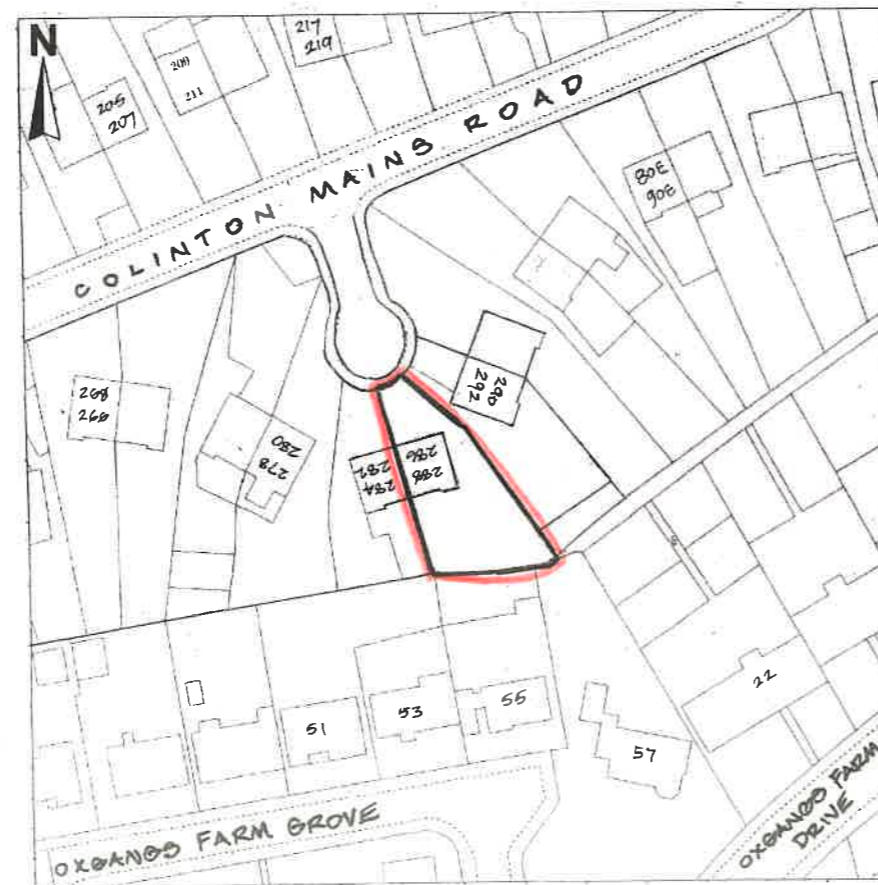
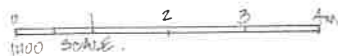
**CONSTRUCTION NOTES**

All work to be in accordance with the current Building Standards (Scotland) Regulations. All electrical work to be to current I.E.T. Regulations & BS 7671 2019. All new works, products & processes are to be to manufacturers guidance.  
 Drainage: Surface Water Drainage to be installed & constructed to BS EN 12056-3:2000. Sanitary Pipework to be installed & constructed to BS EN 12056-2:2000. External Drainage to be installed & constructed to BS EN 12056-1:2000, BS EN 752:2008 & BS EN 1610:1998 and to the entire satisfaction of the Local Authority. All sizes **must** be checked and verified on site prior to ordering materials and commencing works by building contractor. Any discrepancies or changes are to be reported to Architect prior to work continuing. If in doubt ask.

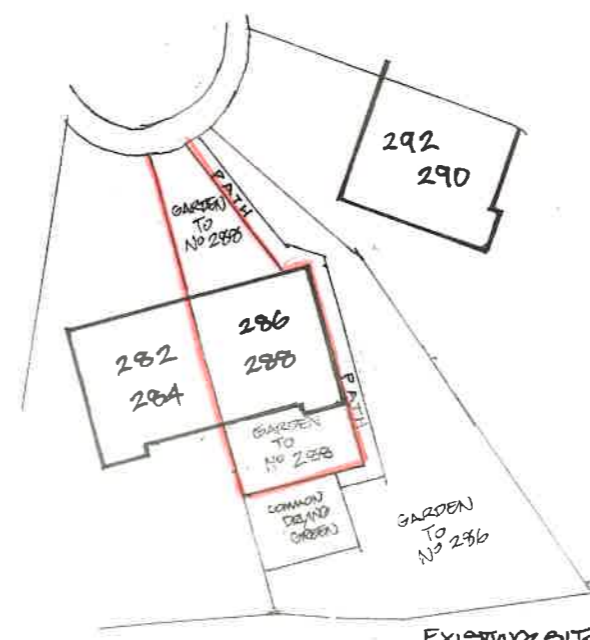
Page 42



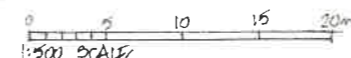
EXISTING FLOOR PLAN.



LOCATION PLAN.



EXISTING SITE PLAN









CLIENT:	MRS S GILCHRIST
288 COLINTON MAINS ROAD	
EDINBURGH	
POSTCODE:	EH13 9BS
TELEPHONE:	
PROJECT SPECIFICATION:	Proposed Extension to Ground Floor Flat
SCALE:	1:1500 DATE: September 2024
CONTRACT NO:	EG-07



28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ  
 Tel/Fax: 01506 500169  
 E-mail: seanelder@blueyonder.co.uk

**ELECTRICAL LEGEND**

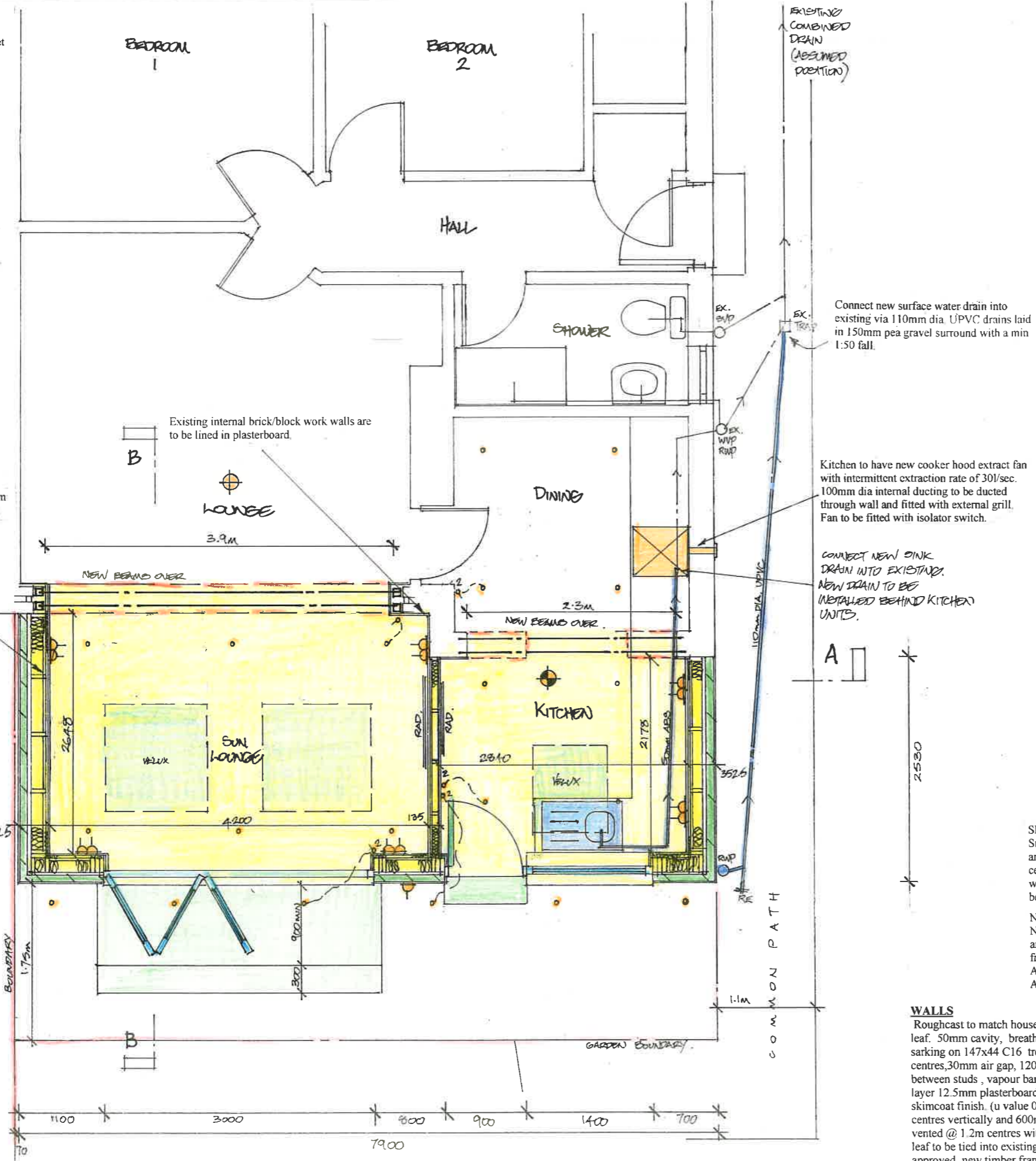
-  Double electrical socket outlet
-  Light switch
-  Downlighter
-  Smoke detector
-  Heat Detector
-  Single electrical socket outlet

Downlighters to be low voltage and fitted with fireproof covers. PFC Corofil intumescent downlight covers or equal approved.

All proposed smoke detectors & heat detectors are to be inter connected and connected into existing fire detection system.

All walls adjacent to boundary are to be provided with an additional layer of 12.5mm plasterboard to provide a medium duration of fire resistance.

Page 43



PROPOSED FLOOR PLAN

NOTE: All electrical installations to be certified by an approved electrician or electrical contractor.  
NOTE: All drainage to be in accordance with BS EN 12056:Pt 2:2000.

NOTE: New smoke/ heat alarms to be mains operated, inter-linked and have battery back up. New system to be also inter-linked with existing system.  
Smoke/fire detection to be in accordance with BS EN 14604/2005 & BS 5446 : Part 2 :2003. Installation to be in accordance with recommendations of BS5839:Pt6: 2004 Grade D.

NOTE  
Every service, fitting or piece of equipment provided so as to serve a purpose of the Regulations should be designed, installed and commissioned in such a way as to fulfil these purposes.

NOTE  
No new works are to impair the sound/fire resistance of an existing sound/fire resistant element. Any disturbed sound/fire resistant elements are to be made good in a manner that is in compliance with the required performance for that element.

Note  
To minimise thermal bridging, cills are to be wrapped in insulated d.p.c.'s. Insulated plasterboard to be provided around ingoos, jambs, and wall heads around window openings.  
Cavity closers (Rockwool TCB or equal approved ) are to be provided at heads and jambs of window and door openings.

Connect new surface water drain into existing via 110mm dia. UPVC drains laid in 150mm pea gravel surround with a min 1:50 fall.

Kitchen to have new cooker hood extract fan with intermittent extraction rate of 30l/sec. 100mm dia internal ducting to be ducted through wall and fitted with external grill. Fan to be fitted with isolator switch.

CONNECT NEW SINK DRAIN INTO EXISTING. NEW DRAIN TO BE INSTALLED BEHIND KITCHEN UNITS.

Existing internal brick/block work walls are to be lined in plasterboard.

**SMOKE & HEAT DETECTORS**  
Smoke alarms should be ceiling mounted and between 25mm and 600mm below the ceiling and at least 300mm away from any wall or light fittings. Heat alarm to be between 25mm and 150mm below ceiling

NOTE:  
New radiator(s) installed in new room(s) are to have means of control independently from the rest of the existing dwelling. All new radiators to be fitted with T.C.V.'s. And all associated pipework to be insulated.

**WALLS**  
Roughcast to match house on 100mm dense concrete block outer leaf. 50mm cavity, breather membrane on 10mm exterior ply sarking on 147x44 C16 treated timber stud frame @ 600mm centres, 30mm air gap, 120mm Kingspan TW55 insulation between studs, vapour barrier, 20mm Kingspan TW55 insulation 1 layer 12.5mm plasterboard (2 layers at boundary) with plaster skimcoat finish. (u value 0.17 W/m2K). Wall ties: 300mm centres vertically and 600mm centres horizontally. Cavities to be vented @ 1.2m centres with Perpend vents as shown. New outer leaf to be tied into existing wall with Furfix profiles or equal approved, new timber frame to be tied into existing wall with Hilti HR U-14 frame anchors @ 300mm centres. D.p.c.'s to be provided at min 150mm above ground level. All new d.p.c.'s & d.p.m.'s to be lapped together and to be lapped into existing d.p.c.'s. Cavity closers to be provided around all openings, wall heads and @ 2m centres max vertically.

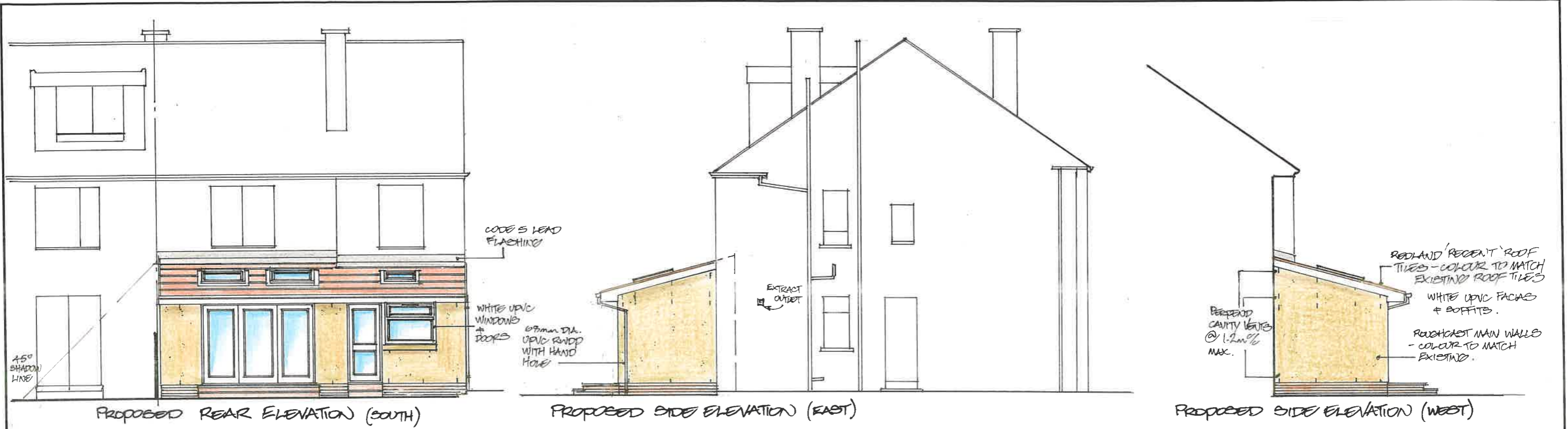
**ELECTRICAL**

All electrical socket outlets, light switches, t.v. and data points to be positioned at least 350mm away from any internal corner. Socket outlets to be positioned at least 400mm above floor level and light switches to be positioned between 900mm and 1100mm above floor level. A minimum of 75% of new fixed lighting & lamps to be low energy type. Radiator to be fitted with t.c.v. & all pipework to be insulated.

CLIENT:	MRS O GILCHRIST
	288 COLINTON MAINS ROAD
	EDINBURGH
POSTCODE:	EH13 9BS
TELEPHONE:	
PROJECT SPECIFICATION:	PROPOSED EXTENSION TO GROUND FLOOR FLAT
SCALE:	1:50
DATE:	SEPTEMBER 2021
CONTRACT NO:	SG-002



28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ  
Tel/Fax: 01506 500169  
E-mail: seanelder@blueyonder.co.uk



Proposed Rear Elevation (South)

Proposed Side Elevation (East)

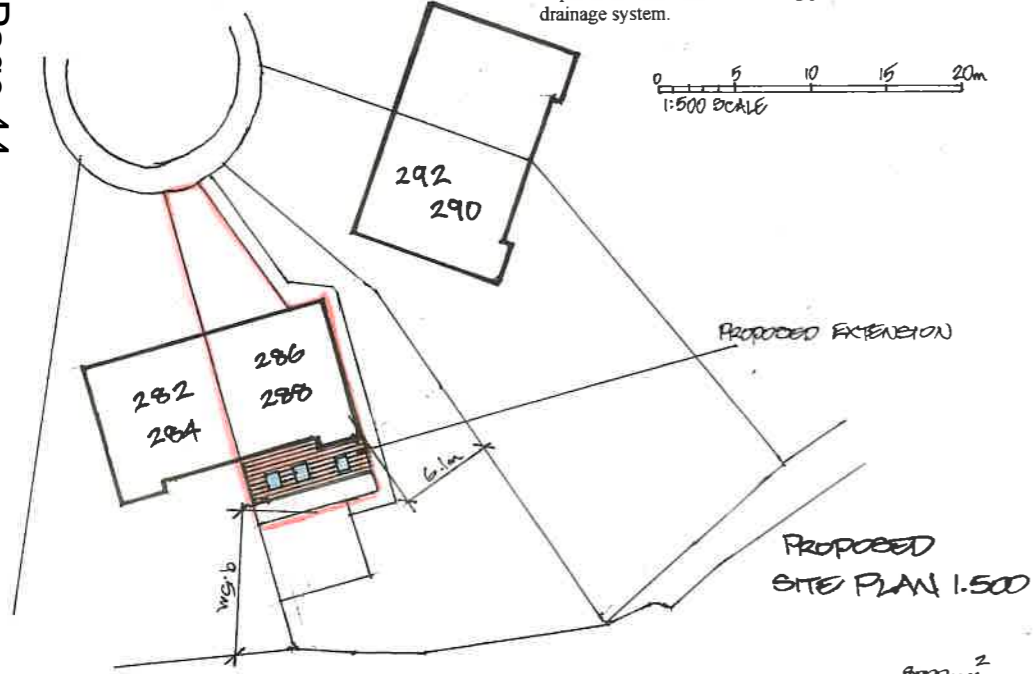
Proposed Side Elevation (West)

0 1 2 3 4m  
1:100 SCALE

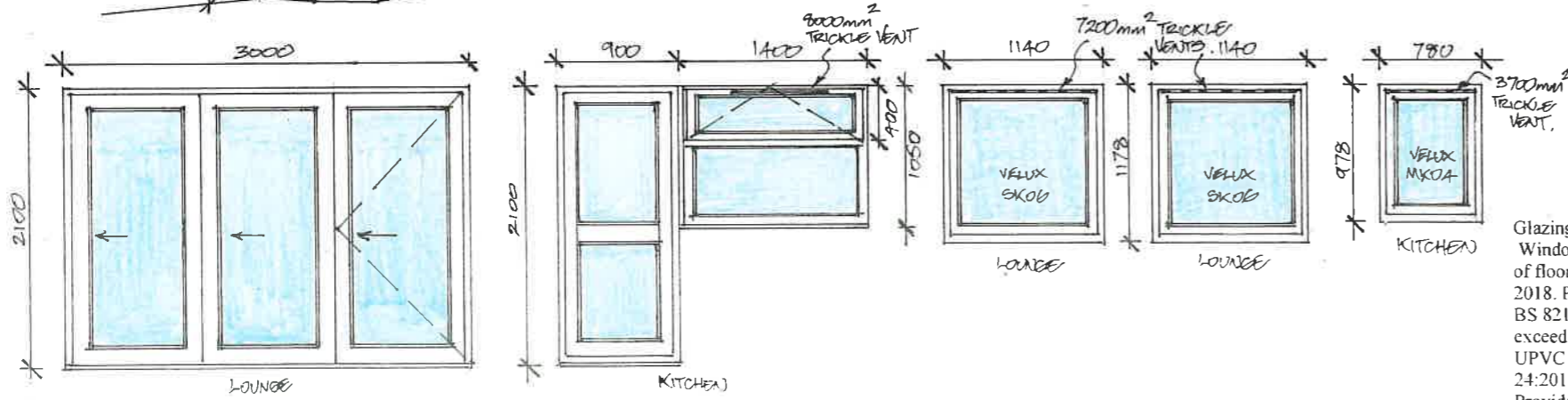
The proposed extension is not being built over a public sewer. Therefore consent is not required to build over the existing private drainage system.

Any existing solem vents discovered in house wall are to be maintained by ducting through under new floor with upvc ducting and to terminate on nearest available outside wall to vent to outside air.

Page 44



Proposed Site Plan 1:500



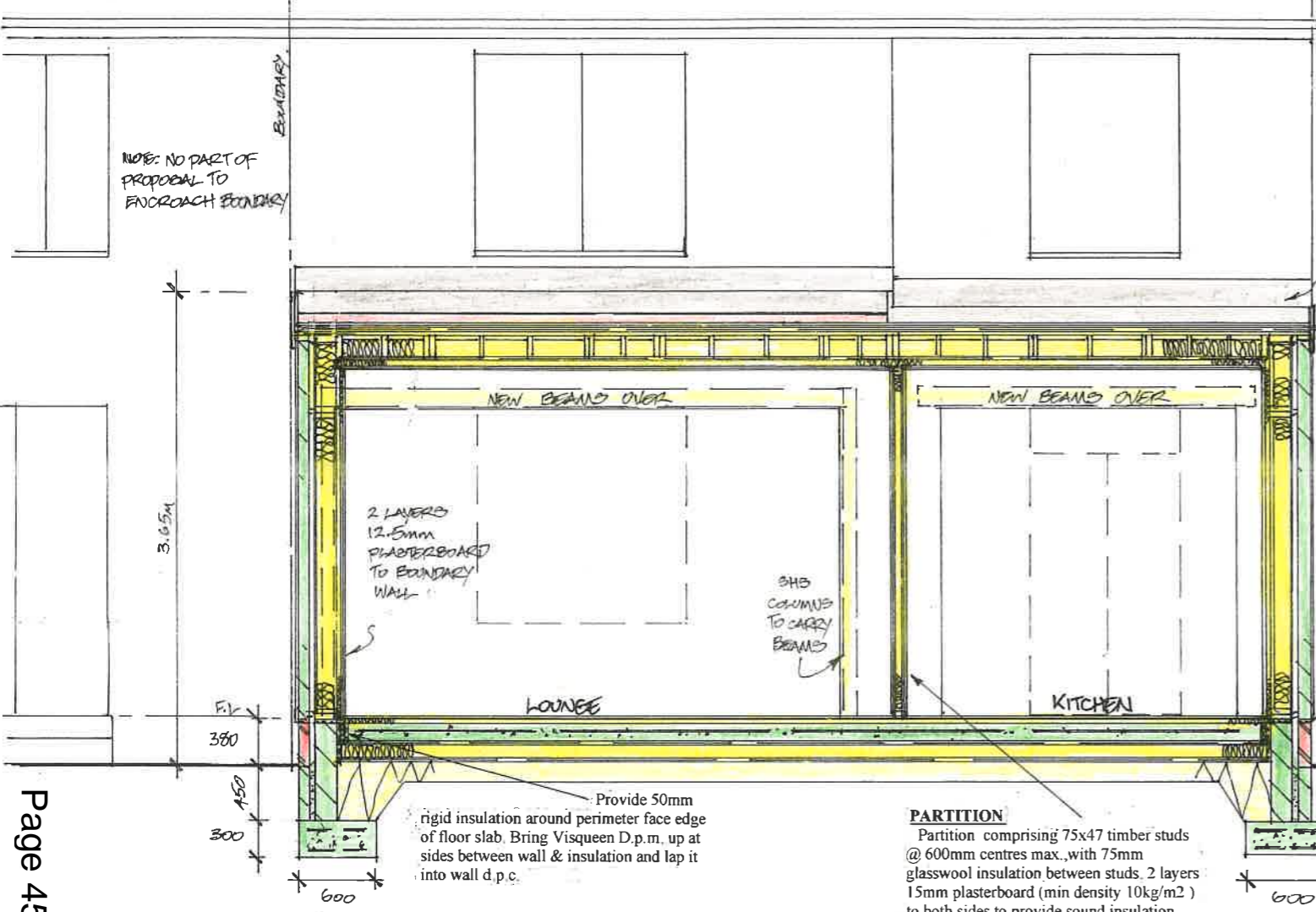
Window & Door Schedule

Glazing to have a u-value not exceeding 1.3w/m2K  
 Windows /doors to have an openable area of at least 1/30<sup>th</sup> of floor area. Glazing below 800mm to be to BS6262 Pt4: 2018. Proposed windows/doors to be fitted to min Section 8 of BS 8213-4:2016 or manufacturers recommendations that exceed that standard. Door/window to meet BS 7412:2007 for UPVC units and tested to BS 7950 :1997 for windows & PAS 24:2018 for door sets and meet Secured By Design Standards. Provide laminate glass to all new doors. All windows to have removable key locking system.

CLIENT: MRS S GILCHRIST
288 COLINTON MAINS ROAD EDINBURGH EH13 9BS
POSTCODE: EH13 9BS
TELEPHONE:
PROJECT SPECIFICATION: Proposed Extension to Ground Floor Flat
SCALE: 1:100, 1:50, 1:500 DATE: SEPTEMBER 2021
CONTRACT NO: EG-003



28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ  
 Tel/Fax: 01506 500169  
 E-mail: seanelder@blueyonder.co.uk



SECTION 'A-A'

**ROOF**  
 Redland Regent roof tiles (or alternative tile suitable for a 15 degree roof pitch ) on 25x 50 battens on 25x38 counter battens on Tyvek Supra breathable roof membrane or equal on 15mm x 150mm timber sarking (provide 2-3mm gaps between timbers ) on 195x44 c16 grade timber rafters @ 450mm centres Roof to be insulated with 50mm air space, 120mm Kingspan TP10 Thermapitch insulation between rafters , vapour barrier, 72.5mm Kingspan Kooltherm K18 insulated plasterboard to underside of rafters, 1 additional layer of 12.5mm plasterboard, plaster skim coat finish. ceiling finish with joints taped & filled. U Value 0.13W/m2K.

MIN 150mm HIGH CODE 5 LEAD FLASHING

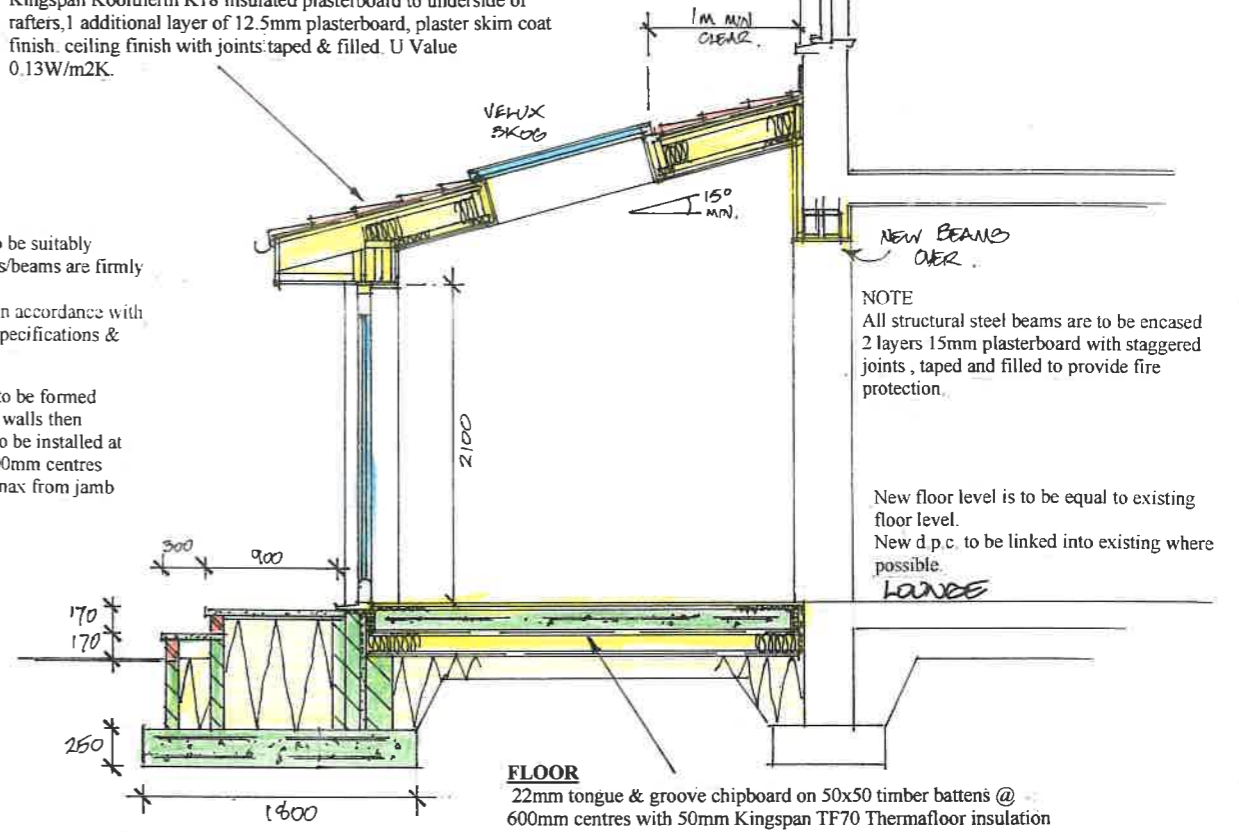
Existing structure/walls to be suitably supported until new lintels/beams are firmly bedded in place.  
 All structural work to be in accordance with the Structural Engineers specifications & instructions.

Where new openings are to be formed through existing masonry walls then additional wall ties have to be installed at both exposed jambs at 300mm centres vertically and at 225mm max from jamb face.

**PARTITION**  
 Partition comprising 75x47 timber studs @ 600mm centres max., with 75mm glasswool insulation between studs. 2 layers 15mm plasterboard (min density 10kg/m<sup>2</sup>) to both sides to provide sound insulation between rooms.

Provide 50mm rigid insulation around perimeter face edge of floor slab. Bring Visqueen D.p.m. up at sides between wall & insulation and lap it into wall d.p.c.

SECTION 'B-B'

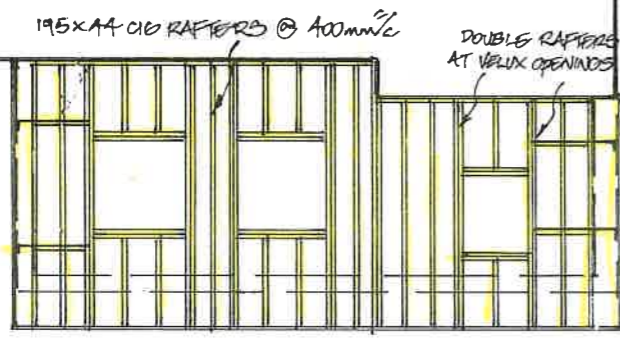


NOTE  
 All structural steel beams are to be encased 2 layers 15mm plasterboard with staggered joints , taped and filled to provide fire protection.

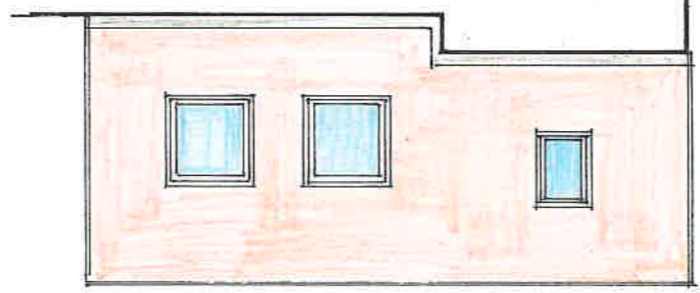
New floor level is to be equal to existing floor level.  
 New d.p.c. to be linked into existing where possible.  
 LOUNGE

**FLOOR**  
 22mm tongue & groove chipboard on 50x50 timber battens @ 600mm centres with 50mm Kingspan TF70 Thermafloor insulation between battens laid on 125mm thick concrete floor slab, slab to be reinforced with 1 layer A142 mesh with min 50mm cover, 100mm Kingspan TF70 Thermafloor insulation on 1200 gauge d.p.m. on sand blinded and compacted hardcore 150mm thick. Link d.p.m. into d.p.c. U value 0.11W/m2K.

Page 45



ROOF RAFTER PLAN

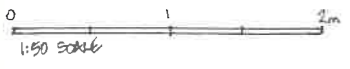


ROOF PLAN

CLIENT:	MRS S GILCHRIST
288 COLINTON MAINS ROAD EDINBURGH	
POSTCODE:	EH
TELEPHONE:	
PROJECT SPECIFICATION:	PROPOSED EXTENSION TO GROUND FLOOR FLAT
SCALE:	1:50, 1:100
DATE:	SEPTEMBER 2021
CONTRACT NO:	SG-004



28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ  
 Tel/Fax: 01506 500169  
 E-mail: seanelder@blueyonder.co.uk













Page 49









This page is intentionally left blank

Gray Macpherson Architects.  
Tigh-na-geat House  
1 Damhead Farm  
Lothianburn  
Edinburgh  
EH10 7DZ

Mr Roger Kung.  
4 Glenorchy Terrace  
Edinburgh  
EH9 2DQ

**Decision date: 20 January 2022**

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

Replace existing bathroom timber sash and case window with UPVC.  
At 4 Glenorchy Terrace Edinburgh EH9 2DQ

**Application No:** 21/06280/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 29 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 proposed UPVC windows introduce a material which is not characteristic of the conservation area. As it is on a publicly visible elevation it would fail to preserve either the character or appearance of the conservation area and is contrary to Local Development Plan Policies Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

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

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

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

The proposals do not comply with Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas. The proposed UPVC window of an indeterminate design would fail to preserve the character or appearance of the conservation area.

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 at [nancy.jamieson@edinburgh.gov.uk](mailto: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](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

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

# Report of Handling

**Application for Planning Permission**  
**4 Glenorchy Terrace, Edinburgh, EH9 2DQ**

**Proposal: Replace existing bathroom timber sash and case window with UPVC.**

**Item – Local Delegated Decision**  
**Application Number – 21/06280/FUL**  
**Ward – B15 - Southside/Newington**

## **Recommendation**

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

## **Summary**

The proposals do not comply with Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas. The proposed UPVC window of an indeterminate design would fail to preserve the character or appearance of the conservation area.

## **SECTION A – Application Background**

### **Site Description**

The application property is a semi-detached villa in Craigmillar Park Conservation Area.

### **Description Of The Proposal**

It is proposed to replace a timber sash and case window on the side elevation with a UPVC replacement. The drawings state it will emulate a sash and case window but there are no sections or details to illustrate this.

### **Relevant Site History**

11/03733/FUL  
New velux windows.  
Granted  
11 January 2012

21/05025/FUL

Existing window openings on rear elevation increased to form double door openings to rear garden. Existing wall at rear of ground floor removed to create larger room.

Granted

9 November 2021

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 December 2021

**Date of Advertisement:** 10 December 2021

**Date of Site Notice:** 10 December 2021

**Number of Contributors:** 2

## **Section B - Assessment**

### **Determining Issues**

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

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

Do the proposals comply with the development plan?

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

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

### **Assessment**

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

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

#### a) Scale, form, design and the conservation area

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

The introduction of a UPVC window on a publicly visible side elevation to an indeterminate design would harm both the character and appearance of the conservation area. The surrounding area is one of timber sash and case windows and this would not be compatible with that character.

The proposals are not compatible with the existing dwelling and will not preserve the character and appearance of the conservation area.

The proposals do not comply with Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

#### 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 proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

#### c) Equalities and human rights

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

#### d) Public comments

Two objections were received both of which have been addressed above.

#### e) Other material considerations

##### *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 accords with Paragraph 29 of SPP.

##### *Emerging Policy Context*

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

City Plan 2030 - While the proposed City Plan is 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.

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

The recommendation is subject to the following;

### **Reasons**

1. The proposed UPVC windows introduce a material which is not characteristic of the conservation area. As it is on a publicly visible elevation it would fail to preserve either the character or appearance of the conservation area and is contrary to Local Development Plan Policies Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

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

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

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

**Date Registered:** 29 November 2021

### **Drawing Numbers/Scheme**

01-04

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](mailto:nancy.jamieson@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

# Comments for Planning Application 21/06280/FUL

## Application Summary

Application Number: 21/06280/FUL

Address: 4 Glenorchy Terrace Edinburgh EH9 2DQ

Proposal: Replace existing bathroom timber sash and case window with UPVC.

Case Officer: Householder Team

## Customer Details

Name: Mr Alexander Bloomer

Address: 6A Glenorchy Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We do not feel that the removal of a traditional window and replacement with UPVC is a suitable alteration to a Victorian Villa which is within the conservation area.

There are suitable alternatives such as double-glazed sash & case windows that provide the same level of insulation etc.

The property is currently undergoing considerable alternation which we agree is a big improvement and exciting project in sympathy with the original building using materials within the buildings traditional context.

# Comments for Planning Application 21/06280/FUL

## Application Summary

Application Number: 21/06280/FUL

Address: 4 Glenorchy Terrace Edinburgh EH9 2DQ

Proposal: Replace existing bathroom timber sash and case window with UPVC.

Case Officer: Householder Team

## Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined this application and objects. The inappropriateness of uPVC in traditional buildings in conservation areas (due to its thicker frames and material differences) is well established in Edinburgh and HES guidance.

Here the first floor side windows are unusually visible for a semi-detached villa street, especially at numbers 4 and 6 due to the wide gap between their properties. There is some seasonal masking due to deciduous large shrubs/small trees but this is impermanent. We note that all visible windows to the fronts and sides of houses on this street appear to be timber sash and case, and that an inappropriate tilt-and-turn window to the first floor of number 8 has been replaced with a sash window in the last decade. It would therefore be odd to permit this uniformity to be eroded through this proposal, and detract from the present character of the conservation area. We therefore object.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100468072-004

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Gray Macpherson Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gray Macpherson	Building Name:	Tigh-na-geat House
Last Name: *	Architects	Building Number:	1
Telephone Number: *	0131 445 2223	Address 1 (Street): *	Damhead Farm
Extension Number:		Address 2:	Lothianburn
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH10 7DZ
Email Address: *	mich@graymacphersonarchitects.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Roger"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Kung"/>	Address 1 (Street): *	<input type="text" value="Glenorchy Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 2DQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 GLENORCHY TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 2DQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671642"/>	Easting	<input type="text" value="326751"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

Replace existing bathroom sash and case windows with upvc sash and case window.

## 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.

Many of the surrounding buildings have upvc windows. See additional documentation of additional information.

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)

Written statement containing photographs which show the upvc windows in the surrounding houses.

## Application Details

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

21/06280/FUL

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

29/11/2021

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

20/01/2022

## 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 Gray Macpherson Architects

Declaration Date: 03/03/2022

4 GLENORCHY TERRACE – APPEAL STATEMENT. DATED 2.3.2022

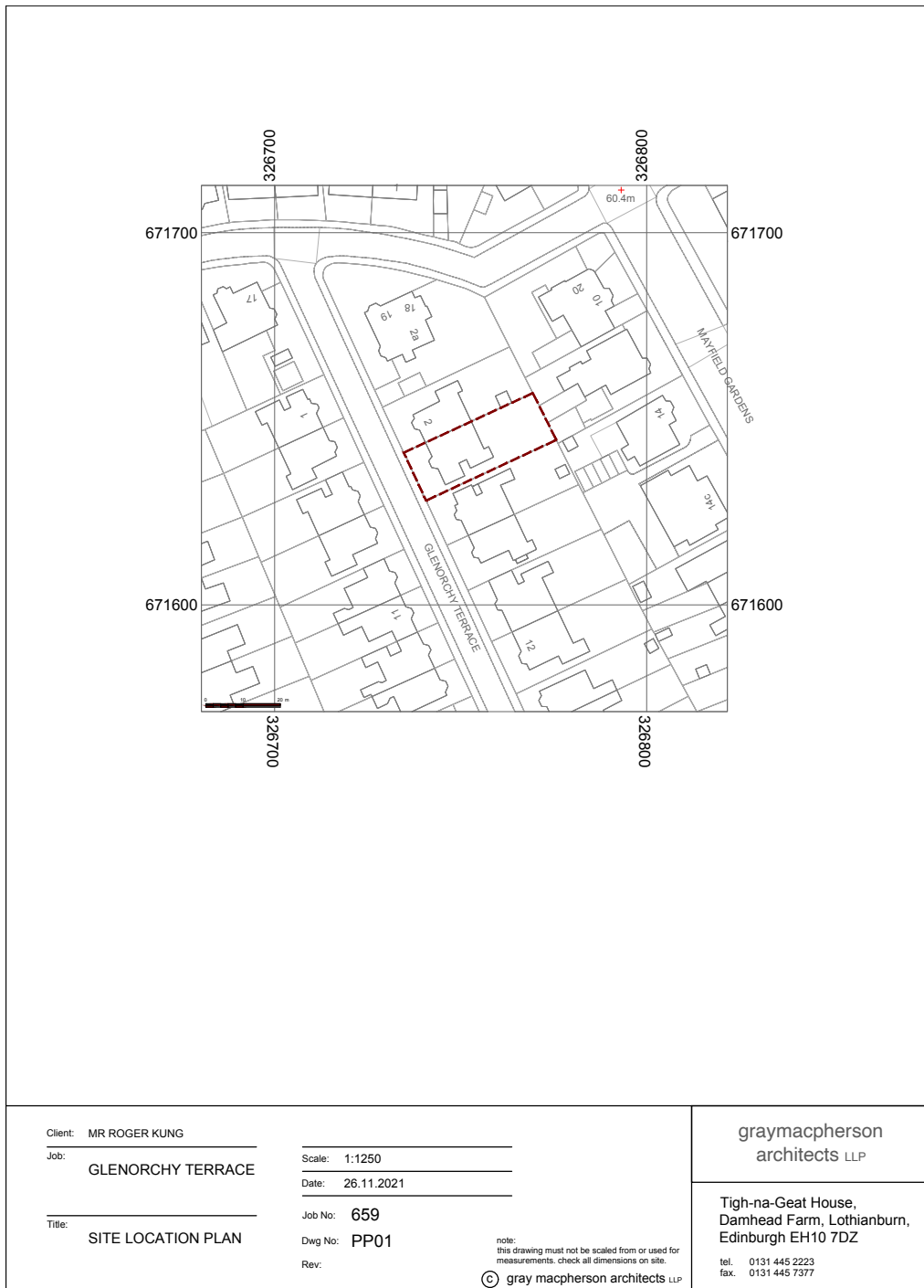


Figure 1 - Site location plan



Figure 2 - Image shows the first floor side window that is to be replaced.

We do not agree that the inclusion of a replacement UPVC window on the side elevation of the building will affect the character of the area.

The reasons for this are as follows: -

1 - the elevation is not a primary elevation.

2 - the size of the window is insignificant compared to surrounding windows.

3 - Many of the houses in the street have already got UPVC windows. These are listed as follows: -

All of the windows to the top floor of the villa immediately adjacent to number 2/4 on the corner of Bright's Crescent and Glenorchy Terrace are UPVC. This includes the windows facing the street and the side windows. These are large significant windows.



Figure 3 - Villa at corner of Glenorchy Terrace and Bright's Crescent. Top floor windows replaced with upvc.



Figure 4 - Side view of corner villa. Upvc windows.

The villa opposite, number 3 Glenorchy Terrace has a small upvc dormer window at high level. This has the same level of significance as the proposed window at number 4 Glenorchy Terrace.





Figure 5 - 3 Glenorchy Terrace - high level upvc window opposite number 4.

Several of the houses backing onto the rear garden of 4 Glenorchy Terrace have upvc windows. These can be clearly seen from Glenorchy Terrace between the villas.



Figure 6 - View of upvc windows at the back of Mayfield Gardens viewed from Glenorchy Terrace.



Figure 7 - View of UPVC windows to rear of 12 Mayfield Gardens. These can be seen from Glenorchy Terrace between the villas.



Figure 8 - 14 Mayfield Gardens - upvc windows that can be viewed between villas from Glenorchy Terrace.

Number 6 Glenorchy Terrace has a upvc window – although this can only be seen from the garden of number 4.



Figure 9 - Upvc window to the house next door to 4 Glenorchy Terrace.

Conclusion.

We have demonstrated that many of the houses in the immediate vicinity have upvc windows fitted. The character of the area has already been altered.

On the evidence provided, we simply do not accept that the replacement of one small insignificant side window will affect the character of the street and therefore, the refusal should be over turned and planning consent should be granted for the proposal.

This page is intentionally left blank

Architectural Service. (Baldridgeburn)  
Fao. Darren Beresford.  
237 Baldridgeburn  
Dunfermline  
KY12 9EG

Mrs Angela Saunderson.  
12 House O'hill Road  
Edinburgh  
EH4 2AP

**Decision date: 24 February 2022**

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

Rear extension including a side dormer  
At 12 House O'hill Road Edinburgh EH4 2AP

**Application No:** 21/06308/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 30 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 in scale, form and position would fail to respect the established form of the existing bungalow property which would be harmful to its character and appearance. It would be an incompatible and dominant addition on the street scene detrimental to the existing neighbourhood character.

It is therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions).

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

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

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

The proposal is contrary to the Edinburgh Local Development Plan.

The scale, form and position of the proposal would fail to respect the established form of the existing property and would be harmful to its character and appearance. It would be an incompatible and incongruous addition on the street scene detrimental to the existing neighbourhood character.

There are no material considerations that outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Lewis McWilliam directly at [lewis.mcwilliam@edinburgh.gov.uk](mailto:lewis.mcwilliam@edinburgh.gov.uk).



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

## NOTES

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

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

# Report of Handling

**Application for Planning Permission  
12 House O'hill Road, Edinburgh, EH4 2AP**

**Proposal: Rear extension including a side dormer**

**Item – Local Delegated Decision  
Application Number – 21/06308/FUL  
Ward – B05 - Inverleith**

## **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 proposal would fail to respect the established form of the existing property and would be harmful to its character and appearance. It would be an incompatible and incongruous addition on the street scene detrimental to the existing neighbourhood character.

There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The proposal site is a detached bungalow property located on a corner plot at the junction between House O' Hill Road and House O'Hill Gardens. The site is located within a primarily residential area.

### **Description Of The Proposal**

-Rear extension including a side dormer

### **Supporting Information**

-Supporting document showing property types in the area.

### **Relevant Site History**



02/02795/FUL  
Erection of conservatory to rear of property  
Granted  
24 September 2002

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 6 December 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 Edinburgh Local Development Plan 2016 (LDP) 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

Edinburgh Local Development Plan (LDP) policy Des 12 (alterations and extensions) states that permission will be granted for alterations and extensions that in design, form, material and position are compatible with the character of the existing building and will not be detrimental to the neighbourhood character.

The Guidance for Householders states, that bungalow extensions should be designed in a way that retains the character of the original property and is subservient in appearance.

Rear extensions to bungalows should be in keeping with the existing property roof design and its ridge line should be below the ridge of the existing property. The hipped roof character of the bungalow should be respected. Gable end extensions will generally not be allowed unless this fits in with the character of the area and is of a high quality innovative design.

In regard to dormers, visible expanses should be retained on all four sides of the roof slope. Dormers on side elevations will be considered acceptable where it can be demonstrated that the proposal fits in well with the character of the surrounding area.

The proposed side dormer is large in scale projecting over 4m in width on the extended roof slope. The position of this side dormer projecting outwards from the extended roof in tandem with its scale will be disruptive and harmful to the symmetrical form of the hipped roof of the bungalow.

In support of the proposals, the applicant has submitted photos of properties near the proposal site. These examples evidence some range in property types in the area and extensions that have occurred.

Predominantly, extensions to bungalows are set back from the property's frontage and on less visible elevations which reduce the impact on the balance of the principal elevation and the symmetrical hipped roof character of the bungalow. Further, whilst it is acknowledged large dormers are present, generally these are positioned centrally on the front elevation of roof slopes.

The hipped roof character of bungalows is an aspect of design that the guidance seeks to protect as detailed above.

The gable extension and side dormer proposed is inappropriate here as its overall height and width (lack of set down or set back from the existing roof slope) in tandem with its form and location on this visible gable is disruptive to the symmetry of the existing hipped roof of the bungalow.

As viewed on this visible corner plot, it would appear as a dominant addition that's gable ended form fails to adequately respect the original hipped character of the property.

It is therefore an incompatible addition that would be detrimental to the existing neighbourhood character contrary to LDP policy Des 12 and the non-statutory guidance.

### 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 overshadowing and loss of daylight or sunlight.

In regard to privacy, it is acknowledged that the first floor opening to the rear will afford some view of the neighbour's garden south-east.

This opening will mainly face the applicant's own garden and neighbour's side gable. In light of this, it is not considered that any view of this garden will be unreasonable.

Furthermore, south-facing openings are at a high-level above the floor which will prevent any significant downward views onto adjacent land.

Other openings will face the existing boundary or street and no material loss of privacy will occur as a result.

In regard to neighbouring amenity, the proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

### **Conclusion in relation to the Development Plan**

The proposal is contrary to LDP policy Des 12.

The proposal in scale, form and position would fail to respect the established form of the existing bungalow property which would be harmful to its character and appearance. It would be an incompatible and dominant addition on the street scene detrimental to the existing neighbourhood character.

### **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 does not comply with Paragraph 29 of SPP as it is an inappropriate design that does not take cues from the prevalent character of the built environment. It does not support good design.

#### 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.

### **Overall conclusion**

The proposal is contrary to the Edinburgh Local Development Plan.

The scale, form and position of the proposal would fail to respect the established form of the existing property and would be harmful to its character and appearance. It would be an incompatible and incongruous addition on the street scene detrimental to the existing neighbourhood character.

There are no material considerations that outweigh this conclusion.

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

The recommendation is subject to the following;

### **Reasons**

1. The proposal in scale, form and position would fail to respect the established form of the existing bungalow property which would be harmful to its character and appearance. It would be an incompatible and dominant addition on the street scene detrimental to the existing neighbourhood character.

It is therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions).

## **Background Reading/External References**

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

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

**Date Registered: 30 November 2021**

## **Drawing Numbers/Scheme**

01-02

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

Appendix 1

## **Consultations**

No consultations undertaken.

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

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

Thank you for completing this application form:

ONLINE REFERENCE      100508440-003

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Architectural service		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Darren	Building Name:	
Last Name: *	Beresford	Building Number:	237
Telephone Number: *	07535015595	Address 1 (Street): *	Baldridgeburn
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY12 9EG
Email Address: *	Info@architecturalservicesscotland.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Angela	Building Number:	12
Last Name: *	Saunderson	Address 1 (Street): *	house o'hill road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	edinburgh
Extension Number:		Country: *	uk
Mobile Number:		Postcode: *	EH4 2AP
Fax Number:			
Email Address: *	info@architecturalservicescotland.com		

## Site Address Details

Planning Authority:	City of Edinburgh Council
Full postal address of the site (including postcode where available):	
Address 1:	12 HOUSE O'HILL ROAD
Address 2:	CORBIEHILL
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH4 2AP

Please identify/describe the location of the site or sites

--	--

Northing	675048	Easting	321607
----------	--------	---------	--------



## 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)

Rear extension including side dormer.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

We are seeking a review of the local authority decision as it does not take into account the existing street scene. My clients immediate neighbors have very similar alterations of which we look to match. There's a varied mix architectural interest in the street and no set standard of home. Therefore we believe my clients proposals are not detrimental to the local area and enhance to appearance of the property.

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)

We raised our concerns at the time but the appointed officer disregarded the neighboring properties design as something to be considered in our design and refused our application. We feel that as the local authority have approved very similar alterations in the immediate vicinity they should look in favorable light to our proposals.

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)

I've attached the proposals and the neighboring properties which we look to replicate.

## Application Details

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

21/06308/FUL

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

30/11/2021

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

24/02/2022

## 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 Darren Beresford

Declaration Date: 02/03/2022

## **12 House O’Hill Road – Information in Support of Planning Application**

The following houses are within the immediate neighbourhood or direct sight of my clients house with similar features we are looking to incorporate into our plan.



Above is 21 House O’hill Road which is diagonally to the left of our clients house – gable to front.



Above is 29 House O’hill Road diagonally opposite to the right of our clients house – gable to front.



Above is 55 House O'hill Avenue. This is the end of my street. Gable/front and rear elevations all visible from House O'hill Road



Above is 1 House O'hill Grove and is picture taken from my clients Dinning Room. This dormer looks across the road into their Kitchen, dining room and Lounge and is similar in size to what we are proposing on the side of our clients house – a mirror image.

I cannot find plans in the Council portal but suspect this was done in 1994 as there is an entry with no paperwork attached.



Above is 10 Corbiehill Ave (continuation of House O'hill Road) - large dormer to front



Above is 30 Corbiehill Ave (continuation of House O'hill Road) - large dormer to front



Above is 55 House O'hill Ave (at end of our clients street) - large dormer on front of house in prominent corner position



Above is 20 Corbiehill Ave (extension of our clients street) - large rear extension with gable end.



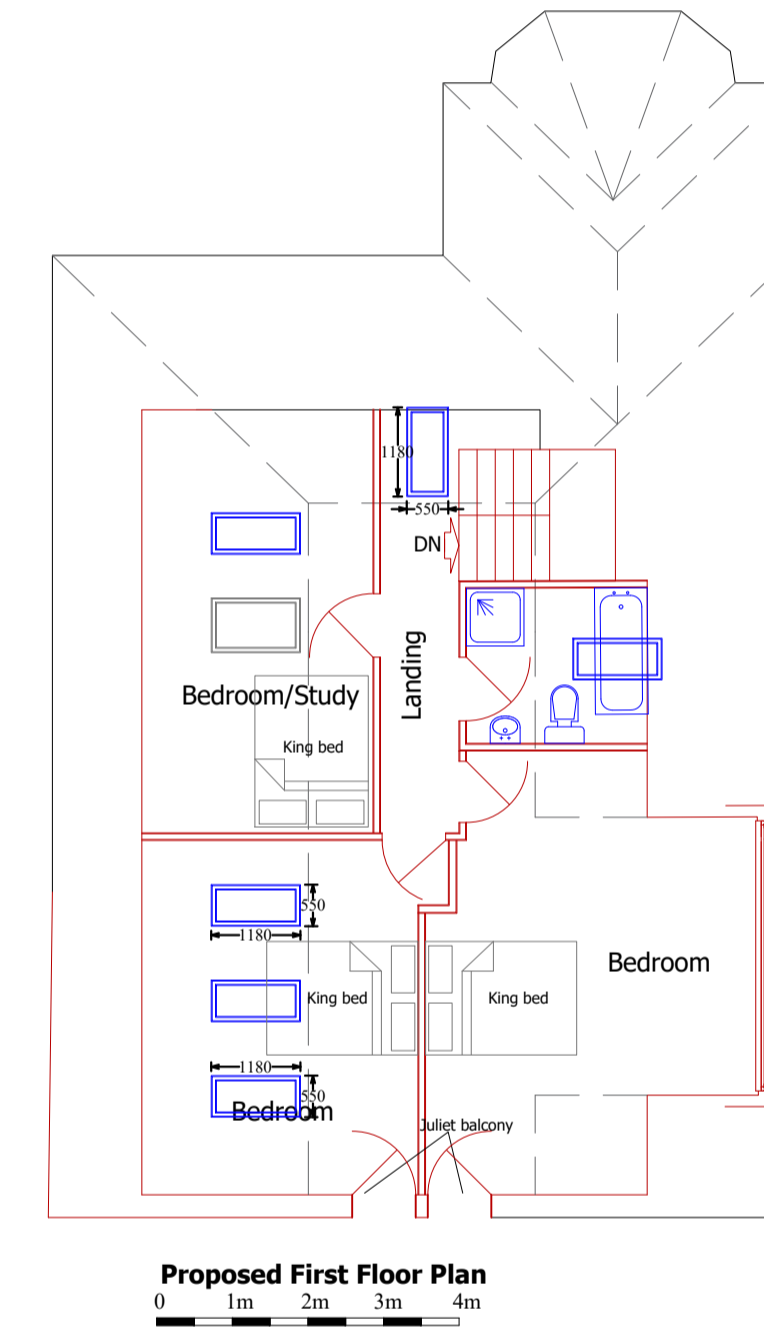
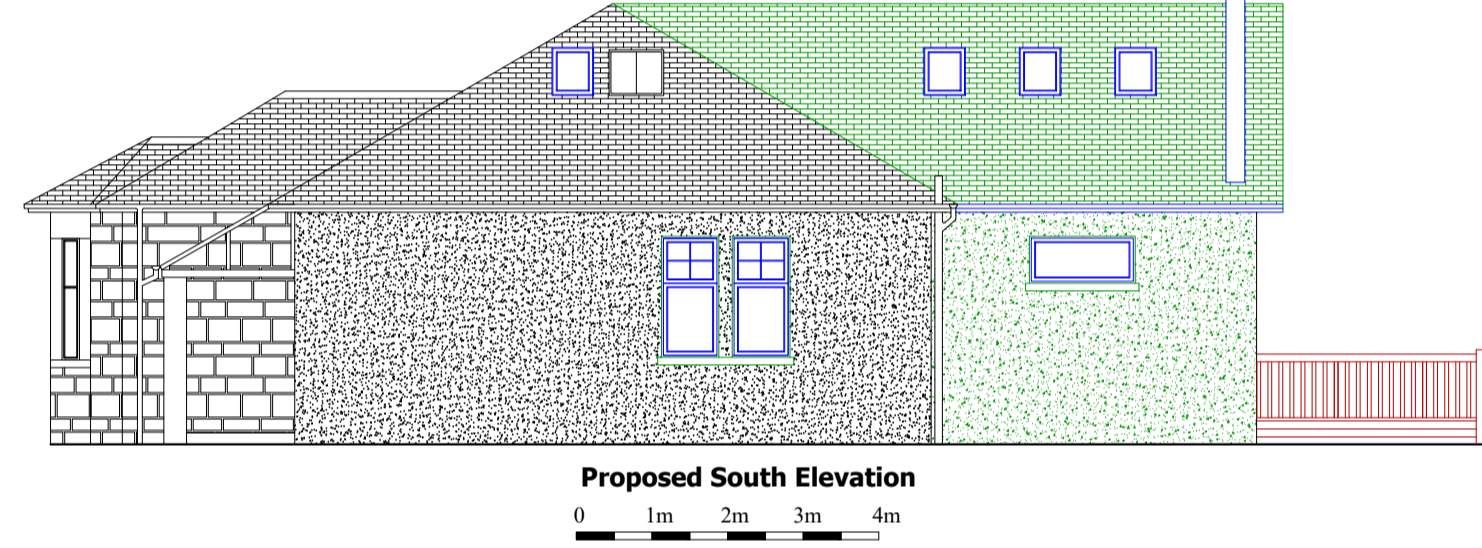
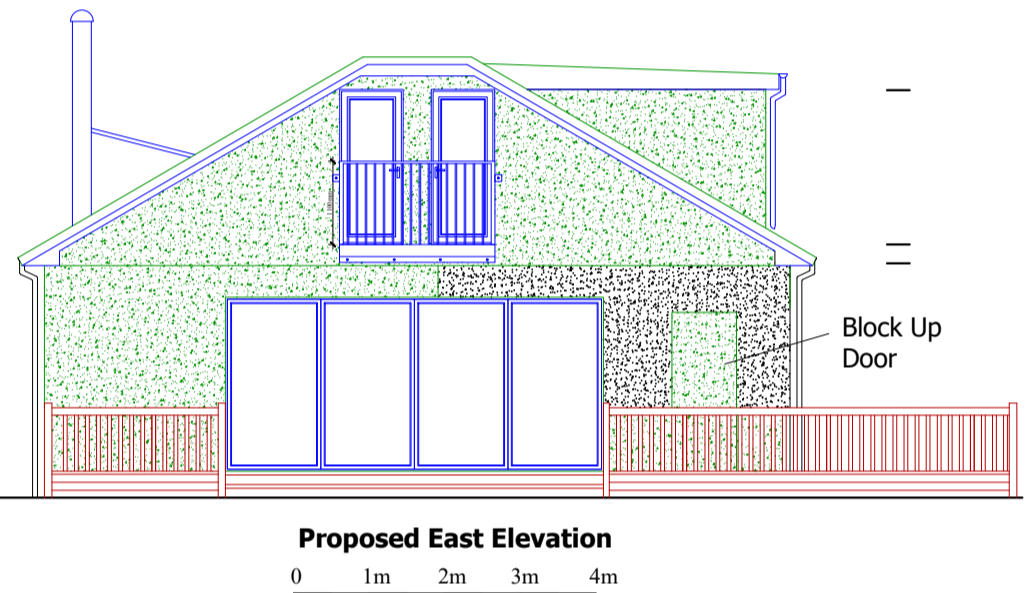
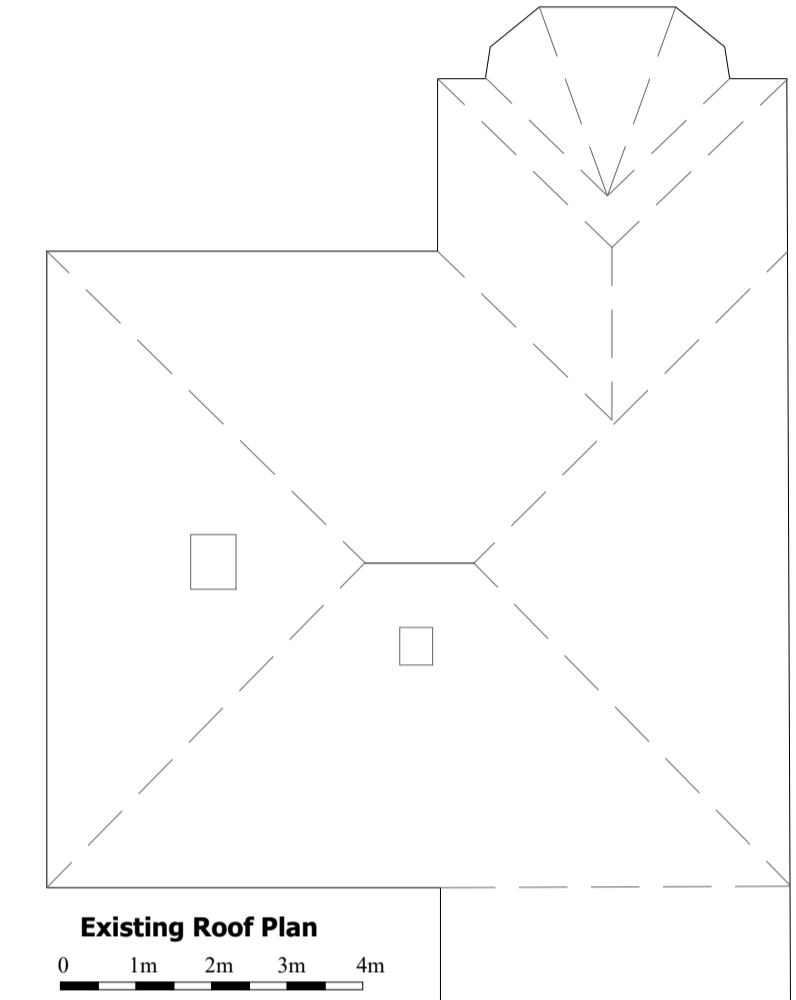
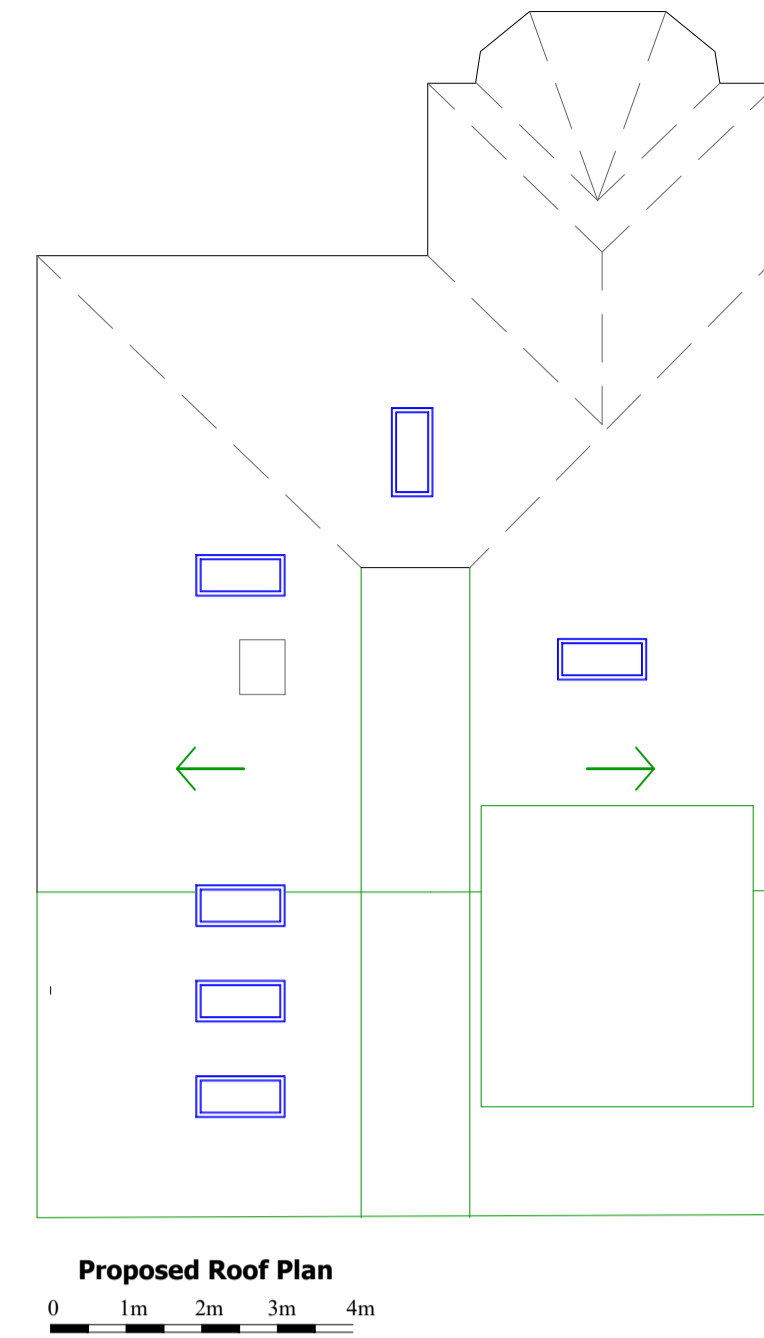
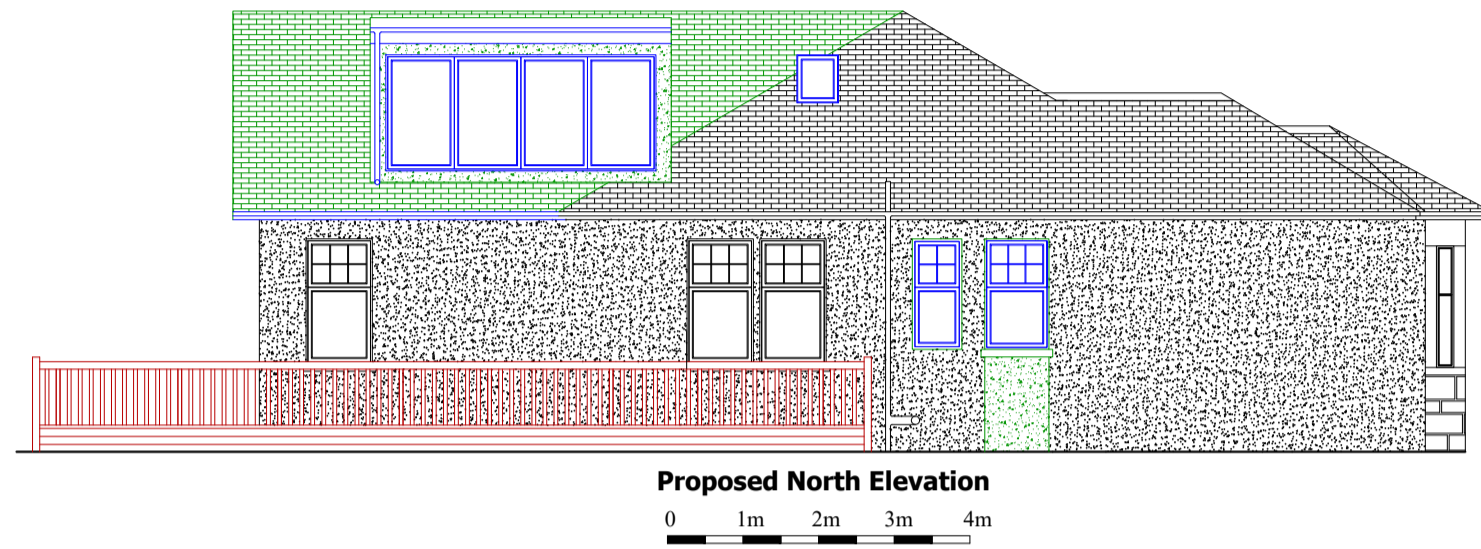
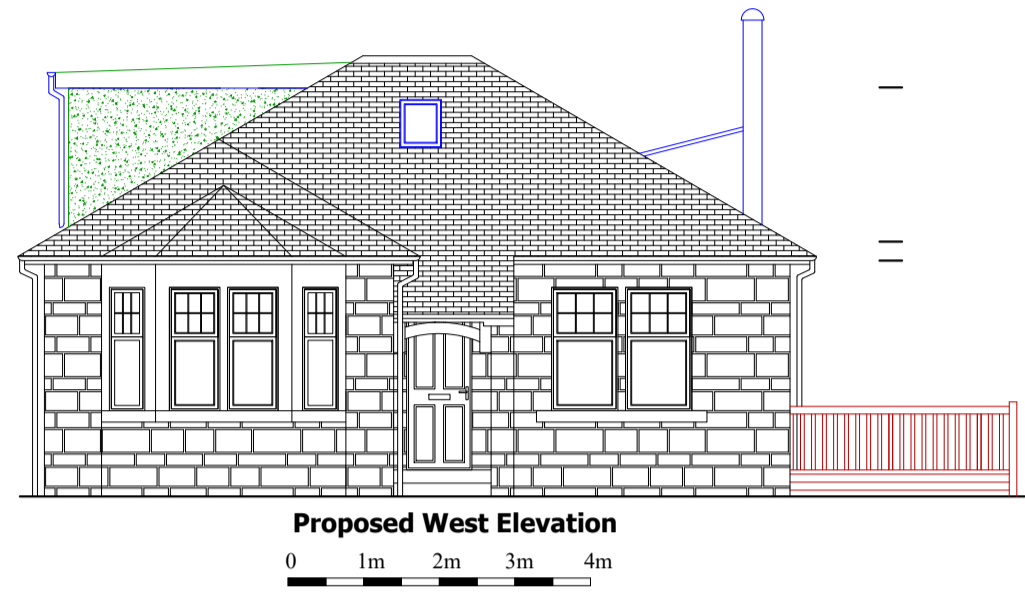
Above is 29 House O'Hill Road directly opposite our clients home with rear extension following the ridge line.



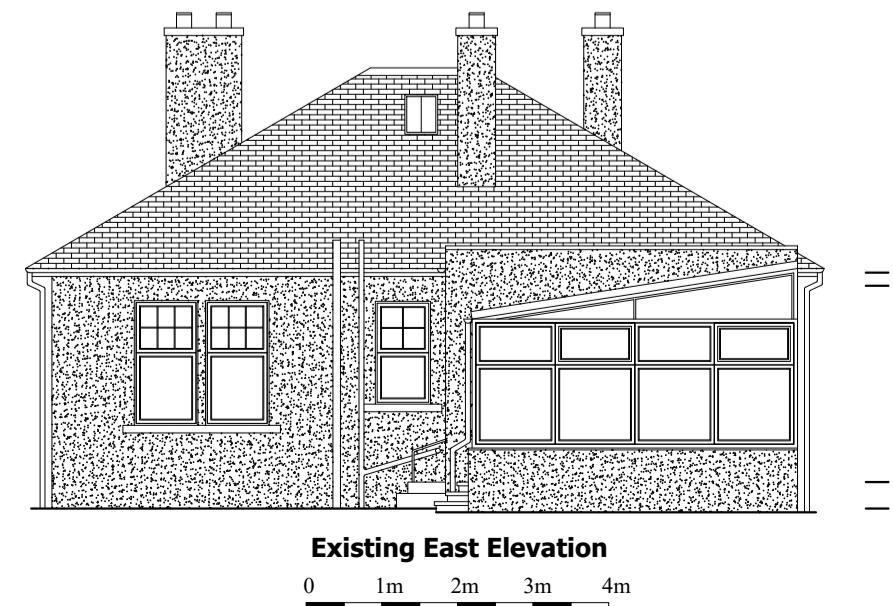
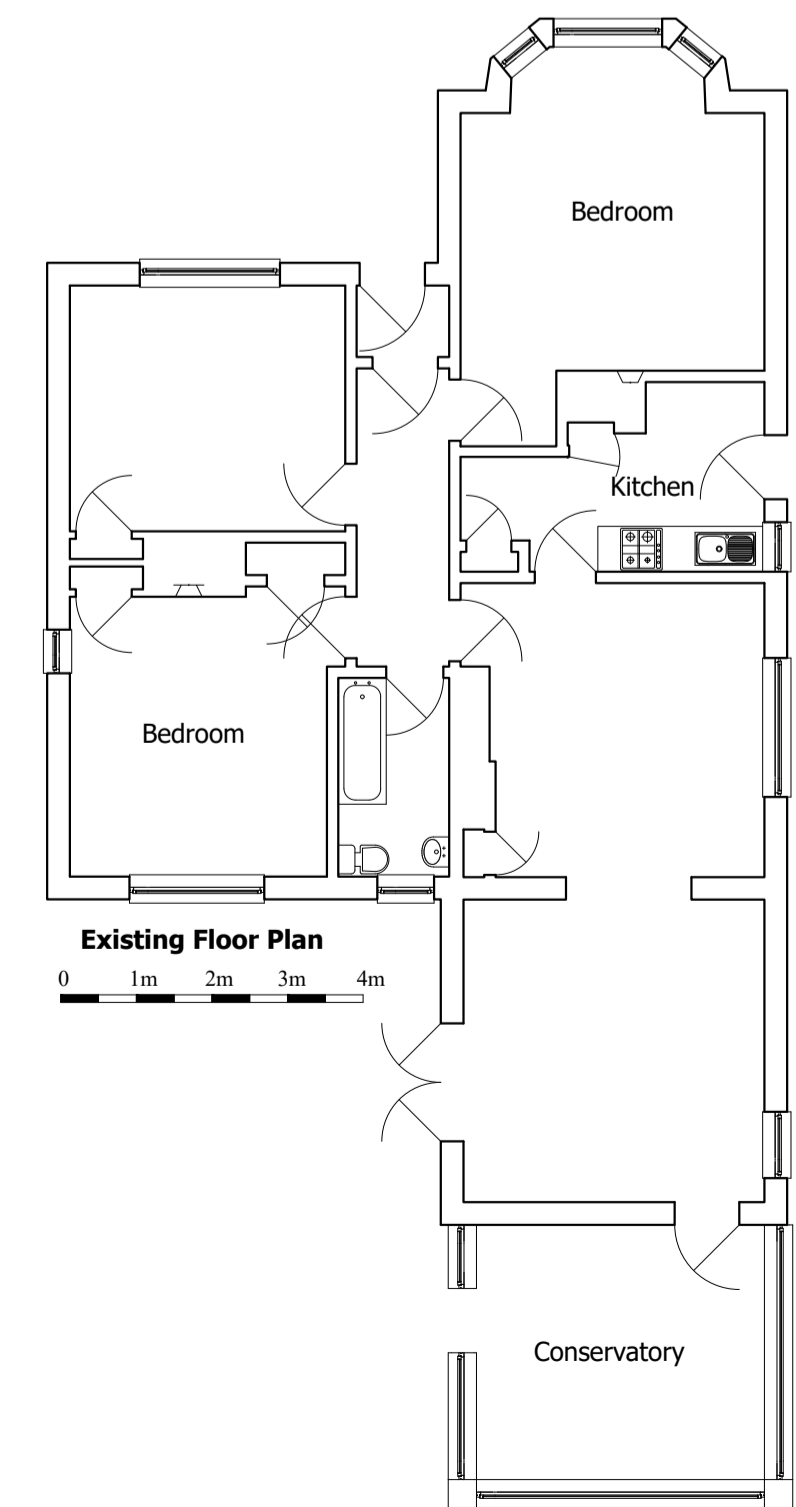
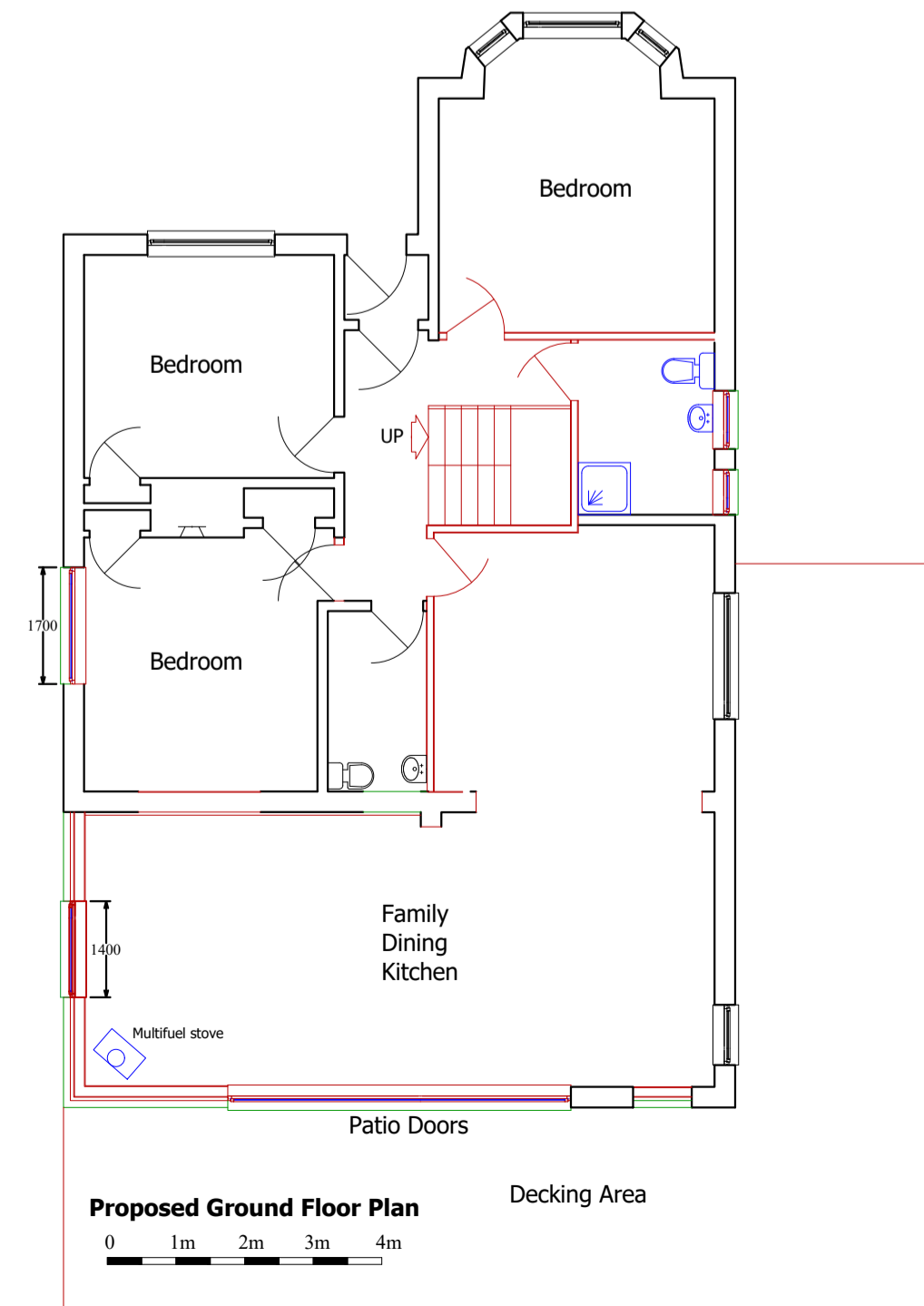
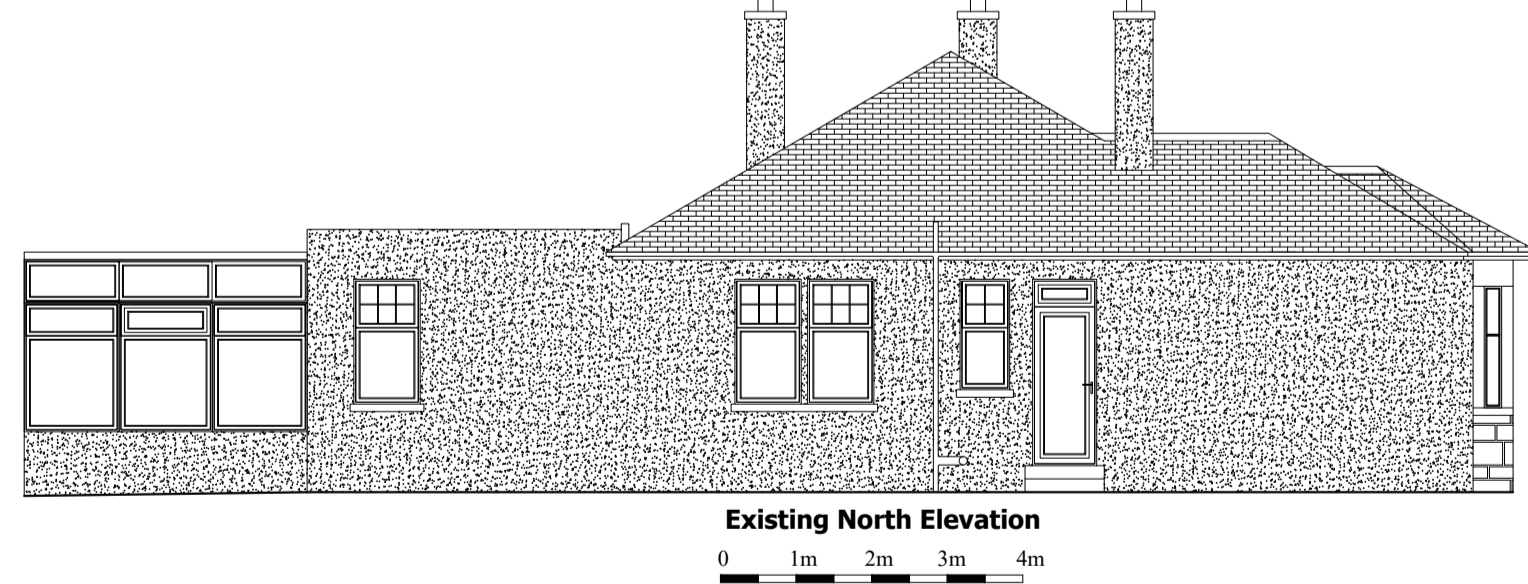
Above is another property viewed from my clients upstairs bedroom on their side elevation. Again, a property my client wishes to replicate it's design into their proposals. The house address in this picture is 58 Columba Road.







Page 97



Remove Chimneys  
 Roof tiles to match existing house  
 Velux windows  
 Steel Juliet balcony  
 Dormer roughcast to match existing house  
 Roughcast to match existing house  
 UPVC Windows, doors and RWG  
 Wooden decking area

**ARCHITECTURAL SERVICES**  
 237 Baldrigburn  
 Dunfermline  
 KY12 9EG  
 T: 07535015595

**Project name and address**  
 Rear Extension  
 Mrs Angela Sanderson  
 12 House O Hill Road  
 Edinburgh  
 EH24 2AP

This drawing has been prepared to attain statutory Local Authority Consent. All sizes and existing structure to be confirmed on site prior to commencing work.  
 W: www.ArchitecturalServicesScotland.com  
 E: info@ArchitecturalServicesScotland.com  
 T: 07535015595

<b>Project</b> Extension	<b>Sheet</b> A1
<b>Date</b> 22nd November 2021	<b>1</b>
<b>Scale</b> 1:100	

This page is intentionally left blank

OiSA Designs Chartered Architect.  
FAO: Gloria Lo  
OiSA Studio  
24A Lygon Road  
Edinburgh  
EH16 5QB

Ms Fiona Quinn.  
13 Jordan Lane  
Edinburgh  
EH10 4RA

**Decision date: 20 December 2021**

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

Refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane,  
At 13 Jordan Lane Edinburgh EH10 4RA

**Application No:** 21/03213/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 2 July 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 is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the works will result in a diminution of the character of the building and the works are not justified.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the loss of the original boundary wall will detract from the character and appearance of the conservation area.

3. The proposal is contrary to the Local Development Plan Policy Des 7 in respect of Layout Design, as the proposed parking layout will not ensure the safety and convenience of road users.

4. The proposal does not comply with the relevant SPP - sustainable development principles.

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

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

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

The proposal is contrary to the policies contained in the Edinburgh Local Development Plan and non-statutory Guidance on Listed Buildings and Conservation Areas. The proposal will have an unacceptable impact on the character and setting of the listed building, and will detract from the character and appearance of the conservation area. The proposal will not ensure the safety and convenience of road users. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles. It is recommended that the application 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 Adam Gloser directly at [adam.gloser@edinburgh.gov.uk](mailto:adam.gloser@edinburgh.gov.uk).



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

## NOTES

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

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

# Report of Handling

**Application for Planning Permission  
13 Jordan Lane, Edinburgh, EH10 4RA**

**Proposal: Refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane,**

**Item – Local Delegated Decision  
Application Number – 21/03213/FUL  
Ward – B10 - Morningside**

## **Recommendation**

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

## **Summary**

The proposal is contrary to the policies contained in the Edinburgh Local Development Plan and non-statutory Guidance on Listed Buildings and Conservation Areas. The proposal will have an unacceptable impact on the character and setting of the listed building, and will detract from the character and appearance of the conservation area. The proposal will not ensure the safety and convenience of road users. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles. It is recommended that the application be refused.

## **SECTION A – Application Background**

### **Site Description**

The property is an early 19th century, two storey house with a projecting side addition, facing north onto Jordan Lane and includes a small front garden. The property is attached to 12 Jordan Lane.

The listing description makes reference to the low rubble wall to the front of the property, with flat coping and original decorative cast-iron railings. In addition, the listing makes reference to the property being part of a subdivided building.

A number of listed buildings are located within the lane, and the lane is characterised by a mix of building types which are residential. Houses on Jordan Lane have a pattern of long and substantial gardens to the rear.

The building is category C listed (date of listing: 29/04/1977, reference: LB27479).

### **Description Of The Proposal**

The proposal seeks to form an off-street parking space to the front of the property, facing north onto Jordan Lane. It is proposed to remove a three metre section of the wall in which it will be replaced by a sliding gate. The existing cast iron railings are proposed to be cut and re-used on the new gate which would be painted in a colour to match the existing.

The front garden is proposed to be replaced with a two-level tiered garden forming a lower level with a kitchen herb garden and a bin storage area, and an upper level with a paved area for an EV charging point and parking for an electric vehicle.

The proposals also seek to refurbish windows with slim double glazing and repair all rotten timbers.

Note, the submitted application form describes the garden that faces onto Jordan Lane being the rear garden. However, it will be referred to being the front garden in the assessment of the proposal.

### **Relevant Site History**

17/03513/LBC  
Forming an off-street car parking space.  
Refused  
12 October 2017

17/03439/FUL  
Forming an off-street car parking space.  
Refused  
20 September 2017

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 20 December 2021

**Date of Advertisement:** 9 July 2021

**Date of Site Notice:** 9 July 2021

**Number of Contributors:** 1

## **Section B - Assessment**

### **Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

## **Assessment**

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

- a) the proposals will have an adverse impact on the character of the listed building;
- b) the proposals will have an adverse impact on the character of the conservation area;
- c) the proposal will impact on public safety;
- d) the proposal will impact on neighbouring amenity;
- e) any impacts on equalities or human rights are acceptable;
- f) any public comments raised have been addressed; and
- g) other material matters are considered.

### a) Listed building

Policy Env 3 Listed Buildings- Setting in the LDP states that development within the curtilage or affecting the setting of a listed building will be permitted if not detrimental to the architectural character, appearance or historic interests of the building, or to its setting.

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

The stone boundary wall is a defining feature in the setting and character of the listed building. The removal of the stone wall with the cast iron railings would adversely affect the coherence and proportion of the boundary treatment, and the loss of historic building fabric would negatively impact the overall character and setting of the property. Although the cast iron railings would be reused within the proposed sliding gate, the



uncharacteristic design of the gate would appear alien within the context of the traditional boundary treatment and would introduce an incongruous addition that would negatively impact the overall setting of the listed building.

A window survey has been requested from the agent to assess the quality and condition of the existing windows. No window survey has been received. The alterations proposed to the windows would therefore not be justified.

The application is contrary to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### b) Conservation Area

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

The application site is located within Morningside Conservation Area and the character appraisal states the following:

*The northern part of the area within Jordan and Canaan Lanes contains a more varied architectural mix of buildings ranging over traditional village dwellings, Georgian villas and tenements...High quality stone built architecture of restricted height, generous scale and fine proportions... The significant degree of unity resulting from the predominant use of traditional building materials: local sandstone for buildings and boundary walls and Scots slate for roofs...*

The existing stone boundary wall and cast iron railing makes an important contribution to the character and setting of the listed building by virtue of its traditional design and treatment finish. The proposal will result in the loss of the stone wall, replaced with a non-traditional sliding gate and this type of alteration will be detrimental to the character and setting of the listed building. Whilst the proposal seeks to re-use the cast iron railings on the new gate, the design of the sliding gate will adversely disrupt the historic and lasting presence of the boundary walls which makes an important contribution to the character and appearance of the conservation area and its alteration is not supported.

In addition, parking arrangements within Jordan Lane are either located to the side of a property or occupying the depth of a front curtilage. The garden space to the front is constrained in terms of size and layout, in which the land slopes. The layout of the proposal would be sited across the width of the garden and this arrangement is not characteristic of buildings within Jordan Lane.

#### (c) Public Safety

Non-statutory 'Guidance for Householder's' advises that parking space will be allowed if the front garden is at least 6 metres deep with a maximum area of 21 square metres or 25% of the front garden, whichever is the greater.

The proposed parking space will occupy more than 25% of the front garden and this is contrary to the guidance. In addition, the introduction of further off-street parking in this

location would negatively impact on the unobstructed movement of pedestrians, adversely affecting road safety.

The proposed parking layout does not comply with policy Des 7 in the LDP.

(d) Neighbouring Amenity

The introduction of an electric charging point would have no adverse effect on the character or amenity of the area. The introduction of this feature would be acceptable if assessed independently from the remaining proposals.

The proposal will not impact on the amenity of neighbouring residents in terms of loss of privacy, sunlight or result in overshadowing.

(e) Equalities and Human Rights

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

(f) Comments

One comment in support of the proposals has been received. The comments have been summarised below and are addressed above.

- Positive impact on character of conservation Area - Addressed in Section 3.3 (b).
- positive impact from off-street parking - Addressed in Section 3.3 (c).
- Positive impact from electric charging point - Addressed in Section 3.3 (d).

e) Other considerations

Due to the development plan being over 5 years old the Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration. 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.

To determine whether the proposals are sustainable development they require to be assessed against the sustainability principles as set out in Scottish Planning Policy.

The proposals are not considered to be sustainable development as they fail to accord with Principle 3 which supports good design and the six qualities of successful places, and Principle 13 which seeks to avoid over-development, protecting the amenity of new and existing development.

Emerging Policy Context

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

City Plan 2030 - While the proposed City Plan is 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.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Reasons

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the works will result in a diminution of the character of the building and the works are not justified.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the loss of the original boundary wall will detract from the character and appearance of the conservation area.
3. The proposal is contrary to the Local Development Plan Policy Des 7 in respect of Layout Design, as the proposed parking layout will not ensure the safety and convenience of road users.
4. The proposal does not comply with the relevant SPP - sustainable development principles.

### Background Reading/External References

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

Further Information - [Local Development Plan](#)

**Date Registered: 2 July 2021**

### Drawing Numbers/Scheme

01-04

Scheme 1

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

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

Appendix 1

**Consultations**

No consultations undertaken.

# Comments for Planning Application 21/03213/FUL

## Application Summary

Application Number: 21/03213/FUL

Address: 13 Jordan Lane Edinburgh EH10 4RA

Proposal: Refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane,

Case Officer: Local1 Team

## Customer Details

Name: Dr Rebecca Diggle

Address: 10c Jordan Lane Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: To whom it may concern

Please note my support for the full set of proposals.

In particular, I support the creation of a safe disabled access space and addition of an electric car charging point. Both alterations help modernise and future proof the property and make it more accessible. The addition of an electric charging point also contributes to the Council's (and Scottish Government's) commitment to become carbon neutral.

Additionally, the creation of a parking space would help alleviate the severe parking congestion on the Lane. The design is sympathetic to its surroundings and would not significantly alter the view down the Lane.

# Comments for Planning Application 21/03213/FUL

## Application Summary

Application Number: 21/03213/FUL

Address: 13 Jordan Lane Edinburgh EH10 4RA

Proposal: Refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane,

Case Officer: Local1 Team

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: To whom it may concern

Please note my support for the full set of proposals.

In particular, I support the creation of a safe disabled access space and addition of an electric car charging point. Both alterations help modernise and future proof the property and make it more accessible. The addition of an electric charging point also contributes to the Council's (and Scottish Government's) commitment to become carbon neutral.

Additionally, the creation of a parking space would help alleviate the severe parking congestion on the Lane. The design is sympathetic to its surroundings and would not significantly alter the view down the Lane.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100536478-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text" value="QUI/2026/00004"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Fiona"/>	Building Name:	<input type="text" value="Union Plaza"/>
Last Name: *	<input type="text" value="Closs"/>	Building Number:	<input type="text" value="1"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Union Plaza"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB10 1DQ"/>
Email Address: *	<input type="text" value="REDACTED"/>		

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

Individual  Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Fiona"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Quinn"/>	Address 1 (Street): *	<input type="text" value="Jordan Lane"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 4RA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="13 JORDAN LANE"/>
Address 2:	<input type="text" value="NEWBATTLE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH10 4RA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671119"/>	Easting	<input type="text" value="324726"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane, | 13 Jordan Lane Edinburgh EH10 4RA

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See Notice of Review Statement

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

Yes  No

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

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

Appendix 1 – Decision Notice dated 20 December 2021 Appendix 2 – Design Statement, Conservation and Accessibility Report  
Appendix 3 – Jordan Lane Site Location Map Appendix 4 – Existing and Proposed Plans Appendix 5 – Existing and Proposed Elevations Appendix 6 – Elevations Showing Window Repairs as Existing and Proposed 7.7 Appendix 7 – Report of Handling

## Application Details

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

21/03213/FUL

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

11/06/2021

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

20/12/2021

## 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)

An inspection of the land to which the review relates is necessary in order for the LRB members to understand the layout of the Property and the proposal.

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

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

Yes  No

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

Yes  No

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

## 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 Fiona Closs

Declaration Date: 08/03/2022

## Proposal Details

Proposal Name	100536478
Proposal Description	Notice of Review in respect of the refusal of planning permission at 13 Jordan Lane (Planning Reference: 21/03213/FUL)
Address	13 JORDAN LANE, NEWBATTLE, EDINBURGH, EH10 4RA
Local Authority	City of Edinburgh Council
Application Online Reference	100536478-001

## Application Status

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

## Attachment Details

Notice of Review	System	A4
Notice of Review Statement	Attached	A4
Appendix 1 - Decision Notice	Attached	A4
Appendix 2 - Design Conservation and Accessibility Report Part 1	Attached	A4
Appendix 2 - Design Conservation and Accessibility Report Part 2	Attached	A4
Appendix 2 - Design Conservation and Accessibility Report Part 3	Attached	A4
Appendix 3 - Jordan Lane Site Location Map	Attached	A4
Appendix 4 - Existing and Proposed Plans	Attached	A4
Appendix 5 - Existing and Proposed Elevations	Attached	A4
Appendix 6 - Elevations showing window repairs as existing and proposed	Attached	A4
Appendix 7 - Report of Handling	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

## Notice of Review Statement on behalf of Fiona Quinn

in respect of the refusal of planning permission to refurbish windows with slim double glazing, repair rotten timber and add brush draught strips, create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving, reuse existing gate and railings where possible, and where necessary match existing finials and railings for new enhanced welcoming aspect of house onto Jordan Lane, At 13 Jordan Lane Edinburgh EH10 4RA

## CONTENTS

1	EXECUTIVE SUMMARY	3
2	BACKGROUND	4
3	PRELIMINARY MATTERS	5
4	DETERMINATION OF NOTICE OF REVIEW	6
5	GROUNDINGS FOR REVIEW	11
6	CONCLUSION	19
7	LIST OF DOCUMENTS	20

## 1 EXECUTIVE SUMMARY

- 1.1 On 11 June 2021, OISA Designs Chartered Architect submitted an application for planning permission (Planning Reference: 21/03213/FUL) (“**the Application**”) on behalf of Fiona Quinn (“**the Appellant**”) to The City of Edinburgh Council (“**the Council**”) for the following development proposal at 13 Jordan Lane, Edinburgh, EH10 4RA (“**the Property**”):

*“in respect of the refusal of planning permission to refurbish windows with slim double glazing, repair rotten timber and add brush draught strips, create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving, reuse existing gate and railings where possible, and where necessary match existing finials and railings for new enhanced welcoming aspect of house onto Jordan Lane.”*

- 1.2 On 20 December 2021, the Council issued its Decision Notice (Appendix 1) refusing the Application for the following reasons:

*“1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the works will result in a diminution of the character of the building and the works are not justified.*

*2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas – Development, as the loss of the original boundary wall will detract from the character and appearance of the conservation area.*

*3. The proposal is contrary to the Local Development Plan Policy Des 7 in respect of Layout Design, as the proposed parking layout will not ensure the safety and convenience of road users.*

*4. The proposal does not comply with the relevant SPP – sustainable development principles.”*

- 1.3 The Appellant submits that the Proposal complies with the Local Development Plan (“**the LDP**”) and the material considerations support the proposal.

- 1.4 The Appellant submits that the Council has taken an unreasonable approach to the assessment of the Application and has failed to balance properly the very limited impact of the Proposal with its clear benefits – both in terms of the listing of the Property and the wider considerations. The impact on the special architectural and historic interest of the listed building and conservation area is *de minimus* and there is no proper factual basis to support the Council’s decision that the proposal does not comply with the LDP. The Council’s assessment of the proposal in support of its reasons for refusing the Application amounts to a complete prohibition against making any change to the boundary of the Property. That is contrary to both the LDP and material



considerations. The Council has failed to take proper account of the current state of the Property and the surrounding area and its assessment of the impact of the proposed development is wholly unreasonable. The Council has also failed to take proper account of the benefits of the proposed development.

- 1.5 The Appellant is seeking a review of the Council's decision on the following grounds:
- 1.5.1 The Proposal complies with the Local Development Plan;
  - 1.5.2 The material considerations support the Proposal; and
  - 1.5.3 The Council's assessment of the Proposal is unreasonable, leading to a complete prohibition of works to a listed building or in a conservation area.
- 1.6 This Notice of Review demonstrates that the Proposal complies with the LDP and that the material considerations support the Proposal. The applicant submits that the Council's assessment of the Application is unreasonable and for the reasons set out in this Notice of Review the Local Review Body (**"the LRB"**) should reverse the Council's decision and grant planning permission.

## 2 BACKGROUND

- 2.1 The Property is a category C listed building and is owned by the Appellant. The Property is located within the Morningside Conservation Area. The Morningside Conservation Area is a predominantly residential area characterised by Victorian and Edwardian villas with pockets of tenemental development at Woodburn Terrace and Comiston Road. A mixture of industrial, commercial and other mixed uses can be found on Jordan Lane. The character of the Property and its contribution to Jordan Lane which contains a mixture of uses, is not as impactful as it would be if Jordan Lane were exclusively residential.
- 2.2 In June 2021, OISA Designs Chartered Architect submitted the Application on behalf of the Appellant. The Application sought permission for the following development proposal ("the Proposal"):
- "in respect of the refusal of planning permission to refurbish windows with slim double glazing, repair rotten timber and add brush draught strips, create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving, reuse existing gate and railings where possible, and where necessary match existing finials and railings for new enhanced welcoming aspect of house onto Jordan Lane."*
- 2.3 A Design Statement, Conservation and Accessibility Report (**"the Design and Access Report"**) formed part of the Application. The Design and Access Report outlined the context of the conservation area and character appraisals to ensure the Proposal was in line with the character

of the area. The Design and Access Report also outlined the benefit of disabled access and parking to the property with no impact on public safety. The Design and Access Report is a thorough and detailed heritage and conservation area assessment and is referred to and incorporated for the purposes of this Notice of Review at Appendix 2. The drawings which formed part of the Application can be found at Appendixes 3 – 6.

2.4 The Application received two letters of representation in support. In summary, the letters of representation states that the Proposal would have a positive impact on the Conservation Area, a positive impact on off-street parking as a result of the car park and the electric charging point. There were no objections to the Application.

2.5 On 20 December 2021 the Council refused the Application for the following reasons:

*“1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the works will result in a diminution of the character of the building and the works are not justified.*

*2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas – Development, as the loss of the original boundary wall will detract from the character and appearance of the conservation area.*

*3. The proposal is contrary to the Local Development Plan Policy Des 7 in respect of Layout Design, as the proposed parking layout will not ensure the safety and convenience of road users.*

*4. The proposal does not comply with the relevant SPP – sustainable development principles.”*

2.6 The Appellant submits that the Application complies with the Local Development Plan and is supported by the material considerations. The LRB should therefore reverse the Council’s decision and grant planning permission.

### **3 PRELIMINARY MATTERS**

3.1 The Appellant submits to the LRB that the Report of Handling (Appendix 7) contains a number of inaccuracies and errors throughout. It is imperative that the LRB takes into account the correct and accurate facts when assessing the Application. The Appellant respectfully submits that the LRB take into account the correct information when assessing the Application as outlined below.

3.2 The Report of Handling demonstrates that the Council took an unreasonable approach to the determination of the Application which amounted to a complete prohibition of any change to a

listed building and conservation area. The Appellant submits that the Report of Handling misunderstands and misrepresents the physical setting and orientation of the Property.

3.3 The Report of Handling at page 2 notes that the Application refers to the garden that faces onto Jordan Lane as the rear garden. However, the planning officer chooses to refer it as the front garden. That is incorrect and misleading. The Scottish Government's Guidance on Householder Permitted Development Rights (Circular 1/2012) is helpful in identifying the front of a dwellinghouse. Factors to be considered include: the location of main door, windows, relationship to road, boundary treatment, and architectural ornamentation. The main and indeed only access door to the Property is located on the south elevation on the opposite side of the Property from Jordan Lane. Many early developments in the Morningside area including no. 5 and no. 13 Jordan Lane, and also 24 Canaan Lane (Goshen Bank House), all have their more ornate front and principal elevation facing south. The relationship of the Property to Jordan Lane is only one factor. Taking all of the factors into account, it is clear that the front of the Property faces south and the garden that faces onto Jordan Lane is the rear garden and should be referred to as such in the assessment of the Proposal.

3.4 The proposed parking space is for a small car that faces inwards to the depth of the rear curtilage and not across the garden as noted in the Report of Handling. This perpendicular orientation will allow for safe manoeuvring and is the same orientation as the car parking space at 12 Jordan Lane, the neighbouring property. This point is discussed in further detail at Paragraph 5.49 of this Notice of Review Statement. The Proposal in its entirety is 4.5% of the garden area, as demonstrated within the Design and Access Statement. The Proposal will create a functional, useable area for the Property from what is currently an unusable dumping ground. This is entirely in line with HES Guidance. The Appellant currently has to park down the street which is detrimental to the usability of the Property and also creates vehicular congestion elsewhere in the Conservation Area.

## 4 DETERMINATION OF NOTICE OF REVIEW

4.1 The Proposal complies with the LDP and is supported by material considerations. The Appellant submits that there is no proper factual justification for the refusal of the Application and that the Council's decision is unreasonable. The Appellant respectfully submits that the LRB should reverse the Council's decision and grant planning permission for the reasons outlined in this Notice of Review.

4.2 Section 43(A) of the 1997 Act provides the Applicant with the right to require the planning authority to review the decisions made by an appointed officer under the scheme of delegation. On such review, the LRB may uphold, reverse or vary a determination reviewed by them. The LRB must approach the review *de novo* (*Sally Carrol v Scottish Borders Council* [2015] CSIH 73).

#### 4.3 **Determining Issues**

4.4 Section 25 of the 1997 Act requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Proposal is in accordance with the LDP and is supported by material considerations. The LRB should therefore reverse the Council's decision and grant planning permission.

#### Edinburgh Local Development Plan ("the LDP")

4.5 The LDP was adopted in November 2016. The following LDP policies are relevant to the Notice of Review and support the approval of the Proposal.

4.6 Policy Env 3 – Listed Buildings – Setting. Development within the curtilage or affecting the setting of a listed building will be permitted only if it is not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

4.7 Policy Env 4 Listed Buildings – Alterations and Extensions. Proposals to alter or extend a listed building will be permitted where:

4.7.1 Those alterations or extensions are justified;

4.7.2 There will be no unnecessary damage to historic structures or diminution of its interest; and

4.7.3 Where any additions are in keeping with other parts of the building.

4.8 Paragraph 173 of the LDP further states that in determining applications for planning permission or listed building consent, the Council is to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses. This paragraph reflects the statutory position at Section 59 of the Act. Section 59 (3) of the Act defines "preserving" as being, in relation to a building, preserving it either in its existing state or subject only to such alterations or extension as can be carried out without any serious detriment to its character" (emphasis added). Clearly, it is not the intention of either the LDP or the Act to prohibit all work to a Listed Building.

4.9 Policy Env 6 Conservation Areas – Development. Development within a conservation area or affecting its setting will be permitted which:

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

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

- 4.9.3 Demonstrates high standards of design and utilises materials appropriate to the historic environment.
- 4.10 Paragraph 174 of the LDP states that the purpose of the above policy is to protect, and where possible, enhance the character and appearance of Edinburgh's many conservation areas.

- 4.11 Policy Des 7 – Layout Design states:

*“Planning permission will be granted for development where:*

*a) a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features has been taken*

*b) new streets within developments are direct and connected with other networks to ensure ease of access to local centres and public transport and new public or focal spaces are created where they will serve a purpose*

*c) the layout will encourage walking and cycling, cater for the requirements of public transport if required and incorporate design features which will restrict traffic speeds to an appropriate level and minimise potential conflict between pedestrians, cyclists and motorised traffic*

*d) car and cycle parking areas and pedestrian and cycle paths are overlooked by surrounding properties*

*e) safe and convenient access and movement in and around the development will be promoted, having regard especially to the needs of people with limited mobility or special needs*

*f) public open spaces and pedestrian and cycle routes are connected with the wider pedestrian and cycle network including any off-road pedestrian and cycle routes where the opportunity exists.*

- 4.12 Policy Des 12 – Design Quality and Context states:

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

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

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

*c) will not be detrimental to neighbourhood amenity and character”.*

Material Considerations

4.13 The Proposal is supported by the following material considerations.

*Proposed Local Development Plan - City Plan 2030 ("the Proposed Plan")*

4.14 Policy Env 11 Listed Building – Setting states:

*"Development within the curtilage of a listed building, or affecting its townscape or landscape setting, will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting."*

4.15 Policy Env 12 Listed Building and structures – Alterations and Extensions states:

*"Proposals to alter or extend a listed building will be permitted where:*

*a. there will be no harm to the special interest of the building and its features,*

*b. there will be no damage or loss of important historic fabric, and*

*c. any additions are of a high-quality design that are appropriate to the character of the building."*

4.16 Policy Env 14 Conservation Area – Development states:

*"Development within a conservation area, affecting its setting or impacting views of the area and from within it will be supported by this policy where it:*

*a. preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal*

*b. preserves trees, hedges, boundary walls, railings, paving and other features within the public realm which contribute positively to the special character or appearance of the conservation area, and*

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

*Historic Environment Scotland - Managing Change in the Historic Environment: Boundaries*

4.17 Paragraph 5.5 states:

*"The formation of new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design. Where the formation of a new opening is found to be consistent, the minimum of historic fabric should be lost and the opening should normally be detailed to match the existing openings. In some cases it might be appropriate to introduce high-quality contemporary design to new fixtures like gates."*

*Scottish Planning Policy (“SPP”)*

- 4.18 The following paragraphs of SPP are relevant to this Notice of Review and support the Proposal.
- 4.19 Paragraph 28 and 29 deal with the policy principles of the SPP’s presumption in favour of development which contributes to sustainable development:

*“28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.”*

*“29. This means that policies and decisions should be guided by the following principles:*

- giving due weight to net economic benefit;*
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- supporting good design and the six qualities of successful places;*
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- supporting delivery of accessible housing, business, retailing and leisure development;*
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- supporting climate change mitigation and adaptation including taking account of flood risk;*
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
- having regard to the principles for sustainable land use set out in the Land Use Strategy;*
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;*
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- reducing waste, facilitating its management and promoting resource recovery; and*

- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.”*

4.20 Paragraph 141 of SPP states:

4.21 *“Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.”*

4.22 Paragraph 143 of SPP states:

4.23 *“Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.”*

## **5 GROUNDS FOR REVIEW**

5.1 The Appellant is seeking a review of the Council’s decision on the following grounds:

5.1.1 The Proposal complies with the Local Development Plan;

5.1.2 The material considerations support the Application; and

5.1.3 The Council’s assessment of the Proposal is unreasonable, leading to a complete prohibition of works to a Listed Building or in a Conservation Area.

5.2 The Appellant submits that the LRB should reverse the Council’s decision and grant planning permission for the reasons that follow.

### **5.3 Ground for Review 1: The Proposal complies with the LDP**

5.4 The Proposal complies with the LDP and is supported by the following policies:

#### **5.5 Compliance with LDP Policies Env 3 and 4**

5.6 The Council refused the Application as they concluded it was contrary to Policies Env 3 and 4 as the works will result in a diminution of the character of the building and the works are not justified.



The Council's Report of Handling notes that the stone boundary wall is a defining feature in the setting and character of the listed building and the removal of this, and the cast iron railings would adversely affect the coherence and proportion of the boundary treatment and would negatively impact on the overall character and setting of the Property.

- 5.7 The Appellant disagrees with the Council's assessment and reason for refusal. The Council's reason for refusal is unreasonable and so restrictive that it is amounting to a prohibition against works to a Listed Building. This approach is not in the spirit of either the LDP or HES Guidance. The Council has no factual basis for concluding that the Proposal does not comply with Policies Env 3 and 4.
- 5.8 The Property is a Category C Listed Building. Edinburgh City Council's definition of a Category C Listed Building permits moderate alterations to the property. The Proposal seeks to keep the iron-gate and railings to ensure there would be no loss of character to the property or surrounding area. The rest of the Proposal can be seen as a moderate alteration to the listed building which is in keeping with the Category C listing. The alterations can be carried out without any serious detriment to the character of the Listed Building and therefore is supported by Policies Env 3 and 4.
- 5.9 The Proposal shall reuse, expose and enhance the boundary. The Proposal is to remove a very small piece of wall which is to the rear curtilage of a category C listed building. The removal of this is of very little significance to the setting or listing of the Property. There will be no serious detriment to the setting of or the listing of the Property. Any harm to the listed building is *de minimus* and is outweighed by the positive impacts on the listed building.
- 5.10 The Proposal fully complies with LDP Policies 3 and 4.
- 5.11 Compliance with Policy Env 5 – Conservation Areas – Development
- 5.12 The Appellant disputes the Council's second reason for refusal. The Council concluded that the stone boundary wall and the cast iron railing make an important contribution to the character and setting of the listed building. In addition, the Council's Report of Handling states that the Proposal will result in an alteration which will be detrimental to the character and setting of the listed building. The Council have failed to properly assess the Proposal and the impact that this will have on the Conservation Area in their Report of Handling and have only focused on the impact on the setting of the listed Building. Therefore, their conclusion that the Proposal does not comply with Policy Env 6 is not justified and has no factual basis.
- 5.13 It is submitted by the Appellant that the Proposal shall have a positive impact on the Conservation Area. The Proposal shall reuse, expose and enhance the boundary wall and the impact this shall have on the Conservation Area is *de minimus*. Any *de minimus* harm is outweighed by the positive

impact the Proposal shall have on the Conservation Area. It is submitted by the Appellant that there is no adverse impact on the character and appearance of the conservation area.

- 5.14 The Proposal seeks to keep the iron-gate and railings to ensure there would be no loss of character to the property or surrounding area. In doing so, the Proposal is preserving the railings which is wholly supported by Policy Env 5.
- 5.15 The Burra Charter on conservation encourages managed changes and adaptations to meet current needs without compromising the heritage for future generations. The Proposal has been carefully assessed and designed to consider future maintenance, accessibility and the impact that the Proposal will have on the Conservation Area. As noted in the Design and Access Statement, the Property is one of the older south facing properties in the area and the boundary wall was built at a later point in connection with the adjacent property. The wall therefore carries less significance than the rest of the listed building and makes less of a contribution to the character and appearance of the Conservation Area. The iron railings which are more defined, will be reused in situ for the gate. The Proposal will therefore have no adverse impact on the character and appearance of the conservation area. The Proposal therefore complies with LDP Policy Env 5.
- 5.16 Compliance with Policies Des 7 and 12
- 5.17 The Council's third reason for refusal was that the proposal was contrary to LDP Policy Des 7 as the proposed parking layout will not ensure the safety and convenience of the road users. The Council has not elaborated on this point. The conclusion that has been reached by the Council is entirely unfounded.
- 5.18 The Proposal will create a functional useable area for the Property from what is currently an unusable dumping ground. This complies with part (e) of Policy Des 7 by creating and promoting safe and convenient access and movement in and around the development will be promoted, having regard especially to the needs of people with limited mobility or special needs. The Council's third reason for refusal amounts to an unreasonable prohibition of a sensitive scheme which will create longevity and sustainable access for people with limited mobility or special needs. This is contrary to the Council's duty in terms of Section 149 of the Equality Act 2010. The Council must have due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic (which includes disability) and persons who do not share it. The public sector duty is a material consideration in the determination of the Notice of Review and is considered in further detail at paragraphs 5.3 – 5.7 of this Notice of Review Statement,
- 5.19 The Appellant currently has to park down the street which is detrimental to the usability of the Property and also creates vehicular congestion elsewhere in the Conservation Area. This will be alleviated by the proposed parking space and will further contribute to convenient access and movement in the area. The Proposal complies with Policy Des 7.

- 5.20 Whilst the Council have not considered Policy Des 12 in their assessment, it is submitted by the Appellant that this is relevant and should be taking into account by the LRB. The Proposal takes into account the design and form of the existing building and proposes to make use of the existing materials to ensure compatibility with the character of the building. The neighbourhood amenity and character will be protected as existing materials will be used alongside porous media, SUDS in buff colour with slight variations in colour to match the façade as closely as possible. This will ensure the Property fits the character appraisal of the Morningside Conservation Area. The Proposal complies with Policy Des 12.
- 5.21 In addition, the inclusion of the EV point is supported by the Council and will not have an impact on the amenity of the neighbouring residents. The inclusion of the EV point in the Proposal is supported by the Edinburgh Design Policy. The installation of the EV point will also encourage the use of low carbon modes of transport which is supported by the Council.
- 5.22 **Ground for Review 2 : The Proposal is supported by a number of material considerations**
- 5.23 The Proposal is supported by the following material considerations:
- 5.24 *Historic Environment Scotland Guidance (HES Guidance)*
- 5.25 Paragraph 6 of Historic Environment Scotland's Interim Guidance on the Principles of Listed Building Consent states:
- "The majority of listed buildings are adaptable and have met the needs of successive generations whilst maintaining their character. Change should therefore be managed to protect a building's special interest while enabling it to remain in active use....in general terms listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner."*
- "Listed Buildings will however, like other buildings, require alteration and adaptation from time to time if they are to remain in beneficial use, and will be at risk if such alteration and adaptation is unduly constrained."*
- 5.26 It is clear from HES Guidance that listed buildings require to be altered and adapted from time to time. There is no prohibition against such alteration or adaptation and it is recognised that listed buildings could be at risk if such alterations or adaptations are unduly constrained. Works should be done in a sensitive and informed manner. The Application was considerate of the impact on the listed building and evidenced that there would be no detrimental impact on the Property. The adaptation of the disabled parking space will prolong the use of the property and meet the needs of successive owners.

5.27 The Council's approach to the Application has unduly constrained the adaptations at the Property which is not in line with HES Guidance.

5.28 The formation of new openings within an existing boundary wall is supported by Paragraph 5.5 of Managing Change in the Historic Environment: Boundaries. There will be minimum historic fabric lost from the wall and the contemporary high-quality design of the gate which reuses the cast iron railings is appropriate and will enhance the Property and Conservation Area.

*Proposed Local Development Plan (PLDP)*

5.29 The period for representations to the PLDP concluded on 20 December 2021. The Council are considering the representations made to the PLDP prior to submitting the PLDP for examination in 2022. The PLDP is a material consideration in the determination of this Notice of Review.

5.30 The Proposal has demonstrated that it will not be detrimental to the character of the listed building or setting. Any change will be *de minimus* and this is outweighed by the positive impact that will be had on the listed building and its setting. The Proposal complies with Policies Env 11 and 12 of the PDLDP.

5.31 The Proposal has demonstrated a high standard of design, is consistent with the conservation area and contributes positively to the appearance of the conservation area. The Proposal is supported by Policy Env 14 of the PLDP.

5.32 *Public Sector Equality Duty*

5.33 The Property is currently inaccessible for disabled persons. The Proposal would provide disabled access to and around the Property. This would include access for a family member who currently is unable to access the Property to visit the Appellant and her family. In terms of Section 149 of the Equality Act 2010 public authorities must have due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic (which includes disability) and persons who do not share it. This "public sector equality duty" applies to the determination of this Notice of Review and is both as a material consideration and a statutory duty in its own right.

5.34 The Property is currently inaccessible for disabled persons. The Proposal would provide disabled access to and around the Property. This would include access for a family member who currently is unable to access the Property to visit the Appellant and her family. In terms of Section 149 of the Equality Act 2010 public authorities must have due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic (which includes disability) and persons who do not share it. This "public sector equality duty" applies to the determination of this appeal both as a material consideration and a statutory duty in its own right.

- 5.35 The Report of Handling concluded that the Application had no impact on equalities. The Appellant disagrees with this conclusion and submits that as the Proposal will provide disabled access to and around the Property, the Application does have an impact on persons with a protected characteristic. As explained above, this is having a particular impact on a family member who is currently unable to access the Property. Without the inclusion of the disabled access, the Property will remain inaccessible for disabled persons and there will not be an equal opportunity to access the Property.
- 5.36 The Appellant submits that there is an impact on persons with a protected characteristic and that the LRB should take this into account as a material consideration when considering the Application.
- 5.37 *Scottish Planning Policy (SPP)*
- 5.38 The Council's fourth reason for refusal is that the Proposal does not comply with the SPP sustainable development principles. The Council considers that the Proposal fails to accord with Principle 3 (good design and successful places) and Principle 13 (overdevelopment). The Appellant disagrees with the Council and submits to the LRB that the Proposal does align with the SPP principles.
- 5.39 The Sustainable Development principles are of relevance as the LDP is over 5 years old. Therefore paragraph 33 of the SPP comes into effect and the presumption in favour of development that contributes to sustainable development will be a significant material consideration.
- 5.40 SPP paragraph 28 states that the planning system should support sustainable places by enabling development that balances costs and benefits of a proposal over a longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. The Proposal has sensitively considered the impact on the listed building and conservation area and has balanced the impact on the setting against the proposal over the longer term and the benefits it will bring. The Proposal shall have a positive impact on the Conservation Area. The Proposal shall reuse, expose and enhance the boundary wall and the impact this shall have on the listed building and conservation area is *de minimus*. Any *de minimus* harm is outweighed by the positive impact the Proposal shall have on the conservation area. The Proposal shall ensure the long term use of the listed building within the conservation area and whilst it may be a small scale, local development, it does contribute to sustainable development.
- 5.41 In relation to the principles listed at Paragraph 29 of the SPP, these are the principles against which policies and decisions should be guided. As evidenced in the Design and Access Statement, the Proposal supports good design and the six qualities of successful places (Principle 3), it protects and enhances the historic environment by reusing and enhancing a boundary wall which will have a positive impact on the listed building and conservation area (Principle 10) and

is avoiding overdevelopment (Principle 13). On that basis, the Proposal clearly contributes towards sustainable development and is supported by the SPP.

5.42 Furthermore, the Proposal is entirely in line with paragraphs 141 and 143 of SPP. Currently the iron railing which is a key feature of the conservation area is hidden behind overgrowth. Without the Proposal, this feature will not be visible and the area will continue to deteriorate. The Proposal is required to prevent the loss of the iron railings and secure the long term future of the asset. The Proposal has been designed to keep the iron railing and re use the materials to preserve and enhance the character and setting of the historic asset. The Proposal shall protect the special interest of the listed building and allow it to remain in active use. The Proposal is supported by paragraphs 141 and 143 of the SPP.

5.43 *Listed Building Appeal*

5.44 An application for listed building consent for the Proposal was refused by the Council on 8 December 2021. The Appellant submitted a Listed Building Appeal to the Scottish Ministers (Appeal Reference: LBA-230-2233) on 23 February 2022. The Listed Building Appeal considers relevant facts and matters which relate to the Application. On that basis, the decision of the Scottish Ministers is a significant consideration for the LRB when determining the Application. The Appellant submits that the LRB should defer determination of this Notice of Review Application until the Scottish Ministers have determined the Listed Building Appeal.

5.45 *Precedent*

5.46 It is important that like cases should be decided in a like manner so that there is consistency in the operation of the development management system. Previous decisions concerning similar facts and policies are capable of being material considerations on this basis.

5.47 The Council granted planning permission for the formation of a parking space in the rear elevation of 30 Canaan Lane, Edinburgh on 14 February 2020 (Planning Reference: 19/05932/FUL). The facts and circumstances of that application are very similar to those at issue in this Notice of Review and the Appellant submits that decision is a material consideration in this Notice of Review.

5.48 30 Canaan Lane is also located within the Morningside Conservation Area. The planning permission approved the demolition of part of the boundary wall to the primary elevation of the property. The wall at 30 Canaan Lane is 8 ft in height, whilst the height of the wall relative to the Proposal is only 1 ft. The Council considered that the location of the new vehicular access would represent a “congruous” addition to the surrounding streetscape. Removal of a taller boundary wall to the front elevation within the Conservation Area will arguably have a greater impact on the Conservation Area than removing one from the rear elevation. In addition to the removal of the wall, the Council accepted the use of new, modern materials for the new bi-fold doors to the back

of the property. The Council considered that these materials were in-keeping with the surrounding area.

- 5.49 In addition, a car parking space has been accepted by the Council at the front elevation of the neighbouring property at 12 Jordan Lane. This car parking space has a frontage to Jordan Lane, the principal elevation of the house. 12 Jordan Lane has the same orientation parking as the Proposal, which is perpendicular to Jordan Lane. The Council considered that this car parking space was in keeping with the surrounding area, however has refused the Application which is for a car park space at the rear elevation of the Property.
- 5.50 The Council's treatment of both the Canaan Lane and 12 Jordan Lane proposals is in stark contrast to its decision to refuse the Appellant's Application. There is no reason to take a different approach in the determination of this Notice of Review. The Council must apply the Act and its policies consistently. The Council has failed to do so and has acted unreasonably in its decision to refuse the Application.
- 5.51 **Ground for Review 3: The Council's assessment of the Application is unreasonable, leading to a complete prohibition of works to a Listed Building or in a Conservation Area.**
- 5.52 The Council's assessment of the Application is unreasonable for the reasons outlined below.
- 5.53 The Council's assessment of the Proposal in support of its reasons for refusing the Application amounts to a complete prohibition against making any change to the boundary of the Property. That is contrary to the LDP, the above noted material consideration and is unreasonable.
- 5.54 Any harm to the listed building and conservation area is *de minimus* and is outweighed by the positive impacts on the listed building and conservation area.
- 5.55 The Appellant submits that the Proposal preserves the building and setting of the Property and preserves and enhances the character and appearance of the Conservation. The Proposal complies with LDP policies, HES guidance and the SPP which are material considerations in the consideration of this Notice of Review.
- 5.56 It is clear from both the LDP and HES Guidance that listed buildings require to be altered and adapted from time to time. There is no prohibition against such alteration or adaptation and it is recognised that listed buildings could be at risk if such alterations or adaptations are unduly constrained. Works should be done in a sensitive and informed manner. The Application was considerate of the impact on the listed building and evidenced that there would be no detrimental impact on the Property. The Proposal has been carefully assessed and designed to consider future maintenance, accessibility and the impact that the Proposal will have on the Conservation Area. The Council's approach to the Application has unduly constrained the adaptations at the Property which is not in line with HES Guidance.

5.57 Neither the LDP nor any of the material considerations noted in this Notice of Review prohibit works to a listed building or in a conservation area. The Council's strict approach to their assessment is unreasonable. The Application has evidenced that any works will be done in a sensitive and informed manner, with any harm being *de minimus* and outweighed by the positive impacts on the listed building and conservation area.

5.58 The Appellant submits that the LRB should reverse the Council's decision and grant planning permission.

## **6 CONCLUSION**

6.1 The Application complies with the LDP and is supported by a number of material considerations. On that basis, the LRB should reverse the Council's decision and grant planning permission.

6.2 The Proposal will enhance both the listed building and surrounding conservation area. The Application is sensitive to the impact that will be had on the listed building and conservation area and will not result in any serious detriment to either.

6.3 The Proposal will enhance the conservation area by restoring original character features of the building. The Proposal will also bring benefit by creating a safe and pleasant experience for those using the Property, upgrading it to current sustainable low carbon standards, and ensure that it would continue to be an asset to future generations.

6.4 The Council's assessment of the Proposal is unreasonable, leading to a complete prohibition of works to a listed building or in a conservation area. This is not in the spirit of the LDP or HES Guidance and SPP, which are material considerations in the determination of this Notice of Review.

6.5 The Application is supported by the LDP and material considerations as set out in this Notice of Review. It is submitted that the LRB should therefore reverse the Council's decision and grant planning permission.

BURNESS PAULL LLP  
Solicitors, Aberdeen

AGENT FOR THE APPELLANT

March 2022



## **7 LIST OF DOCUMENTS**

- 7.1 Appendix 1 – Decision Notice dated 20 December 2021
- 7.2 Appendix 2 – Design Statement, Conservation and Accessibility Report
- 7.3 Appendix 3 – Jordan Lane Site Location Map
- 7.4 Appendix 4 – Existing and Proposed Plans
- 7.5 Appendix 5 – Existing and Proposed Elevations
- 7.6 Appendix 6 – Elevations Showing Window Repairs as Existing and Proposed
- 7.7 Appendix 7 – Report of Handling



# Design, Conservation and Accessibility Report for 13 Jordan Lane, EH10 4RA

Prepared for: Ms. Fiona Quinn

Prepared by: Gloria J Lo, MA Hons(Cantab), M Arch, RIAS, RIBA

6 June 2021

Project Reference: 18-53-C Jordan Lane

# DESIGN, CONSERVATION AND ACCESSIBILITY REPORT

for Planning Application at 13 Jordan Lane, Edinburgh EH10 4RA

Prepared in line with the Morningside Conservation Area Appraisal (October 2001), Edinburgh Local Development Plan (November 2016), Planning Guidance for Householders (February 2019), Listed Buildings and Conservation Area (February 2019), Scottish Government NPP Creating Places (2013) and Designing Streets (2010), Edinburgh Design Guidance (January 2020). Proposal and report specifically deals with LDP policies: Des 1, Des 3, Des 5, Des 6, Des 7 Des, Des 11, Env 3, Env 4, Env 6, and Hou 3

## Précis of Proposal

The proposal to create better and safer access, to improve the amenity of this rear sunken garden to the house that boundaries onto Jordan Lane. Improving the appeal towards Jordan Lane, enhancing the character of the house and environs, to give a proper sense of welcome towards the street, as well as giving disabled access to the house. Refurbishment of windows in line with conservation guidelines and details.

## I - Context and Character Appraisal

### Conservation Area Context

To design for the Morningside Conservation Area, it is important to understand the historical context in which the site sits. Referring to the Conservation Area Appraisal report, Morningside, located on the road from Edinburgh to Biggar was an agricultural village, represented by only a handful of houses during the 1700s. The area was described in “Old and New Edinburgh” by Grant, as “once a secluded village, consisting little more than a row of thatched cottages, a line of trees, and a blacksmith’s forge, from which it gradually grew to become an agreeable environ and summer resort of the citizens, with the fame of being the “Montpelier” of the east of Scotland.”

For this site, it is worth exploring this specific growth, as on first inspection, the house would seem quite peculiarly situated with its rear elevation towards the street. Which, upon further exploration would prove not to be so strange after all.

### Mapping the site History

The development of this intriguing region had been charted through various maps over the era. Research with maps from the National Library of Scotland Map Library reveals the development of the area between these dates from farmland to “Montpellier”. Studying these allowed some connection from the past to the present, where it emerged a strong pattern, despite small scale changes over time. The main east west connection between Southside Newington and Morningside was via Grange Loan through to Newbattle Terrace, connecting Mayfield Road (Radcliffe Terrace) and Morningside Road. The main



Kirkwood map of 1817

connection northwards from Grange Loan was Whitehouse Loan to join up at Bruntsfield, Whitehouse Loan terminated at Grange Loan, and to the south of Grange Loan was farm land.

Kirkwood map of 1817, the earliest map of Edinburgh including this area, illustrates Canaan Villas at the 'elbow' of Canaan Lane to the east (Site of current Astley Ainslie Hospital) and Falcon Hall occupying the interior of the 'square' between Morningside Road, Canaan Lane and Newbattle Terrace. Jordan Burn that leads to Pow Burn was a major notable feature, one direct path connected Canaan Lane to Jordan burn



Scott map of 1820



Davies map of 1838



Chalmers OS map of 1855

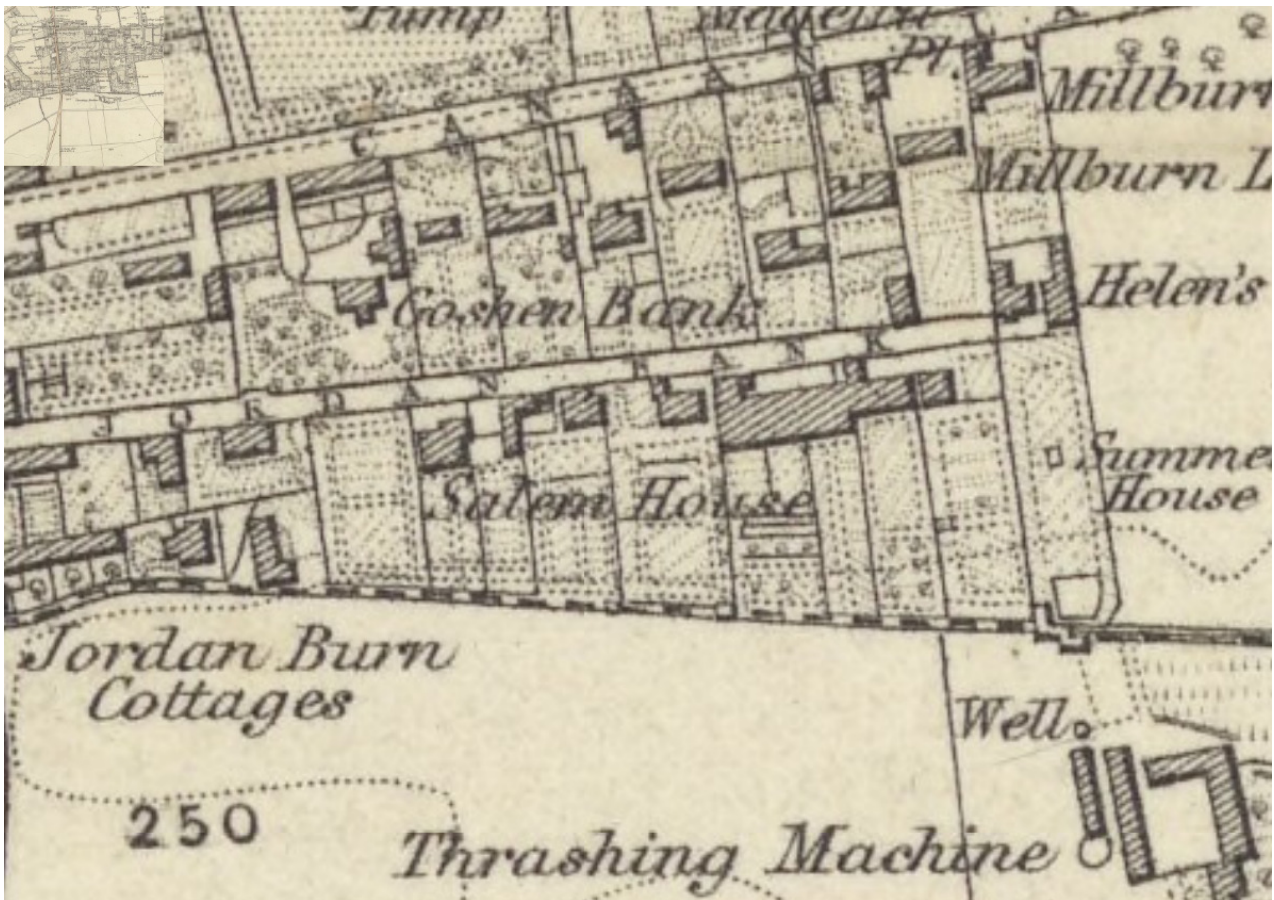
where it stopped. To the south of the Burn an area called Egypt, two houses surrounded by 'plough lands' and Blackford Hills. None of these grand halls and villas remain today, however some boundary lines, the road and waterway features do.

Robert Scott's map of 1820, a mere three years later, annotated several additional pathways now connect directly to Jordan Burn (which joins with Pow Burn to the east). These connections link the major east west trunk road, Grange Loan, with Jordan Burn. Jordan Burn was carefully annotated as a tree lined avenue, which indicates it as somewhat of a thoroughfare, even though not developed as a carriage way, and of course it would not make sense to build a road on a watercourse. Houses were indicated in the Jordan Lane area, although perhaps not very accurately located.

1838 map by Benjamin Rees Davies is not as detailed, larger scale with less annotations. It shows some paths running north south between Canaan Lane and Newbattle Terrace, however these do not carry over onto later maps. The watercourse Jordan Burn remains a major feature.

The first Ordnance Survey Map was drawn in 1855 by David Chalmers. This clearly shows the property in question 13 Jordan Bank (it would appear now renamed, Jordan Lane). Jordan Burn Cottages and Helen's Place are shown (although the current buildings are no longer original), as are nos. 4, 5, 11, 14, 15, 16, 17, 18, Jordan Lane in its modern day numbering.

On the north side of Jordan Lane, not many of the buildings from 1855 remain, only Goshen Bank House, no. 24 Canaan Lane remain as a listed building. 30 and 32 Canaan Lane are not listed buildings, and without



Detailed extract of Chalmers 6" OS Map of 1855

information to date the current buildings, although the footprint is seen from mid 19th Century plan.

Looking closely at the plan, further details are afforded us, owing to the then newly established ordinance surveying methods being in place. Jordan Burn as an access route is clear, albeit, since the better new paved road of Jordan Bank, it may now indeed be dual access to some of those houses, both north and south. The pathways for sites no. 8, 11, 13, 14 and 16 (modern day numbering) seem to indicate this direct connection onto Jordan Burn Close, a close which seemed to stretch along much further than just in front of the cottages by Morningside Road. A number of the houses labeled as Goshen Bank seems to also have that pattern, dual access front (Canaan Lane) and back (Jordan Lane).

### **Character of Houses in the Area - Old and New**

The area just north and south of Jordan Burn, formerly known as Little Egypt, with biblical associated local names such as Jordan, Canaan, Nile and Egypt Mews, embarked on major development phase starting in 1881 with Nile Grove and completing the Cluny area by 1890s. It is with the unified frontage following the ideals of new town planning that much of these development faces the street with some grandeur.

Other than the numbers listed above from the 1855 map, the area wholesale changed during that period of development, and it is this later 1880-90's development that dominate and characterise Morningside as an



Bartholomew map of 1921

developments on the site are potentially without influence of prior developed access, a south facing aspect would be best appointed for sun, and for welcoming guests. Further more, observing the garden paths of the 1855 map, especially those of 13 Jordan Lane, 24 and 32 Canaan Lane, one can imagine that following the Age of Enlightenment (c1700-1820) that the affluent (who occupy this area by this time) would want to display



Front elevation of 13 Jordan Lane, facing south

obfuscated and built over. The development towards the end of 19th century has taken on the current 'modern grain' of Edinburgh, the long thin plots, some more sensitively inserted than others.

### Spatial Character of Morningside - Charm and Disenchanted

The charm of Morningside, is in the main road of boutique shops, the hub that is part of the main route out of Edinburgh towards Biggar. The wider planned roads such as Nile Grove, with its unified charm of elegantly proportioned Victorian houses, loosely linked with a few on Jordan Lane (nos 8-10) of the 1880's stock.

area. The Bartholomew map of 1921 still maintains that Jordan Bank as a major notable feature on the small scale map.

Significance of these earlier developments can be found from Historic Environment Scotland list descriptions, for no. 5 , no. 13 Jordan Lane and also 24 Canaan Lane (Goshen Bank House).

We note that these earlier developments of a similar period between 1820 and 1855, all have their more ornate front elevation facing south regardless of their (current) main access. There could be several reasons for this, of the most obvious, as earlier

a certain knowledge in landscaping and perspectival viewing of their house, including a non-direct path approach to the front door, a certain suspense and sense of grandeur in discovery.

For our current site, no. 12 Jordan Lane did not exist at the time, and it was possible for no. 13 to explore this entrance approach, on the side of the house, through the gardens and then look up the slope of the hill (which would make the house look more grand) to the south facing front of the house.

Since then, plots have been subdivided, giving the modern long thin grain of plots, and Canaan Lane has disintegrated altogether without a trace of its former glory.

On a modern map, Jordan burn is mostly completely

---

At the same time, insertion of sandstone tenement developments, along the main Morningside Road, Woodburn Terrace and the red sandstone version on Jordan Lane are completely different scale to the earlier housing, yet exhibit a continuity through their uniform height, use of stone and slated roofs. The area further south from Jordan Burn all carry a similar new town feel that is unmistakable.



Morningside Road with tall tenements and Nile Grove semi-detached, detached, and terraced housing.

Despite the historical significance of the area, being the earliest to be developed in that quadrant since the 1800s, the side roads of Canaan Lane has seen developments such as Falcon Court, (together with the area up to Falcon Avenue, a development so disenchanting for all, that it can no longer be included in any Conservation Area and become the only stretch of Morningside Road not covered by any Conservation Area) and now the school development (in Grange Conservation Area) has recently taken down a long stretch of original walling that lies on the two century old boundary that divided Falcon Hall from the farm fields to the south. Goshen Bank House of Canaan Lane is completely surrounded by newer buildings, that this historically significant building, is completely blocked in, and cannot be seen from either streets at all.



Canaan Lane recent developments and modifications to historic walls.

---

Jordan Lane although retained more buildings to the south side, the north side has been full of changes, tenements for much of the length leads to high forbidding walls, and Helen's Place, a new development. The recent addition of a new dwelling to the rear of no. 30 Canaan Lane, that will be accessed from Jordan Lane meant significant changes are forthcoming also. The earlier buildings of Jordan Lane has for a long time been "trying to ignore a large garage" (description from Pevsner Architectural Guide - Edinburgh p.622) which has been latterly developed into housing nos. 10a-e. Yet the hinterland continues to have its less residential sports bar disco venue on Jordan Burn Close, where used to be cottages on the burn close thoroughfare, now a dire dead end back alley for loitering, perhaps a vibrant nightlife that is somewhat out of place with "Montpellier" living.



Jordan Lane recent development examples, and boundary wall modifications

On the one hand, Jordan Burn a long time landmark through last few centuries, has disappeared to a scarce trace, on the other, the railway line cuts right across along Cluny Avenue to Maxwell Street tries its best to hide itself from view. It is perhaps worth noting at this juncture that the key views, vistas, landmarks and focal points of Morningside Conservation Area, as the Character Appraisal report identifies, lies southwards from Nile Grove. Along these vistas and key views, the site on Jordan Lane is nowhere to be seen, far into the cul de sac.

## II - Proposal

### Significance Appraisal & Proposal Sensitivity:- Connection with Historic Roots, Material and Scale

Spatial character of Morningside is clearly much defined by the new town planning model from Nile Grove southwards, whether it be road width, plot width, terraced, semidetached or detached houses. When it comes down to the design details of houses and boundary walls, it is clear that prior to 1880s there has been a mix match of development. And as explored above, Canaan Lane and Jordan Lane as an area has seen great amount of change throughout the modern era also. Significance of walls and railings along Jordan Lane as seen from the long history is perhaps very much debatable. From the deeds of no.13 and from the 1855 map, there had been an outshoot or annex on the west side of the house rather than east side, and which extends to the edge of the street line, This annex was latterly taken down, possibly when no.12 was built. This meant that any "original wall" if it existed back then, would have had an opening where the old annex to the building was, or that the wall was added later when no. 12 was built or thereafter. In either case, the current opening



would not have been original when the entrance to the entire property was via no.12. It is also clear that the current off-street parking for no.12 has made significant modifications to the wall at that point. The stone pier to the side of no.12 may indeed had been the edge of the original estate boundary wall, but it is not echoed at the other end at no.13.

Currently, the area is a dead end, untrodden even by the home owners, it has become somewhat of a forgotten sunken wild corner for bins and rubbish. There will be much better incentive to look after an area that is well used and welcoming, and somewhere visitors to the house would pass through. A steep set of concrete stairs that currently lead down the side of the house as access is positively dangerous. It is most certainly not disabled or ambulant disabled friendly. To heave the waste and recycling bins up and down these steps for collection is also an onerous and treacherous task.



Aerial photograph and on the ground photographs of the proposed site area as existing

The recent survey as of July 2020/January 2021, shows that various walls along Jordan Lane have been modified, rebuilt, altered, and of course, built at different times in the first place. Railings have been replaced



---

with modern versions in metal, timber, plastic netting, and new metal or timber not necessarily matching the railings. Stone walls have been altered, low walls given concrete copes, or otherwise. Off street parking whether gated or garaged, with walls cropped to widen openings for modern wider vehicles. Of course, the entire street being built over the years at different era, a complete palimpsest of development covering the ages, and this wall is no more or less significant than the wall opposite that has been altered many times and currently being modified with a recent development.



**Connection with Historic Roots** - Pre-ambulation

and discovery in turning perspectives, harking back to the true roots of the building of late eighteenth early nineteenth century. A modest entrance, but one that offers welcome, a winding route, first descending through a constriction of space beside the house and the sudden opening out to the garden and final destination. Although the modest approach on Jordan Lane in this new proposal is not as grand as the gardens of enlightenment era, (and indeed no.12 next door cannot be unbuilt,) the aim for a garden entrance that the house deserves is in the spirit of the design.

**Material** - Significance of the late Victorian railings, although not original, is noted, understanding that it is one of the two properties that has such a feature on the lane. This must be respected, and managed as part of conservation design in the proposal. The proposal offers to relocate existing opening and reuse existing materials, both stone and railings, in the infill of current gate area, as well as re-use of existing metal work in the creation of the new gate. The remainder of the gate shall be made in matching style and afford a continuous top line as per currently existing. As seen with the two very separate schemes at the end of the cul de sac, Jordan House and Helen's Place, alterations to existing railings and stonework does not have to be detrimental to the character of the building or to its setting. It is proposed that any hard landscaping be done with porous media, SUDS in buff colour with slight variations in colour to match the facade as closely as possible.

**Scale** - Sensitivity in scale of development and preservation of mature trees on the site is also a high priority. The proposed scheme occupies 4.5% of the total garden area, and 6.7% of the total site. The design further considers carefully a balance of hard landscaping and soft landscaping to the front garden. Minimising the

---

parking space area, functional amenities and maximising planting areas. 77.7% of the proposed area is garden greenery, plants, shrubs and tree.

### Neighbouring Amenity and Amenity to the Street

The proposal creates a sense of welcome, and embodies the spirit of Scottish Government Place Making guidelines - a scheme that has the qualities to enrich lives, be safe and pleasant, easy to move around, welcoming, adaptable and efficient long term investment to the property. The openness and safer access will enable better connection between street and house, placing at the heart of the design ergonomics for daily and weekly chores, which in turn encourages healthy active lifestyles. The addition of electric vehicle charging point further deals with reduction of carbon footprint.

The design includes retaining the existing rowan tree and clematis along the fence, as well as new plants such as yew hedge to match in with neighbours at no. 12, and other native plants in the proposed planting areas. Careful consideration has been taken to screen the bins from sight with planting areas, yet accessible by ramp, so that passers by would only see the positive aspects of a garden and yet allowing the home owners to service their refuse collection with ease.

The proposals will have zero impact on neighbouring amenity, whether it be daylight, sunlight, privacy or outlook. There are no mature / protected trees in the proposal area. As to listed building and conservation area guidelines recommendation with regards to parking in front of buildings, this was considered very carefully for this particular case. While it would be atrocious and unacceptable to park in front of well proportioned and



Rear elevation (no.13) versus front elevation (no.8-10), and existing less welcoming parking strategies on Jordan Lane

detailed Georgian and Victorian facades such as those of 8-10 Jordan Lane, this particular house has its front elevation facing south, away from the street. This rear elevation is by contrast, a drear aspect, blank or merely functional windows. The proposed scheme is an improvement to the existing situation of a blank unwelcoming rear elevation. Compared with the various situations of garages, blank forbidden and high access gates along Jordan Lane, this should be a welcomed move, to create a place of positive interest along the lane.

### Sustainable, Connected, Low Carbon Resilience

Proponent of sustainable and resilient future encourages electrifying transport, travel light so as to use less energy to move a smaller mass. A single driver commuter or a small family should have no need for driving a 7

seater van. The proposal allows for a 3880mm length space, although not a 'standard length', there are a large number of electric cars that would fit, given the changing consumer market needs and urban parking scenarios, there is no shortage of cars that would suit. It was also carefully considered which electric cars would offer mobility alterations, and what space is required to access such, yet minimising the hard landscaping area.

The practicality of electrifying transport results in the need for means of charging. Given the narrow nature of the street and no public electrical charging points available in the vicinity the only way to achieve the sustainable target is to provide one's own private charging point. Should this be the case, the safest option is to charge the car off street, else there would be the trip hazard of the cable crossing the pavement.

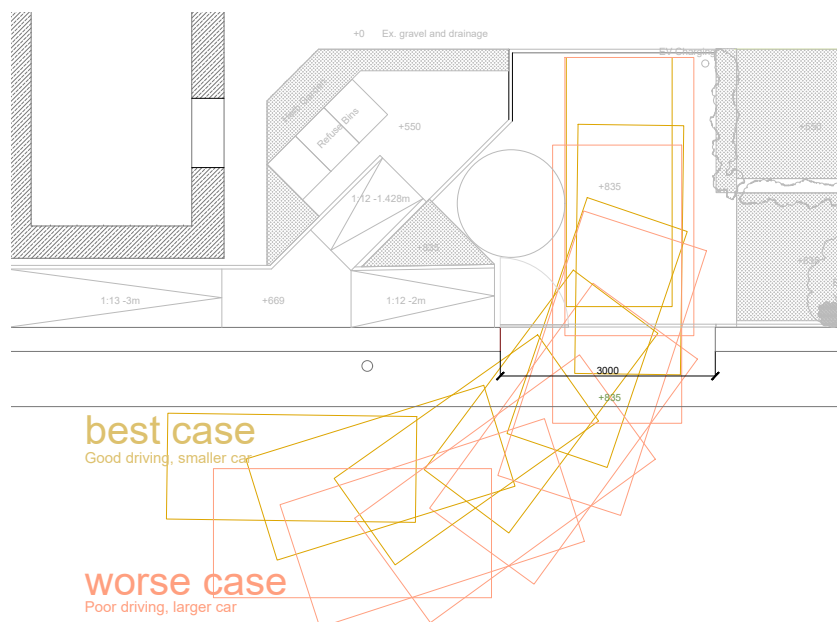
### Impact on Public Safety

Following the Designing Streets Guidance, tracking assessment has been carried out. Risk and impact of a driving out a vehicle from the space as proposed is minimal, and no worse than parking designated in front of no 22 Jordan Lane. The worse case scenario for a poor driver with a larger car/wheel base is to reach the centre of the lane, the lane being 3.75m wide kerb to kerb. The opening width of the gate is gauged for safe turning on the narrow lane, in accordance with the tracking assessment findings. (A narrow opening would constitute coming further out into the road before turning.) It also allows adequate ambulant access while the parking space is being occupied. The proposal is not a hazard and poses minimal inconvenience to pedestrians. Jordan Lane is also a low footfall area to a dead end road and not a thoroughfare. In accordance with the place and movement matrix within the Guidance, it places residential streets as low to medium movement function, and medium to high place function. The scheme certainly puts place function in the centre of the design, and the movement function considered in great detail also.

### Accessibility, Equality and Human Rights

As the sole access to the house it is important that disabled access is considered for friends and family, young, elderly and infirm.

"Designing Places for an Ageing Population" - a review in 2016 highlighted that urban locations such as Jordan Lane, should encourage initiatives and active promotion of developments that would increase opportunity to retain older



Tracking and safety assessment for entering and exiting the site as proposed for 13 Jordan Lane



Existing narrow gate and sudden drop in level at entrance to 13 Jordan Lane

adults, a population that will increasingly provide positive benefits to communities.

Department of Transport document “Inclusive Mobility” provides good practice guidance into developing streets for Disability Discrimination Act. While “Lifetime Homes” encourage accessibility in urban planning and housing design both for young and old, similar design requirements encompassing prams, push chairs for young children, wheelchairs and mobility scooters for elderly. The guidelines are followed where possible given the existing site, and with due respect to the historic fabric of the listed building.

### **Private Open Space, Enhance Natural Asset and Biodiversity and Daylight**

LDP policy Hou 3 recommends 10 sq.m. of open space per household with minimum of 20% of total site area being green space. This proposal meets the criteria with 719.5 sq.m. of open space and 81.7% of the site being green space. The Guidance for Householders recommends 30 sq.m. of garden space and maximum coverage of all buildings, garages, parking and access driveways should not exceed 40% of the site area. The current scheme offers 693.7 sq.m. of garden and 25.8 sq.m green planted area off Jordan Lane, with 17.7% of the site being buildings, driveway and access path area.



Existing garden area to the south of 13 Jordan Lane

The idea to separate parking, cycle and refuse areas with planting with the intention to plant more varieties of flowering species to the front garden, serves the triple purpose of 1) a welcoming space to family and friends, 2) a contribution to the amenity to the street, and 3) enhance and attract wildlife and increase biodiversity.

In considering the private open space within the proposed scheme, daylight to the existing property is considered an important aspect also. Therefore the scheme is detailed to step down from the hard landscape

---

at street level to a lower soft landscape in front of the windows, to maximise the light into the ground floor windows as well as views onto green vegetation.

### **III - Conclusion**

The proposed design takes into account the importance of the site, historically and its current situation, of its surroundings and neighbours. It is developed based on current place making guidelines, planning local development policies and conservation area appraisals amongst other detailed design guides. Careful consideration and attention to detail places the users, neighbours' and others' experience of the street as a place, at the heart of the design. Thought has been given to the adaptability of Lifetime Homes ideal, creating a safe and pleasant experience for those using the property, upgrading it to current sustainable low carbon standards, and ensure that it would continue to be an asset to future generations.

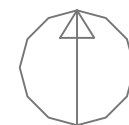
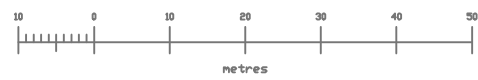
In light of the above, we respectfully request this development be recommended for approval.

Note:  
For construction purposes, do not scale from drawings, use written dimensions only. Any scales shown or stated should be considered accurate, subject to any minor distortions caused by the printing process.



Page 151

Serial number: 177402  
© Crown copyright and database right 2020  
Ordnance Survey licence 100049957  
Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey



Rev.	Amendment	Arr'd by	Date
			
<b>Chartered Architect</b> OISA Studio • 24A Lygon Road Edinburgh • EH16 5QB 0131 516 9784 • mail@oisadesigns.com			

Project: Access Improvement Scheme  
13 Jordan Lane EH10 4RA

Client: Ms F Quinn

Drawing Title: Site Location Map  
Ordnance Survey

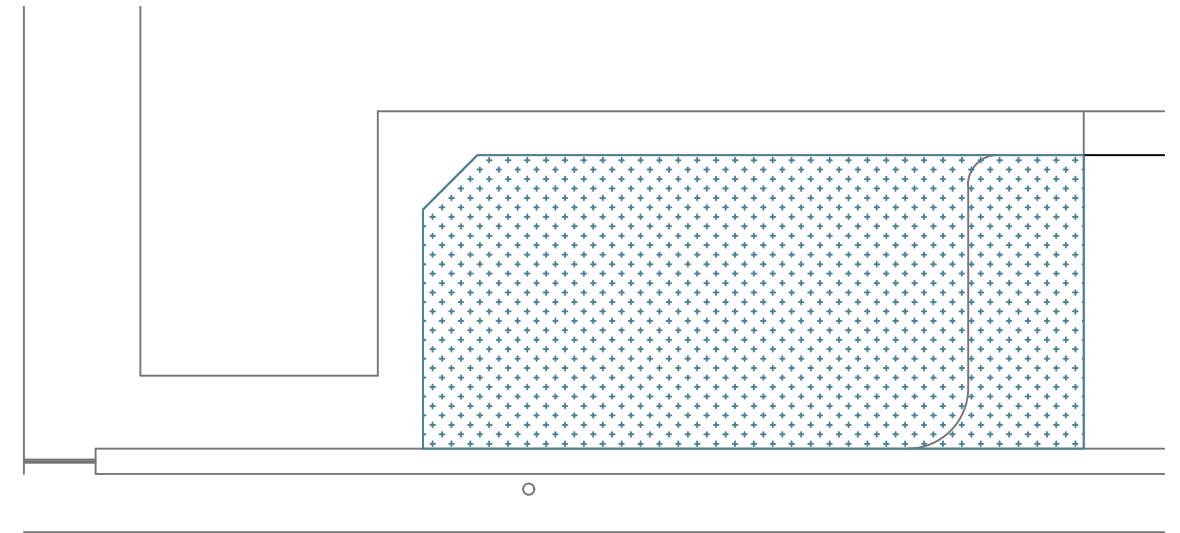
Job No. 18-53-C  
Dwg No. 001

Scale @ A3: 1:1000  
Drawn By: GJL

Status: Planning

Checked By: [ ]  
Date Created: 06.07.2020

Note:  
For construction purposes, do not scale from drawings, use written dimensions only. Any scales shown or stated should be considered accurate, subject to any minor distortions caused by the printing process.

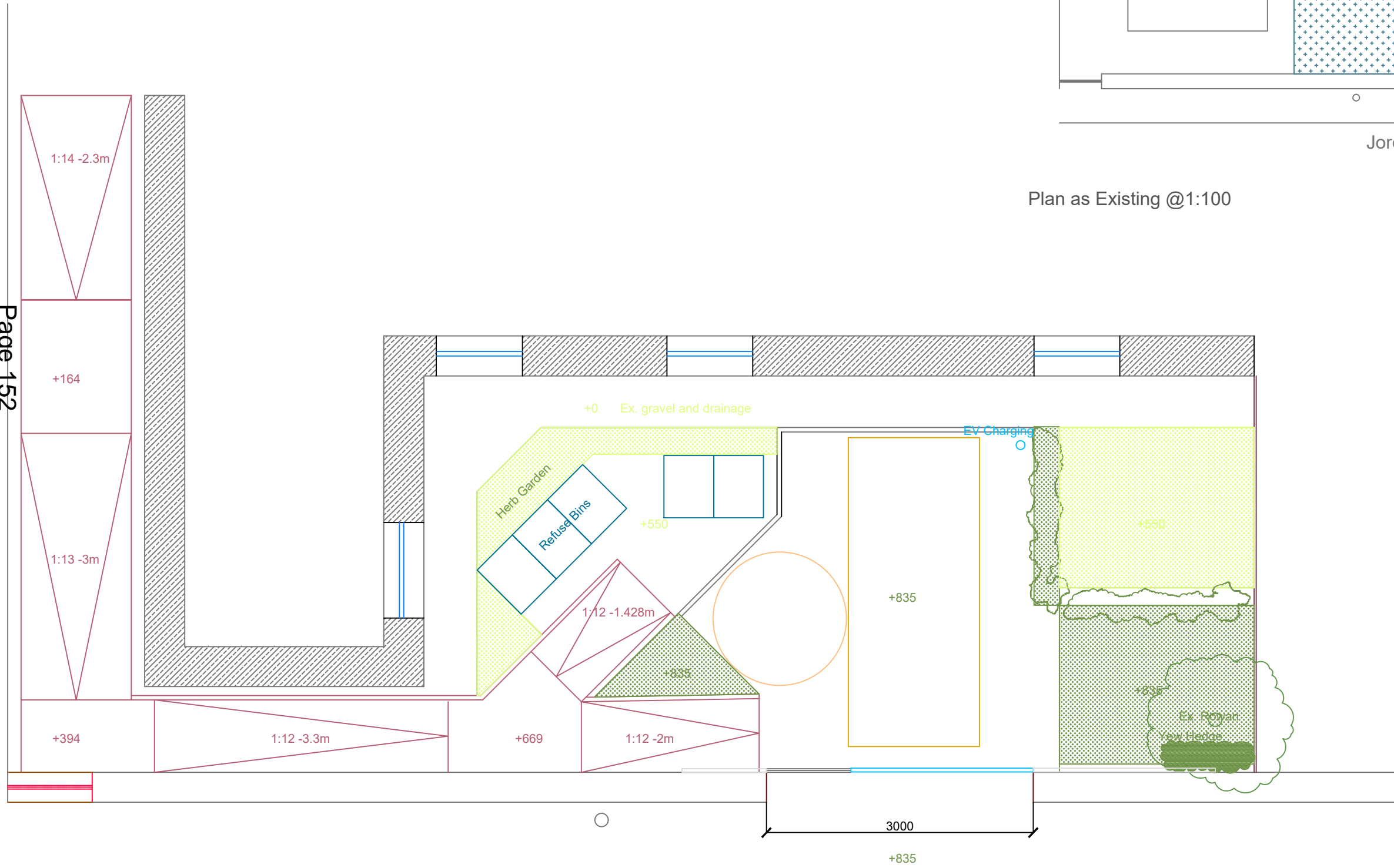


Jordan Lane

Plan as Existing @1:100



Page 152



Jordan Lane

Windows Refurbished as existing:  
All windows are refurbished as essential maintenance, with rotten timber being replaced, casement and sills repaired, slim double glazing and brush draught strips to be fitted to sashes, and any replacement to be like for like.

Front Garden:  
Existing rowan tree and yew hedge to be kept, clematis and other species of note existing to be relocated to suitable locations. Tiered garden to maximise light into ground floor windows. Low dividing hedges to edge for safety edge protection. Lower planting area to be developed as kitchen herb garden to give views from kitchen as well as hide bin storage area.

Paved area to be in rain permeable SUDS, and drained to existing drains where necessary.  
EV charging point to be provided for a small electric car.

Disabled access: turning circles, ramp and landings designed for disabled access to house, in accordance with life time homes standards where possible (only one section slightly steeper to accommodate existing level at door to side of house).

Design takes into account the significance of conservation area and is sympathetic in nature in the proposed changes. The design also considers environmental responsibility, and the proposals reflect thoughtful scrutiny for long term future adaptability and flexibility in spatial use, ease of access, electrical car charging, and planting for biodiversity. (See full Design Statement, Conservation and Accessibility Report)

Rev.	Amendment	Arr'd by	Date
 <b>Chartered Architect</b> OISA Studio • 24A Lygon Road Edinburgh • EH16 5QB 0131 516 9784 • mail@oisadesigns.com			

Project  
Access Improvement Scheme  
13 Jordan Lane EH10 4RA

Client  
Ms F Quinn

Drawing Title  
Detail Plans  
As Existing and Proposed

Job No. 18-53-C  
Dwg No. 002

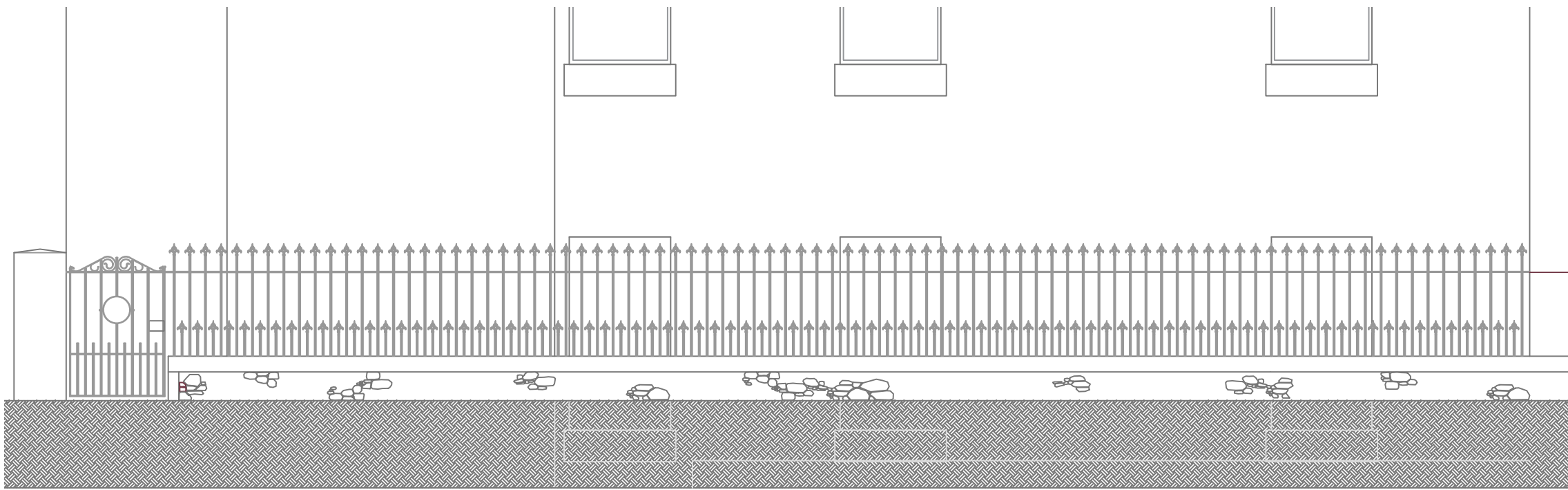
Scale @ A3 1:100 & 1:50  
Drawn By GJ:L  
Checked By

Status Planning  
Date Created 16.07.2020

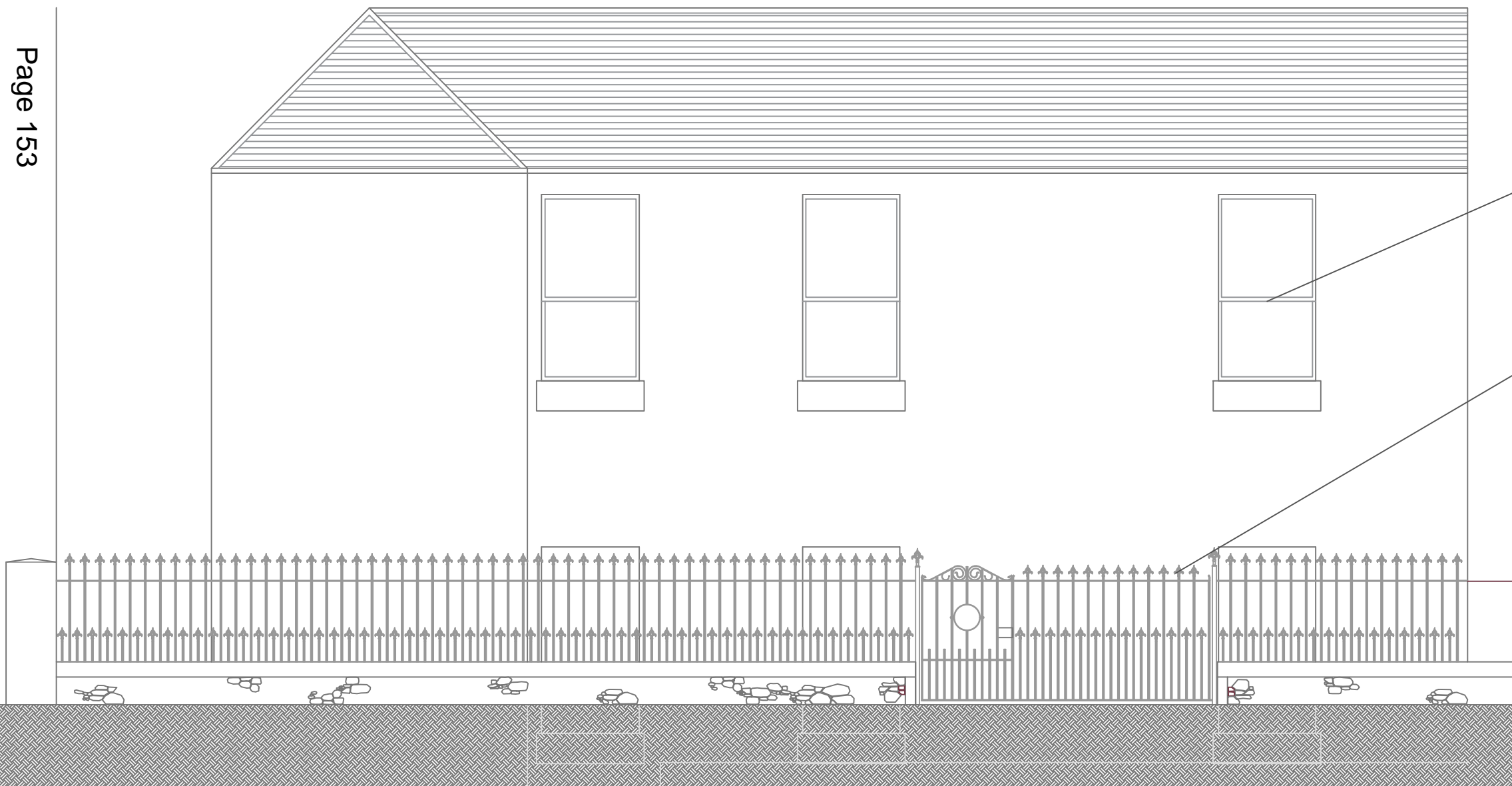
Proposed Plan @1:50



Note:  
For construction purposes, do not scale from drawings, use written dimensions only. Any scales shown or stated should be considered accurate, subject to any minor distortions caused by the printing process.



Existing Elevation



Proposed Elevation

Page 153

**Refurbish Windows**  
Repair as existing, attend to all rotten sills, casements and timber frames where necessary.  
Brush seals to draught proof windows, replace sash cords and pulley wheels where necessary. Reuse ironmongery where possible or new where necessary and add simplex hinges to allow bottom sash to be swung inwards for maintenance.  
Use slim double glazing to do windows with astragals.  
Repoint around casement with traditional sand mastic pointing, and paint windows white.

**Gate and Fence**  
Reuse existing gate to path in new location. Use existing fence from new opening to extend over the existing gate opening to ensure original fence continues without interruption. Create new sliding gate and new gate posts with matching finials to existing.

Rev.	Amendment	Arr'd by	Date
 <b>Chartered Architect</b> OISA Studio • 24A Lygon Road Edinburgh • EH16 5QB 0131 516 9784 • mail@oisadesigns.com			

Project: Access Improvement Scheme  
13 Jordan Lane EH10 4RA

Client: Ms F Quinn

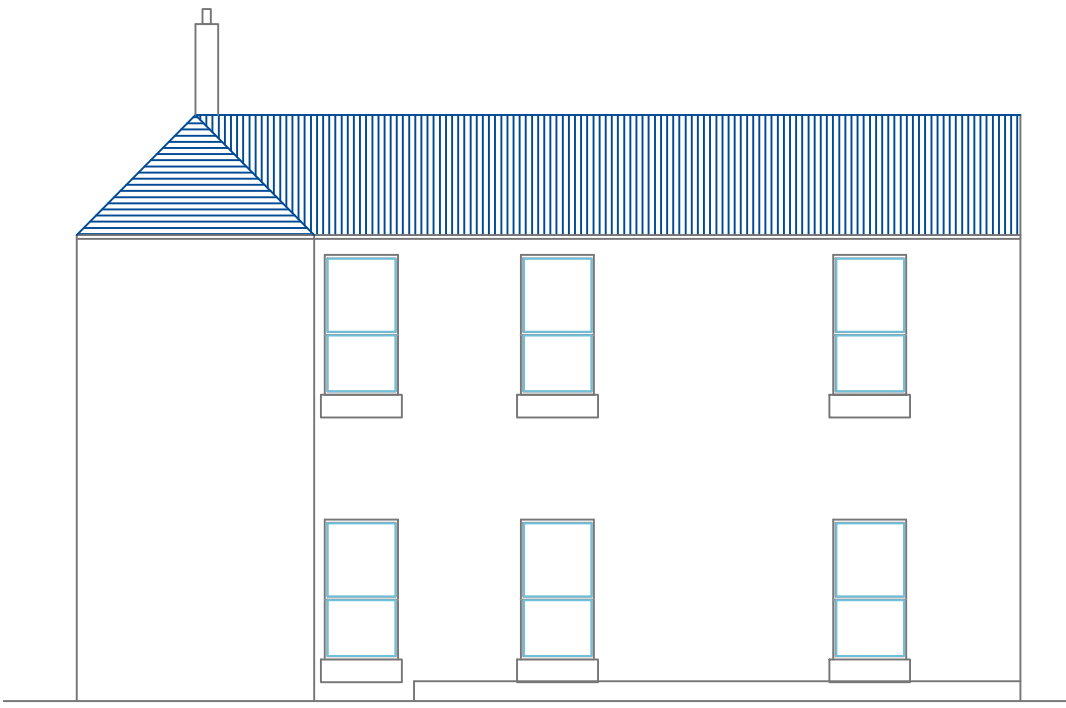
Drawing Title: Elevations  
As existing and Proposed

Job No.	18-53	Dwg No.	003	Rev.	
Scale @ A3	1:50	Drawn By	GJL	Checked By	
Status	Planning	Date Created	30.04.2021		

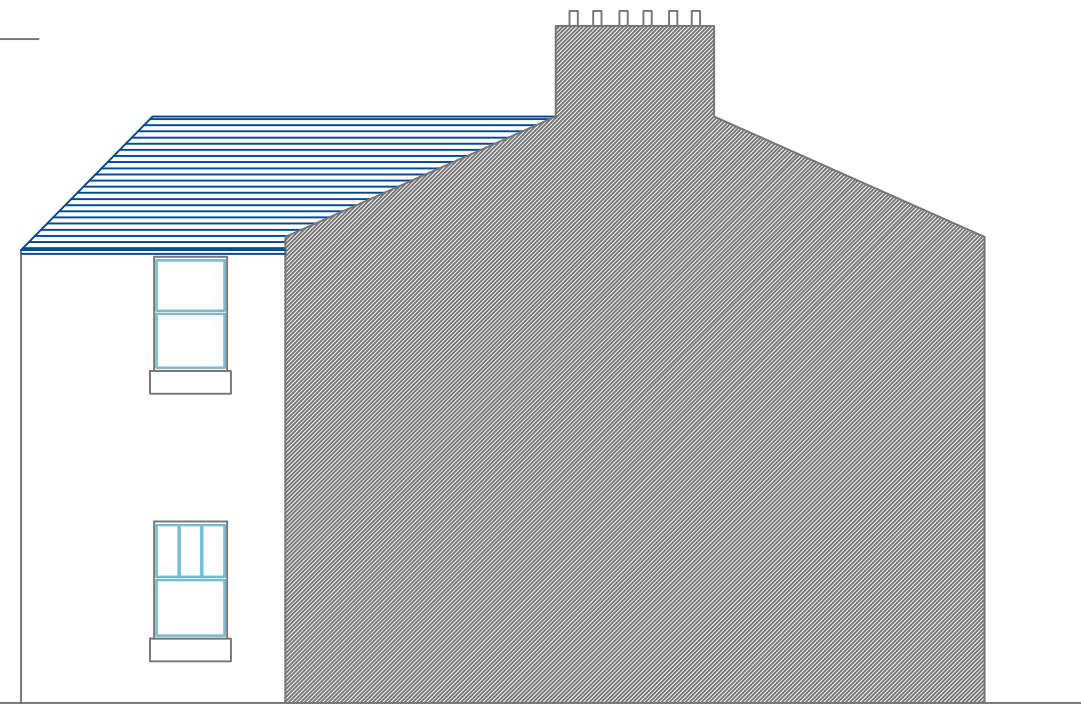
Note:  
For construction purposes, do not scale from drawings, use written dimensions only. Any scales shown or stated should be considered accurate, subject to any minor distortions caused by the printing process.

**Refurbish Windows**  
Repair as existing, attend to all rotten sills, casements and timber frames where necessary.  
Brush seals to draught proof windows, replace sash cords and pulley wheels where necessary. Reuse ironmongery where possible or new where necessary and add simplex hinges to allow bottom sash to be swung inwards for maintenance.  
Use slim double glazing to retain and preserve window astragals.  
Repoint around casement with traditional sand mastic pointing, and paint windows white.

As there will be no change to the window appearance the existing and proposed elevation remain the same.



Existing and Proposed Front Elevation (N)



Existing and Proposed Return Elevation to Front and Section through House Hatched (W)



Existing and Proposed Rear Garden Elevation (S)

Rev.	Amendment	Arr'd by	Date
		<b>Chartered Architect</b> OISA Studio • 24A Lygon Road Edinburgh • EH16 5QB 0131 516 9784 • mail@oisadesigns.com	

Project	Access Improvement Scheme 13 Jordan Lane EH10 4RA		
Client	Ms F Quinn		
Drawing Title	Elevations showing Window Repairs As existing and Proposed		
Job No.	18-53	Dwg No.	004
Scale @ A3	1:100	Drawn By	GJL
Status	Planning	Checked By	
		Date Created	30.06.2021

Whitelaw Associates.  
FAO: Tom Whitelaw  
Kitleybrig  
Kitleyknowe  
Carlops  
EH26 9NJ

Mr M Arshad And Mrs R Rifi.  
94 Lasswade Road  
Edinburgh  
EH16 6SU

**Decision date: 29 December 2021**

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

Remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extensions.  
At 94 Lasswade Road Edinburgh EH16 6SU

**Application No:** 21/05409/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 15 October 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 for the erection of an extension to the dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the Paragraph 29 of SPP - sustainable development principles - notably in relation to good design and avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

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

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

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

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 Rachel Webster directly at [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk).



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

## NOTES

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

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

# Report of Handling

**Application for Planning Permission  
94 Lasswade Road, Edinburgh, EH16 6SU**

**Proposal: Remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extensions.**

**Item – Local Delegated Decision  
Application Number – 21/05409/FUL  
Ward – B16 - Liberton/Gilmerton**

## **Recommendation**

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

## **Summary**

The proposal for the erection of an extension to the dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the Paragraph 29 of SPP - sustainable development principles - notably in relation to good design and avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. There are no other material considerations which indicate that the proposal should be granted. Therefore, the recommendation is to refuse planning permission.

## **SECTION A – Application Background**

### **Site Description**

Detached bungalow located on the west side of Lasswade Road.

### **Description of the Proposals**

The application proposes significant remodelling of the existing house, with the removal of the existing roof form, erection of side and rear extensions and formation of new gable ended roof shape with two front dormers.

Proposed materials are natural slate pitched roof with single ply membrane to flat sections, and rendered walls.

## Relevant Site History

10/01267/FUL

Form dormer windows to front and rear of house.

Granted

28 June 2010

## Consultation Engagement

No Consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 29 December 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;
- d) any comments raised have been addressed; and
- e) other considerations.

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

Non-statutory Guidance for Householders states "*Bungalow extensions should be designed in a way that retains the character of the original property and is subservient in appearance.*"

The original house, excluding the existing rear porch has a footprint of 99.5 sqm. The proposals will result in a development with a footprint of 220 sqm. The proposals will also involve the formation of a completely new roof structure, which although maintains a hipped side, will be significantly wider than the existing roof structure (existing flat ridge 2.8m wide, proposed 8.2m wide). As a result the proposed alterations cannot be described as subservient in appearance and will significantly increase the visual mass and bulk of the property in the streetscene.

Guidance for Householders also states; "*Rear extensions to bungalows should be in keeping with the existing property roof design and its ridge line should be below the ridge of the existing property. The hipped roof character of the host building should be respected. Gable end extensions will generally not be allowed unless this fits in with the character of the area, and is of a high quality innovative design.*"

The application proposes the formation of a gable ended extension, and is not an exemplar of innovative design. The applicant has provided details of other gable end extensions granted in the city. However, each case is assessed on its own merits. In this instance no justification has been made for the requirements for this roof form. The property sits in a generous plot and additional living accommodation can be formed at ground floor level.

The proposals fail to 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 new roof form will have a steeper pitch than the existing roof form to the sides. As a result proposed rooflights on the side elevations will allow for new direct views over neighbouring rear garden ground resulting from the depth of the proposed extension which extends beyond the rear main building line of neighbouring houses.

Guidance for Householders states; "*Rooflights in new extensions that are within 9 metres of the boundary may be acceptable so long as they do not have an adverse impact on the existing privacy of neighbouring properties. Any adverse impacts on privacy may be mitigated if the rooflight(s) is set at a high level above floor level (usually above 1.8 metres)*".

As the proposed rooflights will allow direct views to neighbouring properties they fail to meet guidance in terms of privacy.



In addition, the proposed new balcony to the rear will allow for useable outdoor space at high level, and overlooking neighbouring gardens. The applicant has suggested the inclusion of a screen to the sides of the proposed balcony. However this would not be sufficient to mitigate the loss of amenity to neighbours from the proposed works.

The proposals fail to comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

#### c) Equalities and human rights

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

#### d) Public comments

One neutral comment was received raising concerns about a loss of privacy and sunlight to neighbouring gardens. Comment was made to note that the proposal would require the removal of existing trees.

#### e) Other considerations

##### SPP Sustainable Development

Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old.

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 fails to accord with Paragraph 29 of SPP notably in relation to good design and avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

##### Emerging Policy Context

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

City Plan 2030 - While the proposed City Plan is 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.

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

The recommendation is subject to the following;

### **Reasons**

1. The proposal for the erection of an extension to the dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the Paragraph 29 of SPP - sustainable development principles - notably in relation to good design and avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

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

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

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

**Date Registered: 15 October 2021**

### **Drawing Numbers/Scheme**

01-05

Scheme 1

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

Contact: Rachel Webster, Planning Officer  
E-mail: [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

# Comments for Planning Application 21/05409/FUL

## Application Summary

Application Number: 21/05409/FUL

Address: 94 Lasswade Road Edinburgh EH16 6SU

Proposal: Remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extensions.

Case Officer: Householder Team

## Customer Details

Name: Mrs Alison Crawshaw

Address: 92 Lasswade Road Edinburgh

## Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I am concerned regarding my privacy and lack of sunlight in my garden. There are trees involved, but I have no objection to these being removed, in fact would encourage this.

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

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

Thank you for completing this application form:

ONLINE REFERENCE      100538201-001

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

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Whitelaw Planning and Energy		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nicolas	Building Name:	
Last Name: *	Whitelaw	Building Number:	8
Telephone Number: *	07846 836275	Address 1 (Street): *	Queen Margaret Drive
Extension Number:		Address 2:	South Queensferry
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	City of Edinburgh
		Postcode: *	EH30 9JF
Email Address: *	nwplanningenergy@gmail.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="M Arshad"/>	Building Number:	<input type="text" value="94"/>
Last Name: *	<input type="text" value="Mrs R Rifi"/>	Address 1 (Street): *	<input type="text" value="Lasswade Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH16 6SU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="94 LASSWADE ROAD"/>
Address 2:	<input type="text" value="HYVOTS BANK"/>
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="EH16 6SU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669068"/>	Easting	<input type="text" value="327790"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

Remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extensions.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See supporting documents section for statement and appendix's.

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 statement to local review body Appendix 1 - showing similar precedents Appendix 2 - showing photograph of approved dormer which overlooks neighbouring gardens.

## Application Details

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

21/05409/FUL

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

14/10/2021

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

29/12/2021

## 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 Nicolas Whitelaw

Declaration Date: 22/02/2022

## **Request to the Local Review Body at the City of Edinburgh Council (within the terms of (The Town and Country Planning (Appeals) (Scotland) Regulations 2013))**

In respect to the refusal to grant planning permission to *remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extension*, 94 Lasswade Road, Edinburgh.

Planning Reference: 21/05409/FUL

Address: 94 Lasswade Road, Edinburgh, EH16 6SU

### **Summary of Appeal**

The planning application was refused on the basis of the following:

*1. The proposal for the erection of an extension to the dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non- statutory Guidance for Householders. Furthermore, the proposal does not comply with the Paragraph 29 of SPP - sustainable development principles - notably in relation to good design and avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

We formally object to the reasons given above in refusing planning permission on the basis that:

1. The design complies with all planning and design guidance and technical criteria;
2. The majority of the proposed development including the new gable is at the rear of property and obscured from Lasswade Road;
3. There are examples of recent similar precedents of extending and alternating bungalows with rear gables throughout the city of Edinburgh.
4. The windows are to allow light into rooms rather than promote outward views, and avoid directly overlooking neighbours openings.
5. Lack of complete privacy and overlooking neighbouring properties are inevitable in suburban locations - the neighbours considered the proposed development as being acceptable in terms of their amenity.

### **Site context**

There are a variety of different housing types and densities along Lasswade Road from Victorian and Edwardian town house villas to 1940s bungalows, of which 94 Lasswade Road is one. Across the street is the former Mount Alvernia Convent and RC Church which has now been converted to residential use, along with new housing and flatted buildings within the grounds. Immediately adjacent to the west part of the property is the 1950's council flats and houses located along Gracemount Avenue.

### **Planning History**

Planning permission was granted in 2010 to form Dormer windows to front and rear of house (10/01267/FUL). These changes have since been enacted.

## **Planning Policy**

### Scottish Planning Policy

The following aspects of SPP are considered relevant when assessing the proposed development.

Part of paragraph 29 was quoted by the planning officer as a reason for refusal: *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

We completely refute the implication that the proposed development constitutes over-development or would negatively impact upon the amenity of existing development. In addition, we believe that the proposed development is an example of good design in terms of proportions, materials, aesthetics and practical living.

However, the same paragraph 29 states *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities.*

Paragraph 44 of the SPP goes on to state the following in relation to Adaptable qualities of place - *This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.*

### Edinburgh City Plan 2020

The following policy of this Local Development Plan was used to justify refusal of planning permission:

#### *Policy Des 12 - Alterations and Extensions*

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

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building*
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties*
- c) will not be detrimental to neighbourhood amenity and character*

### Edinburgh City Plan 2030

This emerging and although not yet adopted policy document is nevertheless still a material consideration. Policy Des 12 of the current LDP will eventually be superseded by

*Env 5 - alterations, extensions and domestic outbuildings.*

*Planning permission will be granted for alterations, extensions and domestic outbuildings which:*

- a. in their design and form, choice of materials and positioning are compatible with the character of the existing building*
- b. will not result in an unreasonable loss of privacy or natural light to neighbouring properties*
- c. will not be detrimental to neighbourhood amenity and character*
- d. For extensions and outbuildings, it is additionally required that proposals:*
- e. retain and provide green/blue infrastructure including trees, biodiverse vegetation and habitat*
- f. sustainably handle rainfall, by incorporating measures such as rain gardens and green/blue roofs to off-set development on permeable ground.*

#### Edinburgh Guidance for Householders - November 2021

This guidance document states

*Bungalow extensions should be designed in a way that retains the character of the original property and is subservient in appearance.*

*Extensions must not imbalance the principal elevation of the property.*

*Rear extensions to bungalows should be in keeping with the existing property roof design and its ridge line should be below the ridge of the existing property. The hipped roof character of the host building should be respected. Gable end extensions will generally not be allowed unless this fits in with the character of the area, and is of a high quality innovative design.*

Partially hipped side extensions to bungalows are not generally supported.

We believe that proposed development adheres to the criteria contained within the above policy as the character of the original bungalow would still be retained especially from the principal elevation. Essentially the proposal is to deepen the property whilst maintaining the original width, and appearance of a hipped roof from the principal elevation. This gives the impression that the extension is subservient to the original property in appearance. The gable end is located at the rear of the building and not the side elevations, and mirrors the gable end of the property at number 98. This gable end would be largely obscured to residents living along Gracemount Avenue by virtue of the existing mature conifer hedge at the western end of number 94 garden.

#### **Precedents**

The agent and designer of the proposed development has gained planning permission for similar proposals across the city of Edinburgh in recent years. Whilst each application is

assessed on its own individual merits we believe that these examples are a valid comparison, and highlight the inconsistency of refusing this application.

Examples of these comparable applications with gable ends which have gained planning approval include:

18/10385/FUL - Alterations and extension to existing house - material variation of approved scheme 16/03117/FUL. 20 Kekewich Avenue

20/02439/FUL - Form new side and rear single storey extensions to existing house and form new roof over. 82 Wakefield Avenue

20/05678/FUL - Alter and extend existing detached house. 97 Glasgow Road

21/00978/FUL - Form new rear extension to existing house. 39 Drum Brae North

Appendix 1 shows the above application sites and their immediate surroundings, which give an indication of nearby features such as gable end properties. Although some of these examples are up to four years old we do not believe that the policies and guidance have altered significantly within this timeframe.

## Summary

We hope to have demonstrated that the proposed development does not have an unacceptable impact on the local setting or density of buildings in context of its amenity, but in fact actually complies with and gives effect to all the relevant various policies and technical guidance.

In the report of the handling the planning officer states *The application proposes the formation of a gable ended extension, and is not an exemplar of innovative design.* We would argue that the design does not need to be 'innovative' but should reflect the local context - there is a rear gable at 98 Lasswade Road. The current original building is hardly indicative of innovative design itself. This gable extension is not on a prominent elevation and would only be visible from the western elevation. In the report of handling for the aforementioned application 21/00978/FUL the planning officer stated "... gable to rear. However, this will be visible from public view points". We feel that this principle also applies in this instance.

As previously stated there is a variety of housing along Lasswade Road with single storey, two storey properties and room in roof properties such as some of the bungalows. Of the bungalow properties there are no identical designs or layouts and therefore is considerable variation, although viewed from the prominent western elevation along Lasswade they all share a hipped roof design. The proposed new roof would retain this feature on the elevation with Lasswade Road. There is an example of a rear gable end roof two doors down at 98 Lasswade Road. There are variations in terms of roof pitch angles throughout the surrounding area.

The eastern roof pitch would still maintain a 45 degree pitch whilst there would be an increased pitch to 60 degrees on the north and south pitches.

There is an already existing velux roof light on the northern elevation, the addition of two new velux windows on this aspect would have little impact on the privacy of number 92 as the windows would directly face the southern side wall of number 92, which only has one window on the first floor near the front of the dwelling.

The five velux windows on the southern elevation would not directly overlook number 96, and all windows are intended to allow light to flow into the property rather than invite outward views.

Three of the side elevation windows would be for wetrooms and therefore incorporate obscured glass.

High fences and established vegetation on both the north and south perimeters help maintain the neighbouring residents privacy to a degree. In any scenario where there are detached properties with first floors and gardens full privacy is almost impossible to achieve. For example, the current rear dormer of number 94 will have some outlook over both the gardens of the neighbouring gardens, although less so with properties on Gracemount Avenue by virtue of the established conifer hedge.

It is almost impossible to achieve complete privacy and avoid overlooking neighbouring properties and gardens for dwellings located with enclosed residential areas - I have attached a photograph in appendix 2 taken from the rear door of my property which shows a recently completed large dormer window as part of attic conversion (21/03010/FUL) which now allows the occupants of number 40 Station Road, South Queensferry to see considerably much more of their neighbouring properties and gardens. The planning officer considered that this was acceptable. Similar developments can be carried out under permitted development.

The question is therefore what is considered acceptable - in this instance the neighbours considered that the proposed redevelopment would not have an acceptable impact to their amenity in terms of privacy and overlooking. Whereas the planning officer disagreed. There is no indication that a site visit took place.

The proposed balcony would inevitably lead to some parts of neighbouring gardens being overlooked, but no more so than the current rear dormer. There will always be elements of being overlooked by neighbouring properties in the context of enclosed gardens in urban and suburban areas. In order to minimise this, the applicants designer proposed to include some additional balcony screening to reduce overlooking neighbouring properties, but this was dismissed by the planning officer - the applicant would accept balcony screening as part of any planning condition.

In essence, the proposal is to upgrade and remodel the property, which is in need of renovation so it can provide for and address the needs of a growing family.

There have been no objections to the proposed development from any parties including residents of adjacent properties, and the proposal complies with all relevant policy, guidance and technical criteria.

**Request to Local Review Body:**

We ask that the Local Review Body consider the above arguments in light of the current situation, and review the planning application to remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extension, 94 Lasswade Road, Edinburgh.

within the terms of The Town and Country Planning (Appeals) (Scotland) Regulations 2013.

Nicolas Whitelaw MRTPI

Agent acting on behalf of Mr M Arshad and Mrs R Rifi

21st February 2022



Gable end





20 Kekewich Avenue- 18/10385/FUL



Page 178

Gable

39 Drum Brae North 21/00978/FUL



97 Glasgow Road 20/05678/FUL



82 Wakefield Avenue 20/02439/FUL

Gable

Rear dormer at 40 Station Road taken from 8 Queen Margaret Drive.



This page is intentionally left blank

Currie Properties Ltd.  
FAO: Jane Gilbert  
Old Dairy House  
Dundas Home Farm  
Edinburgh  
EH30 9SS

**Decision date: 25 January 2022**

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

Erection of 4-5 bedroom house. The erection of a detached 2 car garage.  
At Land 20 Metres East Of The Old Dairy House Dundas Home Farm South  
Queensferry

**Application No: 21/04768/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 13 September 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 policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed

in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.

3. The proposal is contrary to LDP policy Des 1 as the proposal would be damaging to the character and appearance of the area around it.
4. The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.
5. Inadequate information has been submitted to prove that the development will not increase a flood risk or be at risk of flooding itself. The proposal does not comply with LDP Policy Env 21.
6. The proposal is contrary to LDP policy Des 4 as the proposal would not have a positive impact on its surroundings.

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

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

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

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings and does not comply with LDP policy Des 1 or Des 4. Insufficient information has been provided to show that the proposal will not increase a flood risk or be at risk of flooding itself.

The proposal does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly at [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk).



A handwritten signature in black ink, appearing to read 'D. G. ...', with a long horizontal flourish extending to the right.

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

## NOTES

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

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

∴

# Report of Handling

**Application for Planning Permission  
Land 20 Metres East Of The Old Dairy House, Dundas Home Farm,  
South Queensferry**

**Proposal: Erection of 4-5 bedroom house. The erection of a detached  
2 car garage.**

**Item – Local Delegated Decision  
Application Number – 21/04768/FUL  
Ward – B01 - Almond**

## **Recommendation**

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

## **Summary**

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings and does not comply with LDP policy Des 1 or Des 4. Insufficient information has been provided to show that the proposal will not increase a flood risk or be at risk of flooding itself.

The proposal does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site lies to the east of The Old Dairy House and to the south of Dundas Home Farm. There are a number of mature trees associated with the Dundas Castle estate which bound the site to the south. A low stone wall and large hedge forms the site's northern boundary, beyond which is an unnamed access road.

The surrounding area is rural in nature and predominantly comprises a mix of agricultural and residential uses. To the north is Dundas Home Farm (formerly Newbigging Steading) which was converted into residential use around 2005.

There are two listed building to the north / north west of the site: category C listed Dundas Home Farm (former Newbigging Farmhouse) (listed on 30 January 1981, ref: 5521) and the category B listed Dundas Home Farm (former Newbigging steading) (listed on 30 January 1981, ref: 5520).

To the east of the site planning permission was granted for the erection of a house under 19/05483/FUL.

The centre of South Queensferry is located approximately 1.4 km from the site.

The site is located within the Edinburgh Green Belt, a Site of Importance for Nature Conservation and the Dundas Castle Designed Landscape.

### **Description Of The Proposal**

This application is for the erection of a new dwelling house on land to the east of the Old Dairy House. This would be sited between the Old Dairy House and the site of the new house granted in 2019.

The new house would be 1 and half storeys in height with a total floor area of 205 square metres. The proposed building is relatively traditional in style and materials.

### **Relevant Site History**

20/05686/FUL

Erection of a 4-5 bed house with detached 2 car garage with new access from Dundas Home Farm.

withdrawn

1 March 2021

### **Consultation Engagement**

Edinburgh Airport Ltd

Archaeologist

Environmental Protection

East Of Scotland Water

Transportation Planning

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 23 September 2021

**Date of Advertisement:** 1 October 2021

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 15

## **Section B - Assessment**

## Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

## Assessment

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

- a) The proposal will have a negative impact on the setting of a listed building;
- b) The principle of the development is acceptable;
- c) The landscape impacts are acceptable;
- d) The proposed scale, form and design are acceptable;
- e) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) The proposal raises any issues in respect of archaeology;
- g) The proposal raises any concerns in respect of parking or road safety;
- h) The proposal raises any concerns in respect of flood prevention;
- i) Other material considerations have been addressed; and
- j) Any public comments received have been addressed.

### a) Impact on Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic

structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building or to its setting.

The Farmhouse to the west of the application site is C listed and the former Steading to the north of the site is B listed (ref: LB 5520, date listed: 30/01/1981).

Given the boundary treatments demonstrated in the site plan it is concluded that the boundary treatments and vehicle access arrangements are acceptable in protecting the setting of the listed buildings.

The proposal complies with LDP Policy Env 3 (Listed Buildings - Setting) and the HES Managing Change guidance.

#### b) Principle of Development

The site is designated as being within the Green Belt in the adopted Edinburgh Local Development Plan (LDP). Policy Env 10 of the LDP states that within the green belt and countryside shown on the proposals map, development will only be permitted where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the rural character and landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes, and a countryside location is not an essential location for the construction of a dwelling house. The proposed development of a dwelling house would create a new planning unit which is unrelated to the existing use or any other buildings within the site. In addition, the proposal does not involve the replacement of an existing building with a new building of the same use.

The proposal therefore does not comply with LDP policy Env 10.

The Edinburgh Guidance for Development in the Countryside and Greenbelt states that *New houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings.*

The site is not brownfield land. The proposal is not a gap site as it is currently part of a fully enclosed residential garden.

Having regard to the above, there are no exceptional planning reasons for approving a new house in this location. Although the development of a new house would contribute to housing targets, the sporadic development of the greenbelt is not acceptable. The proposal does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt. The proposal has not been identified as an area for strategic housing development in the Local Development Plan and as such the principle of the development is unacceptable.

In addition, the proposals fail to comply with LDP Policy Hou 1 as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

There are no material considerations that justify approval.

### c) Impact on Landscape, Wildlife and Trees

**Landscape** - The Dundas Special Landscape Area skirts the northern boundary of Home Farm and Steading to the south of the A90. The SLA encompasses to the south the extensive, wooded, designed landscape, centred around the low rise of Dundas Hill and country house of Dundas Castle. Dundas Castle is recorded within the Inventory of Gardens and Designed Landscapes in Scotland.

From the wider landscape, the site is screened to the south, east and west by mature, deciduous woodland and to the north by the A90 embankments. This cluster of former agricultural buildings and dwellings are briefly visible from the B800 on the A90 overbridge. The Old Dairy House appears to have been established on the estate woodland and is shown as an open area in 1940s aerial imagery. The main Ancient Woodland of Long Established Plantation Origin lines the drive from North Lodge to Dundas Castle further to the south.

Whilst the proposed development will alter the character of existing garden associated with the Old Dairy house, it is not likely to affect the land cover or core area of the Special Landscape Area (SLA) in terms of the balance of ornamental gardens, parkland or woodlands, nor the wider rural character of the area. Due to the enclosed nature of the site, visibility from the wider surroundings, core areas of the designed landscape and setting of adjacent listed buildings would be limited. It is not considered that residential development on this site at this scale would have an adverse impact on the special characteristics of the SLA.

The proposal complies with LDP policy Env 11.

**Trees** - The site does not lie within a conservation area nor are any trees nearby covered by a TPO. It is apparent that the site has been cleared of trees. There is only the large hedge now present to the front of the site. It is noted, however, that there is a domestic treatment plant proposed to the rear of the site that would be within 12 metres of the trees to the south. If the application was to be approved, it is recommended that further details relating to the positioning of this tank be conditioned for the approval of the Council and the tank be repositioned further away from the trees to ensure that it will do them no harm.

**Wildlife** - The application site has been identified as a location of notable wildlife species. A preliminary Ecological Assessment (PET) was submitted with the application. This states that the development will not harm any protected species.

The proposal complies with LDP policy Env 16.

#### d) Scale, Form and Design

Policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based upon an overall design concept that draws upon the positive characteristics of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

The site is characterised by an agricultural feel. Despite the redevelopment of the farmhouse and the old steadings for mixed business and residential use, the buildings have retained a sense of their former use as agricultural buildings and the rural character of the area is generally preserved

The proposed development would be very similar in scale and design to that which was granted planning permission on the neighbouring site under 17/00681/AMC. It is also acknowledged that a larger dwelling has now been approved at the adjacent site under 19/05483/FUL.

It is noted, however, that the dwelling granted consent under 19/05483/FUL will be located a greater distance away from the Dairy House building and does not read as over development of the overall garden. However, the traditional relationships of farmhouse to steading and other ancillary buildings will be lost with the introduction of another house into the grounds of the Dairy House. This will create a mini housing estate with suburban characteristics when read with the existing building and the new house approved to the east. The proposal does not draw on the positive open rural character of the green belt and does not have regard to the open green character and spacing of the site. It represents an overdevelopment of the garden ground of the Old Dairy House and is contrary to policies Des 1 and Des 4.

It is further noted that the scale of the elevation drawings submitted in relation to the proposed garage does not match that of the garage floor plans.

#### e) Amenity

Policy Des 5 Development Design - Amenity states that permission will be granted for development where it is demonstrated that the amenity of neighbouring properties is not adversely affected and that future occupiers have acceptable amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The proposed dwelling would meet the requirements of the Edinburgh Design Guidance in terms of the provision of adequate floorspace, and internal living



environment for future occupiers. Likewise, the proposal will have sufficient garden ground for the amenity of occupiers.

The proposal will not result in the loss of daylight to neighbouring windows. Given the height of the proposal and its orientation in relation to neighbouring properties, it will not materially overshadow neighbouring amenity space. Guidance states that where windows will look on to neighbours that a minimum distance of 9 metres should be maintained from common boundaries. The proposed dwelling has one upper level window in its west facing elevation. This would, however, only overlook the applicants substantial garden ground at approximately 8 metres from the boundary. The proposal would not result in an unreasonable loss of neighbouring amenity and is acceptable in this regard.

Whilst the site plan does not show the neighbouring house approved to the east, the proposal is acceptable in terms of impact on its amenity.

The proposal complies with policy Des 5.

#### f) Archaeology

The Councils archaeologist was consulted as part of the assessment of the application. He stated that he had no comment to make on the application. Therefore, there are no known significant archaeological implications in regards to this application.

#### g) Parking and Road Safety

Policies Tra 2 - Private Car Parking and Tra 3 - Private Cycle Parking state permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

The Roads Authority had no objections to the application as long as certain conditions or informatives were applied to the consent. If the application was to be approved it is recommended that these be applied.

Cycle parking can be adequately provided within the site.

The proposal complies with LDP policy Tra 2 and Tra 3.

#### h) Flooding

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

The SEPA flood maps do not identify this area as being at risk of flooding. However, the applicant has not provided a Surface Water Management Plan (SWMP). If the application was to be approved it is recommended that a condition requiring a suitable SWMP be attached to the consent.

## i) Other Material Considerations

The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.

### *Emerging Policy Context*

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

City Plan 2030 - While the proposed City Plan is 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.

## j) Public Comments

### **Material Representations - Objection:**

- Proposal does not comply with LDP policy Env 10. -This is addressed in section 3.3b
- Impact on the setting of listed buildings- This is addressed in section 3.3a
- Overdevelopment of the site- This is addressed in section 3.3d
- Impact on trees and protected species- This is addressed in section 3.3 c

- Road and pedestrian safety concerns- This is addressed in section 3.3 g
- Inappropriate design and scale- This is addressed in Section 3.3d
- Same application as before- The design is materially different to that previously refused.

**Non Material Representations - Objection:**

- Legal concerns over land ownership- This is a civil matter
- Construction and noise and disruption- This is not a material planning consideration

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

The recommendation is subject to the following;

**Reasons**

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.
3. The proposal is contrary to LDP policy Des 1 as the proposal would be damaging to the character and appearance of the area around it.
4. The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.
5. Inadequate information has been submitted to prove that the development will not increase a flood risk or be at risk of flooding itself. The proposal does not comply with LDP Policy Env 21.
6. The proposal is contrary to LDP policy Des 4 as the proposal would not have a positive impact on its surroundings.

**Background Reading/External References**

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

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

**Date Registered: 13 September 2021**

**Drawing Numbers/Scheme**

01, 02a, 03a, 04a, 05, 06

Scheme 1

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

Contact: Robert McIntosh, Planning Officer  
E-mail: [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk)

## Appendix 1

### Consultations

NAME: Edinburgh Airport

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:

#### Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

NAME: Archaeologist

COMMENT: Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of 4-5, bedroom house. The erection of a detached 2 car garage.

An archaeological evaluation by ARCHUS, in relation to application 16/04410/PPP, indicated that the garden grounds to the east of the Dairy House had been significantly landscaped in the 19th/20th centuries. Accordingly, it has been concluded that the potential for disturbing significant insitu remains during this development is low. Therefore, there are no known archaeological implications regarding this application.

Please contact me if you require any further information.

NAME: Environmental Protection

COMMENT: I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

NAME: Flood Planning

COMMENT: Thank you for the consultation request. Unfortunately, there is limited information on the portal for me to review.

As the online indicative SEPA flood maps identify no flood risk to the site, a Flood Risk Assessment will not be required.

However, a Surface Water Management Plan (SWMP) will be required to confirm how surface water runoff from the site will be managed. This should be prepared in line with the self-certification scheme guidance - details of which can be found at the link in my signature. As a minimum, the SWMP should confirm the following:

1. Confirmation of where surface water runoff from the site will discharge to.

2. Confirmation of how surface water is being attenuated and treated through SuDS. We recommend considering above ground surface water attenuation and treatment features. Above ground features that are integrated into the landscape, allow for easier maintenance and identification of potential reduction in storage capacity or blockages. SuDS features that encourage evapotranspiration and infiltration also have the potential to reduce the volume of surface water discharging from the site. We are also keen to see SuDS features that encourage wider benefits such as biodiversity and placemaking improvements.

3. Please identify existing and proposed ground level surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outside of the site and from events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. First, to understand if there is any significant re-direction of surface flows to surrounding land. Second, to identify if surface water will flow towards property entrances and sensitive receptors.

4. Please provide a SWMP checklist. A copy of the checklist can be found at the link below. The checklist provides a summary of the information provided to support this application.

o <https://www.edinburgh.gov.uk/downloads/file/22712/surface-water-management-checklist>

o

5. Please provide a signed copy of the declaration certificate A1, provided on page 13 of the link below:

o <https://www.edinburgh.gov.uk/downloads/file/22711/flood-risk-and-surface-water-management-plan-requirements>

NAME: Scottish Water

COMMENT: Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

There is currently sufficient capacity in BALMORE Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

#### Waste Water Capacity Assessment

Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

#### Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

NAME: Natural Environment

COMMENT: No formal response received.

NAME: Roads Authority

COMMENT: Summary Response

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

1. A maximum of one car parking space to be provided;
2. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);
3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
4. Any gate or doors must open inwards onto the property;
5. Any hard-standing outside should be porous;
6. The works to form the footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits on the Councils website.
7. Passive provision should be made so that a charge point can be added for a future electric car charging point, i.e a 7 kw socket.

Full Response

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

1. A maximum of one car parking space to be provided;
2. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);
3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
4. Any gate or doors must open inwards onto the property;
5. Any hard-standing outside should be porous;
6. The works to form the footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits on the Councils website.
7. Passive provision should be made so that a charge point can be added for a future electric car charging point, i.e a 7 kw socket.

Notes;

Car parking: To comply with the 2020 standards (Edinburgh Street Design Guidance), a maximum of one car parking space per dwelling is permitted. Measures such as planters should be in place to discourage parking in excess of this in large paved areas.

Cycle parking: Provision for cycle parking is available in the garage.



# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Craig Burnett

Address: 7 Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application 21/04768/FUL (previously 20/05686/FUL and 19/05253/FUL)

The application is essentially the reapplication of a proposal, which has been previously reviewed and rejected in September 2020 (Application No: 19/05253/FUL). From a review of the previous application and associated decision notice (Ref LBR/6.2/BR), it is clear than none of the reasons for the correct refusal of the original planning application have been addressed in the most recent application. It is also not clear why the applicant is following a reapplication process and not the correct process of appeal to the original decision given it is the same parties involved.

The protection of green belt sites in the community is extremely important, and exploitation of this site for development serves no purpose outside of commercial gain for the applicants. There is an abundance of new housing being developed in the South Queensferry area for families and it is critical that we retain the remaining green areas for the enjoyment of the community. The community at large utilise Dundas Home Farm lane and access to the wider estate on a very regular basis, and they do so because of the rural setting and character, which would be significantly detracted from should planning permission be granted for this house.

In the application it details the development of the area, however what it fails to detail is that the conversion of the listed steading building was completed in line with listed building consent and that the development itself allowed for the retention of the rural aspect of the area, did not required any additional driveways onto the lane servicing Dundas Home Farm, and that the design of any additional structures meant that the rural character of the area was maintained. The proposed house within the application achieves none of these key points and is therefore in direct contradiction with Planning Des.4 Development and Design-Impact on setting.

The application does not comply with Policy Des 1; Design quality and context. In that there is no substantiated reason within the application as to why development on a green belt site should be permitted.

When considered with the existing approved application for development on the site by the applicants for a 5 bedroom house, the two additional driveways would all but remove any on street parking amenity. The parking is used extensively the by both residents and the general public when accessing Dundas Estate.

Within the documents attached, specifically the 'Road Access Proposals' it details the requirement for the vegetation / fence to be of a height lower than 1.09 meters to meet the visibility standard and that this is achievable as the land is within the control of the applicant. However, it is later documented within the covering letter that the land is 'not owned by or form any part of the garden of the Old Dairy House' and therefore there is no provision to ensure that visibility requirement is met and therefore this does not in fact meet the standards detailed within this report, nor could it be ensured on an ongoing basis as the two land areas are under separate ownership.

Also, there is a relatively meaningless environmental report given the site has been all but cleared of the existing trees. This point was detailed in previous objections to the development (and the subsequent appeal).

**From:** [Robert McIntosh](#)  
**To:** [Planning Support](#)  
**Subject:** Objection to Planning application 21/ 04768/ FUL  
**Date:** 05 October 2021 08:59:34

---

Hi

Could the below please be registered as a neighbour objection to the above?

Kind Regards

Robert

Robert McIntosh  
Planning Officer  
Locals 2

Planning | Sustainable Development | Place Directortate | The City of Edinburgh Council | Waverley Court, 4 East Market Street, Edinburgh.

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.

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 04 October 2021 19:07  
**To:** Robert McIntosh <[Robert.McIntosh@edinburgh.gov.uk](mailto:Robert.McIntosh@edinburgh.gov.uk)>  
**Subject:** Planning application 21/ 04768/ FUL

Robert Macintosh  
Planning Officer  
Edinburgh City Council  
4, East Market Street  
Edinburgh EH 8 BG

Ref. planning application 21/ 04768/ FUL

Dear Sir,

I sent an objection to this application on the planning portal, but after sending it received a 'timed out' message so now am uncertain if the message was received. Therefore I am writing it again by email .

I wish to object to the re-application for a 4/5 bedroom house to be constructed on land at Dundas Home Farm South Queensferry. The previous application was withdrawn, but the objections posted then still apply.

1. The house does not fulfil planning criteria as it will be a new development in a greenfield location - not one for agriculture, forestry or country pursuits.
2. The house will be located adjacent to a Steading of B and C listed properties within an area designated by Historic Scotland as Garden and Designed Landscape, and detracting as it does from the architectural appearance of the surroundings, will have a detrimental impact on the area.
3. There are concerns about access to the property, requiring as it will, an additional entrance onto Dundas Home Farm, with restricted visibility. This will also incur the loss of street parking for local residents and visitors ( spaces currently used by the applicant). There are already concerns about parking and excess traffic along the single track road.

Ironically, this has been highlighted this week after work began to clear the site for the applicant's first project, a house some 20 metres further along the lane. Contractors' vehicles have been parked on the verges, reducing passing spaces and this morning caused a complete blockage of the lane while depositing materials. This site, which was once a wood, is now a gaping hole. So this is what we can expect if permission for the second house

is granted.

4. The loss of woodland has been a real cause for concern. For the purposes of his development plans, the applicant has felled much of the surrounding woodland, once home to protected species (e.g bats and badgers.)

5. The applicant's first application ( ref. 19/05253/FUL) , was rejected on, among other things, the grounds of ' over development and suburbanisation' of the site. This current plan may be of a reduced size but nothing in this application alters those facts.

6. The applicant attests that Dundas Home Farm has already undergone 'development', but his comments are disingenuous and misleading. The steading was converted some 18 years ago and is built on the footprint of the original farm buildings to strict listed building conditions. Any work undertaken within residents' properties has had to comply with these conditions.

7. Queensferry is currently undergoing massive housing development by the major companies, resulting in the loss of green space. It is important to keep the Dundas estate free from development.

So for all these reasons we think the application should be rejected.

Regards,

Elizabeth Bloy.

15, Dundas Home Farm

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Matthew Raftery

Address: The Farmhouse Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs

We object to this application.

As a preliminary point we note the covering letter refers to 'Permission to erect a 4-bedroom house at Land 20mts West of The Old Dairy House': as the remainder of the application relates to land immediate to the East of the Old Dairy House, we assume this to be a typo but, if there are plans to construct further properties, these should be set out.

In short, this appears essentially the same application as 19/05253/FUL that was rejected at first instance and on review (20/00065/REVREF) and 20/05686/FUL that was withdrawn. Although there may be minor alterations, the principle of construction of a substantive dwelling at this location remains. It seems odd to us that such a similar application can be considered in light of the refusal on review a year ago.

Should consideration of this application be permitted, we maintain our objections to the applications (copied below) and ask that they be incorporated into this objection.

To reiterate, this is an application for the construction of a considerable dwelling in what was, until recently, a wooded domestic garden. It is in, and surrounded by, green belt land and no reason has been given as to what such should be permitted. The development would constitute urban creep and would, for the reasons below, alter the character of the area pulling it further away from the protected and regulated historic conversion for which permission was initially granted.

We note below a number of areas where we disagree with the applicant's 'characterisations'. We

also query the statement that the plot 'Is not owned by... the Old Dairy House'. Whilst we do not have visibility on all land ownership we assume the Old Dairy House is owned by Jane and/or Colin Gilbert (Jane Gilbert is listed as owner in previous applications). The applicant is Jane Gilbert of Currie Properties Ltd. Currie Properties is 100% owned by Jane Gilbert. If there is not direct ownership there appears to be a very close relationship and/or control.

We again request the application be refused.

Kind regards

Matthew and Claire Raftery  
The Farmhouse, Dundas Home Farm

#### Customer Details

Name: Mr Matthew Raftery

Email: [REDACTED]m

Address: The Farmhouse Dundas Home Farm South Queensferry

#### Comments Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Dear Sirs

We have not been consulted on this application but wish to object (the application is in the immediate vicinity of our property).

The application appears to be a re-run of a recent application that was rejected at first instance and on review (19/05253/FUL - 20/00065/REVREF), albeit with some minor alterations as to ownership and the change from a 5 bedroom detached house to a 4/5 bedroom detached house. We maintain our objections to that application, which we copy below (review only, the original objection can be provided if required).

We disagree with the applicant's characterisation of the area as being one of substantial development. Without wishing to repeat what we set out below, the area is a heavily protected (listed, special interest areas etc) residential development of converted farm buildings situated within Green belt and between farmland and the woodland of the Dundas estate. The application appears to us an example of urban creep and the area is clearly outwith the recent development in the South Queensferry area. The construction of a substantial residential dwelling is entirely out of character for the area and will have a detrimental effect on it. This is particularly the case where

permission has already been granted (on review and over objections) for a substantial dwelling in the previously wooded garden of the applicant's property. The other 'garden office' developments highlighted by the applicant are of a far different magnitude to the construction of an entirely new dwelling and permission for the 'stables complex' was granted for exceptional circumstances not relevant in this case (and is effectively still agricultural land, albeit for horses).

Finally, we note the applicant has recently cleared woodland to the west of its property and constructed buildings for the operation of a 'forest school'; this was done without permission, we understand enforcement action was taken and retrospective permission being applied for. Whilst that process will undoubtedly be separate, one of the applicant's arguments in support of the application is that a school would "ensure the forest remains and does not succumb to further suburban development, which is taking hold along Dundas Home Farm": this approach is hard to reconcile with its current application, where it seeks just that.

We request the application be refused

Matthew and Claire Raftery  
The Farmhouse, Dundas Home Farm

-----

From: Matt Raftery

Date: Tuesday, 14 July 2020 at 07:48

To: localreviewbody@edinburgh.gov.uk

Cc: Robert McIntosh

Subject: Review of 19/05253/FUL (20/00065/REVREF) - further representations (also relevant to 19/04583/FULL)

Dear Sirs

We would like to maintain our original objection to this planning application and make further representations as below.

Background

This review concerns what was, until recently, the wooded garden of the 'Old Dairy House'. In April 2016 permission in principle was granted, on appeal, for a single dwelling in the garden of the Dairy House. That permission has now lapsed.

New applications have been submitted to construct two separate properties in what is (/was) the garden of the Dairy House; this review and application 19/04583/FULL (the "Easterly Plot") which

is yet to be determined.

Whilst we cannot comment on the correct legal approach to considering multiple applications it would seem impossible to assess the effect of each application on the character of the area etc. without considering the other as well / their combined impact.

#### In-fill

Indeed, the applicant relies on both applications being considered together. Much is made of the concept of 'in-fill' and the desirability of that (discussed further below). At present, as we understand it, there is no permission to build a house on the Easterly Plot and, as such, there is no gap to in-fill.

Even if permission is granted for the Easterly Plot (which we do not believe should be the case) it is absurd to suggest a long-standing domestic (and previously wooded) garden, behind a thick hedge requires in-fill. Whether strictly relevant or not, we understand the landowner has recently purchased additional land to extend its garden on the west side of the property: garden space is clearly desirable. It seems similarly absurd to suggest this is a brown-field site, or akin to one. There does not appear to be anything to justify the need to 'in-fill' the space.

#### Improvement of surroundings etc

The suggestion that the granting of these applications would improve the character of the area is difficult to comprehend.

To briefly repeat a point that has made clearly before, the immediate area of these applications is a historic converted farm steading with farmland to the North and the woodland of the Dundas estate and the Dairy House to the South. The Steadings are effectively four inter-linked buildings; all are listed and anything visible from the road is presumably tightly controlled to maintain the character of the area. As a personal example we are required to maintain the precise frontage of our property, down the style of door, window, garden railings etc and we imagine the higher listed steadings will be the same. Both of these applications will be squarely within this setting, with the plots being a few meters away from the listed properties.

The construction of additional buildings will, in itself, alter the characteristic of the vicinity and change it from a traditional farm steading scenario to a general residential development. Further, the properties being proposed are not in keeping with the vicinity in terms of size (they are both substantial properties), layout (a closely packed row of detached houses with garages and hardstanding etc) or style (the appearance of the modern, wooden fronted, properties is entirely out of keeping with the listed sandstone appearance of the steading).

To again repeat the point it is hard to see how these substantive, modern and overtly domestic



properties could not significantly alter the characteristic of the tightly controlled historic farm steading into which they are being placed. The hedge surrounding the Dairy House garden would need to be substantively removed to allow access; any properties will be clearly visible from the road (something that was stated not to be the case when the permission in principle was being considered) and will evidently create a different impression to what is currently there.

## Green-belt

This application is for the construction of a property in a domestic garden within the green belt, a conservation area and an area of special historic interest. It is not clear to us whether the Easterly plot has been sold or retains its domestic garden status; either way, there is no reason to grant either application or build there.

The Edinburgh Development Plan has made considerable provision for construction of a new housing in South Queensferry. Such development and associated infrastructure has been planned in detail and the new A90 road provides a clear demarcation of where the plan ends: to the North of the Road has been extensive construction, to the South remains greenbelt farmland.

The granting of either, or both, of these applications would represent a sustained erosion of the green-belt which, presumably, is something the legislation is keen to avoid. This would seem particularly the case where the erosion would take place near the line of demarcation and do nothing but serve to blur that.

In terms of infrastructure there may be public transport in the area but this is not close. It is roughly a 1.5 mile walk to the train station and a 1 mile walk to the bus stop to Edinburgh. In short, these properties are likely to be dependent on cars, as the ample provision for car parking suggests. The access ways to these properties would be problematic, leading onto a narrow lane and the use of increased volume of cars would have a detrimental effect on noise, specifically as a number of bedrooms (including children's) in the steading development face directly onto the road near where the new accessways would be situated.

## Summary

Independently each of the applications will alter, and damage, the character of the area. We understand the original permission in principle highlighted the need to ensure any property constructed was in keeping with the area but that the final layout/style of the property was ultimately not determined/granted. The applicant's approach is effectively to use that lapsed permission in principle to justify the construction of two modern properties, something not contemplated, raised or considered at the time. Combined their effect on the immediate vicinity will be significant and highly detrimental.

The area is popular with walkers and cyclists and its appearance/character is tightly controlled.

That character is of interlinked buildings connected with a historic farm steading. The construction of substantive modern properties, in a completely different style and appearance, would clearly alter that environment. The properties and their outbuildings would be clearly visible from the road and in no way fit with the current, protected, character. The suggestion that in-filling the existing domestic garden with a further property would be beneficial to the area is laughable.

Further, granting the application would erode the green-belt with no good reason and bring additional traffic noise into the area.

We support the planning officer's original decision and request that this review be rejected.

Matthew and Claire Raftery

The Farmhouse, Dundas Home Farm.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Dr Arlette Colley

Address: 17 Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application 21/04768/FUL

This application is similar to application number 19/05253/FUL which was refused in September 2020. The applicants are the same, but using a different name. None of the reasons for refusal seem to have been addressed.

I object for the reasons below:

1. Further development of this site will detract from the peacefulness, rural nature and attractiveness of Dundas Home Farm.

Directly opposite are listed buildings, said to have been built by stone masons who worked on the Forth Rail Bridge, a World Heritage Site.

2. Parking will be reduced.

Dundas Home Farm is now part of an Inner Forth Landscapes walking and cycling route and many local people park here to enjoy this. Although the application states that parking will be on site, visitors and tradesmen will park here and the applicants themselves park between two and four cars here daily.

3. It will be difficult for cars to manoeuvre safely in and out of the site with cars parking in the vicinity.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Graham Lilley

Address: 12 Dundas Home Farm SOUTH QUEENSFERRY

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to record an objection to application 21\_04768\_FUL. The reasons are:

- 1) The same as those which led to the refusal of application 19\_05253\_FUL as it is to do material the same thing on the same land and from the same applicant;
- 2) That the proposal for a suburban house is not in keeping with the neighbouring listed buildings in a rural designated landscape; and
- 3) A concern about the disruption any construction would cause to residential access along this single track lane.

This objection is based on the documents downloaded from the City of Edinburgh's planning portal on 3 October 2021. It can also be emailed with the additional supporting material if required.

\*\*Relevant previous applications for this site by the applicant

\*Carry forward of previous objections and reasons for refusal

This application is shown as linked to only one other, 20\_05686\_FUL, which attracted over a dozen objections, most of which highlighted that that was itself a near duplication of 19\_05253\_FUL from the same applicant. The comments in various objections to 20\_05686\_FUL are no less relevant to this application.

The reasons why 19\_05253\_FUL was refused (over-development/suburbanisation and non-compliance with various policies relating to the local development plan and other non-statutory guidelines) appear to a layman to continue to be relevant to the current incarnation of this application. For reasons of brevity and to avoid the danger of misrepresenting any point I will not

repeat these but attach as appendix 1 the report on that refusal on appeal for ease of reference. Those reasons for refusal of permission, particularly the first three, are my principal objections to this current application.

#### \*Transparency in respect of related applications

It is not clear why all the applications made by members of the same family in respect of the same contiguous piece of land along the southern side of the single-track lane of Dundas Home Farm which it owns are not linked. I would like to deal with a possible fig leaf for this apparent lack of transparency, namely that the land in question is now said in this application to be owned by a company and not part of the garden of the Old Dairy House.

The sole director of the company indicated as the owner of this plot of land in the current application (Currie Properties Ltd) is the same person as the owner of the Old Dairy House. Further, it is not even clear if this left-pocket to right-pocket transfer has actually taken place or is merely a future possibility since title WLN46577 is shown by Registers of Scotland still to include both the Old Dairy House and the land subject to this application as part of its garden. Nor do the most recent accounts of the shell company itself show it as owner of any land.

Public documents supporting this are available for submission if required. At most this transfer is a recent device used solely to increase the chances of planning approval.

Is it the case that either (a) the transfer of ownership of the land to a shell company controlled by the applicant, or (b) the creation a separate title for part of a house's garden but which is still under the same ultimate ownership are legitimately helpful to this planning application? Also, is the use of different intermediates to make the applications for the same ultimate landowner, as has been the case here, helpful?

#### \*Common purpose of the series of applications

The property history section of the Old Dairy House (the applicant's address) accessible from application 19\_05253\_FUL on the City of Edinburgh Council's planning portal shows links to six other prior applications, two appeals and two enforcement actions for the same contiguous piece of land (including the plot subject to this application) along the south side of Dundas Home Farm all of which is owned by the applicant's family. One part, at the extreme west, was subsequently sold off after having been subject to several planning applications from the applicant's family. To that long list more recent applications 20\_05686\_FUL, 20\_05152\_FUL, 20\_05255\_CLE and 21\_04768\_FUL should now be added. Their linkage is shown in documentation submitted as part of the planning process and available for resubmission if required.

This substantial series of applications from the same family of connected persons for a contiguous piece of land are by far the most significant development proposals for the area next to the adopted, tarmac part of Dundas Home Farm since the steading was converted at the turn of the century (a decade or more before the applicant purchase the land in question). The City of Edinburgh Council's planning website records for the area seem impossible to reconcile with the

statement in the application that the steading to the north of Dundas Home Farm "continues to expand" - the only expansion proposals along the adopted, tarmac part of Dundas Home Farm come from the applicant's family for land it owned.

I submit that the large number of these applications is important to the consideration of this application as they show a concerted effort to develop this rural area. This is relevant to the suggestion in the current application that certain planning policies should not be applied, namely those in relation to the building of suburban houses on rural land and the green belt.

**\*Trees and associated wildlife**

This application refers to the absence of trees. That might now be the case, but only as they were cut down in advance of previous (refused) applications to build on this site. Several objections submitted to 20\_05686\_FUL (which was essentially the same as the current application) documented this tree felling. Photos of the felled tree trunks from 2019, ie just before application 19\_05253\_FUL for the same site was submitted, are available for submission if required for investigation.

**\*\*Proposal not in keeping with existing houses**

This proposed house would not be in keeping with the existing nearby houses. Most of which are stone-walled and listed. All of which are within Historic Environment Scotland's designated landscape of Dundas Castle, GDL00151, as is the land in question. In particular, the application refers to white rendering and plastic windows and doors on a house which is suburban rather than rural in appearance. It is hard to see how this proposed design is consistent with the statement in the application that "the design of the property will ensure the character of the existing settlement is maintained".

Further, with what appears to be a 12m by 12m footprint (the elevations available are hard to read) and with a separate double garage, the characterisation of the proposed house as "small" in the application appears odd to a lay reader as it represents a usable area many times that of the average house in the UK.

**\*\*Access and disruption during any construction**

It is not possible to gauge the additional traffic that this proposal would generate without knowing its occupation and use. However, it would be an additional load on a single-track lane currently used by residents along with farm and livery traffic.

More importantly, there is no discussion in this application of how the inevitable disruption to access along this single-track lane, which is the sole practical access for over a dozen residential houses and a livery business, would be minimised during any construction work.

I cannot be sure if binding conditions to ensure continuous access and considerate construction behaviour are usual, but I suggest that they would be essential here. The reason for this is illustrated by an action taken by the applicant's family in connection with application 20\_5152\_FUL. A large crane and a separate low loader operated by at least eight staff were hired. They completely blocked the lane for many hours starting at the time of the morning school run. While the contractor confirmed that the family had told him that neighbours were notified in advance of this blockage, we simply were not. Nor was any acknowledgment of the inconvenience caused made, much less an apology given, by any member of the applicant's family. Photos of the huge crane blocking the single-track lane and the email from the contractor indicating that the applicant's family had told him that neighbours had been notified of the blockage (contrary to what had happened) is available and can be provided if required.

#### \*\*Conclusion

Notwithstanding the devices used to distinguish it from others and some hard-to-recognise characterisations of verifiable points, this application is clearly a near repetition of previous applications submitted by the same person for the same site to do materially the same unsuitable thing and to which the same objections and reasons for refusal continue to apply. These reasons are amplified as this application is demonstrably part of a series of applications by the same family to suburbanise Dundas Home Farm.

#### \*\*Appendix 1

Decision notice 4715907 on application 19\_05252\_FUL taken from City of Edinburgh Council's planning portal at [http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/23C02396561EFD56E46316C9F62309F3/pdf/19\\_05253\\_FUL-DECISION\\_NOTICE-4715907.pdf](http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/23C02396561EFD56E46316C9F62309F3/pdf/19_05253_FUL-DECISION_NOTICE-4715907.pdf).

[NB Format slightly altered by extraction; the content is not. Reasons for refusal 1, 2 & 3 remain most relevant.]

Derek Scott Planning Date: 17 September 2020

(FAO Derek Scott)

21 Lansdowne Crescent

Edinburgh

EH12 5EH

Our Ref: LRB/6.2/BR

Dear Mr Scott,

THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY REQUEST FOR REVIEW - APPLICATION NO 19/05253/FUL REQUEST FOR REVIEW - THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY TOWN AND PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006

I refer to your request for a review submitted on behalf of Mrs Mayland for refusal of planning

permission for the erection of one-and-a-half storey, detached, 5 bedroomed family home at the Old Dairy House, Dundas Home Farm, South Queensferry, which was dealt with by the Chief Planning Officer under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 16 September 2020.

#### Decision

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

#### Reasons for Refusal:

1. The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.
3. The proposal is contrary to design policies Des 1 and Des 4 of the LDP as the creation of another suburban style house into this rural setting adversely impacts on the rural character of the area.

Committee Services, Strategy and Insight, Chief Executive Waverley Court, Business Centre 2.1, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 200 2000

4. The proposal is contrary to policy Tra 2 as it exceeds the Council's parking standards which seek to limit private car parking and encourage active travel.
5. There is insufficient information provided to assess the impact on trees and protected species.

#### Assessment

At the meeting on 16 September 2020, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents and further written submissions on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-09, Scheme 1, being the drawings shown under the application reference number 19/05253/FUL on the Council's Planning and Building Standards Online Services.

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

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



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

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

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

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

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

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

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

2) Relevant Non-Statutory Guidelines.

'Listed Buildings and Conservation Areas'

'Development in the Countryside and Green Belt'

'Edinburgh Design Guidance'

Committee Services, Strategy and Insight, Chief Executive Waverley Court, Business Centre 2.1,  
4 East Market Street, Edinburgh EH8 8BG, Tel 0131 200 2000

3) The procedure used to determine the application.

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

Conclusion

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

- Whether there had been any previous applications on this site, and confirmation that there had not.

- Confirmation that the site to the east had been granted consent for a single house in 2016 and 2019, and that there was a current live application for a larger house on this site.

- The applicant described the site as an infill site. Officers considered the proposal overdevelopment, creating a suburban feel to this rural location. . Although there was sympathy for the applicant, there was agreement with the officers that the proposals represented overdevelopment.

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

Contact

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

have any queries about this letter.

Yours sincerely

Blair Ritchie

for the Clerk to the Review Body

Notes:

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

2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably

Committee Services, Strategy and Insight, Chief Executive Waverley Court, Business Centre 2.1,  
4 East Market Street, Edinburgh EH8 8BG, Tel 0131 200 2000

beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Ramsay & Helen MacDonald

Address: 8 Dundas Home Farm South Queensferry Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal is a rehash of another scheme by the landowners to develop this site with no regard to their neighbours. The scheme will represent a significant loss of amenity to us and will affect us negatively in several ways. Firstly it will generate extra traffic on what is a quiet lane. Having lived here for 18 years there is already too much traffic on the lane and recent construction developments have just exacerbated this problem. Cars and delivery vehicles of all kinds speed round the development and a further 3/4 car house will only lead to a greater risk of a child being run down. The visibility splay proposed looks like this is completely inadequate at a site of traffic conflict. Secondly further development here will again diminish our peace and quiet living as we do in the open countryside. There is no justification for intensification of development here and it is purely for commercial gain and sheer greed. The conduct of the landowners since moving in has been to despoil the neighbourhood, flouting planning regulations, destroying woodland, stopping rights of access and creating pest control issues with their constant plans to develop an area of woodland. We do hope common sense will prevail and these proposals will be rejected.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Stuart Preston

Address: 6 Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I don't intend to labour my objections, for there have been numerous objections to a very similar development by the Gilburts in the past.

In the last few years, this family (in numerous different guises ... Mr, Mrs, son, connected companies) have tried to redevelop the land either side of Old Dairy House. They have, unsurprisingly, been met with objections at all stages. Why? Because these developments have not been in keeping with the surrounding area, they would have had significant impact and disruption on access roads, they would have significant impact on the trees and wildlife, etc, etc.

All of this still holds true:

- The plans for the house itself are certainly not in keeping with the surrounding area, and certainly not aligned to the title deed conditions imposed on other houses in the area. White rendering and plastic windows and doors? Really? I am honestly lost for words, but this tends to sum up the Gilburts approach to all applications.
- The disruption to traffic during construction concerns me greatly. The Gilburts have consistently shown a total disregard for neighbouring properties. I know others have flagged the crane debacle and I won't provide further detail here. But I also look to the development of the other house adjacent to the Gilburts' application: work has started here and, while they are being as considerate as possible, the disruption caused from time to time is notable
- My point about the trees and wildlife is included for completeness: of course, we all know that this is no longer a material point because Mr Gilburt has been particularly handy with a chainsaw in all plot the land either side of Old Dairy House. Trees felled without permission, and inevitably preservation of wildlife damaged as a consequence

I know others will have objected much more eloquently than me. However, my objection is very much aligned to them: the Gilburts have, over a period of time, sought to re-develop that entire side of Dundas Home Farm in a way that does no justice to the surrounding area, and they have done so with a total lack of transparency and a total lack of consideration to their neighbours and to the wildlife around them.

This is a beautiful part of the world, one that I and my family dearly love, let's not ruin that for the commercial gain of one man and his family.

**From:** [Robert McIntosh](#)  
**To:** [Planning Support](#)  
**Subject:** FW: Planning application 21/04768/FUL  
**Date:** 18 October 2021 09:30:23

---

Hi

Can the below please be lodged as a neighbour objection to the above?

Kind Regards

Robert

Robert McIntosh  
Planning Officer  
Locals 2

Planning | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, 4 East Market Street, Edinburgh.

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.

-----Original Message-----

From: [REDACTED]  
Sent: 15 October 2021 22:07  
To: Robert McIntosh <[Robert.McIntosh@edinburgh.gov.uk](mailto:Robert.McIntosh@edinburgh.gov.uk)>  
Subject: Planning application 21/04768/FUL

Robert Macintosh  
Planning Officer  
Edinburgh City Council  
4, East Market Street  
Edinburgh EH 8BG

Dear Sir,

Having been made aware of the re- application for a 4/5 bedroom house to be constructed on land at Dundas Home Farm , South Queensferry, once again, I wish to make known my objections.

As this application is similar to the ones previously rejected, re- submitted then withdrawn, the same objections would apply.

This time however there seems to be some attempt at obfuscation as the application is made in the name of a company - even though the company's sole director is living at The Old Dairy House, home to the previous applicant.

My objections are as follows:-

1. This proposed house will be a new development on a greenfield site and not one that fulfils the requirement for agriculture use, forestry or rural pursuits.
2. The house will be situated adjacent to a converted farm steading, built in 1881 and awarded B listed status due to its local, historical interest. It was converted some 20 years ago, many years before the applicant bought an interest in the land, and was built according to the required strictures of listed buildings. The proposed house, using materials such as concrete and plastic fittings etc. will detract from the architectural appearance of its surroundings and have a detrimental impact given that it will be built in an area designated by Historic Scotland as Garden and Designed Landscape.
3. The applicant attests that through the building of the steading, the area was already

‘ developed’, therefore no hindrance should be accorded this application.

This is misleading and disingenuous given that the steading was already in situ and the development was restricted to the original footprint. This has not changed even though the applicant states that there has been continuing development.

The only development and change being made to Dundas Home Farm is being made by the applicant and family through the numerous building applications and the clearing of land to accommodate these plans.

4. There are continuing concerns about the access to the proposed development. As a new entrance will need to be created onto the single track road, with restricted visibility, it will mean the loss of street parking spaces for local residents and visitors ( currently used mainly by the applicant and family). There are already concerns about parking as more and more local people are using the Dundas Castle estate for recreation and using Dundas Home Farm as their access point. Ironically, this has been highlighted recently when construction work began on the initial house granted planning consent for the applicant some time ago. Access has been difficult for the large vehicles entering and turning and there have been issues with the lane being blocked for periods. The contractors have been doing their best to be considerate but the road is just very narrow and their vehicles are having to park on the grass verges. This site was once woodland and is now a gaping hole! So we know what to expect with any further construction!
5. The first application ( ref. 19/ 05253/FUL) was rejected on the grounds of, among other things, ‘over development and suburbanisation’ of the site. The current plan may be of a reduced size but is still considerably larger than most homes, and nothing in this application alters the reasons for the previous rejection.
6. Queensferry is currently losing its green spaces to the major house builders. Houses are being built on every available space so it is important to keep the area around Dundas Castle and Home Farm free from further development ‘ creep’ in order to preserve the woodland and the protected species living there.

Therefore, for these reasons, I think the application should be rejected.

Regards,  
Dr. Albert Bloy  
15, Dundas Home Farm,  
South Queensferry EH309SS

Sent from my iPad



# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr John Fraser

Address: 10 Dundas Home Farm South Queensferry Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to record an objection to this planning application. This is very similar to the previous application which was rejected on appeal, given a number of reasons which we believe still apply.

We do not believe that the large suburban house is in keeping with the listed building neighbourhood, and further have concerns about the impact on access via our single track lane which already suffers from congestion.

Further, we observe that this application like previous ones over the same extended plots of land are all owned by the same family who have made clear their objectives to develop the area with disregard for the area and due process (and are still subject to enforcement action). We would highlight that despite the name of the applicant this time changing, the underlying ownership and beneficiary arrangements remains the same.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Tom Payne

Address: 13 Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application 21/04768/FUL

The application is the reapplication of a proposal, which has been previously reviewed and rejected in September 2020 (Application No: 19/05253/FUL) then resubmitted and withdrawn earlier in 2021 ((Application No: 20/05686/FUL). From a review of the previous application and associated decision notice (Ref LBR/6.2/BR), it is clear than none of the reasons for the correct refusal of the original planning application have been addressed in the most recent application. We object to this application.

It is also important for CEC to appreciate that these applications as well as the following applications listed below all relate to the same family and the overdevelopment of the same piece of connected land at Dundas Home Farm. For the avoidance of doubt these applications are the only applications for development of new houses and commercial use of land at the listed steadings since the original farm buildings were converted. They have also had the greatest single impact on the look and feel of this rural development.

The cover letter details the "recent" development of the area, however in fact the original conversion of the listed steading buildings is now almost 20 years ago (and was completed in line with listed building consent maintaining the rural character of the area). The proposed house within the application achieves none of these key points and is therefore in direct contradiction with Planning Des.4 Development and Design-Impact on setting.

Furthermore, it is misleading to state that the "development continues to expand" with the building of garden rooms/ offices and a granny house within the gardens of those properties" as a means to justify the building of a brand new and substantial family house. There is no expansion of the development in terms of the addition of new properties or separate living quarters/granny houses as this is not permitted under planning control. There is some limited alteration of properties to provide for growing families in line with the strict requirements of listed building and planning

control. It is once again incorrect for the applicant to state that development in the area took the plot in question out of Green Belt use.

Previous applications by the same family on the same plot of land along the south side of Dundas Home Farm.

15\_05159\_PPP - house, permission refused

16\_04410\_FUL - house, now sold on

17\_00681\_AMC - house amendment to 16\_04410, now sold on

19\_05253\_FUL - house on same site as current application, permission refused

20\_05152\_FUL - Business, a forest school - refused for multiple reasons

20\_05255\_CLE - Fencing - refused on appeal as incongruous

21\_04768\_FUL - house, current application

The above applications from one family represent significantly more than those recorded on the City of Edinburgh Council's website as submitted in the last five years by over 15 separate families of Dundas Home Farm for land and buildings along the country lane and next to the listed steadings.

Grounds for Objection

Failure to Address some of the Key Grounds for Rejection of the Previous Application

The applicant has not addressed the original reasons for rejection of a very similar application last year.

The proposal represents overdevelopment and would still create a mini housing estate with suburban characteristics when combined with the Old Dairy House immediately to the west and the additional substantial new house approved to the east (also being built on part of the original garden of the Old Dairy House). Nothing in the proposed plan changes this fact.

The protection of green belt sites in the community is extremely important, and exploitation of this site for development serves no purpose outside of commercial gain for the applicants. There is an abundance of new housing being developed in the South Queensferry area for families and it is critical that we retain the remaining green areas for the enjoyment of the community. The community at large utilise Dundas Home Farm lane and access to the wider estate on a very regular basis, and they do so because of the rural setting and character, which would be significantly detracted from should planning permission be granted for this house in addition to the already substantial new house being built on the same area of land. The need for a further access point and driveway on to the lane will all but remove the hedging along the lane and further negate any country feel to the lane. It also effectively removes any additional parking for visitors to the steading or the wider estate along that stretch of lane.

The cover letter states that the land is not part of the garden of the Old Dairy House presumably as an attempt to distinguish the features of this application from the previously rejected one which referenced the addition of yet another large house on the Old Dairy House plot. This plot was in fact part of the original garden of the Old Dairy House as can be clearly shown by the previous rejected application 19\_05253\_FUL. It appears now to have been "transferred" to Currie Properties, the sole director of which is the sole owner of the Old Dairy House. In any event, Registers of Scotland has indicated that the title deeds of the Old Dairy House do not show any such transfer having taken place and nor is a title amendment for such a transfer pending of any

sale of this part of its garden). It is also evident that the planning application made in the name of Currie Properties has a declaration signed by Mr Colin Gilbert who is not a director of Currie Properties (so not authorised to sign on its behalf) but is the husband of the owner of the Old Dairy House and a resident there.

This application makes much of the absence of trees and the lack of any protected wildlife to consider as part of the application. This may now be true but that is clearly as a result of the owners of the Old Dairy House having felled all of the trees within the site in advance of previous applications. Presumably no wildlife surveys were carried out at this time to safeguard the wildlife which continues to live in and around this area of land as a matter of fact (badger sets and bats included). The fact of tree felling in advance of other planning applications on this contiguous piece of land has already been discussed with Forestry Scotland. We would argue that this preparatory development work (ie extensive tree felling which effectively forms part of the proposed development) has had an unacceptable impact on trees contrary to LDP policy Env12. The fact that wildlife and tree surveys were carried out after this fact and no survey data can be provided prior to tree felling, does not provide conclusive evidence to the contrary.

The applicant in its cover letter describes the proposed development as a small family home. It is not. It is a very substantial sized house, 2.5 times bigger than the UK average house. Its dimensions, character and position are entirely at odds with the listed steadings and amounts to an overdevelopment and an incongruous build in the area.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Stuart Preston

Address: 6 Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With apologies, I have already objected, but never picked up on the fact that the Gilberts have, again, made reference to a "Granny house" as an example of other development within the Dundas Home Farm area. I assume that this was in reference to the annex that was built in our garden and, to that end, I set out below an extract from an email that I sent to your colleague (also Stuart Preston) in February 2021 in response to the Gilberts prior application for the same plot of land.

Extract of email as follows:

Planning application no: 20/05686/FUL: Mrs Jane Gilbert

Planning application no: 20/05152/FUL: Mr Lewis Gilbert

Dear Mr Preston,

Mrs Gilbert's additional supporting statement (ref: 20/05686)

In respect of the above planning consent, it has been brought to my attention that Mrs Gilbert submitted an additional supporting statement to you on 27 January 2021. Given this has been submitted by Mrs Gilbert as a last ditch attempt to secure planning consent, I thought it right to respond, setting out some facts rather than speculative nonsense, particularly given that in her statement she appears to make specific reference to the "granny house" that was built in our garden some 4-5 years ago.

If Mrs Gilbert thinks she is comparing like with like she appears to be somewhat deluded.

Let me touch on what she considers to be a "granny house". This suggests that it's a house that is

lived in on a regular basis. It is not. We initially made enquiries about an extension to our current house which, we were told, was not allowed because it would interfere with the linear nature of our property. Unlike some we accepted the Council's position in this respect, we did not challenge, we did not appeal, we did not re-submit an application that was essentially the same thing. We did, however, ask if it would be possible to build an annex at the end of our drive: this annex would consist of a spare room, a study and a bathroom. The Council was supportive, but clear that we should not have a kitchen area as this might allow the annex to be used as, and/or sold as, a separate dwelling. This was absolutely fine: we had not requested a kitchen in our plans, and had no intention of using this as a dwelling (again, unlike some). The annex was to support our living circumstances and our growing family.

Consent granted we built the annex. We used wood that was in keeping with our house. We used slate that was in keeping with our house. We used stone that was in keeping with our house. We used doors that were in keeping with our house (style and colour). In other words, our annex was 100% in keeping with the surrounding area.

For Mrs Gilbert to suggest otherwise is ridiculous. Let me be clear, when the Gilbert's applied for planning consent to extend/reconfigure their own house, we did not object. Why would we, it had nothing to do with us, and did not impact us. Like our annex, the works to their family home were to accommodate their family living. That said I would challenge some of the other building works that appear to have taken place on their land, all becoming visible since he felled a number of trees to make way for the proposed forest school (that is subject to planning application no 20/05152). I would question whether or not they had consent for such buildings/out houses, particularly the one that Mr & Mrs Gilbert's son lives in (as a dwelling?).

However, every other planning application that she, her husband and her son have submitted in the last number of months are not comparable to our work, or any other work that has taken place around the steadings. The works she refers to in her additional statement are to accommodate changing family circumstances. She is looking to build a new house (in addition to the one that already has consent) that she will inevitably sell. They have developed a forest school. All for financial gain. None in keeping with the local area.

I know the Gilbert's are facing a number of challenges just now for their mass redevelopment of the South side of Dundas Home Farm. And rightly so, perhaps that tells a story.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Philip Smythe

Address: 11 Dundas Home Farm South Queensferry Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Mr McIntosh,

WE WOULD LIKE TO FORMALLY OBJECT TO PLANNING APPLICATION: 21/04768/FUL /  
Erection of a 4-bedroom house with detached 2 car garage with new access from Dundas Home  
Farm Lane 20 Metres West Of The Old Dairy House Dundas Home Farm South Queensferry  
EH30 9SS

We would first like the following to be noted:

- New application in the name of CURRIE PROPERTIES LTD. is the re-application of a proposal previously rejected by Planning and later withdrawn by the applicant (see Application Nos. 19/05253/FUL and 20/05686)
- All above-mentioned applications are represented by the same family (GILBERT) at the same address
- Contrary to the applicant's statement, there is a clear link between CURRIE PROPERTIES LTD., the Gilbert family and The Old Dairy House which is the family residence on the SAME plot of land (and part of the family garden). To clarify, the owner of both Currie Properties Ltd. and The Old Dairy House is the same.

The proposed development is for a slightly modified property than the one rejected (on the same plot of land) on September 17th 2020. (per APPLICATION Nos. 19/05253/FUL and 20/05686) - however we would argue that the new proposal violates the same rules that were cited in the previous rejection letter to the applicant (Gilbert) under decision notice ref. LBR/6.2/BR. To summarise some of these:

1. The proposed site is not a brownfield location that restores and improves what was there before. Nor can it legitimately be seen as a fill-in site (since both this location and its neighbouring site to the east were greenfield sites before being highlighted for development by the Gilbert family). Instead it is a new development proposed in a greenfield location. As such, the proposal is contrary to "Policy Des 1: Design quality and context" section of the Edinburgh LDP. the local development plan policies for green-belt development in that it does not involve development for agriculture, woodland and forestry horticulture or countryside recreation.

2. The LDP section "Planning Policy Env 10 - Development in the green belt and countryside", specifies that development will only be permitted in relation to rural businesses such as agriculture or horticulture. This proposal - which is for a new-build suburban residence, does not fit those criteria.

3. The proposed site is immediately adjacent to Dundas Home Farm steading - a site comprising B and C listed buildings and lying within a site listed by Historic Environment Scotland (GDL00151) as a designated Garden and Designed landscape. The design of modern, suburban residence of the type specified, violates the LDP sections "Planning Des 4: Development and Design - Impact on Setting" - which calls on new developments to fit with the characteristics of the surrounding buildings - and more specifically with "Planning Policy Env 3 - Listed building setting" which specifies that developments in a listed building setting should not be permitted if detrimental to the architectural appearance, character or historic interest of an environment.

Additionally, we find it most peculiar that the applicant refers to the proposed 4-bedroom/double garage development as a "small family home" when in fact it is substantially larger than some of the homes (3-bedroom) within the steading and the average family house!

4. We previously raised concern regarding destruction to the natural environment including trees and habitat for protected wildlife species. Whilst the applicant now makes reference to the absence of trees on the plot, this is due to considerable tree felling executed well in advance of original application 19/05253/FUL and subsequent 20/05686/FUL.

5. The entrance for the proposed development is not yet in place. Driveway access onto the Dundas Home Farm Lane would need to be created thus resulting in an additional junction with restricted visibility and the loss of one or more on-street car parking spaces on Dundas Home Farm access road. This would also result in the loss of amenity to local residents which is in violation of LDP plan "Policy Tra 2 - Private Car Parking"

6. An important concern is that of over-development which we believe this application would facilitate. We find it ironic that the applicant (Currie Properties Ltd. owned by Mrs Gilbert) refers to "recent development" and "expansion" of Dundas Home Farm by its residents. It is highly misleading and in fact incorrect to suggest such given that the only "expansion" here has been sought by the Gilbert family which is evidenced by their planning applications for



(a) a permanent forest nursery school to be built a mere 80 metres east of The Old Dairy House [20/05152/FUL - subject to planning enforcement action 20/00409/EOPDEV] since refused along with separate application for surrounding security fence also refused.

(b) one dwelling house to be built 40 metres west of the Dairy House [19/05483/FUL granted Nov.2019, construction ongoing], also part of the original Dairy House garden.

Whilst several Dundas Home Farm steading residents have made minor alterations and improvements to their homes since the conversion from original farm buildings in 2003, there has been no expansion whatsoever to the steading. It would appear that the only threat of over-development in the last decade comes directly from the applicants and, given their prolific history of planning applications within that time period, we cannot help but be suspicious of their future intentions for transforming an additional house in their garden into yet another commercial nursery business.

7. Finally, although we were not directly notified of this proposed development, nor is No.11 Dundas Home Farm shown on the applicant's map (MTS presentation omitted half of the steading properties and shared courtyard) we are nonetheless neighbours situated close enough to be directly impacted by any construction work carried out on behalf of the applicant. The principal concerns are:

(a) traffic and vehicle access on and around the single-track Dundas Home Farm Lane also affecting nearby Dundas Livery and farming community as well as visitors to the estate for outdoor walks.

(b) noise levels impacting an otherwise tranquil community where many residents, including ourselves, are working from home.

(c) on a more personal note (not material but relevant for us) we would not expect to receive consideration or honest communication from the applicant regarding any key works affecting us. Indeed, previous experience would indicate complete disregard for all residents of Dundas Home Farm, notably with reference to application 20/5152/FUL and the applicant's failure to notify us of the closure of Dundas Home Farm Lane for several hours in order to facilitate a large crane and supporting vehicles causing much disruption which could have otherwise been avoided had the applicant had the courtesy to advise residents in advance.

For the reasons mentioned above, we would strongly like to object to this proposal.

Yours sincerely,

Philip and Kerry Smythe  
11 Dundas Home Farm

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Fiona Mclellan

Address: 16 Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: Please note that we (my husband and I) strongly object to yet another application to build another large property on the land 20 meters east of the Old Dairy House.

We object for the same reasons as with all previous applications to build on the same site, namely:

1. Another large home would not be in keeping with this rural residential area
2. We have already lost enough trees and wildlife in the existing construction site bordering this one
3. Access is on a single track road and is simply not fit for another property
4. Planning permission is repeatedly requested and rejected for a reason - none of these reasons have changed so this is particularly frustrating and time wasting for all involved.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mr Iain Ryan

Address: ashley cottage dundas home farm south queensferry

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I chose to live here primarily for the rural feel of the area. There is substantial building work currently going on at that site. We really don't need more. Another large house will detract further from the rural environment we enjoy.

Rather than building another house the woodland that was removed should be replaced to provide habitat for the displaced wildlife.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Mrs Martina Bacon

Address: 9 Dundas Home Farm South Queensferry Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application 21/04768/FUL

We would like to highlight the history behind this application.

It is in essence a reapplication of a previous proposal which was reviewed and rejected in September 2020 (Application No: 19/05253/FUL) then resubmitted and withdrawn earlier in 2021 ((Application No: 20/05686/FUL). From a review of the previous application and associated decision notice (Ref LBR/6.2/BR), it is clear than none of the reasons for the correct refusal of the original planning application have been addressed in this application. We must therefore continue to object to the application.

We believe it is important for CEC to appreciate that these applications as well as the following applications listed below all relate to the same family and the overdevelopment of the same piece of connected land at Dundas Home Farm. For the avoidance of doubt these applications are the only applications for development of new houses and commercial use of land at the listed steadings since the original farm buildings were converted. They have also had the greatest single impact on the look and feel of this rural development.

The cover letter submitted with the application details the "recent" development of the area, however in fact the original conversion of the listed steading buildings is now almost 20 years ago, did not exceed the footprint of the original dairy farm dating back to 1881 and was completed in line with listed building consent maintaining the rural character of the area. The proposed house within the application achieves none of these key points and is therefore in direct contradiction with Planning Des.4 Development and Design-Impact on setting.

It is misleading to state that the "development continues to expand" with the building of garden rooms/ offices and a granny house within the gardens of those properties" as a means to justify the building of a brand new and substantial family house. There is no expansion of the development in terms of the addition of new properties or separate living quarters/granny houses as this is not permitted under planning control. There is some limited alteration of properties to

provide for growing families in line with the strict requirements of listed building and planning control. It is once again incorrect for the applicant to state that development in the area took the plot in question out of Green Belt use.

Previous applications by the same family on the same plot of land along the south side of Dundas Home Farm.

15\_05159\_PPP - house, permission refused

16\_04410\_FUL - house, now sold on

17\_00681\_AMC - house amendment to 16\_04410, now sold on

19\_05253\_FUL - house on same site as current application, permission refused

20\_05152\_FUL - Business, a forest school - refused for multiple reasons

20\_05255\_CLE - Fencing - refused on appeal as incongruous

21\_04768\_FUL - house, current application

The above applications from one family represent significantly more than those recorded on the City of Edinburgh Council's website as submitted in the last five years by over 15 separate families of Dundas Home Farm for land and buildings along the country lane and next to the listed steadings.

Grounds for Objection

Failure to Address some of the Key Grounds for Rejection of the Previous Application

The applicant has not addressed the original reasons for rejection of a very similar application last year.

The proposal represents overdevelopment and would still create a mini housing estate with suburban characteristics when combined with the adjacent Old Dairy House and the additional substantial new house approved to the east (also being built on part of the original garden of the Old Dairy House). Nothing in the proposed plan changes this fact.

The protection of green belt sites in the community is extremely important, and exploitation of this site for development serves no purpose apart from commercial gain for the applicants. An abundance of new housing is being developed in the South Queensferry area just now and it is critical that the remaining green areas are being retained for the enjoyment of the community. The community at large utilise Dundas Home Farm lane and access to the wider estate on a very regular basis, and they do so because of the rural setting and character. If planning permission were granted for this house, it would significantly impact on the rural setting in addition to the already substantial new house being built on the same area of land. The need for a further access point and driveway on to the lane will remove most of the hedging along the lane and further negate any country feel to the lane. It also effectively removes any additional parking for visitors to the steading or the wider estate along that stretch of lane.

The cover letter states that the land is not part of the garden of the Old Dairy House presumably as an attempt to distinguish the features of this application from the previously rejected one which referenced the addition of yet another large house on the Old Dairy House plot. This plot was in fact part of the original garden of the Old Dairy House as can be clearly shown by the previous rejected application 19\_05253\_FUL. It appears now to have been "transferred" to Currie Properties, the sole director of which is the sole owner of the Old Dairy House. In any event, Registers of Scotland has indicated that the title deeds of the Old Dairy House do not show any

such transfer having taken place and nor is a title amendment for such a transfer pending of any sale of this part of its garden). It is also evident that the planning application made in the name of Currie Properties has a declaration signed by Mr Colin Gilbert who is not a director of Currie Properties (so not authorised to sign on its behalf) but is the husband of the owner of the Old Dairy House and a resident there.

This application points to the absence of trees and the lack of any protected wildlife to consider as part of the application. This may now be the case but that is clearly as a result of the owners of the Old Dairy House having felled all of the trees within the site in advance of previous applications. It is not clear if wildlife surveys were carried out at that time to safeguard the wildlife which continues to live in and around this area of land as a matter of fact (badger sets and bats included). We would argue that this preparatory development work (ie extensive tree felling which effectively forms part of the proposed development) has had an unacceptable impact on trees contrary to LDP policy Env12. The fact that wildlife and tree surveys were carried out after this fact and no survey data can be provided prior to tree felling, does not provide conclusive evidence to the contrary.

In the cover letter, the applicant describes the proposed development as a small family home. It is not. It is a very substantial sized house, 2.5 times bigger than the UK average house. Its dimensions, character and position are entirely at odds with the listed steadings and amounts to an overdevelopment and an incongruous build in the area.

# Comments for Planning Application 21/04768/FUL

## Application Summary

Application Number: 21/04768/FUL

Address: Land 20 Metres East Of The Old Dairy House Dundas Home Farm South Queensferry

Proposal: Erection of 4-5 bedroom house. The erection of a detached 2 car garage.

Case Officer: Robert McIntosh

## Customer Details

Name: Dr Katherine Miller

Address: 14 Dundas Home Farm South Queensferry

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning Application 21/04768 /FUL

This is a reapplication of a previously submitted planning request which was rejected in Sept 2020 (application no. 19/05253/FUL) and withdrawn in 2021(20/05686/FUL). The reasons for refusal have not been addressed in this new application. The size of the house has been minimally reduced but it still exceeds the average size of house in the UK by 2.5 times.

The land in which this dwelling is proposed (adjacent to the applicants own dwelling on the East boundary) is Greenbelt and within a conservation area. The current dwellings in the area are all original farm steading buildings dating from 1830 which were adapted to dwellings around 2004 by the original developers with listed building consent. Erection of a modern home within this small development is not in keeping with the original buildings and does not enhance or benefit the area but merely reduce greenbelt land and urbanise what is currently a very rural setting. The applicant has already successfully applied for planning consent (17/00681/AMC) for a new large (5 bed) modern house in an area directly beside this current planning application. This land was originally woodland but was felled by the applicant for purposes of development. The erection of another large modern house fundamentally changes the nature of the steading development by removing green area to erect a large modern dwelling.

Katherine and Mark Miller

14 Dundas Home Farm

South Queensferry

EH30 9SS





Local Review Further representations for Application No 21/04768/FUL

Ref Rep3 Redacted.PDF

Unfortunately, the photos were not attached in full and only a fuzzy edge of the photos accompanied your letter.

Para 1 The site is an infill site and is not part of the curtilage of the old dairy house.

There is a clear demarcation line on the East side on the site by the builders fencing which will be replaced by a timber fence. The West boundary is marked by a peg and string line.

Para 2 **Non Material**

Para 3 **Non Material** Relates to a different application and site. However, the single track has several passing places and the lane is accessible from both ends. Again, the builders were approached about parking and they moved their vehicles and parked further along the road where it opens out into a 2 lane road.

Ref Rep1 Redacted.PDF.

- 1) **Non Material.** The application is not the same as any previous application which was made by a third party. The design is completely different, smaller in scale and a design that was previously accepted on the adjacent site.
- 2) **Non Material.** The property referred to is a listed building. Far from being heavily protected many have been altered and had extensions or garages removed and turned into residential accommodation.  
The Site is large and more than able to accommodate the proposed development. The proposed house is considerably smaller than the previous application made by a third party. The proposed property will be sheltered from the steading by a large laurel hedge which will shield it from the road. The design is in keeping with the Old Dairy house which will be its adjacent neighbour.
- 3) The site was not protected in any way. The timber that was felled was non indigenous. They were in the main in poor condition. There was only one tree that yielded any usable timber. This was sawn into planks on site, and set aside to be used once it had dried. The logs produced from the trees were placed outside and were offered to the residents of the steadings as fire wood. Many took advantage and made several trips to stock up for their fires. There is a further tree which needs to be removed due to its poor condition.  
The site does not form part of the curtilage of the Old Dairy House. The land register map confirms this. It is a gap site and the building of a residential property would add to the character and amenity of the area.
- 4) Non Material. The site is a gap site.
- 5) Non Material. I have been in contact with the builders of the house that is currently being built and they have been more than curtest. They have been considerate and more than obliging. Only part of the road is single track and there are several passing places. I am not aware of any damage to any property or the police having been called.

Local Review Further representations for Application No 21/04768/FUL

Ref Rep2 Redacted.PDF

Para 1) **Non Material**

Para2) **Non Material**

Para 3) **Non Material** to current application. However, I have today spoken to the Builders of the property referred to and they inform me that the water being pumped out was in fact from a trench dug a few days before to allow the installation of electrical services. The trench had filled with water over a few days caused by the heavy rain we had experienced. The pump was running for between 1 and 1.5 hours. No more. This was to allow the electricity suppliers to install their cables etc. This has now been back filled.

There is some mud and water at the front of the building caused by the large forklift equipment used in the construction chewing up the ground. This area is to be flattened have several tons of type 1 installed and then a porous pebble driveway on top to allow free drainage. There is also a top soil spoil Bing at the back of the property with a substantial amount of top soil (many tons) to be laid to raise the ground around the house to its finished level and to form the garden. All this will solve the mud and puddle problem.

Para 4 **Non Material** Again they talk about the adjacent site. This has a sewage treatment plant that connects to a soak away are which is to the South Side of the site and is well away from the road way. I'm sure the review board will be aware that any water being sent to the soakaway is safe to treat in this manner. The system will have to be approved by SEPA and licenced.

Para 5 **Non Material** The site referred to is again the adjacent site.

Para 6 **Non Material** deals with the adjacent site

**From:** Matt Raftery [REDACTED]  
**Sent:** 27 February 2022 14:19  
**To:** Local Review Body  
**Subject:** 22/00016/REVREF - 21/04768/FUL further representations (objection to application)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sirs

With respect to the above, we wish to maintain our objection to the above application and to add the following points:

1. We are not clear why this application 21/04768/FUL has been considered at all; save the applicant changing from an individual to a company owned and controlled by that individual, the application is the same as one that has previously been rejected both at first instance and on review. It does not seem right that an applicant can simply change its name and then have another bite of the cherry when considerable time and resources have been incurred by the council, let alone the individuals involved, going through the prescribed process.
2. The points we have previously raised in the context of these applications remain and have not been addressed by the applicant. In brief terms, the cluster of houses in which the property is to be built are historic, listed, heavily protected farm buildings. The construction of a large, modern property (that will take up the vast majority of the site) is entirely out of keeping with this and will clearly change the nature of the area, particularly when constructed next to another, large, modern and out of keeping property that is in the process of being built. That property has already damaged the character of the area and permitting another will do so further: it also makes a nonsense of any suggestion that the properties will not be visible etc. Whilst a large, modern, house has been constructed some way down the road, that is not part of the steadings complex, is not visible from it and does not affect the area immediately in question: the proposed property would sit immediately adjacent to the centre of the steadings.
3. At the risk of repeating ourselves, this was a wooded garden, in a heavily protected area (green belt, special interest area, conservation area etc) in a historic context (surrounded by period, listed, buildings). The development would obviously detract from this and alter the character of the area. There is no good reason for the application to be granted. The land in question was a domestic garden and there is no reason why it should not remain so.
4. The site is only a gap site because of the actions of the application; i.e. selling another part of its garden for a development. That development was granted and has damaged the area. It is unjust for the application to now have this application considered in isolation (i.e. as a gap site) when, presumably, it intended to sell it at the outset. The effect on the character of the area must, as we see it, be considered cumulatively or make a mockery of a planning system that can simply be undermined by multiple applications for properties making multiple cuts to the area in question.
5. Finally, we are not clear whether the act of construction can be taken into account when determining these applications. However, it should be noted that the construction of the permitted application has caused considerable disruption for the last five months (and is not yet completed). There has been repeated access issues (access to the steadings is by a single, single-track, road that is repeatedly blocked), police attendance, property damage and the like. On a personal note, this often takes place within 3m of our child's nursery and home office – in short is hard for a toddler to nap or to hold any sort of telephone call with the incessant beeping of heavy machinery and general construction noise. Due to the nature and location of the site this is an unavoidable consequence of any development and will directly affect the quality of life of the residents.

Matthew and Claire Raftery  
The Farmhouse,  
Dundas Home Farm

**From:** Graham Lilley  
**Sent:** Mon, 21 Feb 2022 18:09:19 +0000  
**To:** Local Review Body  
**Subject:** Re 21/04768/FUL review appeal - FAO Gina Bellhouse  
**Attachments:** ufm12.pdf, IMG\_2917.JPG, IMG\_0138.JPG, IMG\_0145.jpg, IMG\_0146.jpg

Dear Gina Bellhouse,

I objected to the original application (21/04768/FUL) to build a substantial suburban-style house in the garden of the Old Diary House along the rural single track lane where I live. I understand from your letter of 17 February that an aspect of the decision to refuse this application is under review.

I am clearly less qualified than the council to consider whether the potential transfer of part of the garden of a house to a company owned and controlled by the same person as owns that house is relevant to the granting of planning permission and acknowledge that it is possible that the conclusion here may not necessarily be the same as those usually arising in response to actions apparently taken solely to circumvent aspects of regulations.

However, I would like to amplify a concern raised earlier in respect of this application. The attached photos taken at various times today by different people show flood water being pumped from the site of a house being built immediately adjoining the site subject to 21/04768/FUL. Part of the residual flooding, after several hours of pumping, can also be seen past the construction equipment at the entrance to the site. This actual evidence of flooding on this land, which is lower than the road and other land around it, is not consistent with the statement in the original application form that the site is not within an area of known risk of flooding. The possible drainage implications of the extensive tree felling on land in advance of a planning application as well as the additional hard surfaces included in this application also call into question the statement that the applicant does not think that the current application increases the risk of flooding. Possibly this flooding risk simply wasn't noticed by the applicant prior to the tree felling on that land; it will have been now since the pump clearing it has been running for most of the day.

The potential public health implications of this demonstrable flooding risk for the on-site sewage system proposed in 21/04768/FUL are prima facie very concerning.

It may be relevant that the site which is currently flooding relates to application 17/00681/AMC, which was made by the same family as 21/04768/FUL and contained the same statements with respect to flood risk.

In addition to this, if you are able to offer any comfort as to the measures taken to ensure the public safety of the sewage treatment associated with the current building work (ie in respect of application 17/00681/AMC), or indeed the appropriateness of pumping flood water up hill onto an adopted road and flooding it, I would be grateful. Please let me know if I should address these points to someone else in the council.

Thank you for your help. I look forward to both your advice and reading the result of your review.

Best Regards

Graham Lilley  


## Sarah Forsyth

---

**From:** lizandbert bloy [REDACTED] >  
**Sent:** 26 February 2022 12:18  
**To:** Local Review Body  
**Subject:** Review of Application 21/04768/FUL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Images showing traffic disruption at current building site on lane at Dundas Home Farm on land sold by current applicant.



1989

All Media

0:37

Sent from my iPad

## Sarah Forsyth

---

**From:** Liz and Bert [REDACTED]  
**Sent:** 26 February 2022 11:42  
**To:** Local Review Body  
**Subject:** Review of planning application 21/04768/FUL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Gina Bellhouse  
Planning Advisor  
Local Review Body  
Edinburgh City Council

Re: Planning Application Review 21/04768/FUL

Dear Gina Bellhouse,

It has been brought to my attention that a review of the application for the above property has been submitted. Nothing that has been provided in mitigation for the refusal of the application has in any way altered the facts. The insistence that the site is an "infill" site is stretching the truth given that it is still part of the Old Dairy House garden with no apparent demarcation lines. It would also necessitate the demolition of part of the stone wall along the lane were this the case.

All the objections stated in my previous letter sent to the planning office still stand. Nothing has changed regarding this application.

I would however, like to add one point. The applicant sold land previously, some 40 metres west of the Old Dairy House and construction started in the autumn on a 4/5 bedroom house. Since then, the residents of Dundas Home Farm ( the listed steading adjacent ) have been greatly inconvenienced by the construction vehicles blocking the single track lane. Some days trucks delivering supplies( not their fault!) have completely blocked the road to incoming and exiting vehicles. The passing place has been used to park vans making it even more difficult to access the properties. So to allow another house to be built would mean yet more months of traffic disruption.

I think this should be taken into account as the issue about the single track lane was raised previously.

I will send evidence of the problem.

Regards,

Elizabeth Bloy

15, Dundas Home Farm  
South Queensferry

Sent from my iPad

## Sarah Forsyth

---

**From:** lizandbert bloy [REDACTED]  
**Sent:** 26 February 2022 12:15  
**To:** Local Review Body  
**Subject:** What happens when construction takes place on a single track road.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



Sent from my iPad

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

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

Thank you for completing this application form:

ONLINE REFERENCE      100340728-002

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

## Applicant Details

Please enter Applicant details

<p>Title:</p> <p>Other Title:</p> <p>First Name: *</p> <p>Last Name: *</p> <p>Company/Organisation</p> <p>Telephone Number: *</p> <p>Extension Number:</p> <p>Mobile Number:</p> <p>Fax Number:</p> <p>Email Address: *</p>	<p>Mrs</p> <p></p> <p>Jane</p> <p>Gilburt</p> <p>Currie Properties Ltd</p> <p>0 [REDACTED]</p> <p></p> <p>0 [REDACTED]</p> <p></p> <p>[REDACTED]</p>	<p>You must enter a Building Name or Number, or both: *</p> <p>Building Name:</p> <p>Building Number:</p> <p>Address 1 (Street): *</p> <p>Address 2:</p> <p>Town/City: *</p> <p>Country: *</p> <p>Postcode: *</p>	<p>Old Dairy House</p> <p></p> <p>The Old Dairy House, Dundas Home</p> <p>The Old Dairy House</p> <p>SOUTH QUEENSFERRY</p> <p>United Kingdom</p> <p>eh30 9ss</p>
---	--	---	--

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

677047

Easting

312657

## Description of Proposal

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

Erection of 4-5 bedroom house. The erection of a detached 2 car garage. At land 20metres East of The Old Dairy House Dundas Home Farm South Queensferry.

## 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 Reasons for refusal listed on the Decision Notice do not apply to this isolated Gap Site. The planning department consider this part of the courtlage of the Old Dairy House. This property is not part of the Old Dairy House and is owned by a seperate company. The items raised in the Decision Letter -Reasons for Refusal are fully addressed in the annotated copy of the Decision Notice attached to the appeal.

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)

Annotated Decision Notice dated 25 January 2022, Ecology Assessment, Access Statement, Habitat Heritage and Development note.

## Application Details

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

21/04768/FUL

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

13/09/2021

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

25/01/2022

## 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

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

## 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 Colin Gilbert

Declaration Date: 16/02/2022

# RESIDENTIAL PLOT, OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY

## ***Access Statement***

Project Ref: 21012

Issue Date: 30 July 2021

Revision: [01]



Client: Currie Properties Ltd

Address: Old Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

Site Address: Site adjacent to Old Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

<b>Report Author</b>	<b>Myles McGregor</b> BEng (Hons), CEng, CMILT, MCIHT Director
<b>Signed</b>	
<b>Date</b>	30 July 2021

<b>Rev</b>	<b>Issue Description</b>	<b>Issue Date</b>
<b>00</b>	<b>Draft issue</b>	<b>28 July 2021</b>
<b>01</b>	<b>Issue for Submission</b>	<b>30 July 2021</b>

*Front cover image ©Google Earth*

## TABLE OF CONTENTS

1.	Access Review .....	1
1.1.	Relevant policy and guidance .....	1
1.2.	Previous Applications / Site History.....	1
1.3.	Traffic Generation and Accessibility.....	1
1.4.	Parking.....	2
1.5.	Refuse collection and Servicing.....	2
1.6.	Access layout.....	2
1.7.	Accident History .....	3
1.8.	Summary and Conclusion .....	3

Appendix A - Site Layout

## 1. ACCESS REVIEW

McGregor Traffic Solutions (MTS) were commissioned by Currie Properties Ltd to assess the feasibility of an access to a proposed residential property on a plot adjacent to the Old Dairy House, Dundas Home Farm, South Queensferry.

The following comments are in support of a planning application for a single dwelling.

### 1.1. RELEVANT POLICY AND GUIDANCE

The site is within City of Edinburgh boundaries so it is CEC guidance on accesses that have been referenced and national guidance is from Designing Streets (Transport Scotland).

### 1.2. PREVIOUS APPLICATIONS / SITE HISTORY

A review of the previous application for the neighbouring part of the garden (15/05159/PPP) did not indicate any objection from the Roads department. There was a comment about the need for an adoptable standard of road for more than 3 dwellings. As far as I am aware from the CEC GIS maps the Dundas Home Farm Road is adopted already. On site there is clear demarcation to the west of the Old Dairy House and the road is tarred, with appropriate passing places and street lighting.



**Figure 1 - Dundas Home Farm Road limit of adoption**

### 1.3. TRAFFIC GENERATION AND ACCESSIBILITY

The vehicular generation for a single dwelling will be minimal and is unlikely to have any perceptible impact on the surrounding network. There are foot / cycleways on the B800 which enables easy access to either Kirkkliston to the south or South Queensferry to the north. There

are also bus stops at the end of the road providing access to public transport within a 400m walk. Destinations from this stop include Balerno, Dunfermline, Edinburgh Park, Livingston, Queensferry and Edinburgh city centre. The site is in a good location to access sustainable forms of travel.

#### 1.4. PARKING

Parking provision is subject to the CEC guidelines which indicates a minimum of 2 spaces within the curtilage of the house for a 4 bedroom house plus an allowance for visitor parking. All parking will be anticipated to be contained within the curtilage with no allowance for on street parking.

#### 1.5. REFUSE COLLECTION AND SERVICING

Refuse collection will be from the roadside as is the case currently for the existing residences at this location. As a private residence it is anticipated that deliveries will generally be from the likes of Amazon, Currys, DPD, Hermes, Tesco's, Waitrose and other retailers. It is expected that delivery vehicles will generally be large panel vans, such as a Mercedes Sprinter style van.

#### 1.6. ACCESS LAYOUT

An indicative access plan has been prepared at the location as shown on Drawing No 21012-MTS-00-XX-DR-TP-06001-A3-1to200-P01 included in Appendix A. Alternative locations were considered but in terms of the land ownership and location of septic tanks / soakaways it is sensible to utilise the existing 6.3m width of land adjacent to the road.

Drainage will be designed to fit with the existing gullies.



**Figure 2 - Existing frontage showing vegetation that will need trimmed to improve visibility**

Visibility for a 20mph road is 2.4m by 25m which is taken from the figures in Designing Streets. This visibility envelope must have nothing higher than 1.09m within it. This will mean some trimming of adjacent vegetation which can be seen on Drawing No 21012-MTS-00-XX-DR-TP-06002-A3-1to200-P01 Included in Appendix A. This vegetation / fencing is all within land under the control of the applicant.

The requirements for emergency vehicles are generally dictated by the fire service requirements. Providing access for large fire appliances (including the need to be able to work around them where appropriate) which, by design, will also provide suitable access for police vehicles and ambulances. This shown on Drawing No 21012-MTS-00-XX-DR-TP-06003-A3-1to500-P01 included in Appendix A which shows the extent of reach from a fire tender stopped on Dundas Home Farm road.

#### 1.7. ACCIDENT HISTORY

A check of the Crashmap accident records reveals 1 slight incident in the area which occurred in 2017 at the entrance to Dundas Castle. There are no indications of historical road safety issues with Dundas Home Farm road.

#### 1.8. SUMMARY AND CONCLUSION

In summary the proposed access can comply with the relevant standards in terms of geometry and visibility, the site is connected to foot and cycleways and has public transport provision within 400m.

MTS has reviewed the access location proposed and concludes that a suitable access to comply with relevant standards can be achieved.



**Appendix A**

Drawing No 21012-MTS-00-XX-DR-TP-06001-A3-1to200-P01 – Access Layout

Drawing No 21012-MTS-00-XX-DR-TP-06002-A3-1to200-P01 - Visibility

Drawing No 21012-MTS-00-XX-DR-TP-06002-A3-1to500-P01 – Fire extents (45m)



# The Old Dairy House

Page 266



Verge Crossing to match existing roadway construction

Flush kerb line to demarcate adopted road

3.5m

3.5m width gravel driveway

Plot Boundary

**Revision notes:**

Rev:	Date:	Notes:
01	28Jul2021	Update Client details

Drawn by:  
MMcG

Client:  
Currie Properties Ltd

Project:  
21012  
Dundas Farm Dairy

Drawing Title:  
21012-MTS-00-XX-DR-TP-06001  
Access Junction

Date:  
16 Jul 2021

Scale @ A3:  
1:200

Revision:  
01



**McGregor Traffic Solutions Ltd**  
Geddes House,  
Kirkton North Road,  
Livingston  
EH54 6GU  
mcgregortraffic@outlook.com



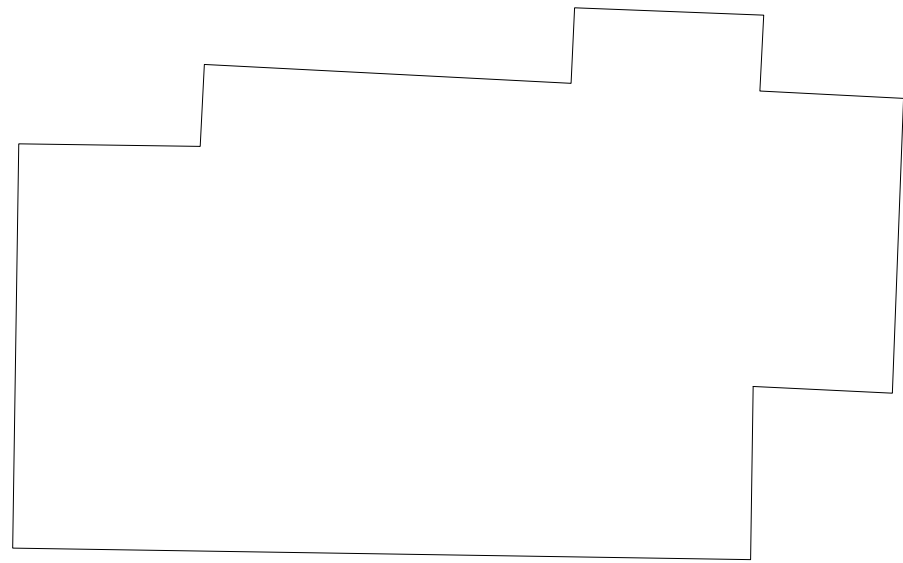
25m

25m

2.4m

3.5m

# The Old Dairy House



Revision notes:

Rev:	Date:	Notes:
01	28Jul2021	Update Client details

Drawn by:  
MMcG

Project:  
21012  
Dundas Farm Dairy

Date:  
19 Jul 2021

Client:  
Currie Properties Ltd

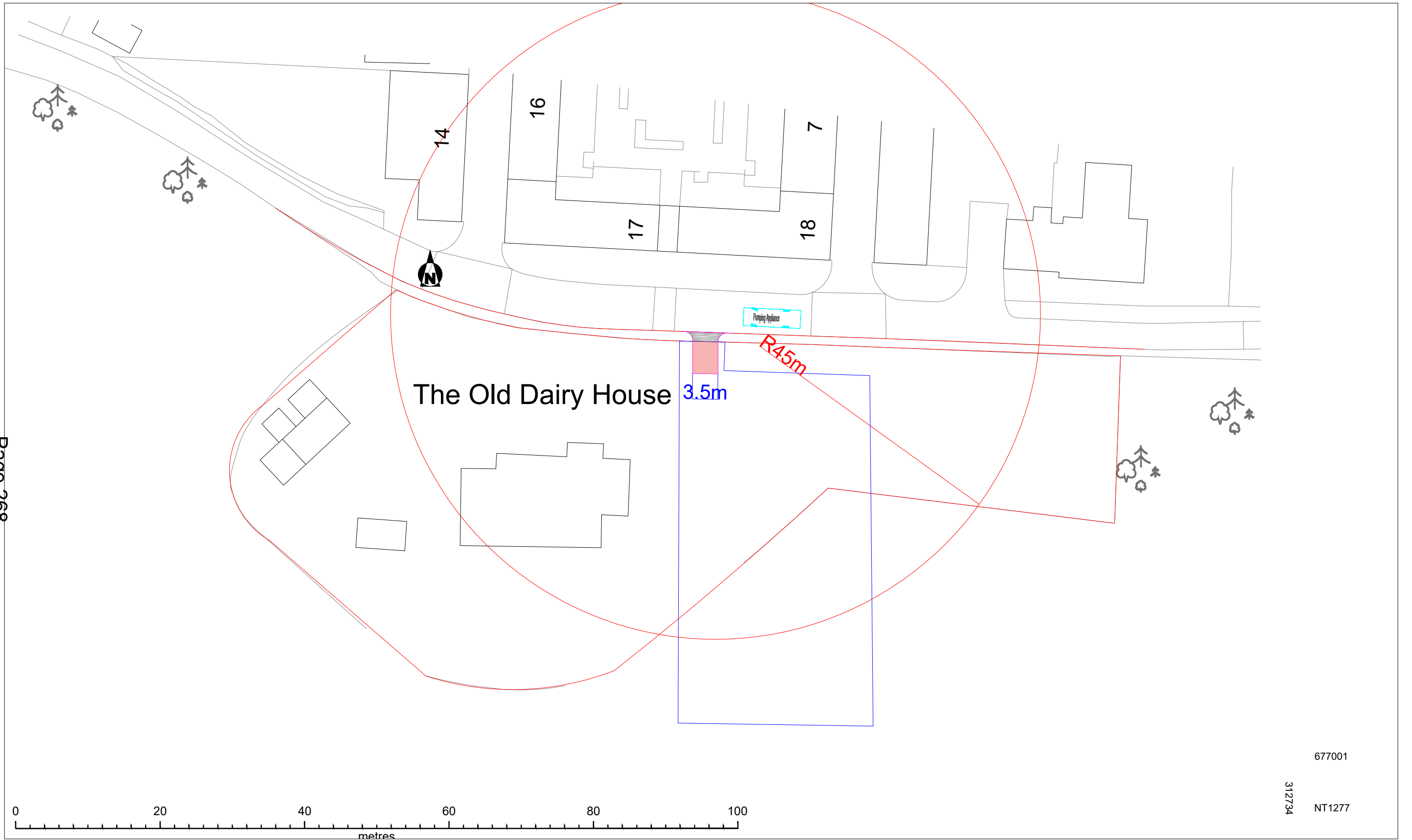
Drawing Title:  
21012-MTS-00-XX-DR-TP-06002  
Visibility Splay

Scale @ A3:  
1:200

Revision:  
01



**McGregor Traffic Solutions Ltd**  
Geddes House,  
Kirkton North Road,  
Livingston  
EH54 6GU  
mcgregortraffic@outlook.com



677001

312734

NT1277

Revision notes:		
Rev:	Date:	Notes:
01	28Jul2021	Update Client details

Drawn by:  
MMcG

Project:  
21012  
Dundas Farm Dairy

Date:  
19 Jul 2021

Client:  
Currie Properties Ltd

Drawing Title:  
21012-MTS-00-XX-DR-TP-06003  
Fire extents - 45m

Scale @ A3:  
1:500

Revision:  
01



**McGregor Traffic Solutions Ltd**  
Geddes House,  
Kirkton North Road,  
Livingston  
EH54 6GU  
mcgregortraffic@outlook.com



Currie Properties Ltd.  
FAO: Jane Gilbert  
Old Dairy House  
Dundas Home Farm  
Edinburgh  
EH30 9SS

**Decision date: 25 January 2022**

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

Erection of 4-5 bedroom house. The erection of a detached 2 car garage.  
At Land 20 Metres East Of The Old Dairy House Dundas Home Farm South  
Queensferry

**Application No:** 21/04768/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 13 September 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 policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.

The site is not part of the curtilage of the Old Dairy House. It is owned by Currie Properties Ltd a company registered at Companies House Edinburgh. The development is not involved in the areas noted above. It does however, form a gap site with no opportunity for an agricultural use due to its limited size and location between two residential properties. Agricultural development would distract from the residential and rural character due to its gap side location. There is a precedent set for a similar size plot adjacent to the site and on which a house was granted planning permission and has been erected.

2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.

This site has been left isolated as green belt by the, compulsory purchase of the green belt land to the North of the site and the development of the house on the adjacent site. The land to the North was purchased to allow the development of the New Forth Road bridge and its approach. The road, Dundas Home Farm, on which the site sits was brought up to a standard that allowed it to be adopted by the council. It also had street lighting upgrade/ installed. The proposed use of this site for a family home which would quickly form part of the local community. The site is clearly a gap site, its status as green belt should perhaps have been reviewed at the time of the purchase of the other land which lost its green belt status. It would be an excellent use for a what is a small isolated gap site bounded by houses on both sides.

3. The proposal is contrary to LDP policy Des 1 as the proposal would be damaging to the character and appearance of the area around it.

**Des 1 Development Contributions and Delivery.**

The Policy is clearly directed to more major developments than the proposal.

**Policy 16 Environment**

ia) No change to the transport facilities within the area will be required. Please see report attached. "Access Statement"

ib) Educational facilities are a short walk away from the proposed site with South Queensferry and Kirkliston Primaries and the New South Queensferry High School.

ic) a) there are no protected species within the area of the site or abounding it. The attached specialist report confirms this to be the case. See "Ecology Assessment".

ic) b) A full survey has been carried out and is attached. See "Ecology Assessment".

ic) c) There are no species on site that are considered to be under any threat. See "Ecology Assessment"

ic) d) None is required due to the lack of endangered species.

**Policy Env 19 Protection of Outdoor Sports Facilities**

a) The area is unsuitable as a major sports facility due to its size and terrain.

b) The development does not involve any outdoor facilities other than the proposed garden

c) There are several outdoor sports facilities within easy walking distance. Including a golf course, football, swimming, countryside walks and horse riding.

d) As the majority of the facilities are new there would be no detriment to the overall provision.

**Policy Env 20**

The area will not be a public space as the grounds will form part of a residential property. The area has never been opened to the public, there will be no loss of amenity

4. The application site is not sustainable and the proposal is overdevelopment of the existing garden grounds. It does not comply with the 13 SPP principles.

**Principals:**

**Economic benefit:** The development will bring with it a small but increase in spending in the area and the use of using local amenities thereby helping to make those facilities retain their sustainability

**Economic Issues:** It will, as above, help to maintain and respond to economic issues.

Good design and Quality: The development is of a good tested design that is both economical to build and maintain but has a character that will blend it into its surroundings and reflect the design of its neighbors particularly the “Old Dairy House”. It would enhance the area by adding both a good use of the site but bring a much needed opportunity to allow a family to live in a rural environment.

Efficient use of Land and infrastructure: The site is a single house sized plot and the development would make excellent use of the plot. No agricultural use has been established both because of its gap site location and its limited size. The residents would make good use of the local facilities.

Support the delivery of accessible housing, business and leisure development.: The proposal would allow the erection of a house that many could not afford but would allow someone of reasonable means to erect a family home at a reasonable cost for the location and development. The other items would be up to the owner of the property to develop should they so wish. However, they would use the local facilities thereby adding to their sustainability.

Support delivery of of infrastructure: The proposed site is already well covered with the delivery of all mains facilities such as Gas, Electricity, Water etc. The whole area of South Queensferry is currently being developed with major housing developments, New Roads, increased Educational Establishments and Sports facilities etc.

Climate change mitigation & flood risk. The property would be a high insulation structure using both solar panels and air heat exchange recovery. Thus, limiting it's effect on the environment. The site has been checked and according to SPEA. It is not on a flood plain and is not in risk of flooding. The council officer reflected this in his evaluation report.

Improving Health and Well Being by Social interaction and Sports exercise. The community to which this property would belong are all very active in arranging social events. Use the local facilities to walk and cycle and also the local sports facilities of which there are many.

Sustainable land use: This land is a small isolated undeveloped plot which is in the main unattended. It is a plot that is of a size and location to supply a house building plot. It is mainly hidden from the street by a large hedge and the building itself would be well obscured behind the hedging.

Enhancing cultural heritage including historic environment: The plot is situated between a single story building that was a dairy house, This property has been developed and extended several times since its construction and is now a 1.5 story building with extensive floor area extensions. The land on the other side of the plot contains a 1.5 story house which has recently been erected. It has taken its design features from the old dairy house and it has blended into its site well. It has had no effect on the other properties in the area. The majority of the properties are converted cow sheds and stables which have a steading feel to them. There are several other properties along the road on the North side which vary in design and size. They again are not overlooked by the proposed development Indeed, as with the new house adjacent to the site this building would be shielded from the other properties by the large hedge. A previous study re archology and history showed no archeology on the site nor any outstanding history to the site.

Protecting Landscape and access to natural heritage: This has been dealt with earlier in this submission. The site is small and has no outstanding natural features.



Reducing Waste facilitating management and resource recovery. It is proposed that the house will have heat recovery systems installed together with air to heat pump technology and solar panels. This will all go to limit waste of natural resources.

Avoiding over development protecting existing development and implications for water, air and soil quality: This is a small site, indeed it is the only location available to develop within the area. The area is dominated by the Steading development to the North side of the road together with the Old Farm House a couple of cottages and a larger (what is believed to have been the) Estate Managers house. These are all now in private hands and form no part of the Dundas Estate. Many have been altered and had garden rooms added or residential cabins added to their gardens Some have solar panels fitted. The site that the development lies on is to the South side of the road, which has only the Old Dairy House and Lilly Loch Cottage on. The development would be between the Old dairy house and Lilly Loch cottage. It would not distract from the Steadings or any of the other properties to the North hand side of the road. The proposal would not be an overdevelopment. The property is well setback from the road, sheltered by a large laurel hedge, and has adequate ground to allow sufficient area for both front and rear gardens. It is an excellent use for the land and would reduce any risk of ground contamination the project being a residential property. There are no streams within or adjacent to the site, Use of heat recovery and air to heat technology would help reduce any air contamination.

5. Inadequate information has been submitted to prove that the development will not increase a flood risk or be at risk of flooding itself. The proposal does not comply with LDP Policy Env 21.

The Councils report of handling states that the SEPA flood maps do not identify this area as being at risk of flooding and If the application was to be approved it is recommended that a condition requiring a suitable SWMP be attached to the consent. This is now required for all new housing developments.

6. The proposal is contrary to LDP policy Des 4 as the proposal would not have a positive impact on its surroundings.
- a) The proposed building is of a size to match the other properties adjacent to the gap site. It is of a design that was previous approved as the original design for the site to the East of the gap site.
  - b) Its scale and proportion has been previously approved for the site to the East of the gap site. It is not a large house and fits well onto the gap site.
  - c) It is central on the site and leaves more than sufficient space between the existing properties. There is provision for a large South facing garden and retention of the front Laurel hedging to provide a backdrop to any Northern garden/borders.
  - d) The proposed building is of a design to match the other properties adjacent to the gap site. The style facing the road side will match well with the two adjacent properties whilst the rear aspect makes full use by employing large glass outlooks to trap the heat and views of the woods to the rear.
- It is believed that the proposal would have a positive impact by making excellent use of a gap site that currently is unused and spoils the look of the area due to its unkempt condition.

Robert McIntosh, Planning Officer, Local 2 Area Team, Place Directorate.  
Email [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk),  
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG

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

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

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

The proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings and does not comply with LDP policy Des 1 or Des 4. Insufficient information has been provided to show that the proposal will not increase a flood risk or be at risk of flooding itself.

The proposal does not comply with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly at [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk).



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

## NOTES

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

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

∴

## **Habitat, Heritage and Development Supporting Notes**

### **Notable Habitat –J5 Other Habitat**

As the property does not appear to match with any of the major classes of diversity it has been allocated to J5 Other Habitat.

The grounds are artificial and had previously been developed, in the main, as a wooded garden. This is no longer the case and the site has lain vacant now for several years.

The property is close to the woodland for Dundas Castle and the property has been planted with new stocks over the years some of which would not have been native to the area. Trees within the boundary have been felled at times to thin them out and indeed to remove trees which have been blown down by heavy storm and to make way for non-local varieties.

The actual number of trees is one and would not qualify as a woodland habitat.

There have been no sightings of any rare or unusual birds even with previous owners supplying bird feed and nesting boxes around the property.

### **Heritage Trees 47 – Dundas Castle.**

The ground comprises of a plot hived off from the original castle estate.

The trees within the plot have been felled some years ago. The proposed development would have no impact on the trees on the property to the South of the site and in any event they form no part of a buffering boundary.

### **Airport Development Restrictions – Over 10mts in height**

The proposed development would not exceed 10 mts.

### **Zones for Development Control Parking Standards (Zone6)**

As the proposed development will be classed as a small development there would be no need for a parking survey. Parking would be within the development.

### **Rural West Local Plan**

The property would be within the Rural West Local Plan. There would be no impact on the plan.

### **Dundas Estates Local Biodiversity Site**

The area of the site that will constitute the actual “build” will be insignificant in the total area of the neighbouring property of Dundas Estates which runs to 100s of acres. The development will have no detrimental effect on bio diversity, it has no rare or unusual foliage or animals or birds within the site. The finding of one badger hair on the castle fence (which is some yards to the South of the site) is not regarded as significant as no sighting at anytime over the past 7 years has been seen of any Badgers within the site.

### **Candidate Special Landscape Area**

The site is close to border of the Dundas Estate which has in the past been subject to historical landscaping. The site is not visible from within the Dundas Landscape area as it is shielded by a significant wooded boundary that is within the Dundas Estate area. The property when erected will not be visible from the viewing areas or paths or roads or castle and will have no visual effect on the Landscape Area.

### **Green Belt**

The plot lies isolated with the green belt in the area. The neighbouring properties and land within the area of the property are not within the green belt. There has been significant building works within the area namely the new approach road to the new Forth Crossing and the allocation of land for house building.

### **HGDL – 167 Dundas Castle HDGL Historic gardens and designed landscapes.**

The site sits close to the boundary of the Dundas Estate which has in the past been subject to historical landscaping. The site is not visible from within the Dundas Landscape area as it is shielded by a significant wooded boundary that is within the Dundas Estate area. The property when erected will not be visible from the viewing areas or paths or roads or castle and will have no visual effect on the Landscape Area.

The site has been changed with each owner of the property and bears no resemblance to the original layout having been changed from a part of the curtilage of Commercial Dairy to part of the garden of the dairy which was converted to a residential property. It plot was then sold to a property company.

The proposal will have no effect on the Castle Gardens.

### **PAL – 110 (3.1) Prime Agricultural Land**

The plot is of a size that would not be worthwhile or economical to develop as Prime Agricultural Land. Such a change would be in direct contravention of several of the above noted Constraints. Such a change to the plot would just not be feasible.

### **Coal Mining Standing Advise Area**

The area is so small as to not warrant any form of Mine working for the extraction of coal.

### **Radon Potential Class 1**

This is the lowest level of risk.



Old Dairy House, South Queensferry  
Preliminary Ecological Assessment (PEA)  
*For Currie Properties Ltd*

5<sup>th</sup> July 2021

South Office  
8 Epsom Close  
Chippenham, Wiltshire  
SN14 0FB

North Office  
292 Portobello High Street  
Edinburgh  
EH15 2AS

07 730 600 924  
[info@ellendale-environmental.co.uk](mailto:info@ellendale-environmental.co.uk)



## Version

VERSION	DATE	AUTHOR	REVIEWED	APPROVED
CIC v1.0	02/07/21	Stewart Parsons	Emma Parsons	05/07/21
CIC v1.1	05/07/21	Stewart Parsons	Emma Parsons	05/07/21

### Disclaimer

Copyright © Ellendale Environmental Limited. All rights reserved.

This report has been produced by Ellendale Environmental Limited within the terms and conditions of the contract with the client and taking account of the resources devoted to it by agreement with the client. It has been prepared for the sole use of the client and their professional advisors.

Ellendale Environmental Limited accepts no responsibility for any use of or reliance on the contents of this report by any third party.

The report, and the information contained in it, is intended to be valid for a maximum of 12 months from the date of the survey, providing no significant alterations to the site have occurred.



# Contents

1.	Executive Summary .....	4
2.	Introduction.....	5
2.1	Commission.....	5
2.2	Site Details .....	5
2.3	Survey Objectives .....	6
3.	Methodology .....	7
3.1	Data Search.....	7
3.2	Extended Phase 1 Habitat Survey .....	7
3.3	Preliminary Protected Species Walkover.....	7
3.4	Survey Area.....	8
3.5	Survey Limitations .....	8
3.6	Surveyor.....	8
4.	Results .....	9
4.1	Desk Study.....	9
4.2	Extended Phase 1 Habitat Survey .....	10
4.3	Preliminary Protected Species Survey.....	12
5.	Conclusions .....	15
5.1	Conclusion.....	15
5.2	Main Recommendations.....	16
6.	Target Notes .....	17
6.1	Botanical Target Notes (TN) .....	17
6.2	Animal Target Notes (AN).....	17
7.	Extended Phase 1 Habitat Map .....	18





# 1. Executive Summary

Ellendale Environmental Limited was commissioned by Currie Properties Ltd to undertake a Preliminary Ecological Assessment (PEA) for an area of land to the east of The Old Dairy House, Dundas Home Farm, South Queensferry ('the site'). A development of a residential property is proposed for the site ('the proposed development').

Surveys undertaken at the site as part of the PEA included an Extended Phase 1 Habitat survey and a Preliminary Protected Species walkover. The Extended Phase 1 Habitat survey was undertaken following a Phase 1 survey methodology (JNCC, 2010) to list the plant species associated with each habitat. The preliminary protected species walkover was conducted for the site and the surrounding area.

The site is approximately 0.13 hectares in area and lies to the east of The Old Dairy House. The main area of the site is dominated by semi-improved neutral grassland that is managed through regular mowing, reducing the suitability for protected species to be present.

The hedgerow to north of the site provides the most suitable habitat to support protected species, namely nesting birds.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.

Recommendations have been made for modest post-construction ecological enhancements at the site that are proportionate with the low level of environmental impact from the proposed development.



## 2. Introduction

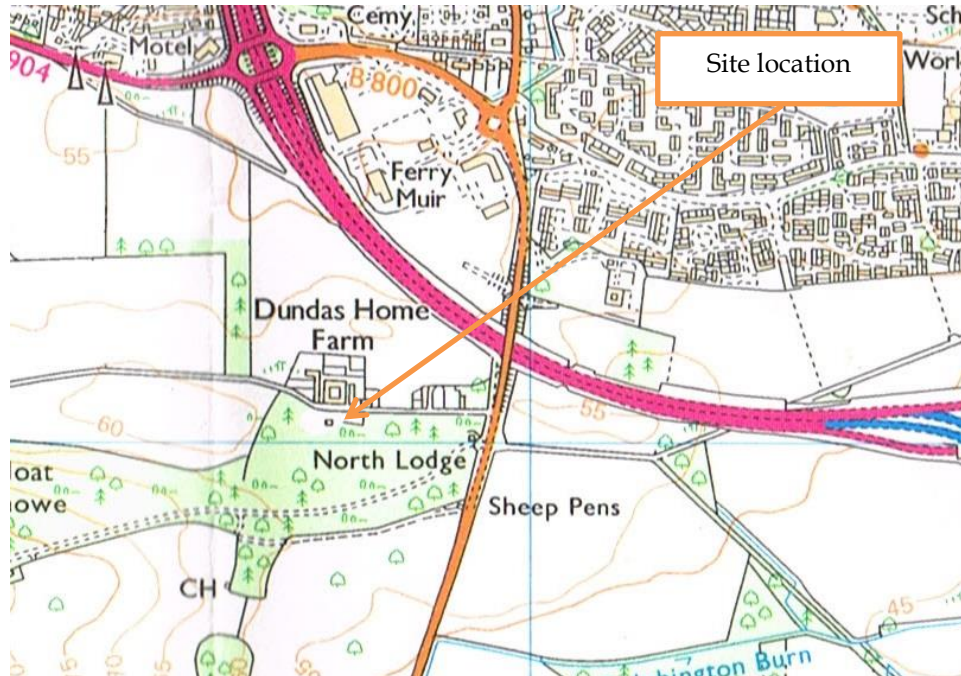
### 2.1 Commission

Ellendale Environmental Limited was commissioned by Currie Properties Ltd to undertake a Preliminary Ecological Assessment (PEA) for an area of land to the east of The Old Dairy House, Dundas Home Farm, South Queensferry ('the site'). A development of a residential property is proposed for the site ('the proposed development').

### 2.2 Site Details

The site is located to the west of Edinburgh, immediately south of the town of South Queensferry, at OS grid reference NT 12660 77035. The site was formerly a garden belonging to The Old Dairy House.

*Figure 1: Site location*



Reproduced from Ordnance Survey Mapping Map Explorer 350 Scale 1:25000 by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown copyright. All rights reserved. Licence number 100054247.



### 2.3 Survey Objectives

On the basis of the brief provided by the client, Ellendale Environmental conducted an ecological survey to fulfil the following needs:

- ☛ Obtain baseline information on the current habitats and ecological features in and around the site;
- ☛ Identify any further specialist surveys that may be required;
- ☛ Identify the presence (or potential presence) of any protected species whose disturbance may require consent under the Wildlife and Countryside Act, 1981 (as amended); and
- ☛ Identify any species or habitats which may require special mitigation during the development of the site.



## 3. Methodology

### 3.1 Data Search

Publicly available databases, including MAGIC and the NBN Atlas, were consulted for historical evidence of:

- ☛ Statutory Land-Based Designations;
- ☛ Non-Statutory Land-Based Designations; and
- ☛ Protected Species.

The data search was conducted within a 2km radius of the site boundaries.

### 3.2 Extended Phase 1 Habitat Survey

An Extended Phase 1 Habitat survey of the site area was undertaken, and the habitats present on the site were mapped following the Phase 1 survey methodology (JNCC, 2010), listing the plant species associated with each habitat. This methodology was an extended Phase 1 habitat survey, whereby all habitats were surveyed and recorded onto a base plan, and any habitats that were considered to be of potential interest to nature conservation were recorded through the use of target notes to annotate a Phase 1 habitat map.

### 3.3 Preliminary Protected Species Walkover

The site and surrounding areas were examined for signs of protected species, particularly badger *Meles meles*, as it was considered that the site had the greatest potential to support these species or groups of animals.

The presence/potential presence of protected or notable species of conservation concern was recorded using target notes, following the Chartered Institute of Ecological and Environmental Management guidance (CIEEM, 2012).



### 3.4 Survey Area

The survey covered the entire site and areas within 30m (where accessible).

### 3.5 Survey Limitations

The aim of this survey was not to record every species present on the site, as one survey acts as a snap-shot, recording only those species which are present at the time or whose presence can be indicated through the occurrence of field signs, such as feeding remains, droppings or places used for shelter or foraging.

Evidence collected has been used to draw conclusions about the flora and fauna within the boundary of the site and to provide an assessment of their ecological and nature conservation value.

Weather was not a limiting factor to the survey. The prevailing conditions at the time of the survey are summarised in Table 1.

*Table 1: Survey weather conditions*

SURVEY DATE	TEMPERATURE (°C)	WIND SPEED (MPH)	CLOUD COVER / PRECIPITATION
16/06/21	17.9	1.1 Avg. 3.7 Max.	70% cloud cover, dry and humid with an occasional breeze.

### 3.6 Surveyor

The survey was undertaken by Stewart Parsons, Director and Principal Ecologist of Ellendale Environmental, who is a full member of CIEEM and a Chartered Environmentalist (CEnv). Stewart has over 18 years' professional experience of undertaking ecological surveys across the UK.



## 4. Results

### 4.1 Desk Study

A data search for existing biological records was undertaken from publicly available databases and the following statutory and non-statutory designated sites were identified within 2km of the site boundary:

- ☛ The Firth of Forth RAMSAR site is located 1.3km north of the site boundary;
- ☛ The Firth of Forth Site of Special Scientific Interest (SSSI) is located 1.3km to the north of the site boundary;
- ☛ The River Tweed Special Protection Area (SPA) is located 1.3km to the north of the site boundary;
- ☛ The site is located within the Edinburgh Green Belt; and
- ☛ The site is located in a Site of Importance for Nature Conservation (SINC) and the Dundas Castle Designed Landscape.

The following protected species were identified within 2km of the site boundaries by the data search:

- ☛ Great crested newt *Triturus cristatus*;
- ☛ Badger;
- ☛ Noctule bat *Nyctalus noctula*;
- ☛ Common pipistrelle bat *Pipistrellus pipistrellus*;
- ☛ Soprano pipistrelle *Pipistrellus pygmaeus*;
- ☛ Brown long-eared bat *Plecotus auritus*; and
- ☛ Natterer's bat *Myotis nattereri*.

Approximately 117 bird species have been recorded within 2km of the site and are shown on the NBN Atlas; however, none of these records are for within the site boundaries.



#### 4.2 Extended Phase 1 Habitat Survey

The site is approximately 0.13 hectares in area and lies to the east of The Old Dairy House. A low stone wall and hedge forms the site's northern boundary, beyond which is an unnamed access road and Dundas Home Farm (formerly Newbigging Steading) which was converted into residential use around 2005. To the west there is an area of grassland and to the south there is a woodland associated with the Dundas Castle Designed Landscape.

The surrounding area is rural in nature and predominantly comprises a mix of agricultural and residential uses.

*Photograph 1: showing a view of the site (looking south)*



The main area of the site is dominated by semi-improved neutral grassland which was managed at the time of the survey through mowing. Several areas of longer grass were present around tree stumps that remain from trees that have been felled across the site. Grassland



species within the site included creeping buttercup *Ranunculus repens*, perennial rye-grass *Lolium perenne*, cock's-foot grass *Dactylis glomerata*, willow herb *Epilobium sp.*, broadleaved dock *Rumex obtusifolius*, spear thistle *Cirsium vulgare*, common nettle *Urtica dioica*, ragwort *Senecio jacobaea*, creeping thistle *Cirsium arvens*, daisy *Bellis perennis*, primrose *Primula vulgaris*, daffodil *Narcissus sp.*, foxglove *Digitalis purpurea* and cuckoo flower *Cardamine pratensis*. Several piles of wood chippings are present from the felling of the trees.

*Photograph 2: showing a view of the grassland within the site*



Along the northern boundary of the site there is a low stone wall and hedgerow dominated by cherry laurel *Prunus laurocerasus*. To the west of the boundary there is a small area of tall ruderal vegetation dominated by common nettle, with buddleia *Buddleia davidii*, rowan *Sorbus aucuparia*, sycamore *Acer pseudoplatanus* saplings and Cotoneaster also present. The trees are small and not mature. This area is proposed as the new access to the site.





*Photograph 3: showing the proposed access to the site*



To the south of the site boundary there is an area of grassland with mature sycamore trees present. It is understood that this area is outside of the development boundary and will not be impacted by the proposed development. Trees will be protected through a roost protection zone.

Along the boundary of the site with The Old Dairy House there are newly planted saplings and ornamental willow *Salix sp.* trees.

#### 4.3 Preliminary Protected Species Survey

The grassland land within the site is managed through regular mowing and this reduces the amount of suitable habitat available for protected species. No evidence of ground nesting birds was found during the survey.

There are no trees suitable to support roosting bats or large bird species within the site boundaries as the mature trees have been felled. Mature



sycamore trees to the south of the site boundary may provide suitable foraging habitat for bats; however, no cracks or crevices suitable to support roosting bats were found.

A mammal run and a hole in the boundary fence were noted, approximately 10m south from the site boundary. A badger hair was found on the fencing; however, no evidence of snuffle holes, latrines or setts were found within the site boundary.

*Photograph 4: showing a hole in the boundary fence*



No suitable habitat for common reptiles and amphibians, such as refugia or hibernacula, was found during the survey. Regular mowing of the grassland will limit the suitability of the habitat.

The hedgerow along the north of the site and woodland strip to the south provide the most suitable habitat to support protected species,



namely nesting birds. A number of passerine bird species were noted during the survey however no nests were identified during the survey.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



## 5. Conclusions

### 5.1 Conclusion

The site is approximately 0.13 hectares in area and lies to the east of The Old Dairy House. A low stone wall and hedge forms the site's northern boundary, beyond which is an unnamed access road and Dundas Home Farm. To the west there is an area of grassland and to the south there is a woodland associated with the Dundas Castle Designed Landscape.

The grassland within the site is regularly disturbed through mowing, which reduces the amount of suitable habitat available for protected species. No evidence of ground nesting bird, reptiles or amphibians was found and the regular mowing will disturb the habitat making it unsuitable. No suitable habitat for common reptiles and amphibians, such as refugia or hibernacula, was found during the survey.

A mammal run was found to the south of the site boundary and a badger hair was found on the fencing. However, no badger activity such as snuffle holes, latrines or setts was found during the survey.

The hedgerow to the north and broadleaf woodland strip to the south of the site provide the most suitable habitat to support protected species, namely nesting birds. The proposed access to the north-west of the site boundary was not found to have nesting birds present.

There are no trees suitable to support roosting bats or large bird species in the site boundaries. Mature trees in the site have been felled previously and the timber and brash removed from site. Some small area of wood chipping was present.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



## 5.2 Main Recommendations

The following recommendations are made for modest post-construction ecological enhancements at the site which are proportionate with the low level of environmental impact from the proposed development:

- ☛ As part of any eventual construction, it is recommended that vegetation clearance is undertaken outside of the bird breeding season, i.e., March to July, as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). If nesting birds are found, these areas of the site will need to be protected from disturbance until the young have fledged naturally.
- ☛ As part of the design and layout considered, bird nesting boxes (both small-hole and open-fronted) should be placed within the site if possible. This will create nesting opportunities for small bird species as part of the overall design.
- ☛ Swift boxes should be incorporated into the structure of the new building as part of the design and layout considered.
- ☛ As part of the design and layout considered, bat boxes should be placed on or around the site boundaries if possible. This could create roosting opportunities for bat species as part of the overall design.
- ☛ As part of the design and layout, the BCT guidance on bats and artificial lighting should be considered.



## 6. Target Notes

### 6.1 Botanical Target Notes (TN)

TN1 – Wall and cherry laurel hedgerow along the northern boundary of the site.

TN2 – An area of semi-improved neutral grassland managed through regular mowing. Mature trees have been felled within the site.

TN3 – Mature sycamore trees present to the south of the site boundary.

### 6.2 Animal Target Notes (AN)

AN1 – The hedgerow provides suitable habitat for nesting birds.

AN2 – A mammal run was identified, and a badger hair was found on the wire fence. No other evidence of badger was found during the survey.



## 7. Extended Phase 1 Habitat Map



**Drawing Title;**  
**Old Dairy House, South Queensferry**  
**Extended Phase 1 Map**

**Client;**  
**Currie Properties Ltd**

**Date;**  
**01/07/21**

**Drawn By;**  
**SP**

**Project Number;**  
**EEL380**

**Version Number;**  
**v1.0**

- Target Note**
- TN
- Animal Note**
- AN
- Woodland and Scrub**
- Broadleaf Tree
  - × Scattered Scrub
  - Species Poor Hedgerow
  - Broadleaf Woodland
- Built-up Area**
- ⊥ Fence
  - Wall
  - ▨ Hard Standing
  - Building
  - Amenity Grassland
- Grassland**
- Semi-improved Neutral Grassland





## 2 Design Principles for New Development

150 The Council encourages innovation and well designed developments that relate sensitively to the existing quality and character of the local and wider environment, generate distinctiveness and a sense of place, and help build stronger communities. Policies Des 1–Des 13 will be used to assess planning applications to meet the following objectives. More detailed advice on how to interpret and apply these policies can be found in Council guidance including in the Edinburgh Design Guidance document.



Page 297

### Objectives

- a) To ensure that new development is of the highest design quality and respects, safeguards and enhances the special character of the city
- b) To ensure that the city develops in an integrated and sustainable manner
- c) To create new and distinctive places which support and enhance the special character of the city and meet the needs of residents and other users

### Policy Des 1 Design Quality and Context

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

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

## Policy Des 2 Co-ordinated Development

Planning permission will be granted for development which will not compromise:

- a) the effective development of adjacent land; or
- b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

152 This policy applies to all development involving one or more new buildings. The Council encourages a comprehensive approach to redevelopment and regeneration wherever possible, and the preparation of development frameworks or master plans, to identify the full design potential for creating successful places. Piecemeal development is less likely to lead to the creation of well-defined and cohesive networks of streets and spaces. In exceptional cases, it may be necessary for the Council to use its powers of compulsory purchase to assemble a site for development and enable a satisfactory outcome to be achieved.

## Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features

Planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

153 This policy is relevant for all new development involving one new building or more. Its aim is to ensure that development proposals are informed by a detailed analysis and understanding of the site. The incorporation of existing features including built structures, archaeology, trees and woodland, landscape character, views and biodiversity can enhance a development's sense of place and contribution to the wider habitat and green network. Where practicable, proposals should provide new habitat to further the conservation of biodiversity.

## Policy Des 4 Development Design – Impact on Setting

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

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

154 This policy applies to all new development of one or more buildings. Where the built environment is of high quality and has a settled townscape character, new development proposals will be expected to have similar characteristics to the surrounding buildings and urban grain. Where the surrounding development is fragmented or of poor quality, development proposals should help repair the urban fabric, establish model forms of development and generate coherence and distinctiveness – a sense of place. The siting and design of development should also be guided by views within the wider landscape and an understanding of local landscape character, including important topographical features, e.g. prominent ridges, valleys and patterns of vegetation.

### Policy Des 5 Development Design – Amenity

Planning permission will be granted for development where it is demonstrated that:

- a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook
- b) the design will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses
- c) community security will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance over all footpaths and open areas
- d) **Page 299** a clear distinction is made between public and private spaces, with the latter provided in enclosed or defensible forms
- e) refuse and recycling facilities, cycle storage, low and zero carbon technology, telecommunications equipment, plant and services have been sensitively integrated into the design

**155** This policy applies to all new development for one or more new buildings. Buildings must meet the needs of users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy. Buildings should be designed to be flexible in use and interact closely with the street, providing continuity of urban frontage and natural surveillance. Cul-de-sac and single access residential layouts and gated communities should be avoided to help the integration of new development into the wider neighbourhood. Ancillary facilities must be sensitively integrated into the design of buildings to avoid impacting upon the surrounding townscape.

### Policy Des 6 Sustainable Buildings

Planning permission will only be granted for new development where it has been demonstrated that:

- a) the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies.
- b) other features are incorporated that will reduce or minimise environmental resource use and impact, for example:
  - i. measures to promote water conservation
  - ii. sustainable urban drainage measures that will ensure that there will be no increase in rate of surface water run-off in peak conditions or detrimental impact on the water environment. This should include green roofs on sites where measures on the ground are not practical
  - iii. provision of facilities for the separate collection of dry recyclable waste and food waste
  - iv. maximum use of materials from local and/or sustainable sources
  - v. measures to support and encourage the use of sustainable transport, particularly cycling, including cycle parking and other supporting facilities such as showers.

**156** This policy applies to all development involving one or more new buildings. The purpose of this policy is to help tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment.

**157** Buildings account for a substantial proportion of total carbon emissions through the energy they consume. Local authorities, through their planning and building standards responsibilities have a key role in helping to meet the Scottish Government's target for nearly zero carbon homes and buildings by 2016. Scottish Building Standards set carbon dioxide emissions reduction targets. At March 2013,

### Policy Des 11 Tall Buildings – Skyline and Key Views

Planning permission will only be granted for development which rises above the building height prevailing generally in the surrounding area where:

- a) a landmark is to be created that enhances the skyline and surrounding townscape and is justified by the proposed use
- b) the scale of the building is appropriate in its context
- c) there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth.

166 Page 300 Proposals for development that would be conspicuous in iconic views of the city will be subject to special scrutiny. This is necessary to protect some of the city's most striking visual characteristics, the views available from many vantage points within the city and beyond, of landmark buildings, the city's historic skyline, undeveloped hillsides within the urban area and the hills, open countryside and the Firth of Forth which create a unique landscape setting for the city. In addition, the height of new buildings may need to be suppressed where necessary so that the city's topography and valley features continue to be reflected in roofscapes. This policy will play an important role in protecting the setting of the World Heritage Sites.

167 A study undertaken for the Council identifies key public viewpoints and is used in assessing proposals for high buildings. Further advice is provided in Council guidance.

### Policy Des 12 Alterations and Extensions

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

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
- c) will not be detrimental to neighbourhood amenity and character

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

### Policy Des 13 Shopfronts

Planning permission will be granted for alterations to shopfronts which are improvements on what already exists and relate sensitively and harmoniously to the building as a whole. Particular care will be taken over proposals for the installation of illuminated advertising panels and projecting signs, blinds, canopies, security grills and shutters to avoid harm to the visual amenity of shopping streets or the character of historic environments.

169 Shopfront design, shop designs and shopfront advertising play an important role in the visual environment of the city. Important traditional or original features on older buildings, such as stall risers, fascias and structural framing of entrances and shop windows, should be retained and incorporated into the design. In conservation areas and on listed buildings, design and materials used will be expected to be of a high standard, and not damaging to existing fabric of buildings or wider character. Detailed advice on shopfronts is provided in Council guidance.

## 3 Caring for the Environment

170 Protection of the historic and natural environment for the benefit of future generations is an important role of the planning system. The purpose and context of Edinburgh's most important environmental designations including the World Heritage Site, Conservation Areas and Green Belt are explained in Part 1 of the plan. Policies Env 1 – Env 22 will be used in assessing planning applications to meet the following objectives;

### Objectives

- To ensure that the unique qualities of the city, its historic environment and the character of its urban areas are safeguarded for the future
- To protect important landscape and natural features of the environment, including the city's Green Belt setting
- To protect and enhance the nature conservation and biodiversity interest of the city
- To protect natural resources



### The Historic Environment

171 Policies Env 1 – Env 6 will be used to assess proposals affecting Edinburgh's world heritage sites, conservation areas and listed buildings. The Council's guidance on Conservation Areas and Listed Buildings provide further advice. Policy Env 7 relates to historic landscapes and policies Env 8 and 9 cover archaeological resources.

#### Policy Env 1 World Heritage Sites

Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted.

172 This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city.

#### Policy Env 2 Listed Buildings - Demolition

Proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account:

- a) the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use
- b) the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.
- c) the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss.

### Policy Env 3 Listed Buildings - Setting

Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

### Policy Env 4 Listed Buildings – Alterations and Extensions

Proposals to alter or extend a listed building will be permitted where

- a) those alterations or extensions are justified;
- b) there will be no unnecessary damage to historic structures or diminution of its interest; and
- c) where any additions are in keeping with other parts of the building.

175 In determining applications for planning permission or listed building consent, the Council is required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses. Applications for the demolition or substantial alteration of a listed building must be accompanied by a thorough structural condition report demonstrating that the proposals are necessary or justified. Information must be provided on the proposed replacement building; these should be of comparable quality in terms of construction and design. The loss of a listed building will only be justified in exceptional circumstances. Scottish Historic Environment Policy (SHEP) and Council guidance provide further advice for applications relating to Listed Buildings.

### Policy Env 5 Conservation Areas – Demolition of Buildings

Proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account the considerations set out in Policy Env 2 above.

Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site.

### Policy Env 6 Conservation Areas - Development

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

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

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

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

175 Applications for demolition will be permitted only where this does not erode the character and appearance of the conservation area. The general presumption will be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use, or might be capable of such in the future. Conservation Area Consent may be subject to conditions or a legal agreement to link demolition works to the

provision of the proposed replacement building or, in exceptional circumstances, to require temporary landscaping.

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

### Policy Env 7 Historic Gardens and Designed Landscapes

Development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value. Elsewhere, adverse effects on historic landscape features should be minimised. Restoration of Inventory sites and other historic landscape features is encouraged.

- 177 This policy aims to protect sites included in the national Inventory of Gardens and Designed Landscapes (shown on the Proposals Map) and other historic landscape features elsewhere across the Council area. An understanding of how the landscape has evolved can help inform a development proposal. A historical landscape appraisal may be requested from applicants to allow full assessment of the implications of development and identify restoration opportunities.

### Policy Env 8 Protection of Important Remains

Development will not be permitted which would:

- a) adversely affect a scheduled monument or other nationally important archaeological remains, or the integrity of their setting
- b) damage or destroy non-designated archaeological remains which the Council considers should be preserved in situ.

### Policy Env 9 Development of Sites of Archaeological Significance

Planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and, if requested by the Council, a field evaluation, that either:

- a) no significant archaeological features are likely to be affected by the development or
- b) any significant archaeological features will be preserved in situ and, if necessary, in an appropriate setting with provision for public access and interpretation or
- c) the benefits of allowing the proposed development outweigh the importance of preserving the remains in situ. The applicant will then be required to make provision for archaeological excavation, recording, and analysis, and publication of the results before development starts, all to be in accordance with a programme of works agreed with the Council.

- 178 The objective of the above policies is to protect and enhance archaeological remains, where possible by preservation in situ in an appropriate setting. In some cases, depending on the nature of the remains and character of the site, the Council may require provision for public access and interpretation as part of the proposed development. When preservation in situ is not possible, recording and/or excavation followed by analysis and publication of the results will be required.

- 179 Developers should seek early advice from the Council's Archaeologist for sites where historic remains are known or thought likely to exist. Where a development may affect a scheduled monument or its setting, early contact should be made with Historic Environment Scotland.

## Natural Environment

180 Policies Env 10 to Env 16 will play an important role in ensuring development proposals protect and where possible enhance Edinburgh's natural heritage. Further advice can be found in Council guidance.

### Policy Env 10 Development in the Green Belt and Countryside

Within the Green Belt and Countryside shown on the Proposals Map, development will only be permitted where it meets one of the following criteria and would not detract from the landscape quality and/or rural character of the area:

- Page 304
- a) For the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use.
  - b) For the change of use of an existing building, provided the building is of architectural merit or a valuable element in the landscape and is worthy of retention. Buildings should be of domestic scale, substantially intact and structurally capable of conversion.
  - c) For development relating to an existing use or building(s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high quality design and acceptable in terms of traffic impact.
  - d) For the replacement of an existing building with a new building in the same use provided:
    - 1) the existing building is not listed or of architectural / historic merit;
    - 2) the existing building is of poor quality design and structural condition,
    - 3) the existing building is of domestic scale, has a lawful use and is not a temporary structure; and

4) the new building is of a similar or smaller size to the existing one, lies within the curtilage of the existing building and is of high design quality.

- 181 It is necessary to control the type and scale of development in the green belt to enable it to fulfil its important role in terms of landscape setting and countryside recreation as described in Part 1. However, the purpose of the green belt is not to prevent development from happening. This policy sets out the circumstances in which development in the green belt can be supported.
- 182 In Edinburgh, Countryside areas i.e. land outwith existing settlements, which are not designated green belt are considered to be of equivalent environmental importance. For this reason, it is appropriate to apply the same level of protection to both green belt and Countryside areas.
- 183 The key test for all proposals in the green belt and Countryside areas will be to ensure that the development does not detract from the landscape quality and/or rural character of the area. The Council's guidance 'Development in the Countryside and Green Belt' provides more detailed advice.

### Policy Env 11 Special Landscape Areas

Planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas shown on the Proposals Map

- 184 This policy aims to protect Edinburgh's unique and diverse landscape which contributes to the city's distinctive character and scenic value. Special Landscape Areas (SLA) are local designations, which safeguard and enhance the character and quality of valued landscapes across the Council area.
- 185 A Statement of Importance has been prepared for each SLA and can be viewed on the Council's website. This sets out the essential qualities and characteristics of the area and the potential for enhancement. The Statements of Importance should be



used to guide development proposals in SLAs and will be a material consideration in assessing planning applications. A landscape and visual impact assessment is likely to be needed in support of proposals affecting a SLA.

### Policy Env 12 Trees

Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

186 This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account current Scottish Government guidance – presently contained in its Policy on Control of Woodland Removal and UK Forest Standard – and their status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, along with information from tree surveys.

187 Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

## Nature Conservation

### Policy Env 13 Sites of International Importance

Development likely to have a significant effect on a 'Natura 2000 site' will be permitted only if either:

- a) the development will not adversely affect the integrity of the area; or
- b) it has been demonstrated that:
- c) there are no alternative solutions and
- d) there are imperative reasons of overriding public interest for permitting the development, including reasons of a social or economic nature.
- e) **compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.**

188 The Plan area covers internationally important sites known as 'Natura 2000 sites', designated under the Conservation (Natural Habitats, &c) Regulations 1994. These are the Firth of Forth, Forth Islands (part), and Imperial Dock Lock Special Protection Areas. Where a proposal may affect an internationally protected site, the Council will carry out a Habitats Regulation Appraisal. If it considers the proposal is likely to have a significant effect, the Council must then undertake an appropriate assessment. The appropriate assessment will consider the implications of the development for the conservation interests for which the area has been designated. Applicants will be required to provide information to inform the appropriate assessment. Development which could harm any of these internationally important areas will only be approved in exceptional circumstances.

This page is intentionally left blank