

## The City of Edinburgh Planning Local Review Body (Panel 1)

10.00am, Wednesday 10 March 2021

**Present:** Councillors Mary Campbell, Griffiths, Mitchell and Mowat.

### 1. Appointment of Convener

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Councillor Mowat was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 3 February 2021 as a correct record.

### 3. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 47 Clovenstone Park, Edinburgh

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Details were submitted of a request for a review for the refusal of planning permission for the formation of new raised roof fitted with dormer windows and rooflights at 47 Clovenstone Park, Edinburgh. Application No. 20/03303/FUL.

#### Assessment

At the meeting on 10 March 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 01-04, Scheme 1, being the drawings shown under the application reference number 20/03303/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:

- Whether the width of the combined front dormers exceeded 50% of the width of the roof plane.
- It was confirmed that the proposed dormer windows to the front elevation of the property had a combined width of 4.8 meters and therefore exceeded 50% of the width of the roof plane, but only marginally.
- The proposed dormer to the rear elevation measured 4.2 meters and was approximately 44% of the roof plane, but was nevertheless very large and visible.
- The front dormers only marginally exceeded the size permitted in non-statutory Guidance for Householders and there had been no complaints from neighbours, however, the rear dormer would increase overlooking to neighbouring properties, so it would not be compliant with non statutory guidelines.
- The rear dormer was less visible, but the layout of the street meant that it would still be quite exposed. There was some sympathy for the applicant who wanted to extend and improve their property, but the proposals were not in line with policy.
- The main issue appeared to be the increase in the height of the roof.
- Although the proposals represented only a marginal infringement of policy, it would adversely affect the appearance of the area and there were concerns about the potential raising of the ridge line, due to the formation of new raised roof. Therefore, there were insufficient grounds to overturn the decision of the Chief Planning Officer.

Having taken all the above matters into consideration, although there was some sympathy 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 application for development was not in accordance with the Edinburgh Local Development Plan as it did not comply with policies Des 12 (Alterations and Extensions) or the non-statutory Guidance for Householders. It would have an adverse impact on the appearance of the property and it was not compatible with the character of the area.

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

## 5. Request for Review – 111 Corstorphine Road Edinburgh

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Details were submitted of a request for a review for the refusal of planning permission for the cellar conversion of ground floor flat to form new residential property with side extension creating access at 111 Corstorphine Road Edinburgh. Application No. 20/03482/FUL.

### Assessment

At the meeting on 10 March 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 01-08, 09B, Scheme 2, being the drawings shown under the application reference number 20/03482/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 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)
  - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
  - Edinburgh Local Development Plan Policy Hou 1 (Housing Development)
  - Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

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 regarding the appellant's submitted photographs and to which properties these related.
- It was confirmed that the property at 107 Corstorphine Road had been given planning consent for a basement conversion, however, that property was located on a corner and was therefore slightly different to the current application.
- This was a complex application as the proposals represented a material change, however, could it be confirmed that the cellar conversion of ground floor flat was detrimental to the area, when the submitted images in the supporting statement indicated that there were quite a number of lower ground basement flats in this area.
- Whether the lower ground basement was detrimental to amenity. The new information indicated that there would be adequate provision for daylighting and sunlighting.
- An additional issue was the side extension and the creation of an entrance stair well to the west elevation and whether the proposed stairwell extension would negatively impact on the character of the area by removing the space between the two distinct buildings.
- It was observed that there were numerous lower ground basement flats around the city, with questions concerning adequate daylighting. Potential occupiers of the proposed development would be aware of the daylighting when purchasing the property.
- Similarly, with regards to open space provision. Potential buyers would make a personal choice as to whether they were content with the shared garden space.
- The location of the existing entrance was confirmed, and it was agreed that the new entrance should not be problematical as only two properties were using it as access.

- The extension was set back and would be screened by the existing buildings on both sides; it was only really visible when viewed straight on.
- There were many buildings in the area with that type of access. Considerable assurance had been provided on daylighting and amenity by the appellant. The new dwelling would have sufficient daylight and would have access to the garden.
- That the extension would be appropriate with only minimal impact on the area. There were other basements of this type in the area and the decision of the chief planning officer should be overturned.
- The report seemingly made a strong case for refusal, but with the additional information provided on daylighting, this was no longer the case.
- That additional information demonstrated that the extension would provide for a light, sunny room. The reasons for refusal were not applicable, additionally, there were no objections from the Transport Division.

Having taken all the above matters into consideration, the LRB determined that the proposals were not contrary to the Local Development Plan Policies:

- 1) Des 1 as they were not inappropriate in design nor would they damage the character and appearance of the area.
- 2) Des 4, as they would not have a negative impact on its surroundings, including the spaces between the buildings.
- 3) Des 5, as they would provide acceptable levels of daylight, sunlight and immediate outlook.

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:

**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 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 must be given in writing to the Council.

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

## **6. Request for Review – 86 (2F2) Leamington Terrace, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for replacement windows to front and rear at 86 (2F2) Leamington Terrace, Edinburgh. Application No. 20/04866/FUL.

### **Assessment**

At the meeting on 10 March 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, Scheme 1, being the drawings shown under the application reference number 20/04866/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) Conservation Character Appraisal  
Marchmont, Meadows and Bruntsfield Conservation Character Appraisal.
- 4) The procedure used to determine the application.
- 5) 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:

- There had been many applications for replacing existing timber windows with UPVC sash windows before the panel on previous occasions. On this occasion, the appellant had chosen timber windows for the front elevation, and the UPVC units would be less visible in the conservation area as they were located to the rear. However, the proposals did not comply with policy guidance, even though it was at the back of the property and should be refused.

- Although there were about nine other properties in the area with UPVC windows, there were many more without them. The policy guidance on this was clear and the application should be refused.
- The current policy on UPVC windows was clear, and there were no reasons to not uphold the decision by the Chief Planning Officer.
- It might be necessary in future to consider windows draft proofing as part of the response to climate change and this issue should be discussed as part of an overall policy review. However, there were robust reasons why UPVC sash windows were not satisfactory in this case, there might be other more beneficial solutions and it was not possible to make decisions out with current policy.

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 the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposed replacement windows to the rear were of an inappropriate material, design and position that would fail to preserve or enhance the character of the conservation area.
2. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions as the proposed replacement windows to the rear were of an inappropriate material, design and position that would adversely impact on the character of the existing building and neighbourhood character.

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