

Dave Sinclair
40 Corstorphine Hill Gardens
Edinburgh
EH12 6LA

Mr And Mrs John Taylor
58 Ross Gardens
Edinburgh
EH9 3BR

Decision date: 15 July 2019

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

Erect new single storey extension to side and rear of existing house including front porch.

At 58 Ross Gardens Edinburgh EH9 3BR

Application No: 19/01859/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 April 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 **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 scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

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

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

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

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

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 Alexander Calderwood directly on 0131 469 3824.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

**Application for Planning Permission 19/01859/FUL
At 58 Ross Gardens, Edinburgh, EH9 3BR
Erect new single storey extension to side and rear of
existing house including front porch.**

Item	Local Delegated Decision
Application number	19/01859/FUL
Wards	B15 - Southside/Newington

Summary

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSHOU,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

This application relates to a 2 storey, end-terrace residential property. The surrounding area is primarily residential with neighbouring properties immediately to the north, east, south and west. Macdowall Road lies to the north of the property and Lussielaw Road to the south.

2.2 Site History

05/02291/FUL - This application was refused. It sought an extension to the side and front of the dwellinghouse but was refused on the basis that it was of an inappropriate scale and that it intruded into the corner plot to the detriment of the character of the area.

Main report

3.1 Description Of The Proposal

This application seeks full planning permission to extend the residential property. The extension will wrap around the building and extend to the front, side and rear. The proposed materials are as follows:

- Roof: Tiles to match existing roof.
- Walls: Smooth off white render.
- Windows: UPVC tilt and turn windows
- Doors: UPVC sliding doors.

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.

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 and fits in with the character of the neighbourhood.
- b) The proposal does not result in an unreasonable loss of neighbouring residential amenity.
- c) Public comments have been addressed.

a) The property in question is a two storey end terrace and is situated on a corner plot. It is therefore particularly visible within the vicinity. Whilst there are a mix of housing types, the immediate neighbouring properties along Ross Gardens are of the same, terraced housing type. The consideration is whether the extent of the proposal is acceptable for this particular property and is acceptable within the context of the area given the visibility of the property due to its corner location.

The non-statutory 'Guidance for Householders', highlights that corner plots can present a particular problem where the majority of the house's garden space is in front of the building line. It states that where corner plots contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground. In the instance, the corner plot is in a particularly prominent location. The property will be extended to the front, side and rear. The proposed extension is unacceptable because it significantly intrudes into the corner ground which in turn has an adverse impact on the character of the area. Therefore, the proposal does not comply with guidance.

Additionally, the proportions of the extension are such that they do not integrate well with the existing proportions of the building.

b) The proposal was assessed in terms of neighbouring residential amenity. It has been established that it does not comply with guidance in relation to daylighting and sunlight. With the extension being sited to the west of the neighbouring dwelling, it will have negligible implications for overshadowing. However, the adjacent dwelling immediately to the east has a window on its rear elevation. The extension would have an unacceptable impact in terms of overshadowing as the centre of the window would be within the 45 degree line measured from its eaves.

c) The following material planning considerations were raised through public comments on the application and were addressed in (a) and (b):

- Adverse implications for the character of the area.
- Over reduction of the associated garden ground.
- Adverse implications for neighbouring amenity in terms of overshadowing, loss of daylight and privacy.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so does not comply with the relevant policies and non-statutory guidelines.

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

2 letters of representation have been received from 2 members of the public (both in objection) ; 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

Located within the urban area as defined by the Edinburgh Local Development Plan 2016.

Date registered

18 April 2019

Drawing numbers/Scheme

01, 02, 03, 04, 10

Scheme 1

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

Contact: Alexander Calderwood, Planning Officer
E-mail:alexander.calderwood@edinburgh.gov.uk Tel:0131 469 3824

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 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Consultations

No consultations undertaken.

END

NEIRES/O/REPLET

AMR 8/15/6

ACALD

Mr Imran Ali
56 Ross Gardens
Edinburgh
EH9 3BR

ENF
EOST

Planning &

12/05/2019

16 MAY 2019

Building Standards

Objection : Extension application 19/01859/FUL for 58 Ross Gardens, Edinburgh, EH9 3BR

Dear Sir/Madam,

I would like to raise my objection to the proposed extension application **19/01859/FUL** made by Mr and Mrs John Taylor for **58 Ross Gardens, Edinburgh, EH9 3BR**.

My first knowledge of the extension application came through your neighbour notification letter which arrived on Thursday 9th May. On the Council website the neighbour notification list was published on 2nd May. This delay means I had already lost some time to put forward my objection.

My concerns are listed below. I have tried to make each point as clear as possible and supported with photographic evidence. I feel strongly about this extension and hope this is represented in time I have taken to collate information and present this in my objection letter.

Overshadowing/ Loss of Daylight

The lower bedroom at the rear of the property is my study. It like the garden depends on the clear unobstructed view to the left of the garden to receive direct light when the Sun moved to West of the building.

The room has a decent size window, but the close proximity of the proposed extension would block light to this window. This would mean this diminished light to the window and less likely to illuminate the inside of the room. I may have to resort to artificial light which is not suitable or healthy.

The images below show the current unobstructed view and how it would look with the extension in place.

CURRENT GARDEN OUTLOOK



OUTLOOK AFTER EXTENSION

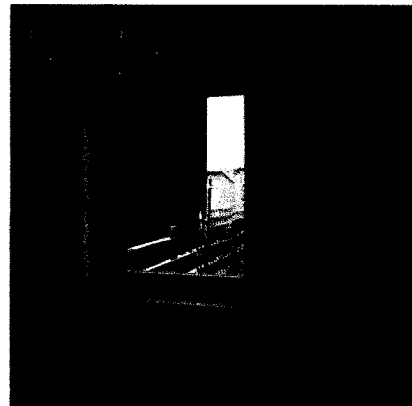


This is the current view out of the study window. Totally dependent on light from the left side coming in. With the extension in place the room would be significantly darker.

CURRENT OUTLOOK



OUTLOOK AFTER EXTENSION4



The picture below is from my garden looking at the house. As you can see the property 54 Ross Gardens already have an extension in place. If the proposed extension by 58 Ross Gardens was to be built, I would be left feeling boxed in and claustrophobic. Walls on both sides would be like being in a prison in my own garden.

For the length of the new extension, I would be left mostly in the shade, which would be quite depressing. I require left side of the garden to be free of obstruction to allow me access to direct sunlight. During last summer Number 58 enjoyed their garden with company enjoying the sunlight fully. Number 58 has a pleasant eating area right in front of their kitchen door. I would not be able to enjoy the same experience if blocked by the proposed extension.

The proposed extension for 58 Ross gardens will reduce sunlight quality I would have in the garden as this side provides direct access to sunlight for me.



Privacy

Further my concerns about the loss of daylight and constant shade, if I wanted to sit in the sunlight I would have to move further down my garden past the extension. This would mean that if I wanted to enjoy the sunlight, I would have to give up some of my privacy as I would now be forward of the extension windows.

At the end of the garden I have a garden shed sitting on the far side (next to 54 Ross gardens). This limits my ability to sit away from the extension. The shed was situated on this far side so as not to block the Sun from the direction of Number 58.

I do feel I should not need to be able to choose between sunlight and privacy. The kitchen of number 58 Ross Gardens is next to my Study (ground floor room facing garden). This would suggest that this side of the extension would probably be for increasing kitchen area and used for the preparation and consumption of meals. Maybe as currently an eating area outside the kitchen is planned. Quite possibly also then when sitting in the Sun forward of the extension, I would more likely be experience cooking odours.

My clothesline is situated halfway down my garden, which would also mean that when hanging up or taking down my washing, again in view of neighbours window.

Traffic Safety

I also have concerns over the proposed extension on the side of the property of 58 Ross Gardens.

Langton road is a sloping road which rises when meeting the corner of Ross Gardens. Ross Gardens also slopes up to the junction. This means neither road has a superior view of the other road or on coming vehicles. Both drivers become fully aware of the other vehicle closer to the junction, at times when on the junction. Early morning vehicles often meet at this junction and have to back out when they realise the road is not clear.

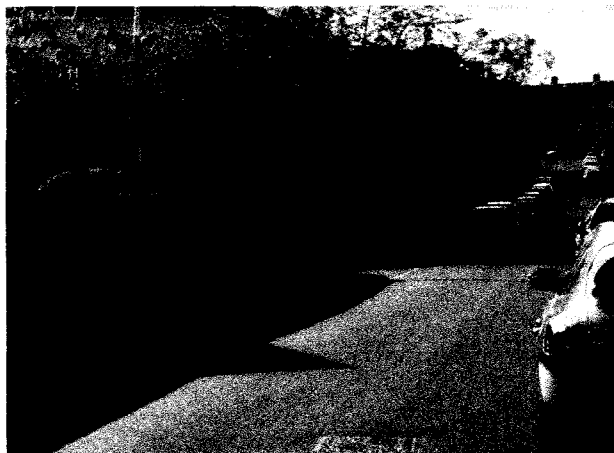
From the photo below you also see that usually one side of the road will have a line of stationary vehicles. The road width being what it is, means road then much narrower when coming to the junction.

Junction of Langton Road and Ross Gardens

FROM ROSS GARDENS



FROM LANGTON ROAD



When approaching the junction from Langton road, currently the open space on the side of the building of Number 58 allows for some visibility of the top of cars coming up from Ross Gardens. Factoring in the proposed extension and the open space it would that it would occupy, the line of sight is greatly reduced. This means drivers have less visible indication that a vehicle maybe approaching.

This situation is mirrored on Ross Gardens also, with proposed side extension blocking visibility of oncoming traffic.

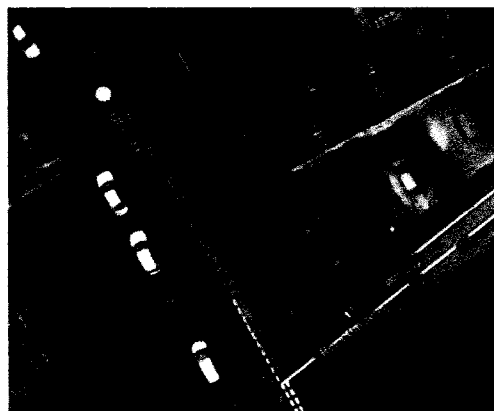
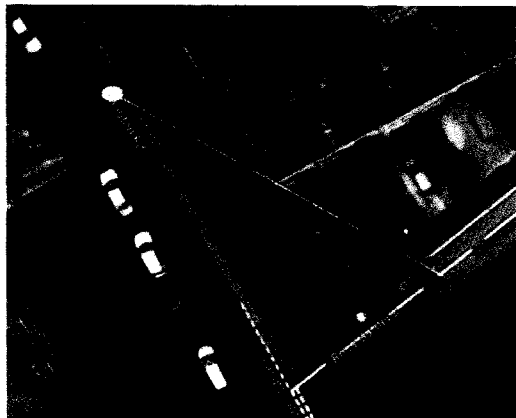
CURRENT VIEW



POTENTIAL VIEW



The images below show the length of up to two cars worth of difference can be blocked when approaching the junction.



It is not uncommon for some vehicles to be parked on Ross Gardens near the junction on the hedge side. The image below shows two vehicles, but there can be at times three vehicles. These stationary vehicles then force any vehicle that comes up Ross Gardens to the junction to swap lanes and end up on the wrong side of the road.

On number of occasions vehicle continue to stay in the wrong lane when at the junction. When vehicles turn into Ross Gardens from Langton Road then they are confronted with oncoming vehicles.



The reduction in visibility (forewarning) of vehicle approaching from Ross Gardens, and vehicles requiring to cross the lane near the junction has the potential for an accident. There is an increase in delivery vehicles in the area which needs to be considered as they are usually in more of a hurry.

The hedge behind the silver parked car has previously caved in and is now recovering (but still visible of the incident. My understanding of this is, a vehicle came around the corner from Langton road on to Ross gardens. The driver realised a car was parked on the road on the left (house side) and quickly pulled right and ended up in the hedge. This happened before Number 58 created a paved the driveway and hedge extended across the front of the house. Luckily at that time no cars were parked on the other side of the road. This highlights existing safety issues on this corner.

I feel this point should be highlighted and considered with due concern as a side extension alters the nature of the corner and safety for vehicles.

Wellbeing

As a student I am currently doing my Higher exams. This period is very stressful for me and important for my future.

Currently I enjoy having the garden area to relax in. The openness and bright natural light is very calming and relaxing. An enjoyable garden experience can greatly contribute to good mental and physical health. I feel this would be taken from me should the extension be built. I feel this point should be made as I understand that Mental Awareness week has just started.

I would welcome full use of this area without obstruction of sunlight. I find the idea that my garden space may be in perpetual shade quite worrying. I feel anxious that I must defend my open space at short notice.

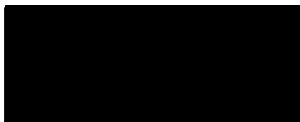
I am quite surprised to see this proposal was submitted and there was no indication from my neighbour that changes may be coming. This especially as Mr Taylor is quite chatty and often outside washing cars or gardening. He had plenty of opportunity to mention this but has so far kept quite on the matter. He has not brought up the conversation at all, as I suspect he would clearly appreciate this situation is clearly not ideal for me. Had my neighbour presented the idea earlier to me I would have been able to contribute my input earlier in the process.

I would like to thank you for the opportunity to present my objection. I hope that I have covered my objection points in a clearly and concise manner. I hope that you appreciate my concern and that they are relatable.

I hope that I am successful in my objection as this application proposal affects me greatly, both in my enjoyment of my property and benefits for my mental health.

Your sincerely

Mr Imran Ali



NEIRES/O/REPLET

ACR 8M 615

ALAD

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085

Planning

16 MAY 2019

Mr and Mrs Shafaqat Ali
54 Ross Gardens
Edinburgh
EH9 3BR

15/May/2019

Building Standards

Objection : Extension application 19/01859/FUL for 58 Ross Gardens, Edinburgh, EH9 3BR

Dear Sir/Madam,

We are writing this letter to raise our concerns regarding the proposed extension application **19/01859/FUL** made by Mr and Mrs John Taylor who reside at 58 Ross Gardens, EDINBURGH, EH9 3BR.

We would have written the letter earlier, but there seems to have been a delay in receiving the letter from the council as I only received the proposed extension letter on Thursday, 9 May 2019, which means we have lost almost a week in considering the extension proposed and how it would affect our family and home.

First, we would like to highlight that the proposed extension would look very out of place with the rest of the street. Along the street the dwellings have been broken up into groups of four, which make the street look consistent. Some houses on the street have been extended on the side but have kept a consistent look because they are two story extensions to the property. The extension suggested by Mr Taylor would break the uniformity of the street as this is out of character with the existing style of the street. Instead of keeping the consistency of the street, this extension wraps around the building looking like an add-on.

Out of necessity to accommodate our family some years earlier we built our own extension. We are pleased to say there were no objections from Mr Taylor. As such we now have a small garden. We enjoy that there is open space on either side. The new extension would lose that by closing off the space on one side.

Second, the proposed extension is also quite dangerous because of where the property sits at the top of Ross Gardens and traffic is almost at a blind spot when at the top of the road trying to turn either left into Ross Gardens or right into Langton Road. Many cars have found themselves stuck when they get to the junction visibility is very limited prior to getting to the junction. Anyone travelling to the top of Ross Gardens trying to go left or right must be very aware because the road is packed with parked cars and it is very hard to see traffic coming along. Having an extension at the side and back of the house, would block off visibility and make it very hard to see any cars or vans coming along.

Even as a driver coming along Langton Road (from West Saville Terrace side), when approaching Ross Gardens and coming closer to home, turning left at Mr and Mrs Taylor's house to get to our own property, there is always consideration to drive with extreme caution because the visibility turning left is so low and cars being parked on the top of Ross Gardens has become the norm, so this may increase the chances of accidents.

We hope that you would take our concerns and issues raised when making a decision on the proposed extension for 58 Ross Gardens as we feel very strongly about it.

I would like to express my thanks on the time in taking to read my letter and consider all the issues raised and hope to hear from you as soon as possible.

Many thanks.



Mr and Mrs Ali.

Planning &

14 OCT 2019

Building Standards

Mrs H Ali
54 Ross Gardens
EDINBURGH
EH9 3BR
Mobile : 07788854851

10 October 2019

Objection : Extension application reference 19/00141/REVREF for 58 Ross Gardens, EH9 3BR

Planning Application : 19/01859/FUL

Dear Sir/Madam,

I am writing again to voice my concerns regarding the proposed extension plans for 58 Ross Gardens (EH9 3BR).

My neighbours have already applied to the City of Edinburgh Council for their extension plans and has been refused but are now appealing for the revised consideration of their proposed extension.

According to the letter I received from the City of Edinburgh Council on 1 October 2019, the appeal will take place by the Local Review Body on 13 November 2019 at 10.00 AM at the City Chambers.

I feel very strongly about this extension going ahead and have already highlighted this in my original letter (dated 15 May 2019) to the City of Edinburgh Council. The drawings of the extension seem to be considerably large in comparison to the size of the house itself and the footprint of the garden. I feel that the extension seems to be taking a considerable amount of the garden space and doesn't seem to meet guidelines in this respect.

I am very concerned about the street safety, if the extension was to be granted. We have many cars in our area and the residents from Langton road use the top of Ross Gardens to park their cars when Langton road is crowded. Sometimes we have two to three cars parked on Ross Gardens near the junction of Langton Road. These cars are normally parked on other side of the road to as not to block our driveway. When this is the case, cars coming up Ross Gardens towards Langton Road junction cross on to the right lane (oncoming traffic) to avoid stationary vehicles get to the junction itself. Sometimes there is traffic coming into Ross Garden as this causes issues. Pedestrian and vehicle sight lines will be affected and it may be very difficult to see any cars, cycles or pedestrians until nearer the junction when the proposed extension is on the corner blocking vision at the give way of Ross Gardens (top end, outside 58 Ross Gardens). I already find it very hard as a careful driver to see much when I'm at the top of Ross Gardens trying to turn either right or left to go onto Langton Road. People park on both sides of the road (usually residents that are living in the blocks of flats in Langton Road or the surrounding streets). It is very hard to see anything when trying

to turn and putting an extension on the corner will make it even harder. This will have a huge impact on safety in the area.

The scale of the extension itself is considerably large and does not seem to be in proportion to the existing house itself. It will be a big building that wraps itself all the way round the existing house and will have much of open space taken away. I believe the open space something to be protected as it creates a better environment to live.

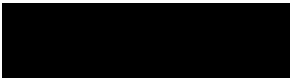
I don't feel that the extension has been well thought out and planned. When we had rear extension done, we were made aware of guideline from our architect and we worked with him to find a suitable workable solution. I feel that the drawings have been done as best-case scenario, but not a lot of thought and consideration has gone into thinking about the safety aspects of the extension and how it will impact the area. It will look completely out of place to the area, especially as it is an end terraced house located at the top of Ross Gardens itself.

I feel I have been put in a position to highlight these issues when they should have already been considered. This is quite a stressful position to be in.

I really hope that you take my concerns and worries into consideration when deciding and hope that you will take the time to perhaps visit the area and see the problem we face with parking and overcrowding.

Many thanks for taking the time and patience to read this letter and please feel free to contact me if you would like to speak in person or on the phone.

Yours faithfully,

A black rectangular box redacting the signature of Mrs. Ali.

Mrs Ali.

Planning &

14 OCT 2019

Building Standards

Mr Imran Ali
56 Ross Gardens
Edinburgh
EH9 3BR

Appeal to Planning Application: 19/01859/FUL

Dear Sir/Madam,

Thank you for the opportunity to allow me to further address my concerns for the proposed extension to 58 Ross Gardens.

As indicated in my original objection letter, the proposed extension will have an adverse effect on me and the property, I reside should it go ahead.

I would like to re-iterate the points I made in my initial objection.

When the appeal was brought to my attention, I sought to further explore guidelines provided by the City of Edinburgh Council.

My feedback is based on the document titled 'Planning Guidance for Householders' at the following location on the City of Edinburgh Council website.

http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines

I feel the proposed extension does not adequately follow these guidelines.

My main concern is the **Over-Shadowing and Loss of Daylight** as this affects me significantly.

Secondary to this I have some concerns regarding the corner plot and the character of the street.

I've tried my best to lay out each point separately in a clear and concise format.

I have created diagrams and taken photographic evidence to support my case as this is very important to me.

Additionally, I used Google Maps (3D View) online to see clearly how an extension of this size and manner would affect the street and me directly to ensure my points have validity.

It is my hope that you will look on the points below and see them favourably.

Yours sincerely



Imran Ali

Section 'Daylight and Sunlight' on page 12 of the titled 'Planning Guidance for Householders' document contains the following text.

"Daylight and sunlight are important to health and well being. Lack of daylight contributes to depression (SAD), and sunlight helps synthesise Vitamin D which is important for bone health.

Adequate daylight can also reduce the energy requirements of development through lessening the need for electric lighting.

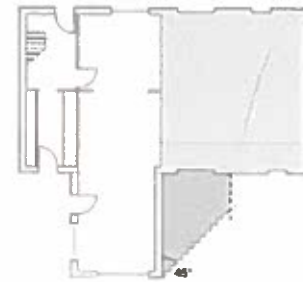
All extensions and alterations will be required to ensure adequate daylighting, privacy and sunlight both for themselves and to their neighbours."

The document further describes rear extensions on Terraces or semi-detached houses.

For rear extensions on terraced or semi-detached houses, adequate daylight will be maintained to the neighbouring property if 45 degree lines drawn from both the plan and section of the new extension do not enclose the centre of the neighbour's window.



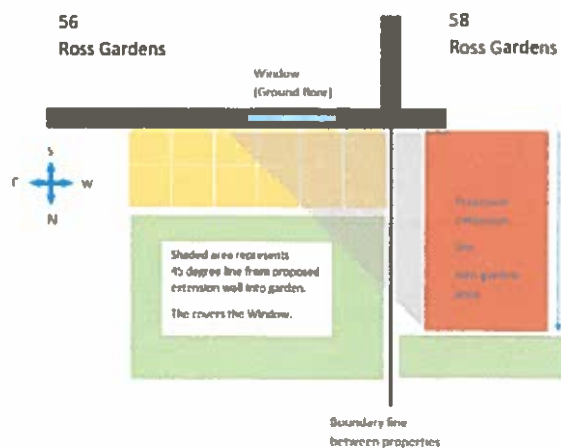
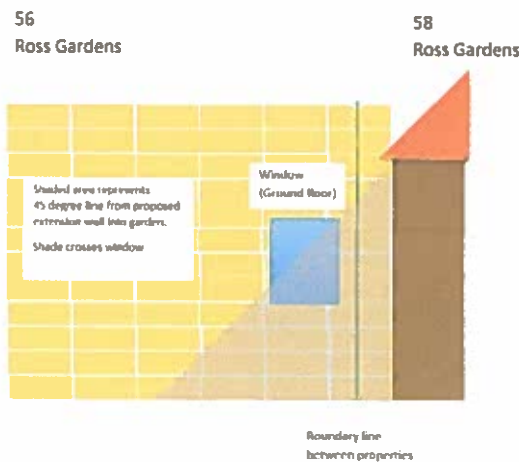
Not acceptable because the centre of the window is within the 45° lines



In the following sections I have laid out how this affects me directly and the consideration I feel need to be addressed regarding corner plot development.

Over-shadowing Issues

The size of the garden extension wall means the centre of my garden widow is enclosed in both 45 lines drawn from both plan and section of the extension.



This will affect the amount of sunlight I will be able to receive through the ground floor window as shown below



This is the resulting change in view looking out of the garden window at the direction light normally falls into it.



In the document titled 'LRB FORM AND SUPPORTING DOCUMENTS' on page 8, it has been acknowledged that proposed garden extension was too close to the boundary line. A suggestion has been made to move the gable wall 1m from the extension to accommodate the overshadowing guidelines for the eaves.

It does not cover the guidelines regarding distances as indicated in the Guidelines for Householders. This does not fully solve the over shadowing/daylight issue as the window still lies in the 45 degree section line as indicated in the Guidelines for Householders.

To have adequate light according to guidelines for householders the wall should start roughly 1.9m away from the boundary line. This being calculated as 3m (wall length) – (mid point of window to boundary line).

Using the garden extension at No 54 Ross Gardens for comparison, it does not build out into the garden until after 2.15m from the boundary line from their neighbour at No 52 Ross Gardens.

No 52 Ross Gardens have full length glass doors in the location where I have a normal size window. This distance still affords the residents much light to their garden and for the dining area being the glass doors.



Loss of Daylight issues

The extension being 3m deep into the garden will block much of the direct sunlight coming on my garden at No 56 immediately outside my kitchen doorway.



The immediate area outside my kitchen door, 3m x 6.7m (width of my property) will be in shade continually when the Sun is not high enough to shine over the extension. This will be the case most of the time.

This will include the slabbed area where I sit (with friends/family) outside the kitchen and large section of grass as shown below.



This whole section of grass will become problematic as indicated on the Royal Horticultural Society website.

"Grass grown in shade often becomes sparse from lack of sunlight"

"Most turf grasses require four to six hours of full sun each day. Without this turf can deteriorate, becoming less resilient and prone to disease."

Corner Plot Considerations

Number 58 is a corner plot and as such the openness of the corner area contributes to the character of the area.

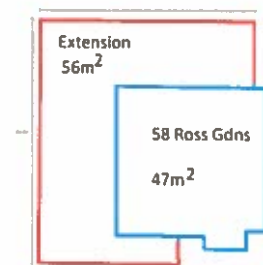
Page 11 of the document 'Planning Guidance for Householders' indicates.

"Extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street."

"Where they contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground."

The size of the extension is significantly larger than main building. Using the measurements in the 'ground floor plan' document, estimating the main building floor size generously, the extension floor space appears to be over 120% larger.

The large side extension takes up much of the space between the building and the hedges. This will mean that the side extension will go almost all the way to the hedges.



The proposed porch at the front of the building, connects directly to the side extension of the building to make a continuous wall. This results in a new prominent corner.

The diagram on the right shows the affect of the prominent corner has on the sight line. This especially important for traffic approaching the junction, if there are stationary cars parked on the far side of Ross gardens, causing approaching traffic to cross lanes at the junction.



The size of the extension breaks the established building lines as defined the buildings on the street. Given that the hedge height on the property will remain as it is there will be an extensive building behind it and close to the hedges.

Most other extensions highlighted in the area are sitting along the building line or are hidden behind existing boundaries (wall, hedges etc.).

This proposed front/side combined extension breaks the overall openness of the junction we enjoy today and mirrored on the next junction to the North.



Other Consideration Specific to this Application

The document titled 'LRB FORM AND SUPPORTING DOCUMENTS' on page 8 contains the following.

"We would therefore ask that you review this refusal as there is precedent of houses being granted Planning consent for side extensions all over the area. I would also ask the review panel to visit the site and the surrounding streets to see the number of extensions that have been granted consent in the area."

Page 11 of the documents shows a map of the area where extensions have been granted. I reviewed the map which 17 properties identified on the map supporting the statement.

None of the properties listed are the on the South-West corner plot of the road, with an immediate neighbour on the east of the property.

Four properties have a combined extension where of front/side or side/rear.

- #6, #8 Have a road on the east side and no neighbour.
- #14 Has a front porch and a side extension, so no impact on the neighbour to the east.
- #3 Still in construction, east facing porch, and side extension to north

Two properties (#1 and #5) have distinct porch/side extension, the line of sight is not hampered by a prominent corner as proposed at No 58 Ross Gardens. Both of these properties of corner plot locations.

The remainder of the properties have a single extension, Inside the building line or are concealed behind a wall, tall hedge so does not impact the surrounding area.

Having lived in the area for a long time I have not considered any extensions to be out of place and affect the overall character of the street. I feel that the consent for the 17 other properties has been approved because their nature differs from that of the proposal for No 58 Ross Gardens.

No 58 Ross Gardens is unique in that

- it is the first to apply for an extension on a South-West corner plot, with a neighbour on the east side of the property.
- the proposed extension occupies front, side and rear of the property.

This being the case No 58 Ross Gardens is the only property where the application directly impacts a neighbour on the East side such as myself and changes the character of the street.

As there is no similar extensions on the properties listed the sheet, I feel this may be either because this is the first of its case, or previous proposals have been refused on similar grounds that they affect a neighbouring property and/or affect the street.

If the review panel were to visit the site and surrounding area as requested in the appeal letter, I am sure you would agree that is will significantly affect me and the character of the street.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@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 100176588-001

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:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

David

Building Name:

Last Name: *

Sinclair

Building Number:

40

Telephone Number: *

Address 1 (Street): *

Corstorphine Hill Gardens

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Edinburgh

Fax Number:

Country: *

Scotland

Postcode: *

EH126LA

Email Address: *

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="John"/>	Building Number:	<input type="text" value="58"/>
Last Name: *	<input type="text" value="Taylor"/>	Address 1 (Street): *	<input type="text" value="Ross Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="40, Corstorphine Hill Gardens"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 3BR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="58 ROSS GARDENS"/>
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 3BR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671078"/>	Easting	<input type="text" value="326422"/>
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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)

Extension to side and rear of existing end terraced house including new front porch

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.

A document stating reasons for review and some additional information is attached to this application form.

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)

Reference to applications were given to the Planning officer regarding similar consents in the area. The additional information shows photos of these consents in the area along with a number of additional photos of extensions that have been granted consent and are similar to our proposals that have been refused consent.

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)

Statement drawings 010 0111 012 013

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01859/FUL

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

18/04/2019

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

15/07/2019

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)

A walk around the area will show the variety of corner sites that have been granted consent in the area

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 David Sinclair

Declaration Date: 01/10/2019

Proposal Details

Proposal Name	100176588
Proposal Description	Extension to side and rear of existing end terraced house including new front porch
Address	58 ROSS GARDENS, EDINBURGH, EH9 3BR
Local Authority	City of Edinburgh Council
Application Online Reference	100176588-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Statement	Attached	A4
Site Plan 010	Attached	A3
Photos 011	Attached	A3
Photos 012	Attached	A3
Photos 013	Attached	A3
Proposed Elevations as refused	Attached	A3
Proposed Ground floor plan as refused	Attached	A3
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

19/01859/FUL

Erect new single storey extension to side and rear of existing house including front porch.

58 Ross Gardens Edinburgh EH9 3BR

Statement for Planning review of the above application refusal.

The applicant wishes the council to review the refusal as he feels that the decision of the Planning officer is unfair in that there have been a large number of houses in the adjoining streets that have been granted Planning consent for extension that are built on the side of the existing property and in a number of cases extend beyond the rear of the existing house and return around the rear of the existing house. There are various different styles which can clearly be seen on the ordinance map and photos attached.

The Planning officer stated the following in his correspondence to me

- There are few examples of properties being extended to the front or side in the area and so the extension would have an adverse impact on the character of the area. There is no precedent for the property to be extended either to the front or the side.

His statement regarding there being few examples is I would suggest not entirely accurate as the attached photos confirm and would suggest that a number of precedents have been set for this type of extension. The existing house sits low in the garden and a side extension would have minimal impact on the corner and would only be partially seen when walking along Langton Road due to the existing levels and the existing hedge that borders the garden.

Having walked around the area I have taken photos of a number of corner extensions in the area and these were forwarded to the officer by way of a list of Planning consents that have been granted. See list below as sent.

Photo No 7 is a 2 storey extension which is built within 2 metres of the existing boundary extends beyond the rear of the house and has a front porch.

Photo No 9 shows an extension to the side of the block of flats which has been granted permission to build hard onto the boundary if the site.

Photo No 10 shows an extension to the side that is again 2 metres from the boundary and extends beyond the line of the existing house

These three houses are all on the same corner of an existing road junction at Rankin Drive/Langton Road within 200m of the applicant's site.

Numerous other extensions are shown on the map and photos

The Planning officer stated

- The proportions of the extension are such that they do not integrate well with the existing proportions of the building.

There are numerous different types of extensions again shown on the photos and I cannot agree that the proposed extension does not integrate well with the existing building. A recent extension

has just started at 29 Lussielaw Road which is on a raised corner site and has been granted a side extension very similar in look to our proposal attached to a lower ground floor flat. See drawing attached. The proposed extension to 58 Ross gardens sits down from the road and is much less prominent. A more modern extension could be designed but our feeling is that would be even more out of keeping with anything built recently in the area.

There are numerous porch extension in the surrounding streets.

- The proposal will have adverse implications for the neighbouring property to the east in terms of the level of daylight received.

The proposed rear extension sits 600mm away from the boundary with No 56. By moving the proposed gable wall of the extension away from the boundary to 1m we then change the extension to permitted development to the rear of the house as it then falls within all the guidelines regarding distances from the boundary 1.0m and with an eaves height of less than 3.0m thus solving the problem of overshadowing.

The planning officer was not forthcoming with any suggestions as to what may be acceptable. We could reduce the side extension to line through with the front of the existing house and build the porch as a separate small addition similar to that of No 56 and many other houses in the area. From many years of experience of dealing with the Department it would appear that Planners have moved away from giving advice on planning matters to stating city wide policy without consideration to what has gone before in the area where the application is applied for.

We would therefore ask that you review this refusal as there is precedent of houses being granted Planning consent for side extensions all over the area. I would also ask the review panel to visit the site and the surrounding streets to see the number of extensions that have been granted consent in the area.

Dave Sinclair

09.08.2019

List of side applications granted permission that were sent to Planning officer

44 MacDowall Road

33 Ross Gardens

2 Ross Place Corner of Ross gardens (looks like someone has added a caravan to the side of the house

26 Ross gardens

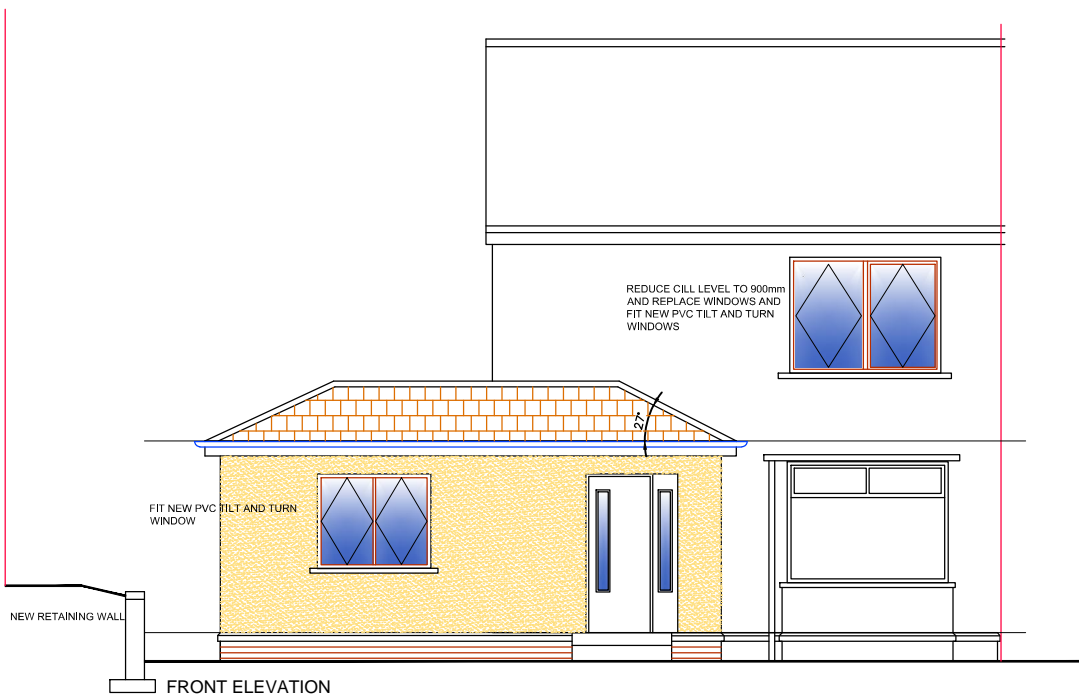
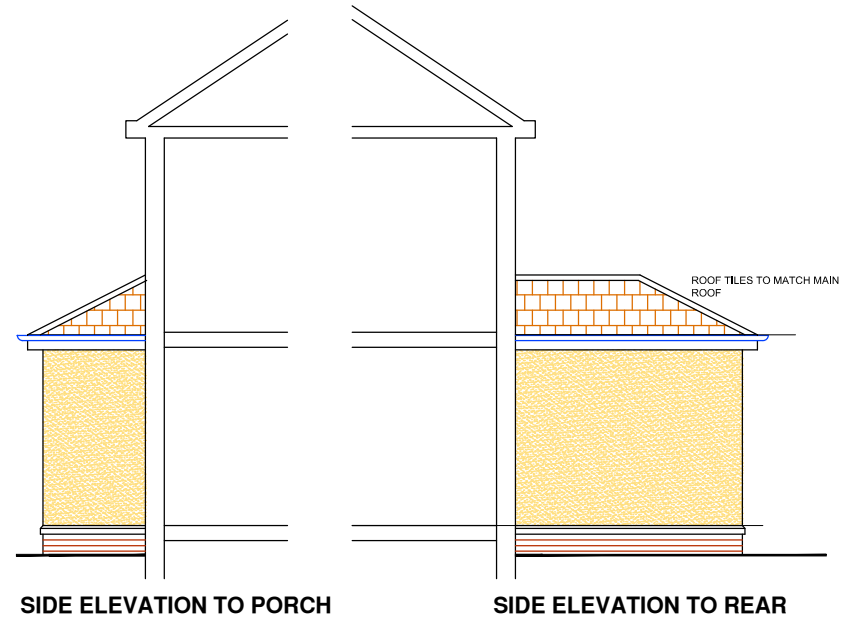
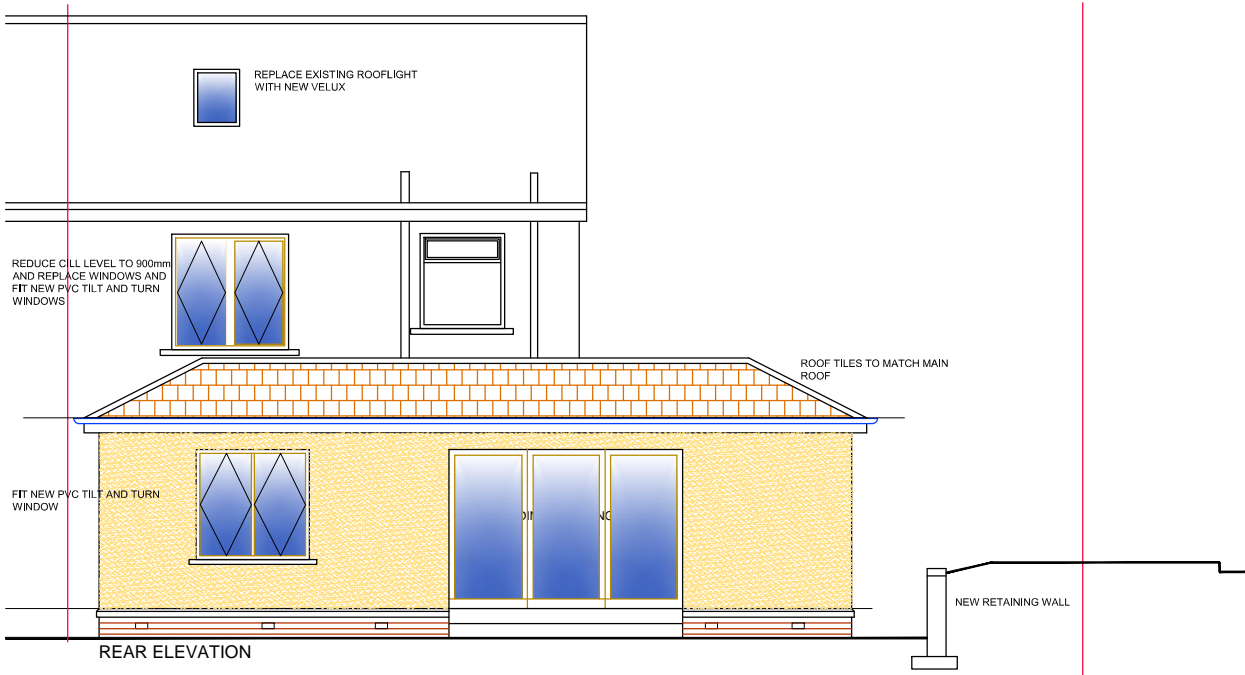
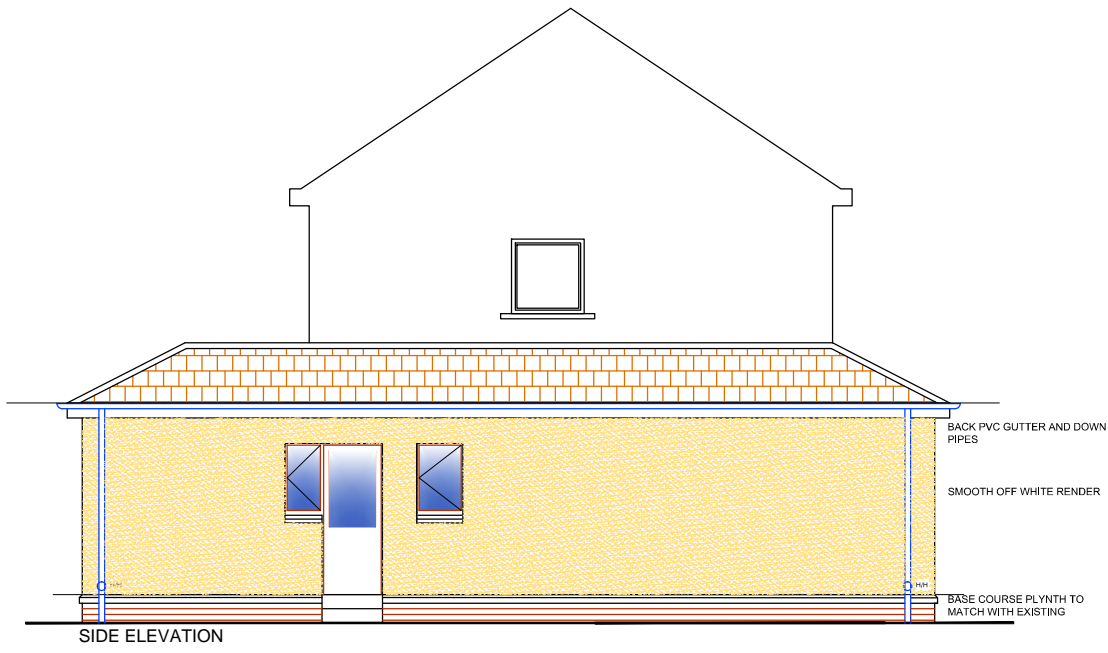
42 Rankin Drive

63 Rankin Drive

65 Rankin Drive - 2 Storey

90 W Savile Terrace

102 W Savile Terrace



RevA SIDE ELEVATIONS ADDED 17.04.2019

SINCLAIR
ARCHITECTURAL
SERVICES
07565 527 555
dave@sinclairarc.co.uk

PROPOSED ALTERATIONS AND EXTENSION
58 ROSS GARDENS EDINBURGH

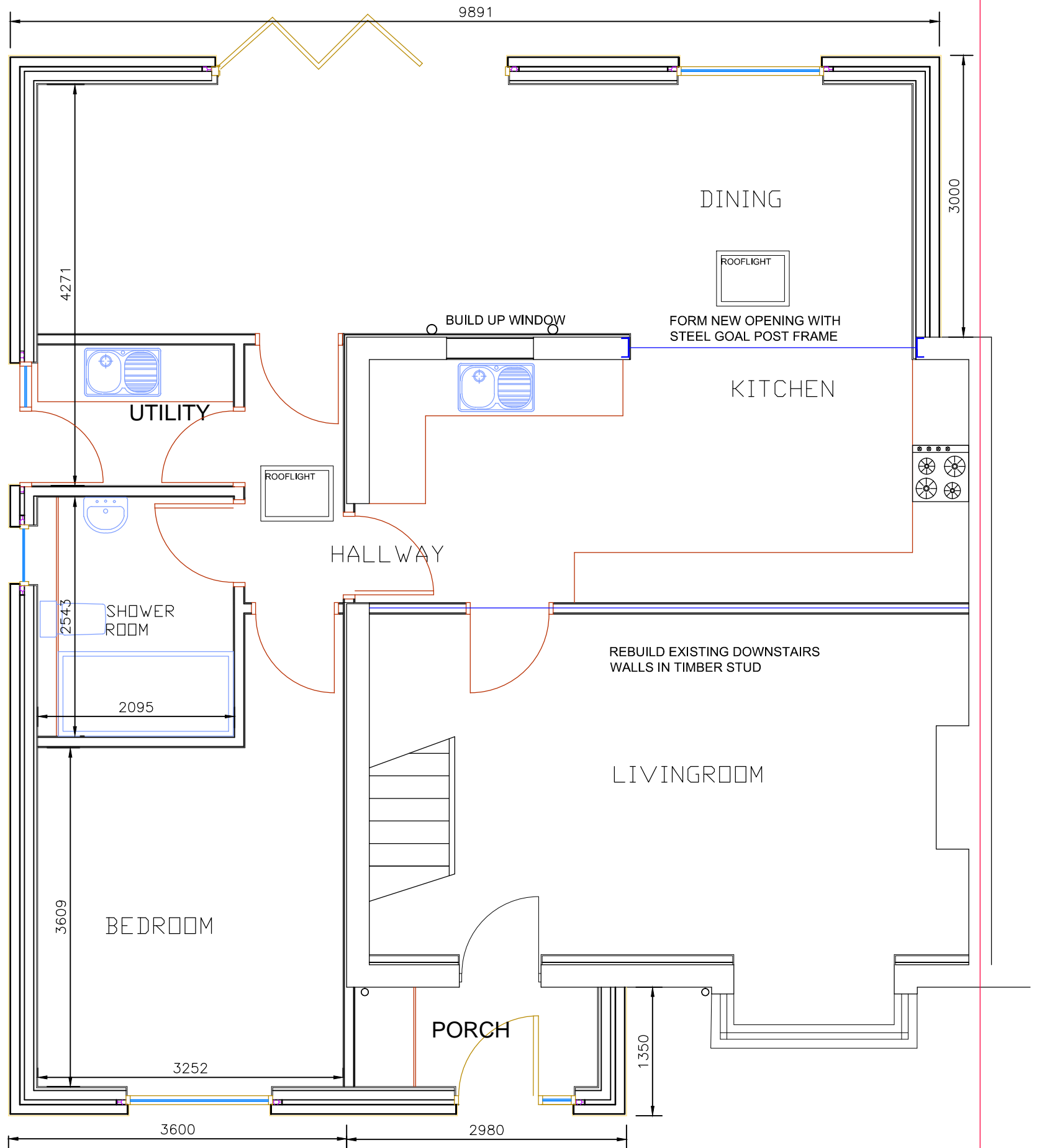
PROPOSED ELEVATIONS

Drg No 004A

SCALE 1:100@A3

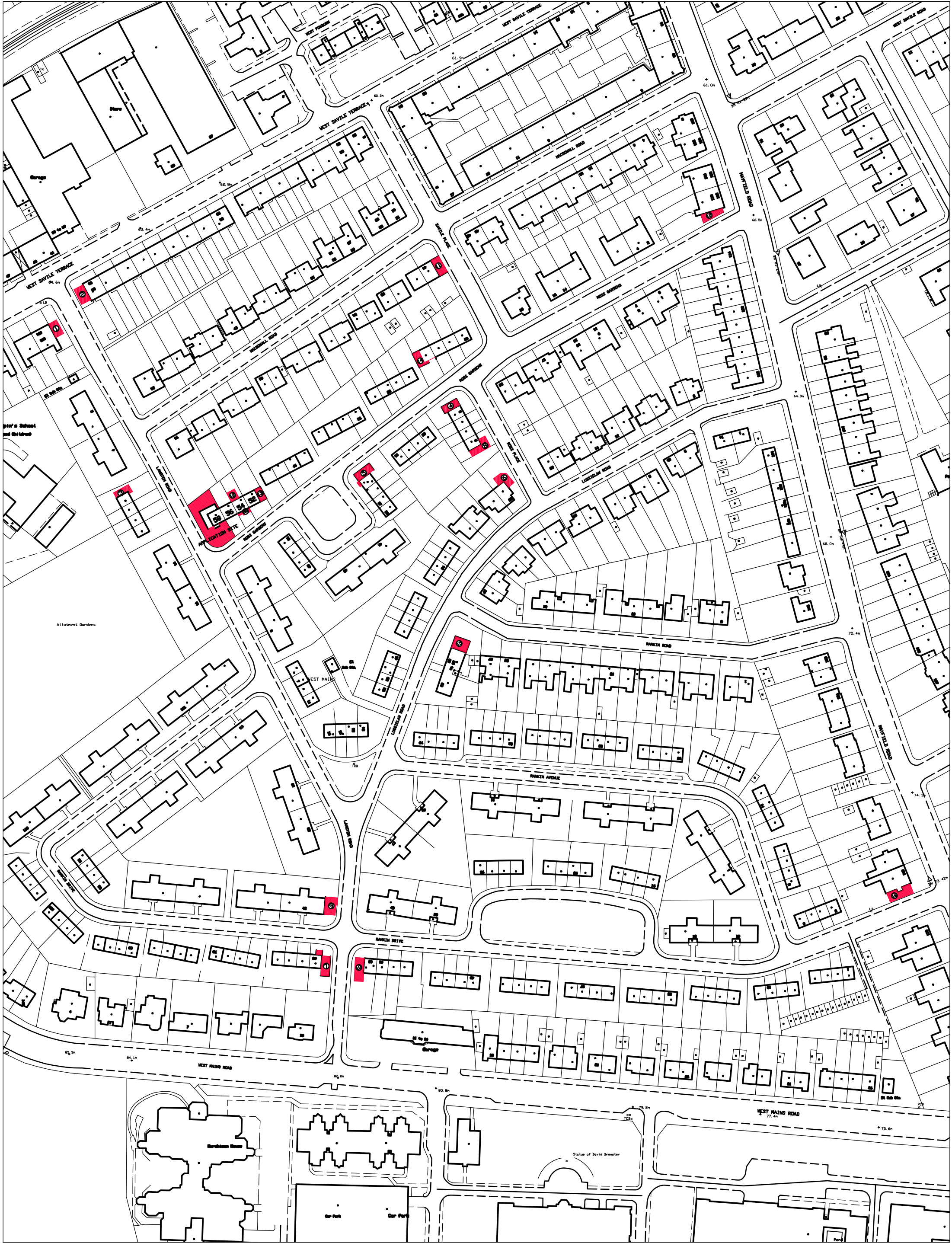
APRIL 2019

NEW RETAINING WALL



PROPOSED GROUND FLOOR PLAN

SINCLAIR ARCHITECTURAL SERVICES 07565 527 555 dave@sinclairarc.co.uk	PROPOSED ALTERATIONS AND EXTENSION 58 ROSS GARDENS EDINBURGH	Drg No 002
	PROPOSED GROUND FLOOR PLAN	SCALE 1:75@A4 JAN 2019



SINCLAIR
ARCHITECTURAL
SERVICES
07565 527 555
dave@sinclairarc.co.uk

PROPOSED ALTERATIONS AND EXTENSION
58 ROSS GARDENS EDINBURGH
PHOTO LOCATION PLAN

Drg No 010
SCALE 1nts@A3
AUG 2019



PHOTO 1



PHOTO 2



PHOTO 5



PHOTO 5a



PHOTO 9



PHOTO 9a



PHOTO 7



PHOTO 14



PHOTO 3



PHOTO 4



PHOTO 6



PHOTO 10



PHOTO 15



PHOTO 8



PHOTO No 58 FRONT CORNER



PHOTO No 58 REAR CORNER



PHOTO 15
29 LUSSIELAW ROAD



PHOTO 16

EXTEND GROUND FLOOR FLAT
29 LUSSIELAW ROAD
M. HUNTER
SCALE 1:50

LOCATION PLAN 1:1250

PROPOSED REAR (EAST) ELEVATION

PROPOSED SIDE (NORTH) ELEVATION

PROPOSED FRONT (WEST) ELEVATION 17.8.1

platform roof finished with single ply membrane
form flashing and secret gutter where new pitched section of roof abuts existing gable wall
pitched section of roof finished in tiles
pvc f.w gutter on timber fascia
pvc f.w downpipe with handhole at base
upvc window with double glazed unit on concrete sill
external walls finished in harling to match existing property and taken down to s/s bel least piece
form opening in e/w rear wall and fit new upvc window on concrete sill
provide base course of facing brick to match and align with e/w

OWNER OF FLAT ABOVE APPLICANT'S FLAT WAS CONSULTED ON PROPOSED EXTENSION AND SUPPORTS THIS APPLICATION

form 150mm min upstand flashing from new roof where abutting e/w
platform roof finished with single ply membrane lead to surf manufacturer's spec
pitched roof finished in tiles to match existing roof of property
pvc f.w gutter on timber fascia painted to surf clients requirements
external walls finished in harling to match existing property
upvc windows with double glazed units on concrete cills with dpc under and behind
upvc french doors and fanlight over with double glazed units
form concrete platform and steps in way of french doors

provide base course of facing brick to match and align with e/w

29 LUSSIELAW ROAD