

FEM Building Design.  
FAO: Dougie Mack  
8 Plantain Grove  
Lenzie  
Glasgow  
G66 3NE

Mr Joe Mbu & Ms Janice Riddell.  
70 Salvesen Gardens  
Edinburgh  
EH4 5JR

**Decision date: 5 November 2019**

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

Form a roof dormer to rear of dwellinghouse.  
At 70 Salvesen Gardens Edinburgh EH4 5JR

**Application No:** 19/04483/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 is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it impacts on the character and appearance of the existing building and the streetscene; and neighbouring amenity.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they impact on the character and appearance of the existing building and the streetscene; and neighbouring amenity.

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

Drawings 01-02, 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 dormer window represents an incongruous addition to the rear elevation of the host property in terms of scale, form and design and has an adverse impact on residential amenity. The proposal is contrary to LDP Des 12 and the non-statutory Guidance for Householders.

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 Conor MacGreevy directly on 0131 469 3743.

*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 19/04483/FUL At 70 Salvesen Gardens, Edinburgh, EH4 5JR Form a roof dormer to rear of dwellinghouse.

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	19/04483/FUL
<b>Wards</b>	B01 - Almond

### Summary

---

The proposed dormer window represents an incongruous addition to the rear elevation of the host property in terms of scale, form and design and has an adverse impact on residential amenity. The proposal is contrary to LDP Des 12 and the non-statutory Guidance for Householders.

### Links

---

<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES12, 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 property is a semi-detached residential dwelling with front and rear gardens.

The surrounding area is characterised by semi-detached and terraced residential dwellings. These properties remain relatively unchanged in terms of their external appearance. Additions to the externals of these dwellings are characterised by being subordinate and subservient in nature and mainly in the form of roof lights to the respective roof plans.

### 2.2 Site History

19/02304/FUL - Application withdrawn for; Install front and rear roof dormers - (19/02304/FUL).

## Main report

---

### 3.1 Description Of The Proposal

The proposal is for a dormer window to the rear elevation.

Dimensions:

Width - 4 metres (roof plan width - 8.6 metres).

Projection - 2.4 metres.

Distance to boundary - 5.5 metres.

Materials:

Tiles - Rosemary.

Fenestration design - uPVC.

### 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 compatible with neighbourhood character.
- b) The proposal does not result in an unreasonable loss of neighbouring residential amenity.
- c) Any impacts on equalities or human rights are acceptable;
- d) Any comments raised have been addressed.

a) Scale, form and design -

Policy Des 12 (Alterations and Extensions) of the adopted Edinburgh Local Development Plan (LDP) states that planning permission will be granted for alterations and extensions to existing buildings which 'in their design and form, choice of materials and positioning are compatible with the character of the existing building...and will not be detrimental to neighbourhood amenity and character'.

The non-statutory Guidance for Householders states that the relationship between a dormer and its surroundings is particularly important. Dormers should be of such a size that they do not dominate the form of the roof. Dormers should not come to the edges of the roof. There should be visible expanses of the roof on all 4 sides. Where possible, the dormer should align with existing fenestration on the building's elevation.

The roofscapes of Salvesen Gardens and the surrounding area are characterised by relatively unaltered roof plans. The main additions to the roof plans are roof lights with dormer windows rarely featuring. Dormer windows that do feature within the vicinity are minimal in size to the primary elevation and are subservient and subordinate in their relationship to the host property.

In terms of the building, the proposed dormer window to the rear elevation of the property is of a size, scale and design that will dominate the roof form and in turn that elevation of the building. It is not subservient and subordinate in relation to the existing roof.

The proposed materials would be acceptable in this instance.

The proposal does not comply with the LDP Policy Des 12 and the non-statutory Guidance for Householders and would have a detrimental impact upon the character and appearance of the host property and the surrounding area.

b) Neighbouring Amenity -

Policy Des 12 (Alterations and Extensions) of the adopted Edinburgh Local Development Plan (LDP) states that planning permission will be granted for alterations and extensions to existing buildings which 'will not result in an unreasonable loss of privacy or natural light to neighbouring properties'. The non-statutory Guidance for Householders states that 'all extensions and alterations will be required to ensure adequate daylighting, privacy and sunlight both for themselves and neighbours'.

When assessing neighbouring amenity, It is important that reasonable levels of privacy to existing buildings are maintained. When calculating against the criterion established in the non-statutory Guidance for Householders, the proposal fails on privacy in that it is only 5.5 metres to the nearest boundary in relation to 39 Salvesen Crescent; and not the required 9 metres. as a result, the rear garden of 39 Slavesen Crescent would be detrimentally impacted upon in terms of privacy.

This breach would represent an unacceptable departure from the non-statutory Guidance and the proposal would be unacceptable on the impact on privacy.

The proposal does not comply with the LDP Policy Des 12 and the non-statutory Guidance for Householder.

c) Human Rights -

The proposal was assessed in terms of human rights. No impacts were identified.

d) Public Representations -

No representations were received.

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

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

**Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it impacts on the character and appearance of the existing building and the streetscene; and neighbouring amenity.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they impact on the character and appearance of the existing building and the streetscene; and neighbouring amenity.

## **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**

Pre-application discussions took place on this application.

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

No representations have been received.

## **Background reading / external references**

---

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



## **Statutory Development**

**Plan Provision** Edinburgh Local Development Plan.

**Date registered** 20 September 2019

**Drawing numbers/Scheme** 01-02,  
Scheme 1

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

Contact: Conor MacGreevy, Planning Officer  
E-mail:conor.macgreevy@edinburgh.gov.uk Tel:0131 469 3743

## **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.

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

# Appendix 1

## Consultations

---

No consultations undertaken.

END

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](mailto: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 100147099-004

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: F.E.M Building Design

Ref. Number:

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

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1 (Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Joseph &amp; Janice"/>	Building Number:	<input type="text" value="70"/>
Last Name: *	<input type="text" value="Mbu"/>	Address 1 (Street): *	<input type="text" value="Salvesen Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH4 5JR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## 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="70 SALVESEN 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="EH4 5JR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676458"/>	Easting	<input type="text" value="321559"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

From a roof dormer to rear of dwellinghouse

## 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.

The reason we are seeking a review of the refusal of Planning Permission at 70 Salvesen Gardens, Edinburgh, is that the reasons for refusal, are in our opinion unsubstantiated.

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)

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)

Photographs x 4 Aerial photo of area Architectural Drawing Appeal statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/04483/FUL

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

20/09/2019

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

05/11/2019

## 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

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 Douglas Mack

Declaration Date: 13/01/2020

## Proposal Details

Proposal Name	100147099
Proposal Description	Alter & extend dwellinghouse
Address	70 SALVESEN GARDENS, EDINBURGH, EH4
5JR	
Local Authority	City of Edinburgh Council
Application Online Reference	100147099-004

## Application Status

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

## Attachment Details

Notice of Review	System	A4
Planning Appeal Statement	Attached	Not Applicable
Aerial Photo	Attached	Not Applicable
Rear Dormer 5 Salvesen Crescent	Attached	Not Applicable
Rear Dormer 5 Salvesen Crescent 2	Attached	Not Applicable
Original front dormers in locale	Attached	Not Applicable
Original front dormers in locale 2	Attached	Not Applicable
Existing and proposed floor plans and elevations	Attached	A1
Planning Decision Notice	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0



The reason we are seeking a review of the refusal of Planning Permission at 70 Salvesen Gardens, Edinburgh, is that the reasons for refusal, are in our opinion unsubstantiated. The reason provided that 'the proposed dormer window represents an incongruous addition to the rear elevation of the host property in terms of scale, form and design and has an adverse impact on the residential amenity' is unjustified in this particular circumstance. We would also suggest that a precedence has been set by the property at 5 Salvesen Crescent which faces onto the same rear garden areas as 70 Salvesen Gardens having an existing rear roof dormer (see photographs provided). It is our opinion that our proposal will not have any greater impact on the immediate area than that which the existing property at 5 Salvesen Crescent suggests at present. We would therefore request that the Local Review Body share the opinion that the proposal will not have a detrimental effect on the existing site and property area or it's surrounding environment. The existing housing development built approximately 70 years ago is formed by a number of different house types including those with roof dormers on the front elevation which appear to be original features (see photographs provided)

The reason for refusal states that 'the proposal in its scale, form and design has an adverse impact on the residential amenity. The existing rear gardens in this area are formed adjacent to each other with the dwellinghouses facing onto these in a rectangular shape. The rear of these dwellinghouses therefore allow for overlooking from all first floor windows onto the neighbouring gardens which therefore means little private amenity is afforded to the existing rear gardens. The roof dormer would not have any greater impact on residential amenity than exists at present.

To summarise, It is our opinion that the proposed roof dormer will not have a negative impact on the amenity of the surrounding area and the wider street scene and will not cause any greater adverse impact to the residential amenity than that exists at present. The fact that an existing rear roof dormer faces onto the same garden space as we propose this dormer to face onto, in our opinion, indicates a precedence has been set in the immediate vicinity. We would also suggest that proposal does not impact character and appearance of the host property, it's immediate neighbours and the wider street scene. We would, therefore request that you consider our appeal in a manner which leads to a favourable outcome for my client.



70 Salvesen Gardens

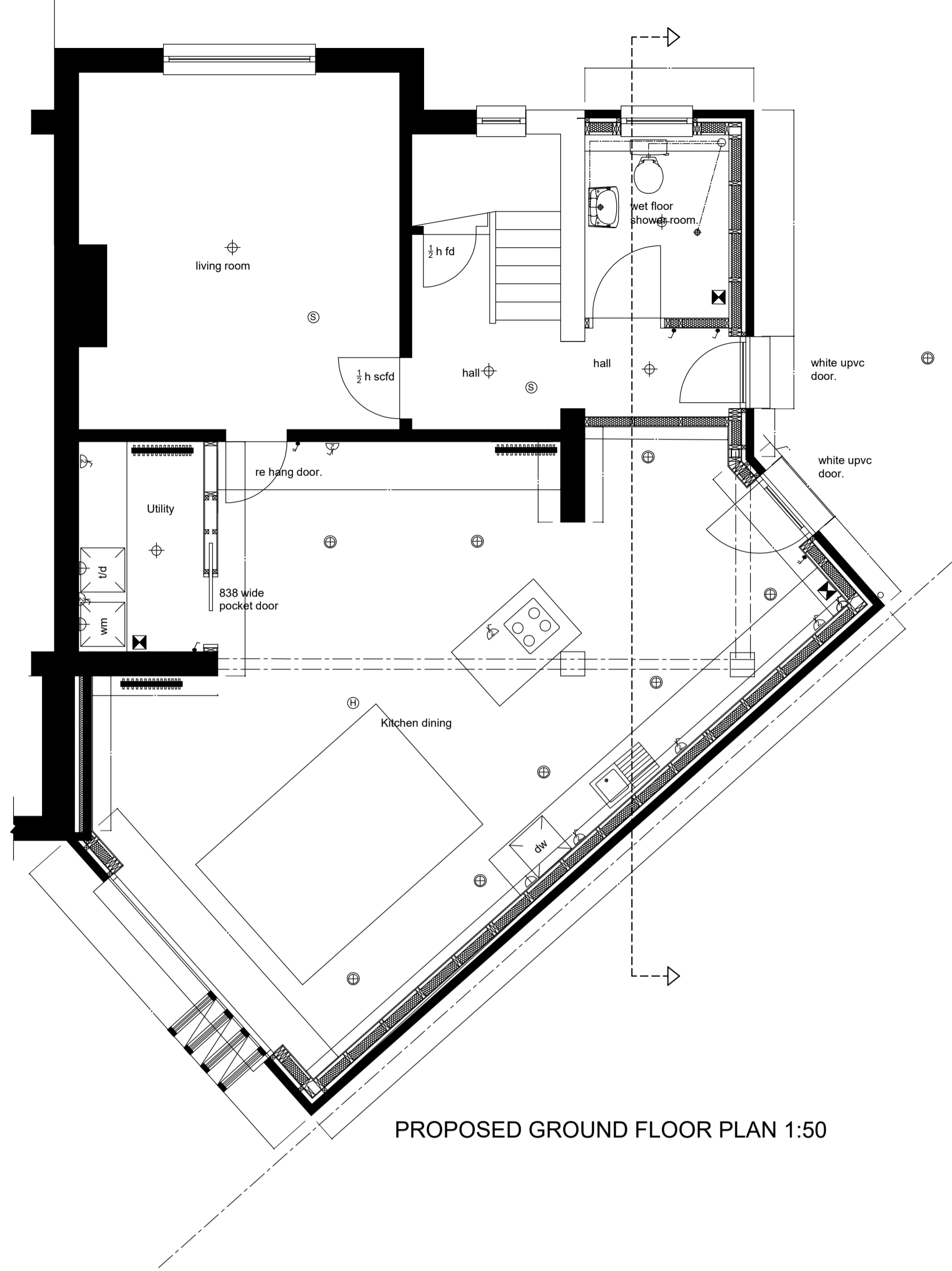


SALVESEN GDNS.

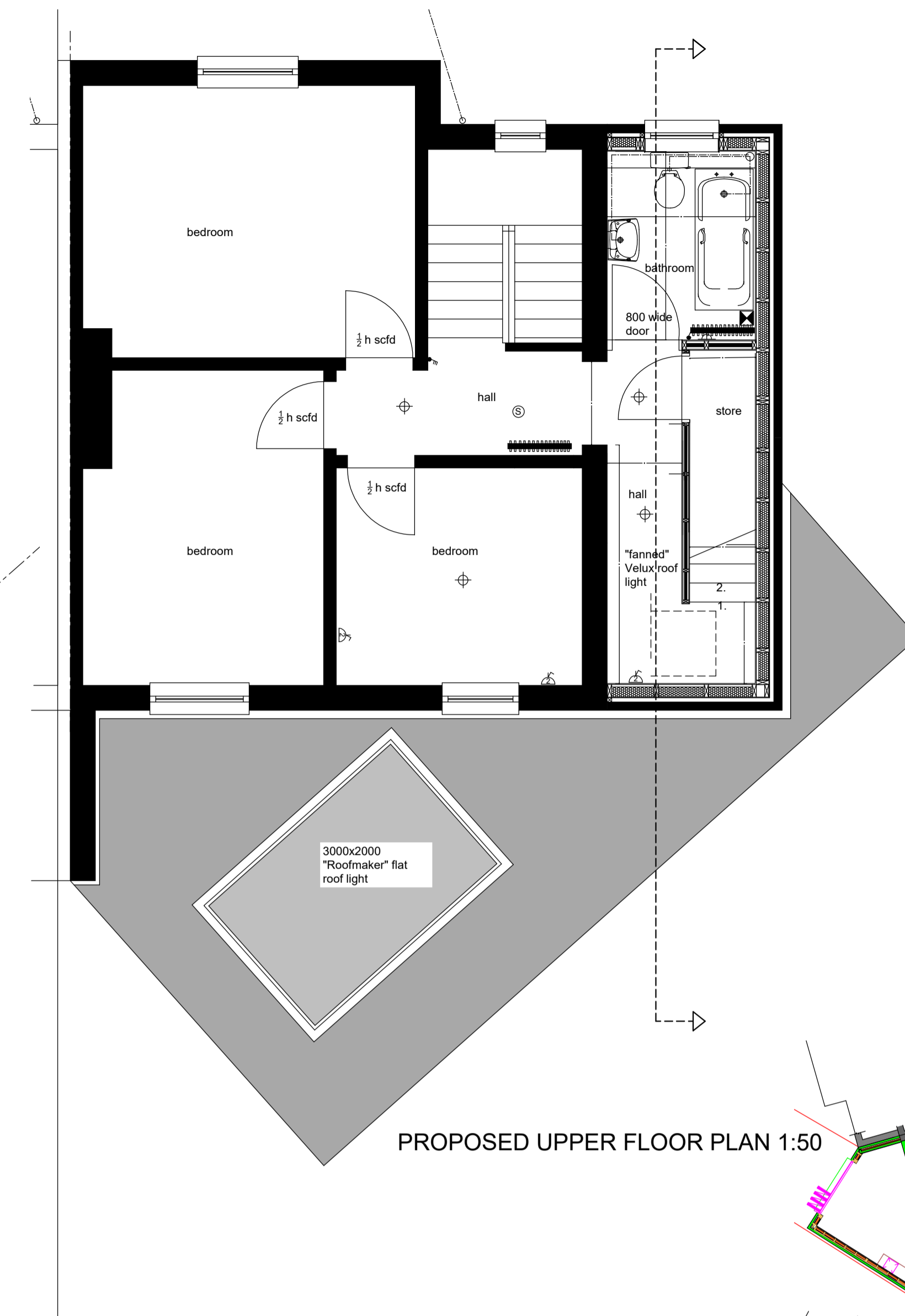
29



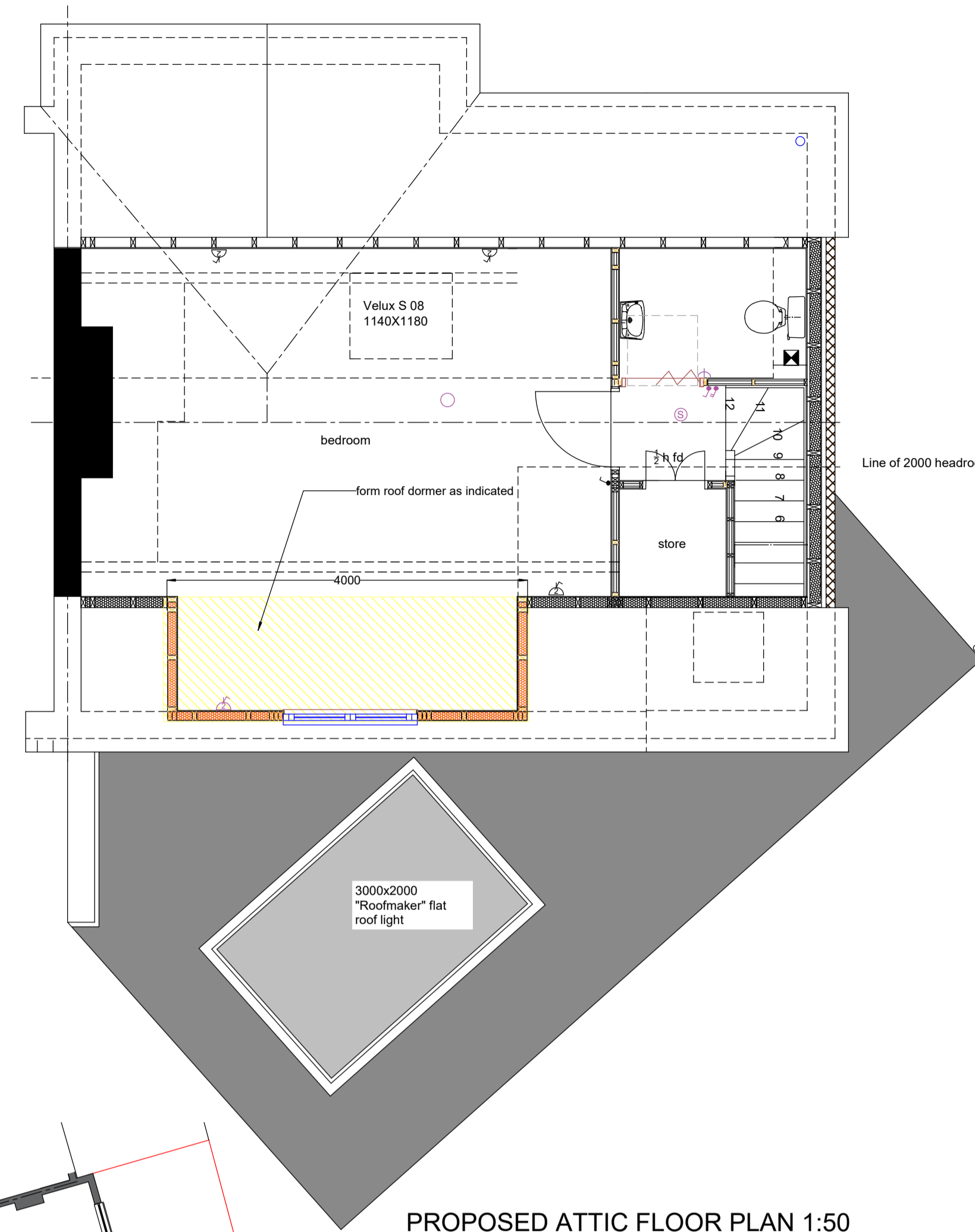




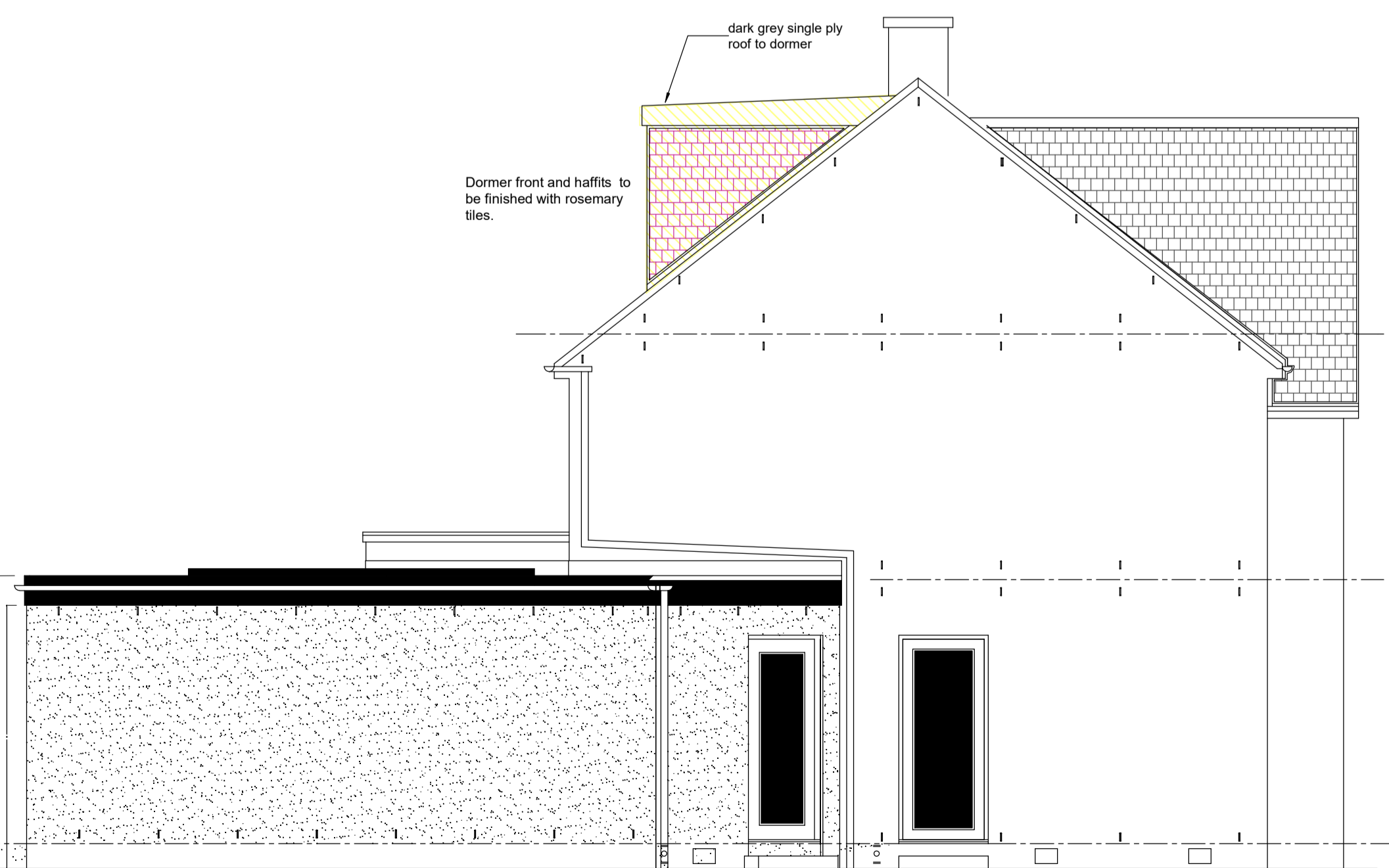
PROPOSED GROUND FLOOR PLAN 1:50



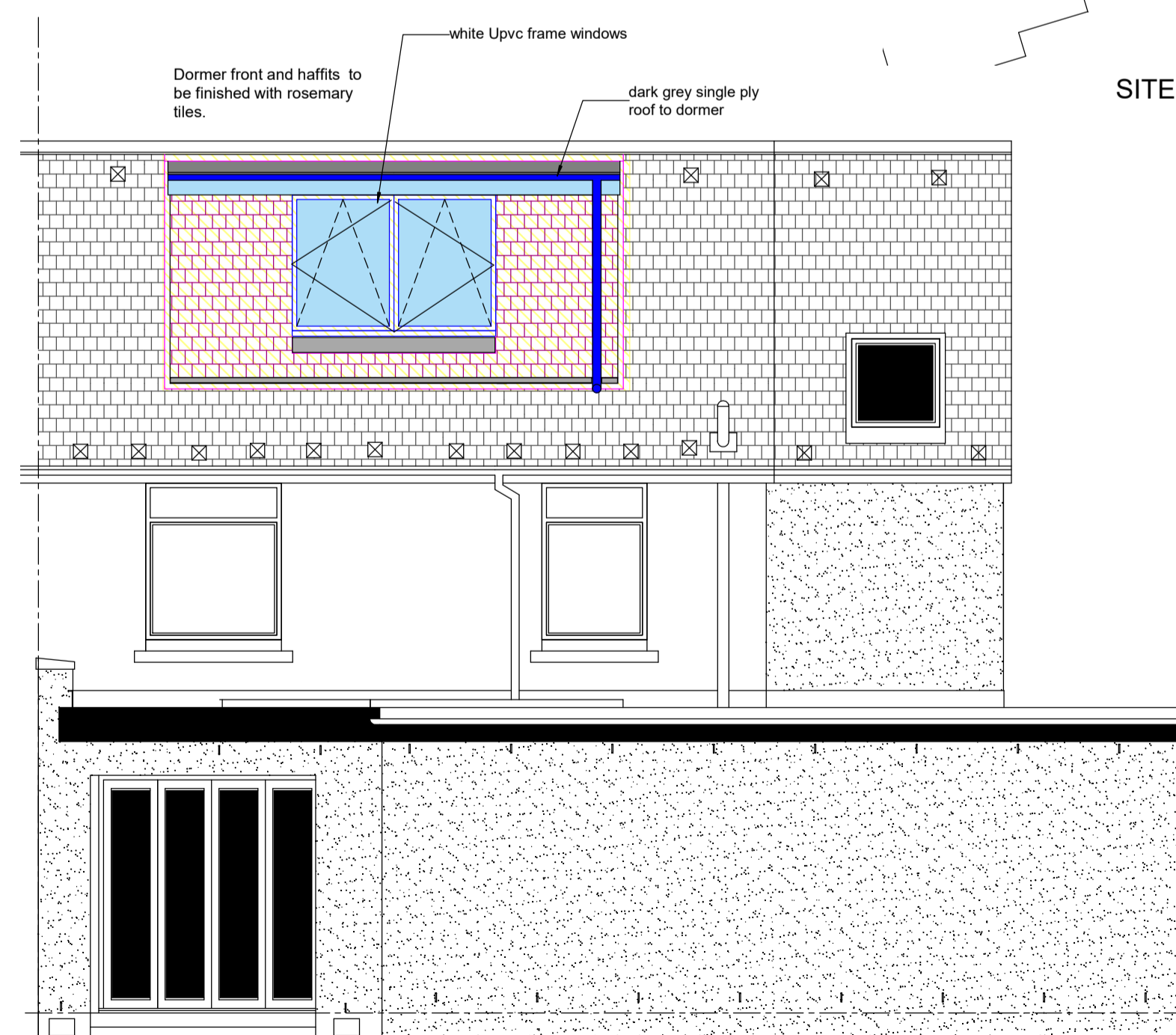
PROPOSED UPPER FLOOR PLAN 1:50



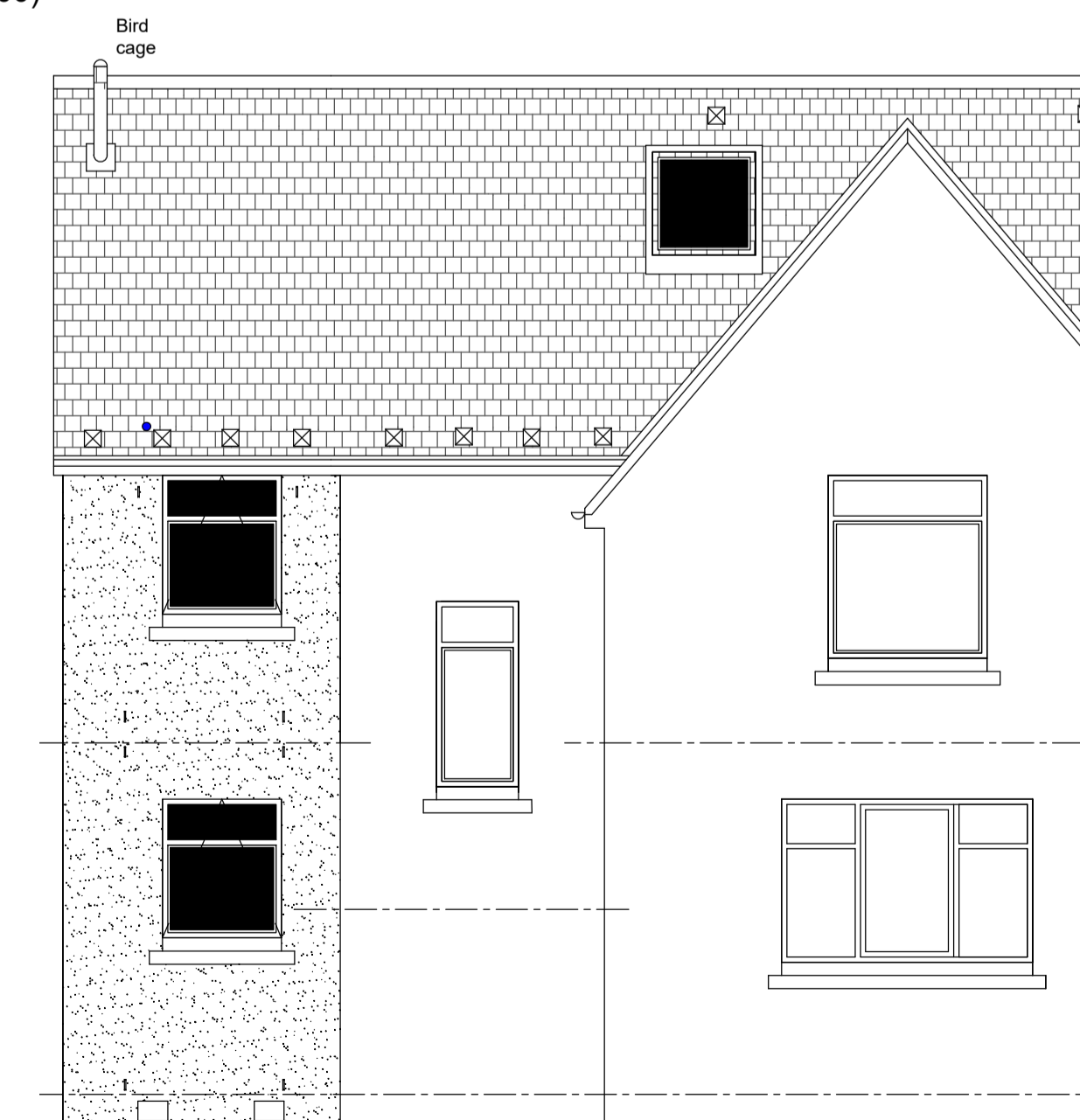
PROPOSED ATTIC FLOOR PLAN 1:50



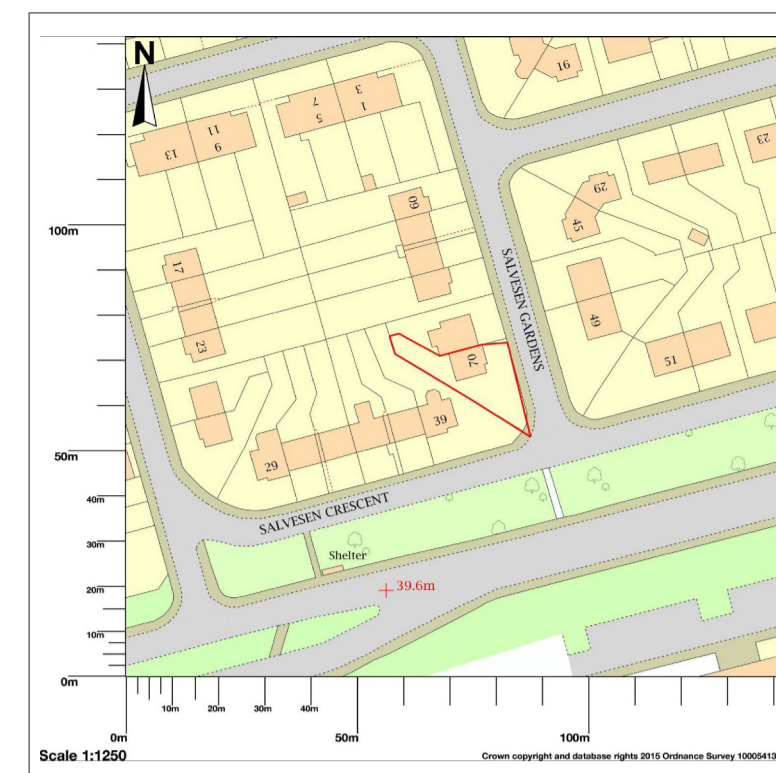
PROPOSED END ELEVATION 1:50



PROPOSED REAR ELEVATION 1:50



EXISTING FRONT ELEVATION 1:50



This drawing is the copyright of FEM building design and should not be reproduced in part or whole without prior permission.  
The Construction (Design and Management) Regulations 2015 (CDM2015) requires all contractors to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. Principal contractor to plan, manage and monitor construction work carried out either by all contractors or by workers under the contractor's control, so far as is reasonably possible, is carried out without risks to health and safety. (Note: if the householder carries out the works themselves, it is classed as DIY and CDM 2015 does not apply).  
All dimensions to be checked on site prior to works commencing.  
Drawings must not be scaled. All dimensions are to be checked by contractor.

**Client:**  
Mr & Mrs Mbu  
70 Salvesen Gardens  
Edinburgh

**Project:**  
Proposed roof dormers

**Drawing Number:**  
19/Mbu/PP/003 (-Rev)

