

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

10.00am, Wednesday 15 January 2020

Present: Councillors Mary Campbell, Gordon and Mowat.

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 30 October 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. Request for Review – 18 Bonaly Brae, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the re-submission of application following refusal for construction of 1.5 storey extension to front of house with dormer and roof lights. Re-model existing front dormer and form new dormer to rear fit concertina doors to side of existing extension at 18 Bonaly Brae, Edinburgh. Application No. 19/03241/FUL

Assessment

At the meeting on 15 January 2020, 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 - 03, Scheme 1, being the drawings shown under the application reference number 19/03241/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)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 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 this was not a typical garage extension for this area and would adversely affect the streetscape due to its size.
- Most extensions forward of the building line were single storey.
- This might be a sensible use of space, however, the officer's reasons for refusal were robust.

Having taken all the above matters into consideration and although one of the members thought that the proposals might be a sensible use of space, 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 proposed front extension incorporating a front dormer was of an inappropriate scale, design and position and was not compatible with the existing building or neighbourhood character. It would be a visually prominent and obtrusive element in the street. It was therefore contrary to ELDP Policy Des 12 and also the non-statutory Guidance for Householders.

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

5. Request for Review – 4 Briery Bauks, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for an attic conversion with roof dormers at 4 Briery Bauks Edinburgh. Application No. 19/04337/FUL.

Assessment

At the meeting on 15 January 2020, 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 - 03, Scheme 1, being the drawings shown under the application reference number 19/04337/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)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 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 proposed conversion would adversely affect privacy, would have a detrimental impact on the street and might set a precedent for the future.
- That insufficient effort to align the dormers with the existing fenestration had been made.
- That the dormer interrupts the roofline with the adjoining properties.
- The proposals represented a significant intervention to the building of an adverse nature and would create a lack of balance to the roofline of the wider area.

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 proposal was contrary to the Second Proposed Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to the character of the host property and the neighbourhood.
2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the dormer windows were not of an acceptable scale, form or design to the detriment of the property and the wider area.

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

6. Request for Review – 15 Gilmerton Dykes Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed two storey extension to side of property at 15 Gilmerton Dykes Drive Edinburgh. Application No. 19/03114/FUL.

Assessment

At the meeting on 15 January 2030, 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 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 - 09, Scheme 1, being the drawings shown under the application reference number 19/03114/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)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 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 plans did not seem to be clear in relation to the extension of the property.
- Whether the location on a corner site would have a greater or less visual impact on the surrounding area.
- That the proposals should be more sensitive to the impact on the street.
- It was of no consequence that the extension was indistinguishable from the rest of the house as it created greater harmony.
- There was no significant detrimental impact and the proposals did improve the quality of living space in the dwelling.

- The proposals at 94 Gilmerton Dykes Drive were allowed to proceed, were in keeping with planning guidance and were quite similar to the current proposals.

Having taken all these matters into consideration, the LRB determined that the two-storey extension would not have a significant impact, was not detrimental to the character and appearance of the house and surrounding area and was not contrary to LDP Policy Des 12.

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' has been submitted to the Council stating the intended date on which the development is 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 – 13 Hyvot Bank Avenue, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the creation of new driveway into the front garden at 13 Hyvot Bank Avenue Edinburgh. Application No. 19/03726/FUL.

Assessment

At the meeting on 15 January 2020, 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 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 - 02, Scheme 1, being the drawings shown under the application reference number 19/03726/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)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 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:

- If the existing fence was removed, the new opening would exceed the recommended maximum of 3 metres.
- It might not be possible to increase the run-in depth to 6 metres without disrupting pedestrian access.
- It would be necessary to remove/move the street lamp which was contrary to Guidance for Householders.

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 proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it did not meet the required safety and access standards for the formation of a vehicle run-in.
2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they did not meet the required safety and access standards for the formation of a vehicle run-in.

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