

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

10.00am, Wednesday 18 September 2019

Present: Councillors Mary Campbell, Gordon, Griffiths, Mowat and Rose (substituting for Mitchell).

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 21 August 2019 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 14 Albert Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the demolition of existing garage to make way for extension to an existing home to create accessible living for family members in their old age at 14 Albert Terrace, Edinburgh. Application No. 19/00659/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01, 02, 03, 04A, 05, 06, 07, Scheme 2, being the drawings shown under the application reference number 19/00659/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)
Edinburgh Local Development Plan Policy ENV 12 (Trees)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
'Listed Buildings and Conservation Areas'
'The Merchiston and Greenhill Conservation Area Character Appraisal'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- That the proposed extension did not involve the removal of any trees and the applicant had gone to considerable length to protect them.
- That a report from the Tree Officer would have been beneficial and more information might be required.
- That the key tree was not adversely affected and the root area of the Sycamore Tree and Lime Tree were only affected to a small extent.
- At what stage in the process would the tree issue be addressed?
- That the trees were in a conservation area and although it was possible to seek permission to cut down trees, this might not be granted, however, neighbours might be concerned about tree branches.
- The owners of properties were obliged to manage trees.
- Whether the application should be refused on basis of small encroachment of tree roots.
- It should be possible to impose a condition to protect the viability of neighbouring trees.

Having taken all these matters into consideration, the LRB determined that the proposals would not be contrary to Edinburgh Local Development Plan policies Env 6 (Conservation Areas - Development) and Env 12 (Trees), as there would be no direct loss of trees worthy of retention, therefore, there would be no severe and adverse impact on the visual amenity of the streetscape and the character and appearance of the conservation area. However, a condition should be applied to ensure that the foundation construction methods used would not significantly adversely affect the root areas of the established trees, compromising their future viability.

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

Decision

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

1) An additional condition:

Notwithstanding the approved plans, details of the foundation design should be submitted to and agreed in writing by the planning authority, before works were commenced on site. The foundation design should ensure the development would not significantly adversely affect the root areas of established trees, compromising their future viability, and should be implemented as approved by the planning authority.

2) The following informatives:

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

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

5. Request for Review – 30 Belmont Gardens, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the permission for the proposed additional storey to previously approved side extension (14/04547/FUL) as varied (14/04547/VARY) at 30 Belmont Gardens, Edinburgh. Application No. 19/00701/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01 - 06, Scheme 1, being the drawings shown under the application reference number 19/00701/FUL on the Council's Planning and Building Standards Online Services.

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

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

Conclusion

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

- Where the glazed balustrade on the roof terrace would be positioned.
- Whether the proposed extension would be above the eaves line of the house and neighbouring property.
- That the proposed extension was not subservient to the existing house.
- That the proposals would be improving the dwelling house.
- That the glazed balustrade at the front of the dwelling might cause reflection.

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

Motion

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

Reasons for Refusal:

The proposal by reason of its roof form and significant protrusion above the eaves line of the house and the neighbouring property was not subservient to the existing house and resulted in a dominant feature which was not compatible with the character of the existing buildings. Further, the contrasting materials did not match the main house and the roof terrace to the front of the property was an uncharacteristic addition to the front elevation of the house. Overall, the proposal was contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'.

- moved by Councillor Gordon, seconded by Councillor Mary Campbell.

Amendment

To not uphold the decision by the Chief Planning Officer and to grant planning permission as the proposal did not fail to comply with the development plan and non-statutory guidance as it would not result in a dominant feature and was not incompatible with the character of the existing buildings.

- moved by Councillor Rose, seconded by Councillor Mowat.

Voting

For the motion - 3 votes

(Councillors Mary Campbell Gordon and Griffiths.)

For the amendment - 2 votes

(Councillors Mowat and Rose.)

Decision

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

Reasons for Refusal:

The proposal by reason of its roof form and significant protrusion above the eaves line of the house and the neighbouring property was not subservient to the existing house and resulted in a dominant feature which was not compatible with the character of the existing buildings. Further, the contrasting materials did not match the main house and the roof terrace to the front of the property was an uncharacteristic addition to the front elevation of the house. Overall, the proposal was contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'.

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

6. Request for Review – 13 (GF) Clarendon Crescent, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed extension to rear at garden level to form new dining and kitchen area at 13(GF) Clarendon Crescent, Edinburgh. Application No. 19/01254/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 18 September 2019

Decision

To continue consideration of the matter to receive information from the DPEA, once the decision on the appeal against the part-refusal of listed building consent by the Council had been made.

The request for review would be further considered by the LRB at a future meeting, when the information had been made available.

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

7. Request for Review – 99 Drum Brae South, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed erection of a studio mews dwelling-house on land to the rear at 99 Drum Brae South, Edinburgh. Application No. 19/00798/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01 - 04, Scheme 1, being the drawings shown under the application reference number 19/00798/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
LDP Policy Des 1 (Design Quality and Context)
LDP Policy Des 5 (Development Design - Amenity)
LDP Policy Hou 4 (Housing Density)
LDP Policy Tra 2 (Private Car Parking)
LDP Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
'Edinburgh Design Guidance'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- How the partly built extension was comparable to the existing house.
- Whether the proposals represented backland development.
- There were issues with dimension of the lane that was near the proposed development.
- That the scale form and design of the proposals were not in keeping with the characteristics of the wider townscape.
- That the proposals would result in an unreasonable loss of neighbouring amenity.

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

Decision

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

Reasons for Refusal:

1. The scale, form and design of this proposal was not in keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area. The proposal was contrary to

policy Des 4 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

2. The proposal would result in an unreasonable loss of neighbouring amenity and was contrary to policy Des 5 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

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

8. Request for Review – 47 Orchard Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for internal alterations in addition to a new front porch, a side extension and a two-story rear extension at 47 Orchard Road, Edinburgh. Application No. 19/01150/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-04, Scheme 1, being the drawings shown under the application reference number 19/01150/FUL on the Council's Planning and Building Standards Online Services.

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

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

Conclusion

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

- Whether the proposed extension was compatible with the character of the area and if it was an attractive structure.
- That the proposed extension would provide better living accommodation and was not excessive in terms of massing.
- That the proposals did not represent overdevelopment of the site and the residents had the right to use their property as they chose.

- That the proposals were not attractive, were incongruous and changed the character of the area.

Having taken all these matters into consideration, although two members voted to uphold the Chief Planning Officer's recommendations, the LRB determined that the proposed rear extension would not create an unsympathetic addition to the property and would not introduce an incongruous feature in terms of size and scale, which would have an unacceptable impact upon the host property and the character and appearance of the surrounding area.

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

Motion

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

Reasons for Refusal:

1. In order to recognise the elements of the application recommended for approval.
 2. The proposed porch would create an unsympathetic addition to the property, introducing an incongruous feature having an unacceptable impact upon the host property and the character and appearance of the surrounding area.
 3. The proposed rear extension would create an unsympathetic addition to the property, introducing an incongruous feature in terms of size and scale, having an unacceptable impact upon the host property and the character and appearance of the surrounding area.
- moved by Councillor Mary Campbell, seconded by Councillor Gordon.

Amendment

To not uphold the decision by the Chief Planning Officer and, notwithstanding the drawings referred to below, to grant planning permission for the side and rear extensions only subject to:

The following informatives:

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
 - (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development 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.
- moved by Councillor Mowat, seconded by Councillor Griffiths.

Voting

For the motion - 3 votes

(Councillors Mary Campbell and Gordon.)

For the amendment - 2 votes

(Councillors Mowat, Griffiths and Rose.)

Decision

To not uphold the decision by the Chief Planning Officer and, notwithstanding the drawings referred to below, to grant planning permission for the side and rear extensions only subject to:

The following informatives:

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

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

9. Request for Review – 5(2F2) Royal Crescent, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for a request for a review for the failure of the Council to determine a proposal to form attic conversion and subdivide flat to form 2x properties; 5x new rooflights and 1x replacement rooflight at 5(2F2) Royal Crescent, Edinburgh. Application No. 19/01402/FUL.

Assessment

At the meeting on 18 September 2019, the LRB had been provided with copies of the letters of representation and notice of review and a request that the review proceed on the basis of an assessment of the review documents only.

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 1, 2, 3, 4, 5, 6A, 7A, 8A and 9A, being the drawings shown under the application reference number 19/01402/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) Relevant Edinburgh Local Development Plan Policies.

- 2) Listed Buildings and Conservation Area Guidance and the New Town Conservation Area Character Appraisal.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- Whether the application should be continued as there was a lack of information.
- Whether there should be a site visit.
- That the proposed attic conversion and sub-division meant transforming a good quality family flat into two lesser quality flats.
- That there were issues with the installation of the new rooflights and the replacement with one rooflight.
- That the proposals were contrary to a range of statutory development plan policies and non-statutory guidance.

Having taken all the above matters into consideration, the LRB was of the opinion that the proposals were contrary to the development plan and no material considerations had been presented in the request for a review which would lead it to approve the scheme.

Decision

To refuse the appeal against non-determination.

Reasons for Refusal:

The proposal was contrary to Edinburgh Local Development Plan policies Env 3, Env 4, Env 6, Des 1, Des 4, Des 5 and Des 12.

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