

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

10.00am, Wednesday 30 October 2019

Present: Councillors Mary Campbell, Gordon, Mitchell, Mowat, Munn (substituting for Councillor Gordon for items 5 to 10) and Rose (for item 4)

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 18 September 2019 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

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

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

The application was continued at the meeting on Wednesday 18 September 2019 to allow the appeal decision from the DPEA against the part-refusal of listed building consent by the Council, to be considered by the Panel.

The appeal decision by the DPEA was duly circulated and the request was considered by the City of Edinburgh Planning Local Review Body (LRB) at the meeting on Wednesday 30 October 2019.

Assessment

At the meeting on 30 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and the requested further information relating to the Listed Building application appeal decision by the DPEA.

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

The plans used to determine the application were numbered 01-06, Scheme 1, being the drawings shown under the application reference number 19/01254/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

Edinburgh Local Development Plan Policy LDP Policy Des 12 (Alterations and Extensions)

Edinburgh Local Development Plan Policy LDP Policy Env 4 (Listed Buildings - Alterations and Extensions)

Edinburgh Local Development Plan Policy LDP Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines and Other Relevant Policy Guidance

'Guidance for Householders'

'Listed Buildings and Conservation Areas'

'The New Town Conservation Area Character Appraisal'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.
- 5) The further information as requested at the meeting on 18th September 2019.

Conclusion

Having received information from the DPEA, which allowed the appeal and granted listed building consent, the LRB considered all the arguments put before it in respect of the proposed planning application and determined the following:

- (a) The proposals were not contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the works would not result in unnecessary damage to the diminution of the buildings character.
- (b) The proposals were not contrary to Local Development Plan Policy Env 6 in respect of Conservation Areas – Development, as the proposed rear extension did not fail to preserve the character of the conservation area.

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

Decision

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

The following informatives:

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

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

5. Request for Review – 5 (Flat 2) Dalry Gait, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the permission for the proposed change of use of residential flat to short term commercial let at 2 Dalry Gait, Edinburgh. Application No. 19/02382/FUL.

Assessment

At the meeting on 30 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a hearing. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01 - 02, Scheme 1, being the drawings shown under the application reference number 19/02382/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Businesses'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- Although the conversion of a single flat to holiday let would not adversely affect the other 76 properties, which were in residential use, a large proportion were already used for holiday lets.
- Whether this change of use was compatible with residential accommodation.
- The residents seemed to support the proposals.
- There were concerns about how this use would be managed.

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

Decision

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

Reasons for Refusal:

The proposal was contrary to adopted Edinburgh Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use had the potential to adversely affect the residential character and amenity of the area.

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

6. Request for Review – 2 Etrick Grove, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission to remove store, section of wall and openings to rear and form new single storey, flat roof extension to accommodate open plan lounge/kitchen/dining space. Remove WC window and form opening into new single storey extension, to accommodate new WC and utility room at 2 Etrick Grove, Edinburgh. Application No. 19/01564/FUL.

Assessment

At the meeting on 30 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-05, Scheme 1, being the drawings shown under the application reference number 19/01564/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy LDP Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines and Other Relevant Policy Guidance
'Listed Buildings and Conservation Areas'
'Guidance for Householders'

'The Merchiston & Greenhill Conservation Area Character Appraisal'

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- There was some confusion about the front elevation as shown on the drawings. If this was a boundary wall with adjoining properties, it might not be visible.
- One of the members did not agree with the reasons given for refusal, because of the location of the proposed extension.
- The decision by the authority was a mixed decision to part-approve and part-refuse the application.
- That the proposals were set back and subservient to the building.
- There was no detriment to the conservation area, this was a minor infringement of guidance and it was not unusual for there to be small flat roof extensions.

Having taken all these matters into consideration, the LRB determined that the side extension only represented a minor infringement of statutory guidance for householders and was not detrimental to the character and appearance of the conservation area and was not contrary to LDP policies Des 12 and Env 6.

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

Decision

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

The following informatives:

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

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

7. Request for Review – 1 Littlejohn Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for single storey extension to rear, new off-street parking at 1 Littlejohn Road, Edinburgh. Application No. 19/01966/FUL.

Assessment

At the meeting on 30 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01 - 05, Scheme 1, being the drawings shown under the application reference number 19/01966/FUL on the Council's Planning and Building Standards Online Services.

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

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

Conclusion

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

- That there appeared to be nothing in the report to overturn the recommendations of the Chief Planning Officer.
- That off-street parking had been granted previously.
- In previous years, there was more sympathy with site development, but currently, there was greater presumption against the removal of trees and other characteristics.
- That the proposed addition was an unsympathetic addition to an attractive property.

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

Decision

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

Reasons for Refusal:

1. The application was contrary to Edinburgh Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Householders. The proposed extension in form, design, scale and positioning would be a visually obtrusive addition that would lack architectural cohesion to the existing dwelling. The proposal would have an adverse impact on the character and appearance of the existing house and fail to preserve or enhance this part of the conservation area.
2. The application was contrary to Edinburgh Local Development Plan Policy Env 6 and the non-statutory Guidance for Householders. The proposed off street parking including new vehicular access and removal of front boundary railings would result in an incongruous feature on the streetscene subsequently harmful to the visual amenity and the character and appearance of this part of the conservation area.

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

8. Request for Review – 15 Stenhouse Mill Crescent, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for a request for change of use of existing garages x4 and office space into studio apartments x2 including garage at 15 Stenhouse Mill Crescent, Edinburgh. Application No. 19/01836/FUL.

Assessment

At the meeting on 30 October 2019, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-03, Scheme 1, being the drawings shown under the application reference number 19/01836/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

Edinburgh Local Development Plan Policy LDP Policy Hou 1 (Housing Development)

Edinburgh Local Development Plan Policy LDP Policy Hou 3 (Private Green Space in Housing Development)

Edinburgh Local Development Plan Policy LDP Policy Hou 5 (Conversion to Housing)

Edinburgh Local Development Plan Policy LDP Policy Tra 2 (Private Car Parking)

- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- Although there was no provision of communal open space and lack of amenity in terms of daylight, there were plenty of opportunities to access open space nearby.
- For this type of conversion, it was necessary to consider the opportunities being presented for housing.
- There was sufficient amenity in the nearby area and the proposals were only a minor infringement of guidance.

Having taken all the above matters into consideration the LRB determined that there was sufficient amenity and greenspace in the area and that the re-use of the existing building justified minor infringements to Edinburgh Design Guidance and LDP Policies Hou 3 and 5.

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

Reasons for Refusal:

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

The following informatives:

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- (d) A private pavement/footway of 0.7m wide to be provided in front of the proposed change of use and with additional planters to provide protection/safety from turning vehicles.

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

9. Request for Review – 108A West Bow (Unit 1), Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for a request for change of use from residential to furnished holiday let (in retrospect) at 108A West Bow (Unit 1), Edinburgh. Application No. 19/00691/FUL.

Assessment

At the meeting on 30 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01 - 02, Scheme 1, being the drawings shown under the application reference number 19/00691/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Businesses'
The Old Town Conservation Area Character Appraisal
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- That the current use did result in a material change of use from a sui generis residential flat and this was a largely residential area.
- The proposals seemed to contravene guidance for businesses.
- There had been objections for the Grassmarket Association and other bodies.
- Five out of every six properties in the ward were in residential use.

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

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission and take enforcement action.

Reasons for Refusal:

The use of the property for the purposes of short stay, commercial visitor accommodation had the potential to have a detrimental impact on the amenity of neighbouring residents. The development was contrary to Policy Hou7 (Inappropriate Uses in Residential Areas) of the Edinburgh Local Development Plan, as it could introduce activities that would cause significant noise and disturbance to other residents of the building.

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

10. Request for Review – 11 Zetland Place, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for a request for forming a driveway and parking space to the front of the house at 11 Zetland Place Edinburgh. Application No. 19/02454/FUL.

Assessment

At the meeting on 30 October 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01 - 03, Scheme 1, being the drawings shown under the application reference number 19/02454/FUL on the Council's Planning and Building Standards Online Services.

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

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

Conclusion

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

- Whether the equalities impact assessment discriminated against disabled people.
- That there was nothing to suggest that the residents of the appeal property were disabled. It was the residents of properties that were within the scope of disability assessments.
- There was some sympathy with the applicant.
- There were issues with the boundary wall and the driveway did not conform to standards.
- There were concerns about a proposed driveway that went through an original stone boundary wall.

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

Decision

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

Reasons for Refusal:

The application would be detrimental to neighbourhood character and to the character and appearance of the conservation area.

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