

D2 Architectural Design Ltd.  
FAO: Hayley Cullen  
9 Eskbank Road  
Dalkeith  
EH22 1HD

Mrs Tara Luckhart.  
2 Ettrick Grove  
Edinburgh  
EH10 5AW

**Decision date: 18 June 2019**

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

Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room.

At 2 Ettrick Grove Edinburgh EH10 5AW

**Application No:** 19/01564/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 27 March 2019, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **mixed decision** in accordance with the particulars given in the application.

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

1. This permission relates to to formation of a single-storey rear extension..
2. This refusal relates to the formation of a flat roofed side extension..

**Reasons:-**

1. In order to recognise the elements of the application recommended for approval.
2. The scale, form and design of the side extension does not comply with non-statutory guidance for householders , it fails to preserve the character and appearance of the conservation area and is contrary to local plan policies Des 12 and Env 6.

## **Informatives:-**

It should be noted that:

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

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

Drawings 01-05, 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 proposed single storey rear extension would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. This element of the proposal complies with the LDP Policies Des 12 and ENV 6; the non-statutory Guidance for Householders and, the Merchiston and Greenhill Character Appraisal. This element of the proposal is acceptable.

The proposed single storey side extension would disrupt the primary elevation of the building by the nature of its flat roof design and it would disrupt the. This would adversely affect the primary elevation of the host property and detract from the wrap around amenity space that is characterful of properties within this conservation area. This element of the proposal is unacceptable.

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

Should you have a specific enquiry regarding this decision please contact Luke Vogan directly on 0131 529 3618.

*D R Leeshi*

**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 19/01564/FUL**

**At 2 Etrick Grove, Edinburgh, EH10 5AW**

**Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room.**

|                           |                          |
|---------------------------|--------------------------|
| <b>Item</b>               | Local Delegated Decision |
| <b>Application number</b> | 19/01564/FUL             |
| <b>Wards</b>              | B10 - Morningside        |

## Summary

---

The proposed single storey rear extension would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. This element of the proposal complies with the LDP Policies Des 12 and ENV 6; the non-statutory Guidance for Householders and, the Merchiston and Greenhill Character Appraisal. This element of the proposal is acceptable.

The proposed single storey side extension would disrupt the primary elevation of the building by the nature of its flat roof design and it would disrupt the. This would adversely affect the primary elevation of the host property and detract from the wrap around amenity space that is characterful of properties within this conservation area. This element of the proposal is unacceptable.

## Links

---

**Policies and guidance for this application**

LDPP, LDES12, NSG, NSLBCA, NSHOU, OTH, CRPMER,

# Report of handling

## Recommendations

---

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

## Background

---

### 2.1 Site description

The property is a two storey semi detached dwelling within an established residential area. Colinton Road lies to the south of the property.

This application site is located within the Merchiston And Greenhill Conservation Area.

### 2.2 Site History

18.05.2004 Planning permission granted for a dropped kerb to form a new driveway (04/01826/FUL),

08.06.2017 Planning permission granted for iterations and attic conversion to house incorporating velux windows to front, side and rear elevations. (17/02633/FUL).

## Main report

---

### 3.1 Description Of The Proposal

The proposal is for a single storey side extension with an incorporated bike shed and a single storey rear extension.

### 3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

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

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

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

d) Any comments raised have been addressed.

a) The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

"The scale, design and materials of new developments should reinforce and protect those features that give Merchiston and Greenhill its special character. Any development should take into consideration the spatial pattern, scale, proportions and design of traditional properties'.. New development should protect the setting of individual buildings and the historic environment as a whole'.. Modern substitutes generally fail to respect the character of the area."

The single storey side extension element of the proposal is contrary to the local development plan policies Des 1, Des 12 and Env 6, with reference to design, materials and character. It does not respect the existing quality and character of the neighbourhood or this part of the conservation area or the distinctiveness of this grouping of buildings on the north side of Etrick Grove. It further represents a departure from the Guidance for Householders 2018 with reference to roof design and, is contrary the Merchiston and Greenhill Character Appraisal, with particular reference to scale and design.

Due to the prominent location of the property, an extension of this style and form cannot be supported due to its adverse impact on the principle elevation. Particular incompatibilities include:

1. Building up to the boundary will enclose the site, this is not compatible with the character of the area;
2. The flat roof on the principle elevation, and;

3. The materials on a principle elevation would be classed as a 'modern substitute' which would not be acceptable.

This element of the proposal will therefore have an adverse impact upon the character and appearance of the host property and surrounding area.

The proposed single storey extension to the rear of the property is of a design that will sit comfortably within that elevation of the building. The layout and scale of this proposal is in keeping with the spatial pattern of the area and does not represent over development on the site. The proposed materials and fenestration design are considered provide a suitable contrast to the original building whilst preserving the character and appearance of the Conservation Area and, is therefore acceptable in this location.

This element of the proposal complies with the LDP Policies Des 1, Des 12, ENV 6; the non-statutory Guidance for Householders and, the Merchiston and Greenhill Conservation Area Character Appraisal.

It is recommended that a MIXED decision is issued, approving the rear extension but refusing the side extension, subject to the details below.

b) The proposal was assessed for neighbour amenity using the methodology set out in the Guidance for Householders 2018. The proposed rear extension will not cause anymore than 0.8 sqm of overshadowing to the neighbouring property and, it does not cause an adverse impact in relation to daylight. Therefore, this proposal does not have a significant impact on neighbouring amenity in relation to daylight and overshadowing. The rear extension would not have any implication for neighbouring privacy.

c) The application was assessed in terms of equalities and human rights. No impact was identified.

d) One material representation was received from a member of the public. The respondent expressed concern for their amenity in relation to the restriction of daylight to the rear of their property with particular reference to the garden decking area and fenestration; the neighbouring amenity has been assessed in accordance with the methodology set out in the Guidance for Householders 2018 and the impact is not considered to be significant or justify refusal of this element, (see Section a).

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

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

#### **Conditions:-**

1. This permission relates to to formation of a single-storey rear extension..
2. This refusal relates to the formation of a flat roofed side extension..

#### **Reasons:-**

1. In order to recognise the elements of the application recommended for approval.
2. The scale, form and design of the side extension does not comply with non-statutory guidance for householders , it fails to preserve the character and appearance of the conservation area and is contrary to local plan policies Des 12 and Env 6.

## **Informatives**

It should be noted that:

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

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

---

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

## **Equalities impact**

---

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

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

## **Consultation and engagement**

---

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

There is no pre-application process history.

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

One representation has been received from a member of the public; this is summarised and addressed in the Assessment Section of this Report.

## **Background reading / external references**

---

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

## Statutory Development

### Plan Provision

Edinburgh Local Development Plan.

### Date registered

27 March 2019

### Drawing numbers/Scheme

01-05

Scheme 1

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

Contact: Luke Vogan, Planning Officer  
E-mail: [luke.vogan@edinburgh.gov.uk](mailto:luke.vogan@edinburgh.gov.uk) Tel: 0131 529 3618

## Links - Policies

---

### Relevant Policies:

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

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

#### Relevant Non-Statutory Guidelines

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

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

#### Other Relevant policy guidance

**The Merchiston & Greenhill Conservation Area Character Appraisal** emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone

boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

# Appendix 1

## Consultations

---

No consultations undertaken.

END

# Comments for Planning Application 19/01564/FUL

## Application Summary

Application Number: 19/01564/FUL

Address: 2 Ettrick Grove Edinburgh EH10 5AW

Proposal: Remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room.

Case Officer: Val Malone

## Customer Details

Name: Dr James Burnett

Address: 1, Ettrick Grove Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed wall, measuring 3.2 meters high and three meters in length, which runs parallel to the common wall between the two properties, and forms the westerly wall of the proposed 'Family room', is going to have a serious impact on the light available through the double doors and windows in my property. Specifically the mirror image of the room marked "Dining" on the drawing of the ground floor plan.

It will also restrict the early morning sun to the existing deck, and into the east facing glass kitchen door and windows.