

Les McCaskey (Rothesay Place).  
18A Rothesay Place  
Edinburgh  
EH37SQ

Mr Robert Darge.  
19 Ferry Gait Drive  
Edinburgh  
EH4 4GJ

**Decision date: 23 August 2019**

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

porch extension to front of property, Form French doors to rear.  
At 19 Ferry Gait Drive Edinburgh EH4 4GJ

**Application No:** 19/03461/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 18 July 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 proposal is contrary to Edinburgh Local Development Plan Policy Des 12 as it is not in keeping with the current spatial pattern of the area, and would have a detrimental impact on existing neighbourhood character.
2. The proposal is contrary to non-statutory Guidance for Householders which states that extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street. This is not characteristic of Ferry Gait Drive, where the building line remains unbreached, and completely uniform. The character of the area is in large part reliant on this uniformity, and as such the proposal is unacceptable.

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

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

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

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. The proposal would be unacceptable by virtue of the breach of the current building line of the application site by the proposed porch, which would not be in keeping with the current spatial pattern of the area and would have a detrimental impact on the existing character of the street. The proposal is contrary to Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

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 Christopher Sillick directly on 0131 529 3522.

*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](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 19/03461/FUL  
At 19 Ferry Gait Drive, Edinburgh, EH4 4GJ  
porch extension to front of property, Form French doors to rear.**

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	19/03461/FUL
<b>Wards</b>	B01 - Almond

## Summary

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The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. The proposal would be unacceptable by virtue of the breach of the current building line of the application site by the proposed porch, which would not be in keeping with the current spatial pattern of the area and would have a detrimental impact on the existing character of the street. The proposal is contrary to Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES12, NSG, NSHOU,
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# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The application site is a three storey, end terrace, townhouse, located on the south-west side of Ferry Gait Drive where the road meets Ferry Gait Place.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description Of The Proposal

Formation of new porch to the front of the property.

The proposal to form French doors to the rear of the property is permitted development under Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of these alterations is required.

### 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 will not be detrimental to neighbourhood character;

b) The proposal will result in an unreasonable loss of neighbouring amenity.

a) The walls of proposed porch on the principal elevation of the property would project approximately 2.15 metres from the property, with the roof projecting 2.3 metres from the current building line. The porch would have an approximate footprint of 4.61 metres. The porch does not comply with permitted development legislation in that it is fronted by a road on both the principal and side elevations, and also exceeds the 3 square metre footprint allowed.

The Council's non-statutory guidance, outlined in 'Guidance for Householders', states that extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street. Local Development Plan policy 'Des 12 Alterations and Extensions' states permission will only be granted where a proposal will not be detrimental to neighbourhood amenity and character. The proposed breach of the current building line would not be in keeping with the character of the street, or the spatial pattern of the area, and as such does not comply with Local Development Plan policy or Council guidance.

The application site is situated in a modern development on Ferry Gait Drive. The street is characterised by three storey townhouses, and four storey flat blocks, with an exposed brick and white render finish. The building line remains unbreached and completely uniform across the entire street, and within the surrounding area. The uniform building line gives way to paved drives with space for up to two cars. The drives are fronted by attractive tree planting, and offer a sense of open space throughout the public realm. The character of the area is derived in large part from the uniformity of the building form, in terms of both the modern finishing of the properties, and the uniform building line.

The proposed breach in the building line to accommodate the formation of a new porch is unprecedented in the surrounding neighbourhood, and not in keeping with the current spatial pattern of the area. The proposed development would look unusual in the context of the street, and would damage the sense of openness of the area. The proposal would have a detrimental impact on the character of the area, and as such does not comply with Local Development Plan Policy Des 12, and non-statutory guidance outlined in Guidance for Householders. The proposal is unacceptable.

b) The proposal fully accords with the criteria in the 'Guidance for Householders' in relation to the protection of neighbouring amenity.

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

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

#### **Reasons:-**

1. The proposal is contrary to Edinburgh Local Development Plan Policy Des 12 as it is not in keeping with the current spatial pattern of the area, and would have a detrimental impact on existing neighbourhood character.

2. The proposal is contrary to non-statutory Guidance for Householders which states that extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street. This is not characteristic of Ferry Gait Drive, where the building line remains unbreached, and completely uniform. The character of the area is in large part reliant on this uniformity, and as such the proposal is unacceptable.

## Risk, Policy, compliance and governance impact

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

## Equalities impact

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### **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

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

There is no pre-application process history.

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

No representations have been received.

## Background reading / external references

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



**Statutory Development  
Plan Provision**

Edinburgh Local Development Plan.

**Date registered**

18 July 2019

**Drawing numbers/Scheme**

01-06

Scheme 1

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

Contact: Christopher Sillick, Planning Officer  
E-mail:christopher.sillick@edinburgh.gov.uk Tel:0131 529 3522

## **Links - Policies**

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### **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

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No consultations undertaken.

END

## 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	Ref No.	/
Forename	ROBERT	Forename	LES
Surname	DARGE	Surname	MCCASKEY
Company Name	-	Company Name	-
Building No./Name	19	Building No./Name	18A
Address Line 1	FERRY GAIT	Address Line 1	ROTHESAY PLACE
Address Line 2	DRIVE	Address Line 2	
Town/City	EDINBURGH	Town/City	EDINBURGH
Postcode	EHA 4GJ	Postcode	EH3 7SQ
Telephone	/	Telephone	/
Mobile	[REDACTED]	Mobile	[REDACTED]
Fax	/	Fax	/
Email	[REDACTED]	Email	[REDACTED]
<b>3. Application Details</b> <span style="float: right;">*UK</span>			
Planning authority	CITY OF EDINBURGH COUNCIL		
Planning authority's application reference number	19/03461/FUL		
Site address	<div style="border: 1px solid black; padding: 5px;">                     19 FERRY GAIT DRIVE                      EDINBURGH                      EHA 4GJ                 </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;">                     PORCH EXTENSION TO FRONT OF PROPERTY                      FROM FRENCH DOORS TO REAR                 </div>		

Building Standards  
 - 6 NOV 2019  
 Planning &

Date of application

18<sup>th</sup> JULY 2019

Date of decision (if any)

23<sup>rd</sup> AUGUST 2019

**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.

[Empty rectangular box for explanation]

**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.

REFER TO ENCLOSED SUPPORTING STATEMENT

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

- HOUSE HOLDER APPLICATION FORM
  - LOCAL AUTHORITY PLANNING DECISION NOTICE
  - SUPPORTING STATEMENT
- DRAWING No's - 01, 02, 03, 04, 05

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: L. MCCASKY Date: 5/11/19

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

**Notice of Review**      *SUPPORTING STATEMENT*

The applicant acknowledges the planning authorities findings, but would refute the reasons given in respect of refusal of the said application.

The applicant would dispute the planning authorities comments that the proposed porch extension as submitted and is of the opinion that the proposed new addition would not have a detrimental impact on either the existing property, character of the neighbourhood or the street scene in general

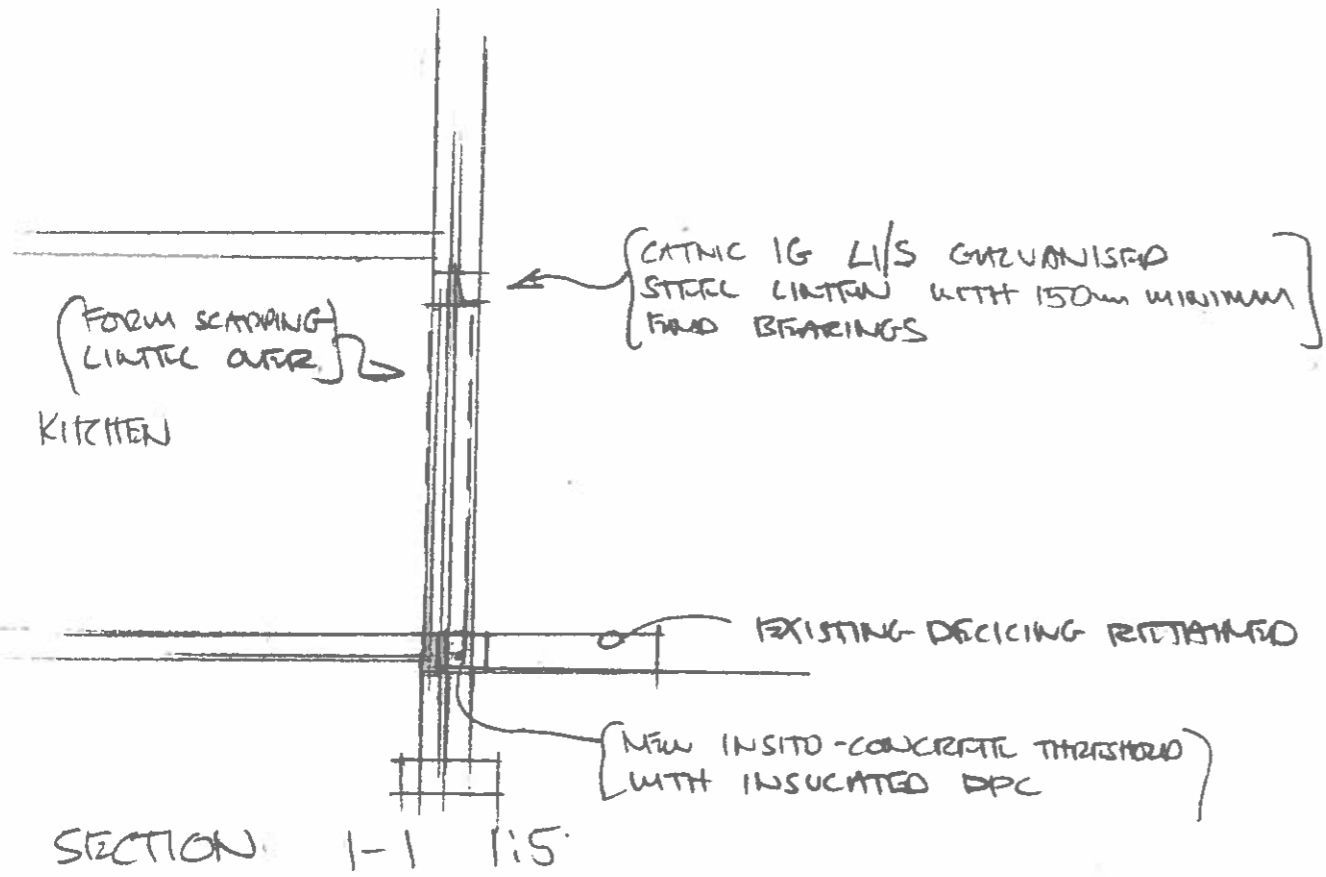
The applicant would state that the introduction of said extension would sit comfortably against the existing property frontage and that the general form, design and scale of the proposed porch structure would in fact compliment the main property and would not detract from the local character of the street

Whilst the applicant would agree that the proposed porch would project beyond the principle elevation line it would not result in an unacceptable addition, as with any small porch extension to domestic properties.

The scale, design and materials proposed in respect of new extension reflect generally what is currently in place and in adjacent properties in respect of material, style and design and would not have a detrimental impact or look out of place in general.

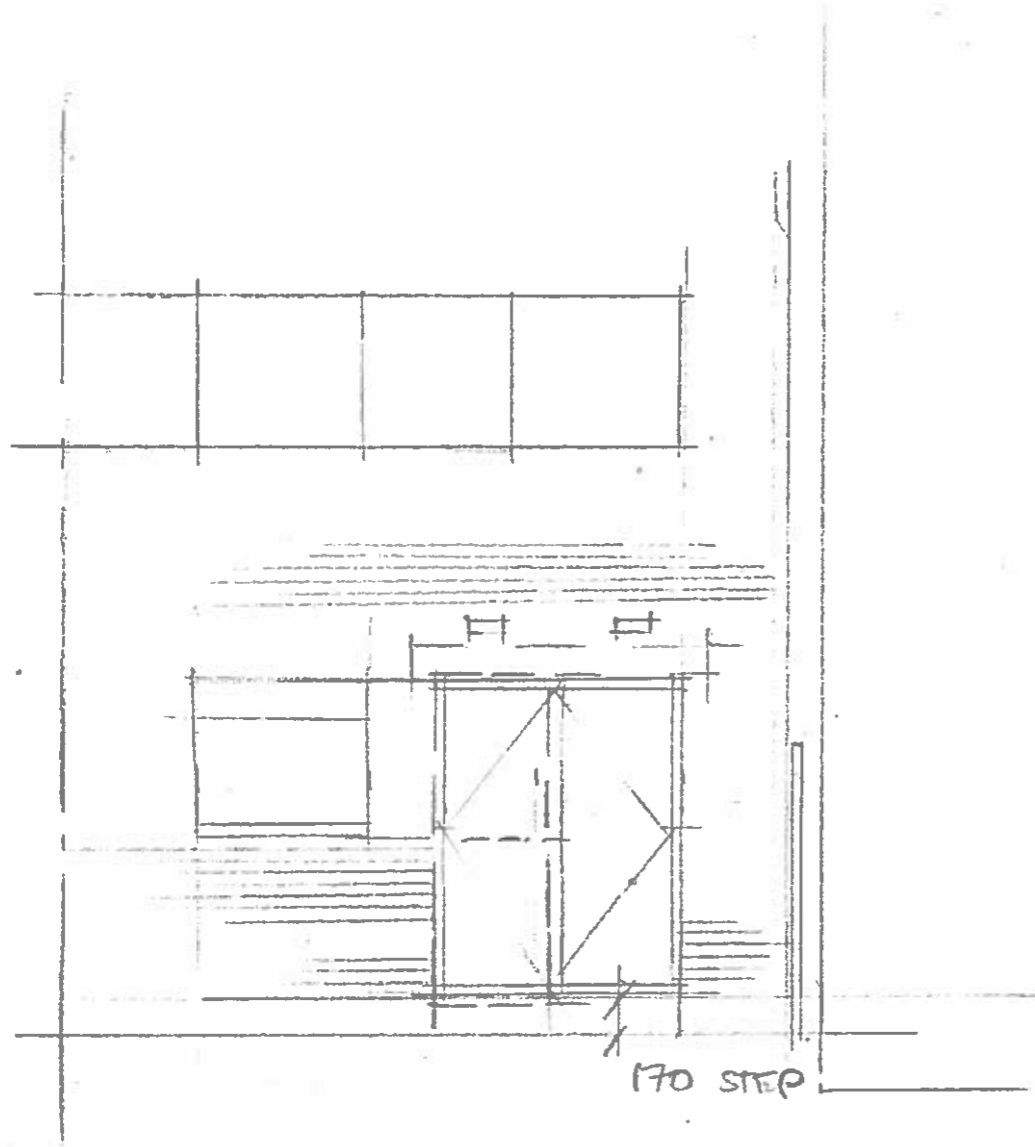
No objections or complaints have been submitted in respect of the proposals and the applicant has consulted a number of adjacent property owners who are very supportive with some also interested in a similar addition to their properties.

It is hoped that the review board shall look favourably in respect of this appeal and take into consideration the points raised by the applicant in support of his appeal.



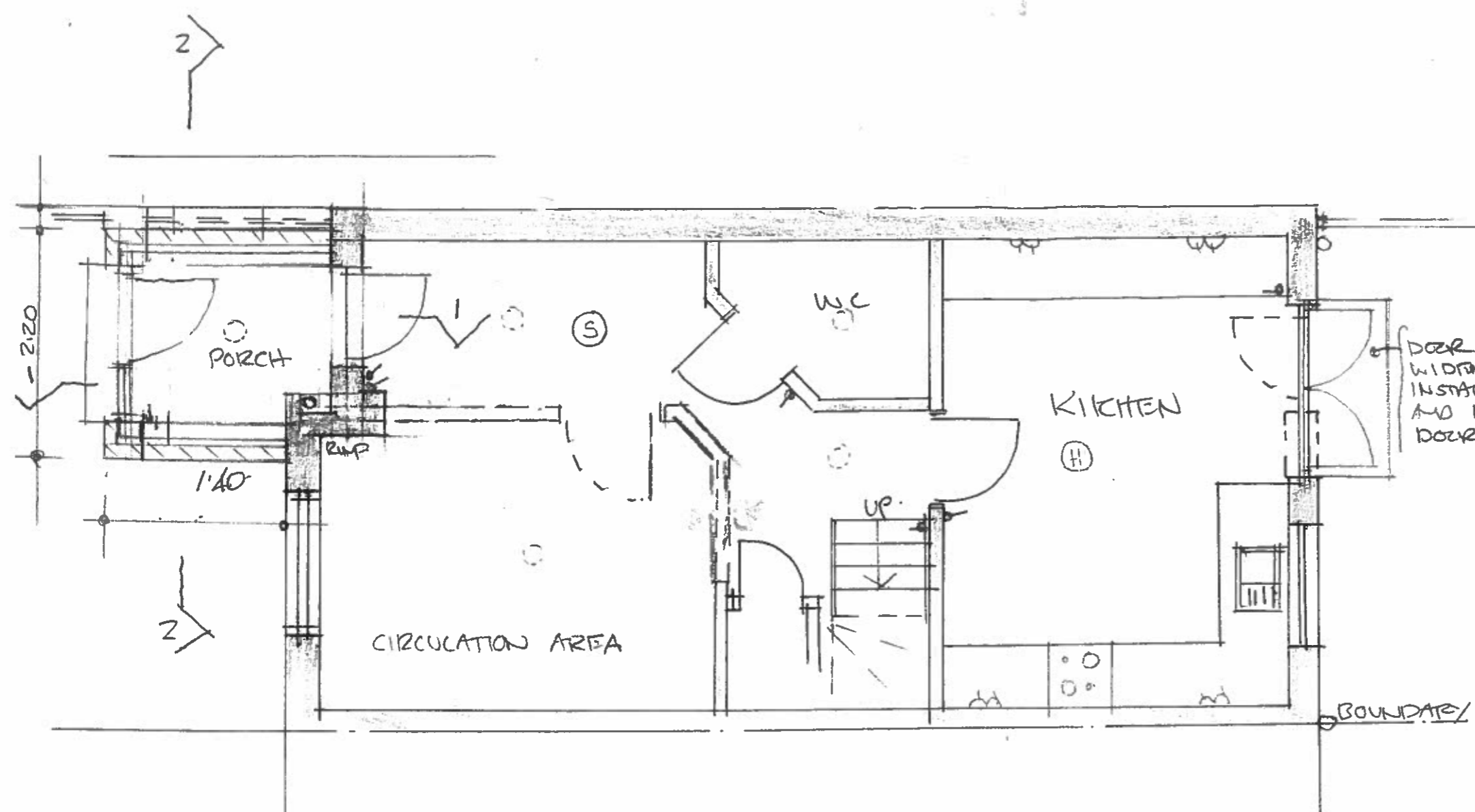
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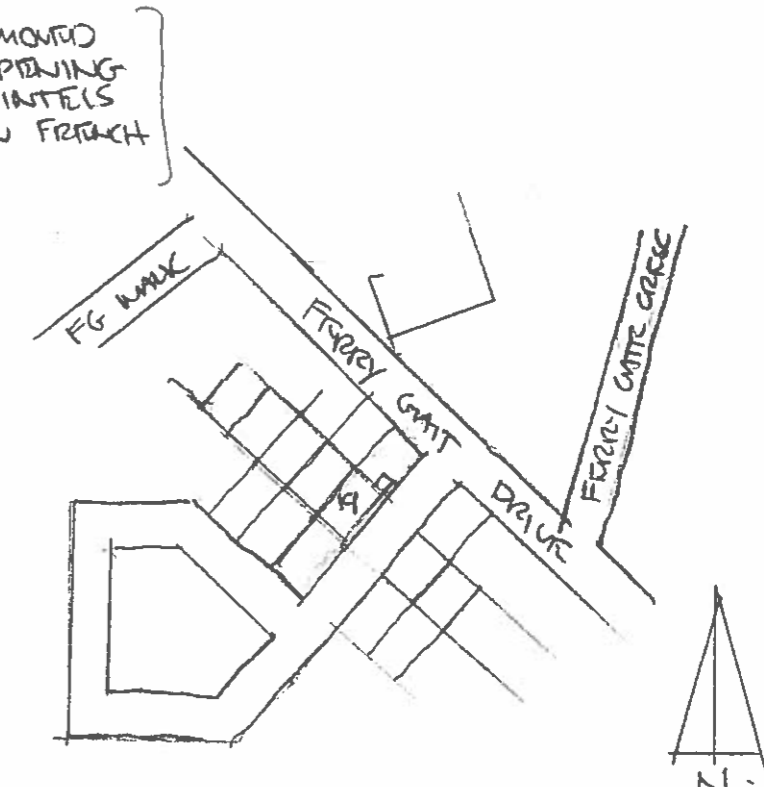


REAR ELEVATION 1:50

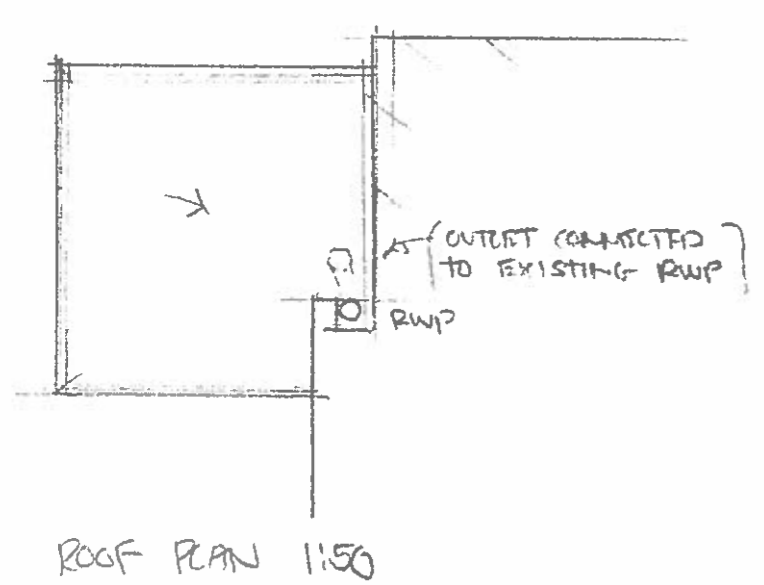
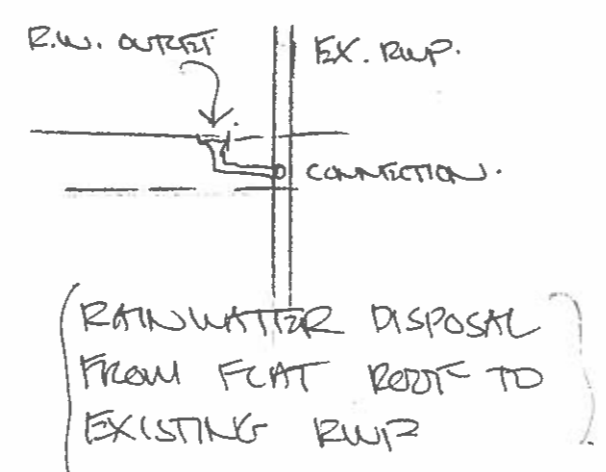
- REMOVALS.
- (H) HEAT DETECTOR
- (S) SMOKE DETECTOR
- (C) LIGHT FITTING
- (B) DOUBLE POWER OUTLET
- (L) LIGHT SWITCH



GROUND FLOOR PLAN 1:50

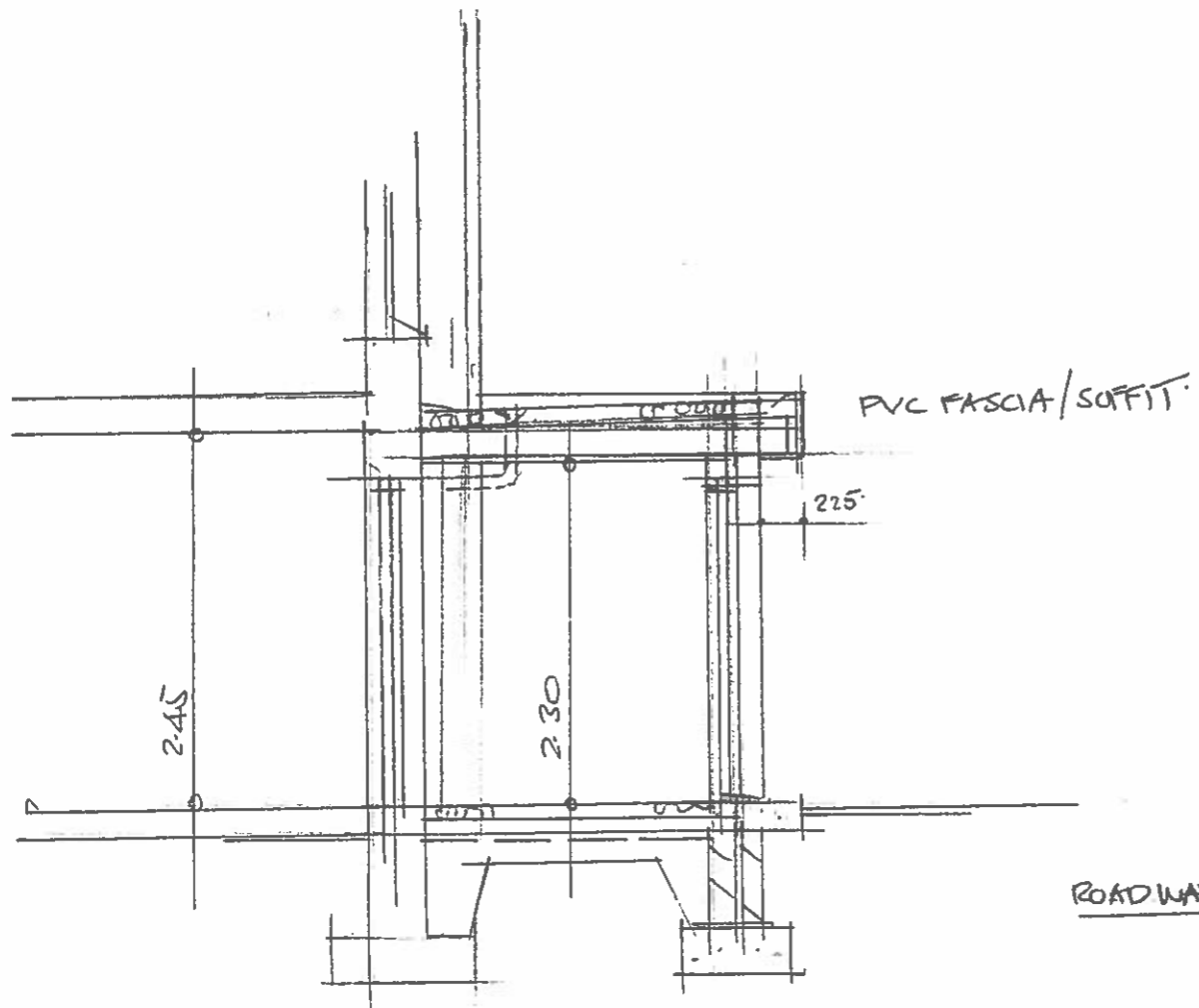


LOCATION PLAN 1:1250

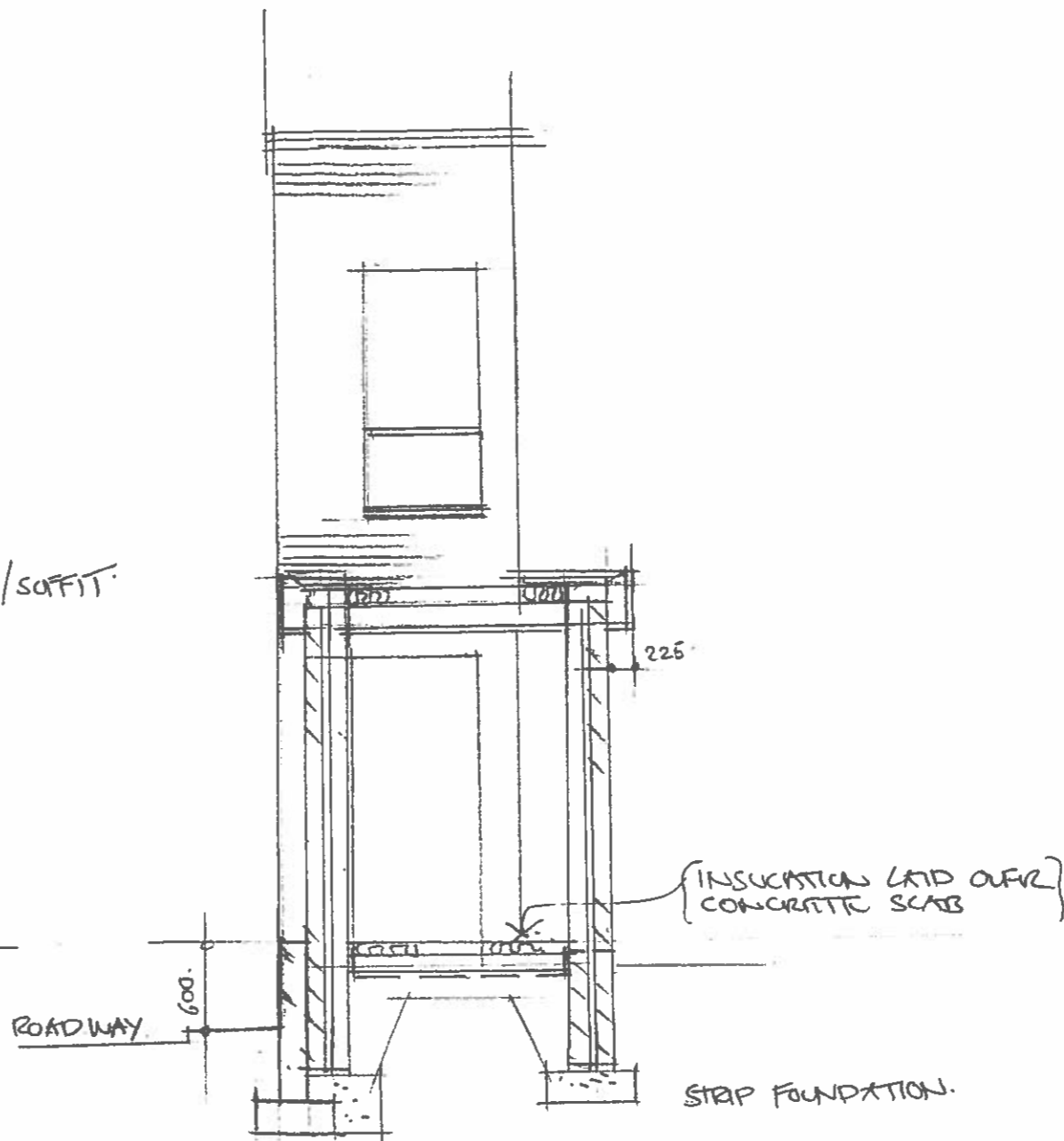


ROOF PLAN 1:50

PROPOSED 19. FERRY GATT DRIVE EDINBURGH
JULY 2019
01

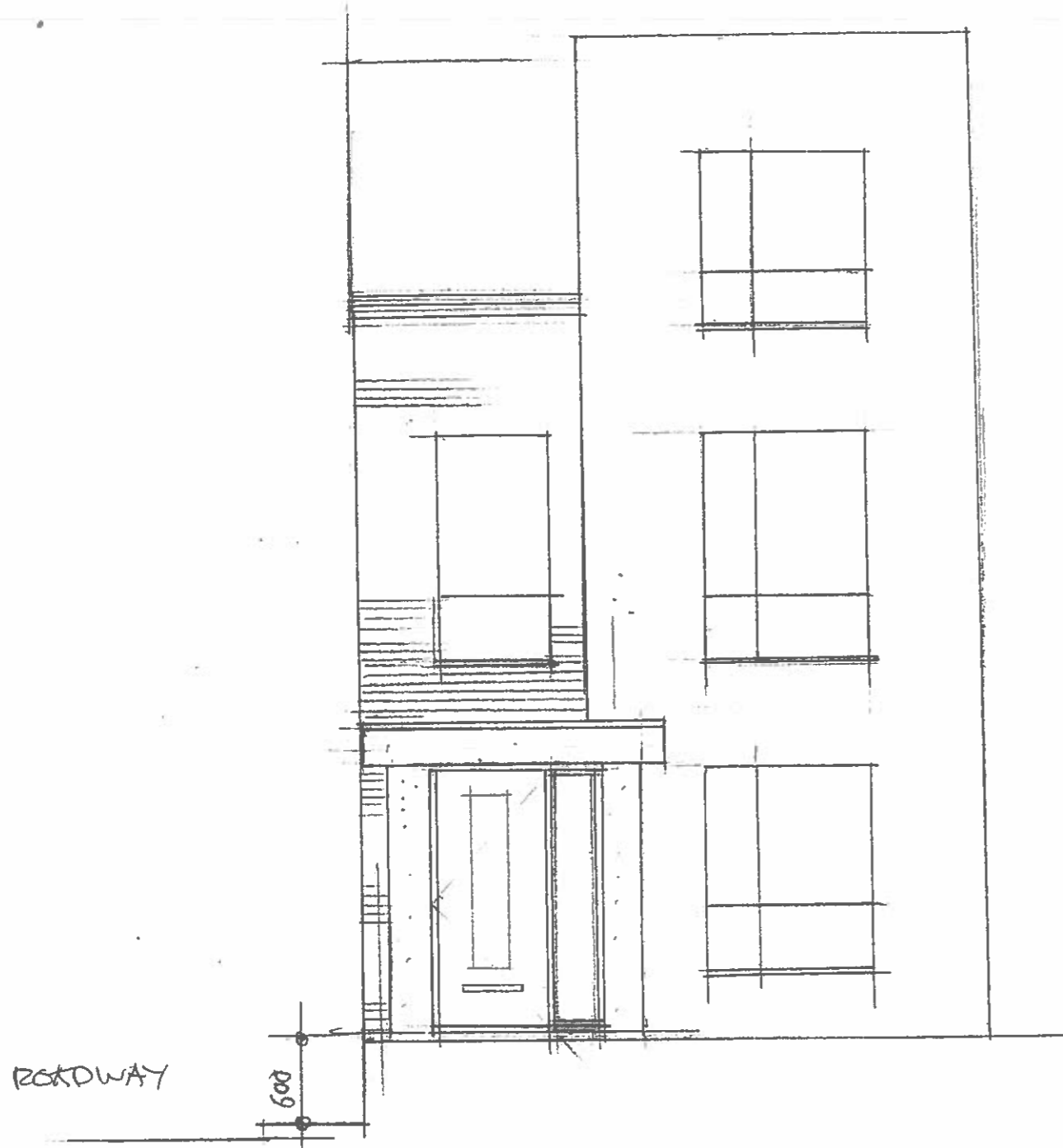


SECTION 1-1 1:50



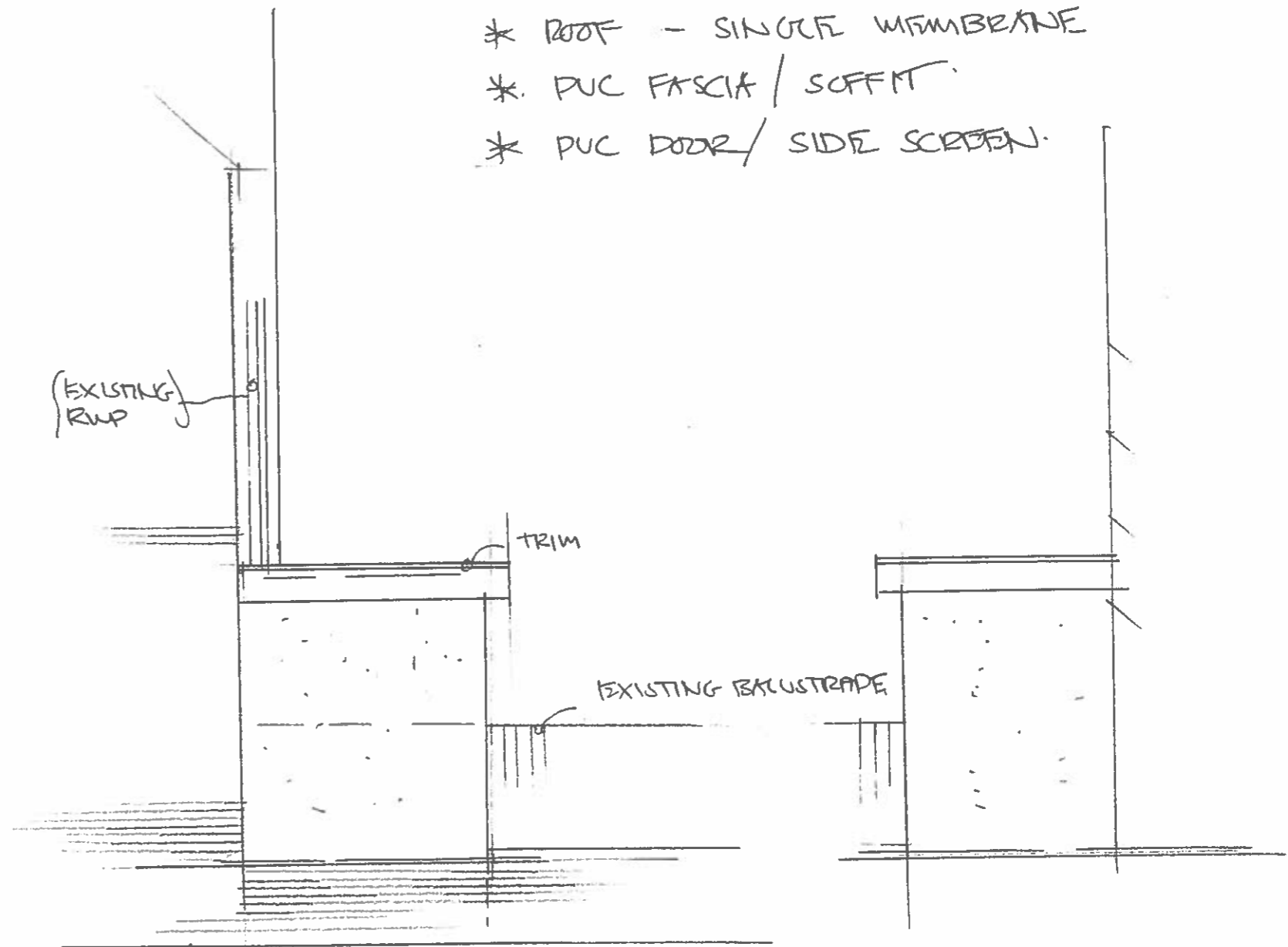
SECTION 2-2 1:50

PROPOSED ALTERATIONS 19 FURRY GAIT DRIVE EDINBURGH
JULY 2019
02



FRONT ELEVATION 1:50

- \* WALLS - SMOOTH WHITE K REND.
- \* ROOF - SINGLE MEMBRANE
- \* PVC FASCIA / SOFFIT
- \* PVC DOOR / SIDE SCREEN



PORCH EXTENSION  
 19. FERRY/GAIT DRIVE  
 EDINBURGH  
 JULY 2019