

Minutes

The City of Edinburgh Planning Local Review Body (Panel 2)

10.00am, Wednesday 29 January 2020

Present: Councillors Booth, Child, Osler and Rose.

1. Appointment of Convener

- 1) Councillor Rose was appointed as Convener (items 2 – 6).
- 2) Councillor Child was appointed as Convener (item 7).

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 11 December 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 – 19 (4F2) Rodney Street, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear, and conservation skylights to front at 19 (4F2) Rodney Street, Edinburgh. Application no 19/03709/FUL.

Assessment

At the meeting on 29 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 the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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 01-08, Scheme 1, being the drawings shown under the application reference number 19/03709/FUL on the Council's Planning and Building Standards Online Services.

The LRB were notified by the Planning Adviser that the letter of representation from the Community Council was not to be considered as part of the application as the commenters had not objected to the original planning application.

The Planning Adviser also brought to the LRB's attention new information regarding a minor proposed alteration to the upstand so that it would slope away instead of sitting vertically. The LRB decided to accept the new information and considered this as part of their deliberations.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further 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.

The LRB carefully 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 proposed rooflights would be allowed on their own and confirmation that they would.
- That the visibility splay from the proposed rear dormer of the property would not significantly affect privacy beyond the existing situation.
- That the area had seen many alterations to the roofline and so this application would be in-keeping with existing alterations.
- That there was no public view of this building from the rear and the property was not in a conservation area.
- A contrary opinion was that the application had to be considered on planning grounds and that according to the relevant guidance the extension above the roofline was not appropriate.
- Whether the suggested amendments to the proposal by the applicant could be conditioned and that this would be difficult given that legislation determined that third parties required to have a view of the application before consideration.
- That the Local Development Plan encouraged improvement of Edinburgh's housing stock and this also had to be taken into account.
- That the deviation from guidelines for the upstand was very minor and would be outweighed by the improved amenity of the applicant.

Conclusion

Having taken all the above matters into consideration, the LRB finally determined that the proposals would not be contrary to LDP Policy Des 12 or the Guidance for Householders as the alterations proposed were minor and would improve the amenity of the property.

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

Motion

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 would need to be given in writing to the Council.
- (d) This application related to a flatted building. This planning permission did not affect the legal rights of any other parties with an interest in the building. In that respect, the permission did not confer the right to carry out works without appropriate authority.

- moved by Councillor Rose, seconded by Councillor Osler

Amendment

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 disrupted the roof pattern to the detriment of the building, tenement block and wider area.
- 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 fit well with the character of the building and the surrounding area

- moved by Councillor Child, seconded by Councillor Booth

Voting

For the motion - 2 votes

(Councillors Osler and Rose.)

For the amendment - 2 votes

(Councillors Child and Booth.)

Decision

In the division, 2 members having voted for the motion and 2 members for the amendment, the Convener gave his casting vote for the motion and the Local Review Body resolved as follows:

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 would need to be given in writing to the Council.
- (d) This application related to a flatted building. This planning permission did not affect the legal rights of any other parties with an interest in the building. In that respect, the permission did not confer the right to carry out works without appropriate authority.

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

5. Request for Review – 36 Stenhouse Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the erection of a boundary fence (in retrospect) at 36 Stenhouse Drive, Edinburgh. Application no 19/03274/FUL.

Assessment

At the meeting on 29 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 the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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 19/03274/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding the photographs provided by the applicant of other fences in the area. The LRB decided to accept the new information and considered this as part of their deliberations.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further 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.

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

- Confirmation of the house that the proposal relates to and that the gates were lower than the fence.
- Confirmation that the case was notified to the Council by an enforcement complaint.
- The height the fence would have to be to be considered Permitted Development (PD). The Planning Adviser confirmed that the fence would have to be 1m to be PD and the fence ranged from 1.8m to 1.19m at the lowest point of the gate.
- That according to guidance the fence should not exceed 1m unless there was evidence that there was a prevailing size already established in the neighbourhood and that there were many photos shared by the applicant that suggested this was the case.
- That the fence would enhance security and prevent people from crossing onto the property.
- That several windows appeared to be screened by the fence, and that the fence gave an intimidating appearance to the property.
- That the plan appeared to be different from the photo, making it unclear whether there was blockage to the windows at the right. The members considered the angle of the photo and how this might have affected the perception of blockage.
- That property was not located in a conservation area.

Conclusion

Having taken all the above matters into consideration, the LRB finally determined that the proposals would not be contrary to LDP Policy Des 12 or the Guidance for

Householders as the fence would provide security for the applicant and would be in keeping with the prevailing size of fences already established in the neighbourhood.

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

Motion

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

- moved by Councillor Rose, seconded by Councillor Osler

Amendment

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 the proposal did not accord with the character and appearance of the property or the surrounding 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 height of the fence did not harmonise with the street and the house.

- moved by Councillor Child, seconded by Councillor Booth

Voting

For the motion - 2 votes

(Councillors Osler and Rose.)

For the amendment - 2 votes

(Councillors Child Booth.)

Decision

In the division, 2 members having voted for the motion and 2 members for the amendment, the Convener gave his casting vote for the motion and the Local Review Body resolved as follows:

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

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

6. Request for Review – 2 Westburn Grove, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for a loft conversion and internal alterations at 2 Westburn Grove, Edinburgh. Application no 19/04865/FUL.

Assessment

At the meeting on 29 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 the review

documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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 19/04865/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding the letter from the applicant informing the panel that they had a foster child and that guidance required the child to have their own room. The LRB decided to accept the new information and considered this as part of their deliberations.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further 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.

The LRB carefully 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 was concern regarding delays to the application process but that this was not what the Local Review Body were considering.
- The proportion of the roof space in relation to the dormer as guidance determined that dormers should be 1/3 of roof width. However it was also acknowledged that guidance allowed for larger dormers at the rear. The dormer proposed would be 4.8m wide in comparison to the roof width being 5.8m, which was considered to be too significant a breach of the guidance.
- That there was no precedent in the area for this kind of dormer.
- That there was difficulty with the head room for the stair due to the low-pitched roof.
- That the proposal would improve the quality of the housing stock.
- Overall it was felt that the proportion of the dormer in comparison to the surrounding roof space was too considerable to be allowed.

Conclusion

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 proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they impacted on the character and appearance of the existing building and the street scene.
2. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it impacted on the character and appearance of the existing building and the street scene.

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

Dissent

In accordance with Standing Order 21.12, Councillor Rose requested that his dissent to the above decision be recorded.

7. Request for Review – 19 Ferry Gait Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the porch extension to the front of property and the formation of French doors to rear at 19 Ferry Gait Drive, Edinburgh. Application no 19/03461/FUL.

This item was continued from the Planning Local Review Body meeting of 11 December 2019 for further information to be provided on the dimensions of the porch.

Assessment

At the meeting on 29 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 the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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 19/03461/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further 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.

The LRB carefully 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 there had been anything from Transport regarding road safety and confirmation that there had not.
- Confirmation that there were no letters of representation for this application.
- That the applicant should be allowed to improve their home.
- That according to the guidance there should be a minimum distance of 2m between the porch and any boundary with a road and that this proposal would only have a distance of 25cm. This was deemed to be a significant difference.
- That the porch would be intrusive.

Conclusion

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 Edinburgh Local Development Plan Policy Des 12 as it was not in keeping with the current spatial pattern of the area, and would have a detrimental impact on existing neighbourhood character.
2. The proposal was contrary to non-statutory Guidance for Householders which stated that extensions that project beyond the principal elevation line were not generally allowed unless this fit in with the local character of the street. This was not characteristic of Ferry Gait Drive, where the building line remained unbreached, and completely uniform. The character of the area was in large part reliant on this uniformity, and as such the proposal was unacceptable.

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

Dissent

In accordance with Standing Order 21.12, Councillor Rose requested that his dissent to the above decision be recorded.