• EDINBURGH COUNCIL

Mozolowski + Murray. Greig Ramsay 2-8 Clashburn Way Bridgend Industrial Estate Kinross KY13 8GA Ms E Thompson. 18 Redhall House Drive Edinburgh EH14 1JE

Decision date: 24 December 2019

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

Proposed extension and house alterations. (as amended) At 18 Redhall House Drive Edinburgh EH14 1JE

Application No: 19/05125/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 25 October 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 proposed extension in position and form would result in an incongruous addition harmful to the character and appearance of the existing lodge house, the former grounds of Redhall House and the wider streetscene. The proposal would therefore be contrary to Local Plan Policy Des 12 and the non statutory Guidance for Householders.

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

Drawings 01, 02, 03A, represent the determined scheme. Full details of the application can be found on the <u>Planning and Building Standards Online Services</u>

The reason why the Council made this decision is as follows:

The proposed extension in position and form would result in an incongruous addition harmful to the character and appearance of the existing dwelling and wider streetscene. The proposal would therefore be contrary to Local Plan Policy 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 Lewis McWilliam directly on 0131 469 3988.

DR Leelie

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 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.

Report of Handling

Application for Planning Permission 19/05125/FUL At 18 Redhall House Drive, Edinburgh, EH14 1JE Proposed extension and house alterations. (as amended)

Item	Local Delegated Decision
Application number	19/05125/FUL
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposed extension in position and form would result in an incongruous addition harmful to the character and appearance of the existing dwelling and wider streetscene. The proposal would therefore be contrary to Local Plan Policy Des 12 and the non statutory Guidance for Householders.

Links

Policies and guidance for LDPP, LDES12, NSG, NSHOU, this application

19/05125/FUL

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 concerns the stone lodge building which is historically related to Redhall House. It is located at the junction between Craiglockhart Drive South and Redhall House Drive. To the east of the site is a modern housing development and to the south lies an area of woodland.

2.2 Site History

The site has the following planning history:

24 March 2014 - Retrospective permissions required for the works to trees within Redhall House Drive - Granted (Ref: 14/01076/TPO).

27 August 2008 - Variation to planning approval (07/00287/CEC), to remove the patio area and alter the front door arrangement + associated alterations for security purposes, reinstate window on stone boundary wall - Granted (Ref: 08/02741/FUL).

21 March 2007 - Proposed internal alterations and rear extension - Approved (Ref: 07/00287/CEC).

Enforcement History:

2 October 2009 - Alleged, unauthorised erection of wooden fence - Fence removed - No Further Action (Ref: 09/00516/EOPDEV).

Main report

3.1 Description Of The Proposal

The application proposes the following works;

-Single storey extension.

Not Development

Internal alterations

Development Management report of handling –

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19/05125/FUL

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 will not be detrimental to neighbourhood character;

b) the proposal will not cause an unreasonable loss to neighbouring amenity; and

c) any comments raised have been addressed

a) Scale, form, design and neighbourhood character

Policy Des 12 of the Edinburgh City Local Plan and non-statutory 'Guidance for Householders' sets out relevant design criteria for alterations and extensions. In essence, these seek to ensure that alterations and extensions are compatible with the character of the existing dwelling and that of the wider locality.

The property is a former lodge house located in a visible location on the corner plot between Redhall House Drive and Craiglockhart Drive South. As a result, it is visible and adds to the amenity of the area, forming the entry and exit point into the former grounds of Redhall House. Whilst the property has already been extended, the original lodge character is still evident and the existing extensions are generally subservient to the original property. The original stone elevation to the south west remains particularly visible.

There is a uniform design to the building as viewed from Redhall House Drive where the principal elevation is located. The later additions are in white render and they mirror the hipped roof form of the original building and project from this roofscape in a similar manner. This results in a coherent design to the overall building and the original character of the stone lodge house is retained.

The proposed extension would project beyond the existing footprint and would impinge on the original stone south west elevation of the lodge property and this adversely impacts on the lodge character in terms of the individual building but also the wider Redhall House grounds.

It is noted that the revised scheme is more in-keeping with the existing dwelling in terms of window design and materials. However, its projection forward of the existing

Page 3 of 7

building in tandem with its detachment from the existing house would break from the coherent design on this principal elevation and appear an obtrusive and incongruous addition.

In light of this, the proposal in position and form would have an adverse impact on the character and appearance of the lodge house and the wider streetscene. The proposal would be contrary to Local Plan Policy Des 12, and the non statutory Guidance for Householders.

b) Neighbouring Amenity

In regard to privacy, the non-statutory guidance recommends that windows should normally be positioned at least 9m from any common boundary. However, that ground floor windows can sometimes be closer than 9m if they can be sufficiently screened by boundary treatment.

The proposed openings would meet this guidance and face the applicant's own garden / adjacent street therefore do not raise any issues to neighbours privacy.

Further the proposal would have no impact on daylight or sunlight to neighbouring property windows and garden spaces.

In light of the above, the proposal in terms of neighbouring amenity accords with the Local Plan Policy Des 12, and the non-statutory Guidance for Householders.

c) Public comments

No public comments have been received.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed extension in position and form would result in an incongruous addition harmful to the character and appearance of the existing lodge house, the former grounds of Redhall House and the wider streetscene. The proposal would therefore be contrary to Local Plan Policy Des 12 and the non statutory Guidance for Householders.

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

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	Policies - Edinburgh Local Development Plan - Urban Area
Date registered	25 October 2019
Drawing numbers/Scheme	01, 02, 03A,
	Scheme 2

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

Contact: Lewis McWilliam, Planning Officer E-mail:lewis.mcwilliam@edinburgh.gov.uk Tel:0131 469 3988

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.

Relevant Non-Statutory Guidelines

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



Consultations

No Consultations received.

END

• EDINBURGH COUNCIL				
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 va	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	100194604-004			
	e unique reference for your online form only ease quote this reference if you need to cont		rity will allocate an Application Number when ority 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)				
Agent Details				
Please enter Agent details	S			
Company/Organisation:	Mozolowski & Murray			
Ref. Number:		You must enter a B	uilding Name or Number, or both: *	
First Name: *	Greig	Building Name:		
Last Name: *	Ramsay	Building Number:	2-8	
Telephone Number: *		Address 1 (Street): *	Clashburn Way	
Extension Number:		Address 2:	Bridgend Industrial Estate	
Mobile Number:		Town/City: *	Kinross	
Fax Number:		Country: *	Scotland	
		Postcode: *	KY13 8GA	
Email Address: *				
Is the applicant an individual or an organisation/corporate entity? *				
Individual Organisation/Corporate entity				

	etails		
Please enter Applicant	details		
Title:	Ms	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	E	Building Number:	18
Last Name: *	THOMPSON	Address 1 (Street): *	REDHALL HOUSE DRIVE
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	EDINBURGH
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH14 1JE
Fax Number:			
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Site Address	Details		
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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)
Proposed extension and house alterations.
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 a 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.
STATEMENT UPLOADED IN SUBMISSION SECTION.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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)

SUPPORTING STATEMENT. 01 LOCATION PLAN 03 PROPOSED FLOOR PLAN 04 PROPOSED NORTH WEST ELEVATION 05 PROPOSED SOUTH WEST & SOUTH EAST ELEVATIONS 06 EXISTING FLOOR PLAN AND SITE PHOTO

Application Details

Please provide details of the application and decision.

What is the application reference number? *	19/05125/FUL	
What date was the application submitted to the planning authority? *	25/10/2019	
What date was the decision issued by the planning authority? *	24/12/2019	

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. * \boxed{X} Yes $\boxed{}$ 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? *

Is it possible for the site to be accessed safely and without barriers to entry? *

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
	information may result in your appea		

Have you provided the name and address of the applicant?. *

Have you provided the date and reference number of the application which is the subject of this review? *

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? *

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? *	

Note: You must state, in full, why you are seeking a review on your application. Your statement mus	t 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 inforr	mation 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	X Yes No

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 *

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.

X Yes No

X Yes No

X Yes No

X Yes No

X Yes No N/A

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Greig Ramsay

Declaration Date: 30/01/2020

Proposal Details

Proposal Name Proposal Description ALTERATIONS Address EH14 Local Authority Application Online Reference

100194604 PROPOSED EXTENSION AND HOUSE

18 REDHALL HOUSE DRIVE, EDINBURGH, 1JE City of Edinburgh Council 100194604-004

Application Status

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

Attachment Details

Notice of Review	System	A4
SUPPORTING STATEMENT	Attached	A4
ORIGINAL HOUSEHOLDER	Attached	A4
APPLICATION FORM		
DECISION NOTICE	Attached	A4
REPORT OF HANDLING	Attached	A4
SITE LOCATION PLAN - 01	Attached	A3
PROPOSED FLOOR PLAN - 03	Attached	A3
PROPOSED NORTH WEST	Attached	A3
ELEVATION - 04		
PROPOSED SOUTH WEST AND	Attached	A3
SOUTH EAST ELEVATIONS - 05		
EXISTING FLOOR PLAN AND SITE	Attached	A3
PHOTO - 06		
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

SUPPORTING STATEMENT

Town and Country Planning (Scotland) Acts

Notice of Review of Decision by City of Edinburgh Chief Planning Officer

Planning Application – Sunroom Extension to House, 18 Redhall House Drive, Edinburgh, EH14 1JE

Planning Application Reference No. 19/05125/FUL

Introduction

On 25th October 2019, an application for planning permission was submitted to the Council for a modest, single storey extension to the side of our client's house at 18 Redhall House Drive on the south side of Edinburgh. The proposed sunroom would extend from an existing study, with double width entrance doors providing access to and from the surfaced front garden.

Following receipt of the Planning Officer's comments on 22nd November, amended plans were submitted for approval on 2nd December. Regrettably, despite the various changes, the officer was unable to lend his support to the development. The application for planning permission was refused on 24th December 2019. The reason for the decision was as follows.

The proposed extension in position and form would result in an incongruous addition, harmful to the character and appearance of the existing lodge house, the former grounds of Redhall House and the wider street scene. The proposal would therefore be contrary to Local Plan Policy DES 12 and the non-statutory guidance for Householders.

Having read the Report of Handling for this Local Delegated Decision, and noted the determining issues, we are naturally disappointed with the content, the absence of important detailed analysis, the general balance of reporting and the consequential conclusions. We believe there are no reasonable grounds for withholding planning permission, and therefore invite the Local Review Body (LRB) to grant planning permission, subject to any conditions it sees fit.

Grounds of Appeal / Review

We would like the members of the LRB to carefully consider the following information and analysis which represents the grounds of review.

- The Planning Officer's Report of Handling identifies three determining issues. Of these, he concludes that the development complies with two of the criteria. Firstly, in relation to privacy, daylight and sunlight enjoyed by neighbouring properties, the proposal will not cause any unreasonable loss of amenity. And secondly, no adverse public comments were received.
- 2. The only other determining issue is therefore the scale, form and design of the extension, in the context of local plan policy guidance. Accordingly, within that same local plan context, we assume that the plans meet all other local plan policy tests that may be relevant, including those relating to amenity, safety and sustainable development. Arguably, therefore, despite the tests set out in Policy Des 12, the proposals otherwise enjoy broad local plan support. As a footnote to this, we know that it is the Local Plan which must form the basis of decision making. And yet, in all the correspondence with the Planning Officer, reference to the Local Plan was conspicuously absent. The impression was that the assessment relied on the officers personal views expressed out with this planning policy framework.
- 3. However, turning to what emerges from the Report of Handling as the key issue, namely guidance on form and design set out in Policy DES 12, we would ask members of the LRB to consider carefully the following observations.

The planning officer initially had three areas of concern: the position forward of the existing study; the detachment of the roof from the existing roof; and the predominant use of glazing. In response, we submitted the amended drawings that are now before the LRB for decision.

The officer then said that "any projection forward of the side wall of the study room appears a little disjointed." He added that "the design of the roof should match the existing, with the hip roof continued at the existing height." We received no other comments on the submission, although the final report acknowledges that the revised scheme is more in keeping with the existing house in terms of the window design and materials. If we untangle these comments, the LRB needs to decide whether the position of the extension and roof design are substantive grounds for refusing planning permission for this small addition to our client's house. To assist members of the LRB reach an informed decision, we set out below the key influences and parameters that guided the design process, and the **precise** factors that persuade us that the proposals are acceptable.

(i). The study room itself is not an original part of the lodge house. It was a later addition.(ii). The side wall of the study is almost 6 metres behind the principal elevation of the house, that being the wall facing Redhall House Drive.

(iii). The extension, although clearly visible from the adjacent road, will be more than 4 metres behind that same front elevation.

(iv). The position of the extension makes productive use of underused driveway space and safeguards the raised back garden. This is a commendable approach, and one that could not be achieved by following the approach advocated by the planning officer.

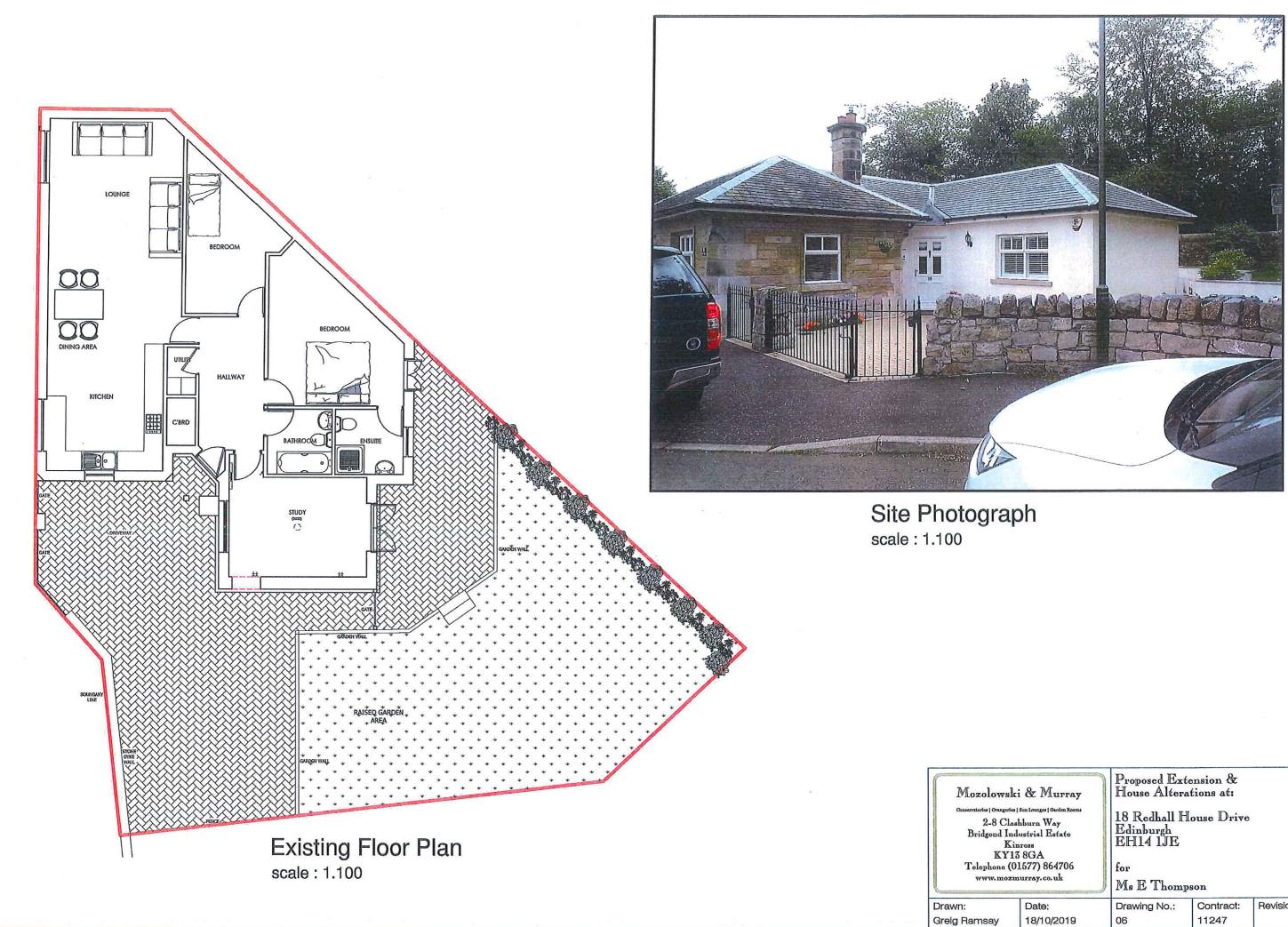
(v). The surrounding area, once the grounds of Redhall House, is now characterised by a relatively new, high quality, housing development. The houses, and public spaces, have been designed to a high standard. Each of these houses have an often-complex mix of walls, roofs, terraces, openings and projections. In many respects, the position of the

planned extension emulates the design themes expressed in this new environment. We are at a complete loss to understand how our proposal affects the former grounds of Redhall House and the wider street scene, as expressed in the reason for the refusal of planning permission. It is a completely misleading statement, if not factually incorrect. (vi). Many of the specific design features of the existing house are captured in the extension. Eg the wallhead height is unchanged; The smooth wall render will be repeated throughout; The pattern, proportions and cill height of window openings is maintained; The 30-degree roof pitch will continue; And the roof will be clad in matching slate. With these collective circumstances, it is regrettable to find the decision notice expressing terms such as incongruous and harmful without clear explanation.

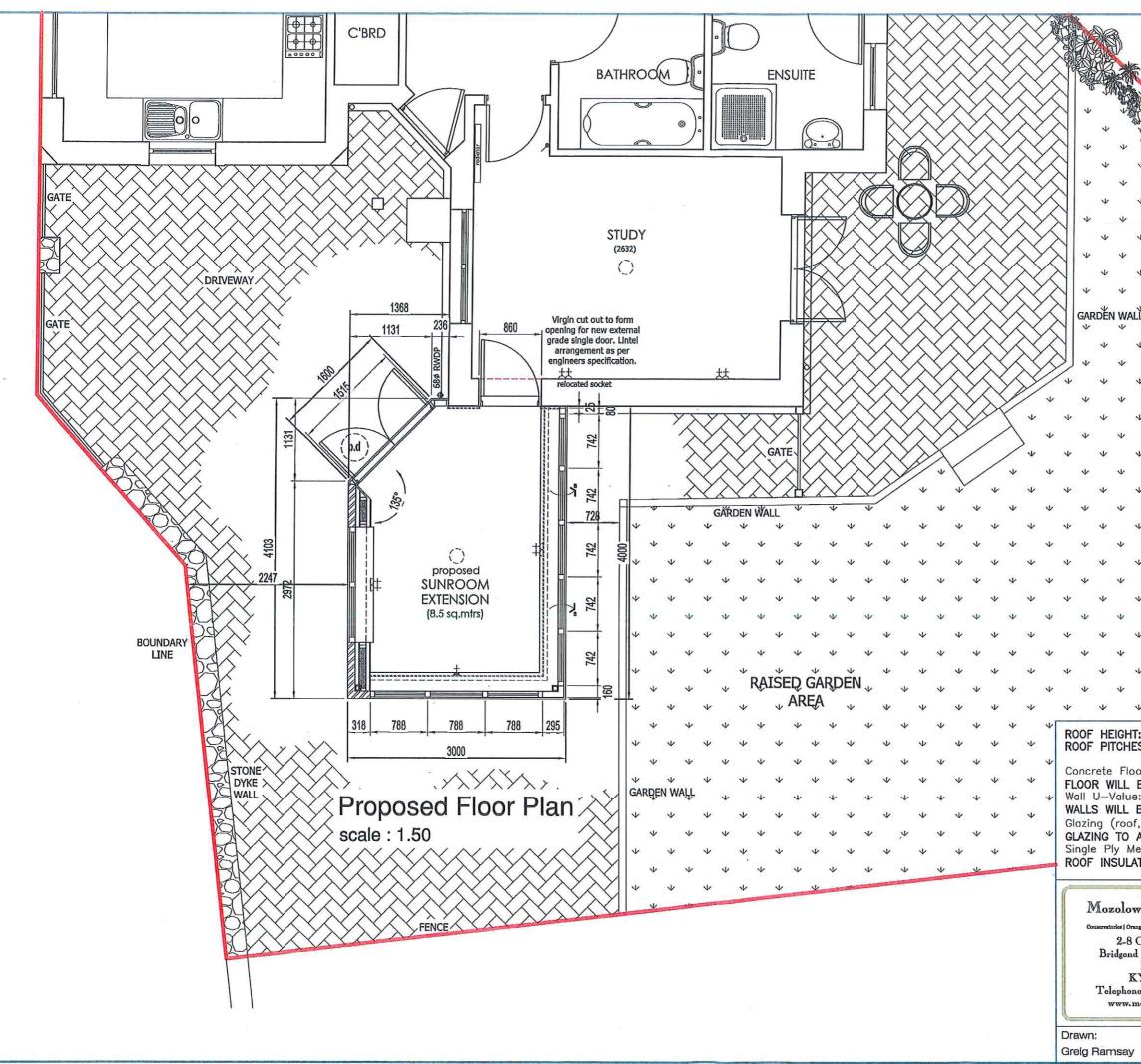
So these are some of the compelling factors to be weighed against the somewhat looser assertions of uniformity, visibility and coherent design expressed in the Report of Handling that appear to have driven the final decision to withhold planning permission. The report also suggests that the extension would somehow "impinge" on the original south west stone elevation. This is wrong. For the avoidance of doubt, the original stonework that, perhaps more than anything else, contributes to the character of the house, is completely untouched by our proposals. The character of the original lodge house will remain intact.

Conclusion

It was disappointing to find that not only had the Planning Officer been unable to support our original proposals to add a small sunroom onto this house at Redhall House Drive, but he then decided that our changes were insufficient to overcome an apparent area of design policy conflict. Our examination of the circumstances reveals that, on closer inspection, there can be no reasonable interpretation of policy conflict. Our reading of the officer's approach is that he was striving for what was perceived to be an optimum design solution, and in principle, we would not be critical of that stance as a starting point in any planning assessment process. However, that cannot be the foundation for any decision to withhold planning permission. We have presented (amended) proposals which enjoy broad policy support, safeguard the character of the house, and which have attracted no objections from any 3rd party. Our client simply wishes to continue to invest in the fabric of the property in a sustainable manner, and we respectfully urge members of the LRB to grant planning permission in these favourable circumstances.



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		🕖 Ms E Thom	pson	
y	Date: 18/10/2019	Drawing No.: 06	Contract: 11247	Revision



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