

Minutes

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

10.00am, Wednesday 20 January 2021

Present: Councillors Booth, Child, Osler, Rose and Young.

1. Appointment of Convener

Councillor Booth was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 2 December 2020 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 – 60 (4F) North Castle Street Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the removal of existing dormers and associated alterations to the roof at 60 (4F) North Castle Street Edinburgh. Application no 20/02791/FUL.

Assessment

At the meeting on 20 January 2021, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, Scheme 1, being the drawings shown under the application reference number 20/02791/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 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)
Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)
Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
'Listed Buildings and Conservation Areas'
- 3) Other Relevant policy guidance
'The New Town Conservation Area Character Appraisal'
- 4) Relevant Government Guidance on Historic Environment.
Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.
- 5) The procedure used to determine the application.
- 6) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- That there had been previous alterations to the roof, to provide a glazed conservatory and terrace. However, changing the pitch of the roof would alter the structure of building, including the original beams, which had been damaged by the previous alterations.
- Considering the rear of the property; there was already a dormer on the rear elevation, which was being enlarged, but this elevation was not highly visible.
- Clarification regarding the roof pitch and the level to which this would be altered.
- That consideration should be given to the impact the alterations would have on the integrity of the building and the effect on the wider conservation area.
- There was a variety of different roof types in the area.

- That the officer recommendation was that LDP Policies Env 3, Env 4 and Env 6 were being breached as the roof alterations would cause discordance, excessive height, dominance and erosion of the original roofscape and fabric.
- That the Building Standards requirements were out with the scope of the LRB and members should consider the appeal from a purely planning perspective.
- If the LRB upheld the decision, it diluted the reasons for these policies. It was important protect buildings in a conservation area, however, considering the level of damage to the existing roof, this was not a straightforward case.
- The visual impact was very modest as the proposed dormer was not much bigger and the view of this would be restricted and to the rear of the property.
- There was limited structural change in the pitch of the roof. This remedied the previous alterations and improved living space.
- Previous alterations meant that the joists had been weakened and there were concerns about the structural integrity of the roof. There were some concerns about the proposed materials, but this could be conditioned.

Having taken all the above matters into consideration, the LRB determined that the proposals were not contrary to the Local Development Plan Policies Env 3, Env 4, Env 6 and Des 12, or to non-statutory guidelines on Listed Buildings and Conservation Areas.

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

Decision

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

Conditions:

- 1) A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work was commenced on site; Note: samples of the materials might be required.

Reasons:

- 1) In order to enable the planning authority to consider this/these matter/s in detail.

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 is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.

- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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

5. Request for Review – 10 (2F) Randolph Crescent, Edinburgh

Details were submitted of a request for a review, for the refusal of planning permission to alter existing roof access and provide permanent stair to new opening roof light. Remove existing lantern over bathroom and replace with new, flat glass rooflight. Alter inward facing pitched roof faces to give enlarged, accessible flat roof area at 10 (2F) Randolph Crescent Edinburgh. Application no. 20/02744/FUL.

Assessment

At the meeting on 20 January 2021, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01-03, being the drawings shown under the application reference number 20/02744/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 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)
Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
'Listed Buildings and Conservation Areas'
- 3) The procedure used to determine the application.

- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- Why there were two different dates of assessment for the planning application and the listed building consent.
- That the Panel were only considering the planning application and that the listed building consent would be dealt with by the DPEA.
- Despite concerns by Historic Environment Scotland, the appellant had not made any alterations to their application. The appellant had provided information to demonstrate potential views to the development, which suggested the balustrade would be set so far back that it would not have a significant impact.
- Historic Environment Scotland might be more amenable to the proposals if the balustrade was moved slightly, was a bit shorter and was of a different material.
- Clarification was sought regarding the positioning of the balustrade on top of the ridge of the roof and why it needed to extend the full width of the roof, when the terrace was not the full width of the roof.
- It was explained that the pitched roof at the front of the property was quite small and the balustrade would sit on top of this. The balustrade was there as a safety measure.
- There was currently water damage from a leak in the roof and the appellant wanted to make better use of roof space, but this was insufficient reason to justify the proposed works.
- However, there was sympathy for the appellant wanting to create access to outdoor space.
- The appellant cited four other applications where something similar had been carried out, however, these were different types of properties and differing proposals.
- Every application was unique and there were different reasons for applications being granted. When a thorough investigation was undertaken, each application had to be taken on its own merits.
- The proposals were contrary to Env 6 and listed building consent guidance.

- There was sympathy for the applicant wanting to improve the premises and living area. Historic Environment Scotland did not have any objections except for the balustrade.
- Clarification was sought regarding mixed decisions and whether it would be feasible to grant the alterations and the roof terrace, but not the balustrade. It was advised that this course of action would not be suitable for this application as the balustrade was an integral part of the roof terrace proposals.
- The roof terrace was well-designed, and the balustrade was not excessively impactful. However, the need for these proposals had not been demonstrated.
- An opposing view was that the balustrade was not particularly intrusive, there had already been interventions in the roof and the owners should be allowed to make better use of living space.

Having taken all the above matters into consideration, although some of the members were sympathetic to the proposals, 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 did not have special regard to the desirability of preserving the building or its setting and would diminish the historic interests of the building and were not justified.
- 2) The proposals would result in an alteration that would not preserve the character and appearance of the conservation area.

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

Dissent

Councillor Rose requested that his dissent be recorded in respect of the above item.

6. Request for Review – 9 (3F4) Stewart Terrace, Edinburgh

Details were submitted of a request for a review, for the refusal of planning permission to form a roof dormer on tenement roof (in retrospect) at 9 (3F4) Stewart Terrace, Edinburgh. Application no. 20/02206/FUL.

Assessment

At the meeting on 20 January 2021, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 03, Scheme 1, being the drawings shown under the application reference number 20/02206/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 deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- Clarification was sought as to whether there had been any enforcement action taken regarding the dormer.
- It was explained that planning officers may have invited the individual to submit an application to rectify the situation.
- The appellant alleged that the roof dormer was obscured because of trees.
- It was inappropriate for the applicant to proceed without planning permission, and this was not really a dormer, but a roof intervention.
- The dormer was overly dominant.
- It provided an improvement to the housing stock and made it more suitable for residents.
- The roof works represented a change to the building, but at a high level, they were not especially visible, because of the trees and was at the rear of the premises. Therefore, it was not detrimental to the character of the property.
- This was not in a conservation area, nor was it a historic building. It was not clear that LDP policies precluded residents making these interventions.

- There was some sympathy with the applicant as they wanted to expand their living space, however, the dormer was contrary to LDP policies. It was regrettable that the individual had not submitted a planning application.

Having taken all the above matters into consideration, although some of the members were sympathetic to the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The scale and form of the dormer was overly dominant on the roofscape and an incongruous addition in the context of the tenement properties. It was therefore detrimental to the character and appearance of the existing property and neighbourhood character contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

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

Dissent

Councillor Rose requested that his dissent be recorded in respect of the above item.