

Ms Elizabeth Flynn 12 Flat 1 Hutchison Crossway Edinburgh Scotland EH14 1RT

**Decision date: 18 November 2019** 

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

Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.

At Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Application No: 19/04379/FUL

## **DECISION NOTICE**

With reference to your application for Planning Permission registered on 20 September 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 would not accord with neighbourhood character and would be detrimental to the amenity of the area.

Please see the guidance notes on our <u>decision page</u> for further information, including how to appeal or review your decision.

Drawings 01 and 02A., 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 proposal is not of an acceptable scale or form, would be detrimental to neighbourhood character and amenity and does not comply with Edinburgh Local Development Plan Policies Des 12 and Env 12 and to 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 Val Malone directly on 0131 529 3485.

**Chief Planning Officer** 

DR Leelie

**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.

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# **Report of Handling**

Application for Planning Permission 19/04379/FUL At Flat 1, 12 Hutchison Crossway, Edinburgh Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.

Item Local Delegated Decision

**Application number** 19/04379/FUL

Wards B09 - Fountainbridge/Craiglockhart

## Summary

The proposal is not of an acceptable scale or form, would be detrimental to neighbourhood character and amenity and does not comply with Edinburgh Local Development Plan Policies Des 12 and Env 12 and to the non-statutory "Guidance for Householders". There are no material planning considerations which would justify approval.

## Links

Policies and guidance for this application

LDES12, LEN12, NSHOU,

# Report of handling

## Recommendations

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

## **Background**

## 2.1 Site description

The application site is a ground floor flat in a three storey block of flats on the northeast side of Hutchison Crossway. The flats themselves are set back from the street, with a grass strip with trees between the pavement and the carriageway of the road. The ground floor flat owns all of the garden area to the front of the block.

## 2.2 Site History

No relevant planning history on Uniform for this property.

Other relevant applications:

24 March 2019 planning permission granted for the formation of a new vehicle access to the front garden with a gate and gravel parking area at Flat 2, 12 Hutchison Crossway, (17/00303/FUL).

10 November 1998 planning permission granted for the formation of a vehicular access at 46 Hutchison Crossway, (98/00074/CEC). This does not appear to have been implemented.

24 September 1997 planning permission refused for formation of a run-in at 38 Hutchison Crossway, (97/01151/FUL).

## Main report

## 3.1 Description Of The Proposal

The application proposes the formation of a driveway 6 metres wide by 7.5.metres long in mixed slabs and gravel within the front garden area. It would be accessed by a tarmac strip over the current grass verge, 3 metres wide. A metal gate would secure the 3 metre wide entrance to the garden.

## 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 proposed scale, form and design is acceptable and would accord with neighbourhood character;
- (b). The proposal will cause an unreasonable loss to neighbouring amenity;
- (c). Any impacts on equalities or human rights are acceptable;
- (d). Any comments raised have been addressed.
- (a). The proposed driveway would measure 7.5 by 6 metres in size, which represents 33.2% of the front garden area. The non-statutory "Guidance for Householders" advises that parking spaces in front gardens should be a maximum of 21 square metres or 25% of the area, whichever is the greater. This parking space would exceed this criterion and would be an overly dominant feature in this amenity space, detracting from its green character.

The adjoining front garden contains a parking space; that front garden, however, is considerable larger and its parking space only represents 14.5% of its area. Notwithstanding the presence of this parking space, run-ins or parking spaces in front gardens are not a characteristic of Hutchison Crossway or this general residential area.

More critically, the removal and paving over of the grass verge would have an adverse effect on the health and future of the mature tree to the north. Grass verges and mature trees are a striking characteristic of Hutchison Crossway and make a very positive contribution to the amenity of this area. Edinburgh Local Development Plan Policy (ELDP) Env 12 presumes against development likely to have a damaging impact on trees worth of retention unless necessary for good arboricultural reasons and, if permission would be forthcoming, replacement planting would be required to offset any loss to amenity. Historical photographs indicate that there previously was a tree closer to the access path to No. 12 and this proposal would adversely affect the ability to replant a tree here.

There are no objections on transport grounds and Hutchison Crossway is not a controlled parking area. On balance, however, amenity issues are considered to take precedence over transport considerations in this instance.

The proposal is not of an acceptable scale or form, would be detrimental to neighbourhood character and does not comply with ELDP Policies Des 12 and Env 12 and to the non-statutory "Guidance for Householders".

- (b). The proposal complies with the aims and objectives of the non-statutory "Guidance for Householders" in relation to the protection of neighbouring residential amenity.
- (c). There would be no impact on equalities and human rights.
- (d). The public comments can be summarised and addressed as follows:

Inaccuracies in the proposed drawings submitted - these were minor and have been corrected.

Objection to the proposal on the grounds of the effect it would have on on-street parking, in a street with heavy demand for this - there are no parking restrictions currently on this street and this issue is not within the scope of planning legislation.

More spaces specifically for users with disabilities should be provided - not within the scope of planning legislation.

The driveway is not necessary - necessity is not a ground for refusal of a planning application.

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

#### 3.4 Conditions/reasons/informatives

#### Reasons:-

1. The proposal would not accord with neighbourhood character and would be detrimental to the amenity of the area.

## 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

Four representations have been received from members of the public; these are 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** The application site is identified as being within the urban

area in the adopted Edinburgh Local Development Plan

2016.

**Date registered** 20 September 2019

Drawing

numbers/Scheme

01 and 02A.,

Scheme 1

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

Contact: Val Malone, Senior planning officer

E-mail:val.malone@edinburgh.gov.uk Tel:0131 529 3485

## **Links - Policies**

## **Relevant Policies:**

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

# **Appendix 1**

## **Consultations**

## ROADS AUTHORITY ISSUES

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Any off-street parking space should comply with the Council's Guidance for Householders (see http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\_for\_household
- http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\_for\_householders) including:
- a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- Any gate or doors must open inwards onto the property;
- d. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
- e. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply\_for\_permission\_to\_create\_or\_alter\_a\_driveway\_or\_other\_access\_point.

**END** 

## **Application Summary**

Application Number: 19/04379/FUL

Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel

with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

## **Customer Details**

Name: Miss Azra Ciloglu

Address: 12/4 Hutchison Crossway Edinburgh

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

**Comment Reasons:** 

Comment: There is limited parking in the street as is at the moment. Another driveway in the street

which is not required is just unnecessary

## **Application Summary**

Application Number: 19/04379/FUL

Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel

with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

## **Customer Details**

Name: Mr Tarik Ciloglu

Address: 12/6 Hutchison Crossway Edinburgh

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

**Comment Reasons:** 

Comment: There is limited parking in the street as is at the moment. Another driveway in the street

which is not required is just unnecessary

## **Application Summary**

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Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel

with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

## **Customer Details**

Name: Miss Elizabeth Raven

Address: 14/1 Hutchison Crossway Edinburgh

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:If 2 parking spaces are to be created in this garden then another 2 spaces cannot be used on the street to allow access. It does not seem fair for the other residents who do not have gardens to have less parking spaces than they previously had. When there is a rugby or football match or a concert at Murrayfield the residents can't move their cars or they can't get back into the street. I have chronic fatigue and need to hire taxis to do my shopping, if they can't park near my flat it is a problem. Football and rugby fans will park on the grass verges or double park if there is no space.

## **Application Summary**

Application Number: 19/04379/FUL

Address: Flat 1 12 Hutchison Crossway Edinburgh EH14 1RT

Proposal: Formation of new two vehicle driveway in part of front garden using slabs and gravel

with access via sliding metal gate formed within existing steel fence.

Case Officer: Val Malone

## **Customer Details**

Name: Mrs catherine mckenzie

Address: 14/6 edinburgh

## **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

**Comment Reasons:** 

Comment: A full and comprehensive comments letter has been submited to Edinburgh Council

planning department

Week ending eleventh of October 2019 and to date awaiting a response...

From: Planning

**Sent:** Mon, 10 Feb 2020 15:50:37 +0000 **To:** Local Review Body;Val Malone

**Subject:** FW: Planning appeal for 12/1 hutchison crossway edinburgh

From: Cath Mckenzie

**Sent:** 10 February 2020 10:05

To: Planning

**Subject:** Planning appeal for 12/1 hutchison crossway edinburgh

I'm emailing you on the concerns that 12/1 hutchison crossway edinburgh has made an appeal for her driveway .. On the first case this applicant was refused and it was due to neighbours and the environment scotland .There was no appeal on this refusal...... I have read this ladies appeal letter and found it to be a lot of lies...I have lived here for 26 years and never had any difficulties in parking. Also would like to add this lady's daughter uses her disability car for her own use and the own off the car only uses the car around once or twice a month if your lucky.. I seen the pictures that she has given you and is not off hutchison crossway edinburgh and there is the pdsa and a church and the bowling club which should not be included. I would like to also add that this applicant has never used a wheelchair in her 26 years that I have lived here.... I think you should take good look at the rufusal from yourself... I will take this further if this applicant get her driveway as the environment will be interested. Your mrs c mckenzie.



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

100224062-001

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 Details

Applicant 200			
Please enter Applicant de	etails		
Title:	Ms	You must enter a Bui	ilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Elizabeth	Building Number:	12-1
Last Name: *	Flynn	Address 1 (Street): *	Hutchison Crossway
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH14 1RT
Fax Number:			
Email Address: *			

Site Address Details				
Planning Authority:	City of Edinburgh Council		7	
Full postal address of the	site (including postcode where availab	le):	_	
Address 1:	FLAT 1			
Address 2:	12 HUTCHISON CROSSWAY			
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:	EDINBURGH			
Post Code:	EH14 1RT			
Please identify/describe the location of the site or sites  671700  522454				
Northing		Easting		
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)  Formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence.				
Type of Appli	cation			
Type of Appli	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 an	ny agreed extension) – o	deemed refus	al.
Statement of reasons for seeking review			
•			
You must state in full, why you are a seeking a review of the planning authority's decision (o must set out all matters you consider require to be taken into account in determining your reseparate 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 la all of the information you want the decision-maker to take into account.	iter date, so it is essentia	al that you pro	oduce
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.			
The reason I wish a review as I do not agree with the refusal. The character of the neighbourhood now includes driveways, please see attached photo's. Heavy demand for parking in the area thus causing congestion, please see supporting photo's. I am disabled, and have great difficulty walking even short distances, with limited mobility. Using a stick and sometimes a wheelchair. I do have a blue badge for my car allowing partial independence, at this time a driveway would make this better.			
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *	X	Yes $\square$ No	
If yes, you should explain in the box below, why you are raising the new matter, why it was r your application was determined and why you consider it should be considered in your review			efore
I was not aware that officer making the decision was not party to all details given on my application and that they would not be aware that I had sent a copy of my blue badge, and that I am disabled. Also because of the reason for refusal I have researched the area for other driveways, please see supporting documents with photos.			
Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the	submit with your notice on process: * (Max 500 c	of review and characters)	l intend
-Description of character of the local area and further information regarding applicationListing driveways granted and photos of all driveways in use and explaining and showing heavy congestion.			
Application Details			
Please provide details of the application and decision.			
What is the application reference number? *	19/04379/FUL		
What date was the application submitted to the planning authority? *	20/09/2019		
What date was the decision issued by the planning authority? *	18/11/2019		

Review Proce	edure	
process require that furth required by one or a com	will decide on the procedure to be used to determine your review and may ner information or representations be made to enable them to determine the oblination of procedures, such as: written submissions; the holding of one on is the subject of the review case.	e review. Further information may be
	to a conclusion, in your opinion, based on a review of the relevant information further procedures? For example, written submission, hearing session, sit	
In the event that the Loca	al Review Body appointed to consider your application decides to inspect t	he site, in your opinion:
Can the site be clearly se	een from a road or public land? *	X Yes No
Is it possible for the site t	o be accessed safely and without barriers to entry? *	X Yes ☐ No
Checklist – A	pplication for Notice of Review	
	owing checklist to make sure you have provided all the necessary information may result in your appeal being deemed invalid.	tion in support of your appeal. Failure
Have you provided the na	ame and address of the applicant?. *	▼ Yes □ No
Have you provided the da review? *	ate and reference number of the application which is the subject of this	⊠ Yes □ No
1 -	ng on behalf of the applicant, have you provided details of your name and whether any notice or correspondence required in connection with the you or the applicant? *	☐ Yes ☐ No ☒ N/A
	rement setting out your reasons for requiring a review and by what on of procedures) you wish the review to be conducted? *	⊠ Yes □ No
require to be taken into a at a later date. It is theref	full, why you are seeking a review on your application. Your statement mu ccount in determining your review. You may not have a further opportunity fore essential that you submit with your notice of review, all necessary inforeview Body to consider as part of your review.	to add to your statement of review
1	all documents, material and evidence which you intend to rely on  b) which are now the subject of this review *	⊠ Yes □ No
planning condition or who	relates to a further application e.g. renewal of planning permission or modiere it relates to an application for approval of matters specified in condition mber, approved plans and decision notice (if any) from the earlier consent.	s, it is advisable to provide the
Declare - Not	ice of Review	
I/We the applicant/agent	certify that this is an application for review on the grounds stated.	
Declaration Name:	Ms Elizabeth Flynn	
Declaration Date:	12/01/2020	

## **Proposal Details**

Proposal Name 100224062

Proposal Description I am appealing the refusal of my proposed plans

for a driveway at the above address.

Address FLAT 1, 12 HUTCHISON CROSSWAY,

EDINBURGH, EH14 1RT

Local Authority City of Edinburgh Council

Application Online Reference 100224062-001

## **Application Status**

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

## **Attachment Details**

Notice of Review	System	A4
A Location Plan	Attached	A4
Proposed plans	Attached	A4
Photo	Attached	A4
Photograph	Attached	A4
Supporting Documents	Attached	A4
Supporting Photographs 1	Attached	A4
Supporting Photographs 2	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

The local character is currently made up of gardens and driveways.

The following Residential Properties with driveways that cross grassy embankments and or footpaths all enter and exit onto Hutchison crossway are as follows:

- First The house next to church has 2 access routes one to a driveway and one to a garage.
- No 1 Hutchison Crossway
- 12 flat 2 Hutchison Crossway application Granted March 2019
- 42 Hutchison Crossway application Granted November 1998
- 46 Hutchison Crossway application Granted November 1998 Commercial:
- 2 Hutchison Crossway PDSA
- 9 Hutchison Crossway St Cuthbert's School
- Bainfield Bowling Club

As I am disabled, and have great difficulty walking even short distances, with limited mobility, using a walking stick and sometimes a wheelchair. I do have a blue badge for my car allowing partial independence at this time a driveway would make this better.

I would like to be able to come and go to my home of many years with ease.

Due to the increase in traffic over the many years I have lived here it has become increasingly difficult to park close by, I would be grateful to have a dedicated parking area. This would I believe also help to keep traffic off this section of the road, as does the driveway next door.

Currently due to the high congestion within this street at all times of day and evening I have resorted to having family meet me and take me home, at other times I have tried to wait in my car until a space became available, I am unfortunately not able to do this.

Regarding the neighbourhood character I have checked online and found that applications for driveways in Hutchison Crossway have been granted over the years. These are listed above.

The consideration on the trees it has also been noted that all of the majority of the above noted driveways are much closer to trees than this application.

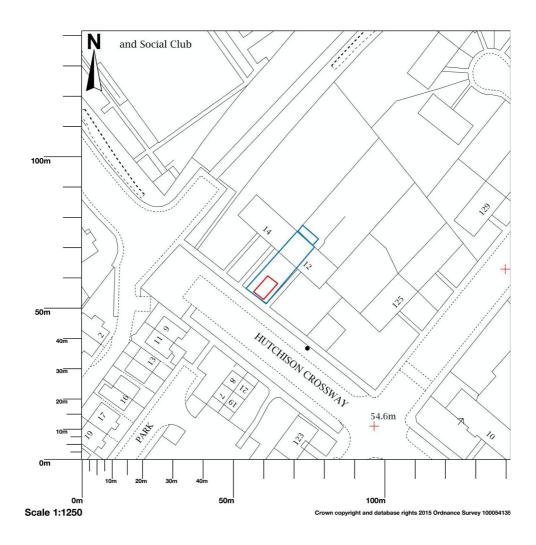
I would also be prepared to reduce the size/area of the driveway within my garden

I await your reply and hopefully any information that would allow parking within my garden Thank you.

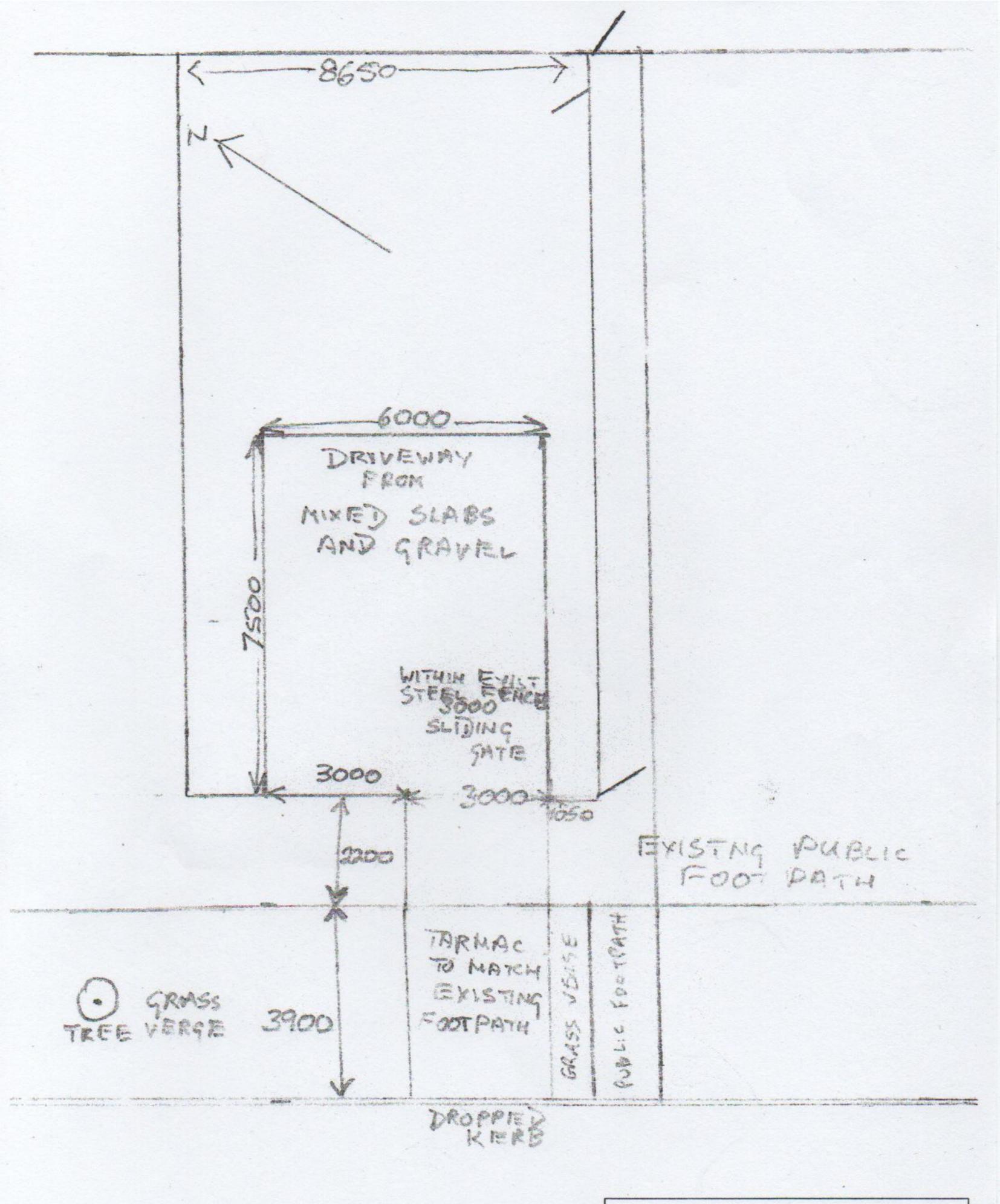




## 12/1, Hutchison Crossway, Edinburgh, EH14 1RT



Map area bounded by: 322382,671630 322524,671772. Produced on 08 September 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/383919/521067



1 2 3 4 5

File Name: Proposed Formation of Driveway.

Scale: 1:100

12/1 Hutchison Crossway Edinburgh, EH14 1RT

E. Flynn

Date: 8 Sept 2019









Car parked over white line and communal path.

Driveway of 12/2 Hutchison Crossway (next door to proposed driveway)



Car parked on double yellow lines.



Car parked on grassy embankment of Hutchison Crossway.





Hutchison Crossway full of cars, on different dates.







Garage/ Driveway next to church on Hutchison Crossway



1 Hutchison Crossway Driveway.