

NOTICE OF REVIEW

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR + MRS	Ref No.	MR
Forename		Forename	HARRY
Surname	NOTMAN	Surname	WOOD
Company Name	—	Company Name	WOOD ASSOCIATES
Building No./Name	11 ZETLAND	Building No./Name	ARCHITECT
Address Line 1	PLACE	Address Line 1	11 ST HILLANS
Address Line 2	TRINITY	Address Line 2	TERRACE
Town/City	EDINBURGH	Town/City	EDINBURGH
Postcode	E15 3LZ	Postcode	E10 5HH
Telephone		Telephone	
Mobile	PER	Mobile	
Fax	PER	Fax	
Email		Email	
3. Application Details			
Planning authority	CITY OF EDINBURGH		
Planning authority's application reference number	11/02454/FNL		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 80px;"> 11 ZETLAND PLACE EDINBURGH E15 3LZ </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> FORMING A DRIVEWAY TO THE FRONT OF THE HOUSE </div>		

Date of application

23/5/19

Date of decision (if any)

22/7/19

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

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

TO COMPARE SIMILAR PROPERTIES IN THE AREA WITH DRIVEWAYS

7. Site inspection

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

Can the site be viewed entirely from public land?

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

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

8. Statement

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

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

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

PLEASE SEE ATTACHED SEPARATE DOCUMENT ✓

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

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

9. List of Documents and Evidence

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

REPORT & PHOTOGRAPHS

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

10. Checklist

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

Full completion of all parts of this form

Statement of your reasons for requesting a review

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

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

DECLARATION

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

Signature:  Name: Date:

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

Appeal against the refusal of Application for Planning Permission

19/02454/FUL

At 11 Zetland Place, Edinburgh, EH5 3LZ

- Forming a driveway and parking space to the front of the house -

Reference:

Item Local Delegated Decision
Application number 19/02454/FUL
Wards B04 - Forth

Description of Application

The application proposes the creation of an opening in the existing low stone boundary wall and the installation of a 5.5 metre deep and 3.2 metre wide off-street parking space. The parking space would be formed in Marshalls Drivesett Savana permeable mono-blocks. A set of 2.5 metre high metal gates (opening inwards) would be installed across the opening.

Summary of decision to refuse Planning Permission

- The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area.
- The proposal does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders".
- There are no material planning considerations which would justify approval.

Assessment

The Assessment states that:

The proposal would involve removal of a 3.2 metre wide section of the original stone boundary wall and the creation of a second vehicular access to serve the application property. Removal of part of the stone boundary wall means loss of traditional and historic fabric which would be detrimental to the character and appearance of the conservation area and to ELDP Policies Env 06 and Des 12. Whilst it must be accepted that there are a number of vehicular access to properties in the Trinity Conservation Area, the general pattern is that they are formed to the sides of properties, rather than vehicles being parked directly in front of part of a principal elevation.

Taking account of the non-statutory "Guidance for Householders" criteria, whilst the proposal does not transgress the portion of front garden taken up by paving, the depth of the parking area does not meet the required 6 metres (which could lead to problems of vehicles overhanging the pavement) and its width exceeds the recommended 3 metres.

In addition, this guidance advises against the formation of two vehicular accesses to any individual property.

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and to the character and appearance of the conservation area. It does not comply with ELDP Policies Env 6 or Des 12, to the Trinity Conservation Area Character Appraisal or the non-statutory "Guidance for Householders".

Appeal Arguments

The principal reason for wishing to create a driveway to the front of the property is to enable disabled access to the front door. Both the applicants' remaining parents are registered disabled and both have chronic and deteriorating mobility issues.

Appendix 1 shows the respective Blue Badges for Mrs E. Notman and Mrs. J Bolt. Additional medical evidence can be provided if required.

Whilst changes could be made (Planning authority providing) to the front path to the property, there would still be a challenge of finding a parking space outside the property.

The current driveway is not directly to the side of the property (as with many other properties in the district) and offers no direct access to the front door. In this regard, it should not be considered as providing access to the property but rather as a remote stand alone garage. It is also not wide enough to enable wheelchair access. Appendix 2 shows the existing remote driveway and its constraints. The dimensions 2.20m wide and 5.7m long.

If Planning Permission is not granted then it will become prohibitively difficult to obtain disabled visitor access to the property. Mr and Mrs Notman would consider this to be discriminatory against their elderly, disabled parents.

The Local Development Plan (ELDP) Policy Env 6 permits development which preserves or enhances the character or appearance of the conservation area, are consistent with the relevant conservation area character appraisal and preserves features such a boundary walls which contribute positively to the area's character. Policy Des 12 supports development which would not be detrimental to neighbourhood amenity and character.

Mr and Mrs Notman do not consider that the proposal would have a detrimental impact on the character of the area. Mr Notman has lived in the area for over 50 years and believes very strongly that the mix of architectural styles is one of the key features of Trinity. Appendix 3 shows evidence from around the Trinity area of

driveways that have been created to serve the variety of property types and styles. There are many examples of sections of walls being removed, as there are of driveways being in front of the primary elevation.

Appendix 4 is a picture of no. 10 Zetland Place which is directly opposite this property and is a mirror-image of no. 11. It shows that a "second" driveway has been created albeit the drive serving the garage is even less remote. Mr and Mrs Notman would argue the arrangements of no. 10 Zetland Place is completely in keeping with the characteristics of the Trinity district.

Mr and Mrs Notman consider that if the driveway is created in line with the character of the property then it would fit in well with the immediate neighbourhood and across the wider Trinity district. They note that their initial application may not be of acceptable scale, form or design and would be pleased to accommodate changes to these in order to make the application acceptable, as long as these still enabled direct access from the driveway into the front of the property.

Finally, Mr and Mrs Notman would ask consideration to be given to the support received from neighbours. There have been no objections received from local Trinity residents and indeed there have been a number of supportive comments received from all neighbours in close proximity regarding the proposal.

The design of this property is quite unique, and whilst acknowledging the importance of the Planning parameters, Mr and Mrs Notman consider that the current layout provides significant restrictions to modern living and to ensuring that elderly and disabled people are treated equally and with dignity and respect.

Whilst recognizing that policies and guidance exists for good reason we would respectfully request that the review consider the simple fact that apart from a remote architectural heritage body no one raised any objection and if granted the proposal will make no detrimental effect to anyone but will alleviate local parking issues and greatly assist the life of many people.

Appendix 1

Images of the Blue Badges for Mrs E Notman and Mrs J. Bolt as evidence of their disabled status and of the plea that they should not be treated less favourably than other regular visitors to the property.



Appendix 2

Pictures of the remote driveway that is not fit for purpose (and certainly not accessible for a wheelchair or walking frame) and should not be considered as providing access to the property but rather as access to the remote garage.



Appendix 3

Pictures from around Trinity showing the wide range of driveway types and styles, many of which have had sections of walls removed and replaced by railings and some where the driveway is in front of the primary elevation of the property. These examples support the argument that, as long as construction is of acceptable scale, form and design, there is no detrimental impact to the character and appearance of the district. Further pictures can be provided if required.





Appendix 4

These pictures are of no. 10 Zetland Place which forms part of the 4 property building that is the mirror image of property that no. 11 Zetland Place is part of. No. 10 has the same remote garage / driveway and also has a driveway in front of the primary elevation providing access to the front door.

