

Dr Peter Connolly.  
42 Broomhouse Bank  
Edinburgh  
EH11 3TL

**Decision date: 30 September 2021**

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

Convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property.  
At 42 Broomhouse Bank Edinburgh EH11 3TL

**Application No:** 21/04120/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 2 August 2021, this has been decided by **Local Fast Track 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:-**

1. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not meet the required safety and depth standards for the formation of a driveway..

**Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has 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.

3. 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.

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

Drawings 01-03, 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 development does not meet the minimum size requirements in terms of depth as recommended by the Roads Authority and highlighted in the non-statutory Guidance for Householders. Therefore, the proposal is not in accordance with LDP policies Des 12, and the non-statutory Guidance for Householders and is not acceptable.

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 Weronika Myslowiecka directly at [veronika.myslowiecka@edinburgh.gov.uk](mailto:veronika.myslowiecka@edinburgh.gov.uk).



**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.

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# Report of Handling

**Application for Planning Permission  
42 Broomhouse Bank, Edinburgh, EH11 3TL**

**Proposal: Convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property.**

**Item – Local Fast Track Decision  
Application Number – 21/04120/FUL  
Ward – B07 - Sighthill/Gorgie**

## **Recommendation**

It is recommended that this application be **Refused** subject to the details below.

## **Summary**

The proposed development does not meet the minimum size requirements in terms of depth as recommended by the Roads Authority and highlighted in the non-statutory Guidance for Householders. Therefore, the proposal is not in accordance with LDP policies Des 12, and the non-statutory Guidance for Householders and is not acceptable.

## **SECTION A – Application Background**

### **Site Description**

The application site is a lower ground floor flat, within four-in-a block property, located on Broomhouse Bank.

### **Description Of The Proposal**

The application proposes driveway to the front of the property.

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 9 August 2021

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### 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?

### 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 cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

#### a) Scale, form, design and neighbourhood character

The proposed hard-standing area would cover approximately 78% of the front garden area of hard standing with porous materials. The non-statutory "Guidance for Householders" advises that parking spaces in front gardens should be a maximum of 21 square metres or 25% of the area, whichever is the greater. This parking space takes up 59% of the garden area and exceed this criterion resulting in an overly dominant feature in this amenity space, detracting from its green character. Secondly, the front parking space should be at least 6 metres deep and the current proposal is less than that. Therefore, the proposal does not meet the standards set up by the non-statutory guidance.

The proposal is not of an acceptable scale or form, would be detrimental to neighbourhood character and does not comply with LDP Policies Des 12 and to the non-statutory Guidance for Householders.

#### b) Neighbouring amenity

The proposed development fully complies with the privacy requirements of the non-statutory Guidance for Householders. The proposal will not have an adverse impact on neighbouring amenity in terms of loss of privacy and daylighting.

### c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

### d) Public comments

No comments

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions:-**

1. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not meet the required safety and depth standards for the formation of a driveway..

### **Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has 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.
3. 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.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 2 August 2021**

### **Drawing Numbers/Scheme**

01-03

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Weronika Myslowiecka, Planning Officer  
E-mail: [veronika.myslowiecka@edinburgh.gov.uk](mailto:veronika.myslowiecka@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

No consultations undertaken.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@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 100482576-001

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

## 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="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Peter"/>	Building Number:	<input type="text" value="42"/>
Last Name: *	<input type="text" value="Connolly"/>	Address 1 (Street): *	<input type="text" value="Broomhouse Bank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH11 3TL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

42 BROOMHOUSE BANK

Address 2:

BROOMHOUSE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH11 3TL

Please identify/describe the location of the site or sites

Northing

671059

Easting

320111

## 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)

Convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property.

## 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.

Refusal for planning permission for a driveway was based on insufficient depth which should be 6 meters. There were two issues with the application: -A key measurement had a typo (388 cm was incorrectly listed at 328 cm) - A measurement of the full garden depth was not included. These gave the misleading impression of a shallower garden. The main depth of the garden is in fact 650 cm, and 750 cm at its deepest point. These measurements have been added in the amended drawing.

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)

The key measurement of garden depth was not provided in the first instance, and one measurement which was provided was incorrect, which implied a shallower garden.

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)

drawing\_2.pdf - providing the correct necessary measurements

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/04120/FUL

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

02/08/2021

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

30/09/2021

## 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.

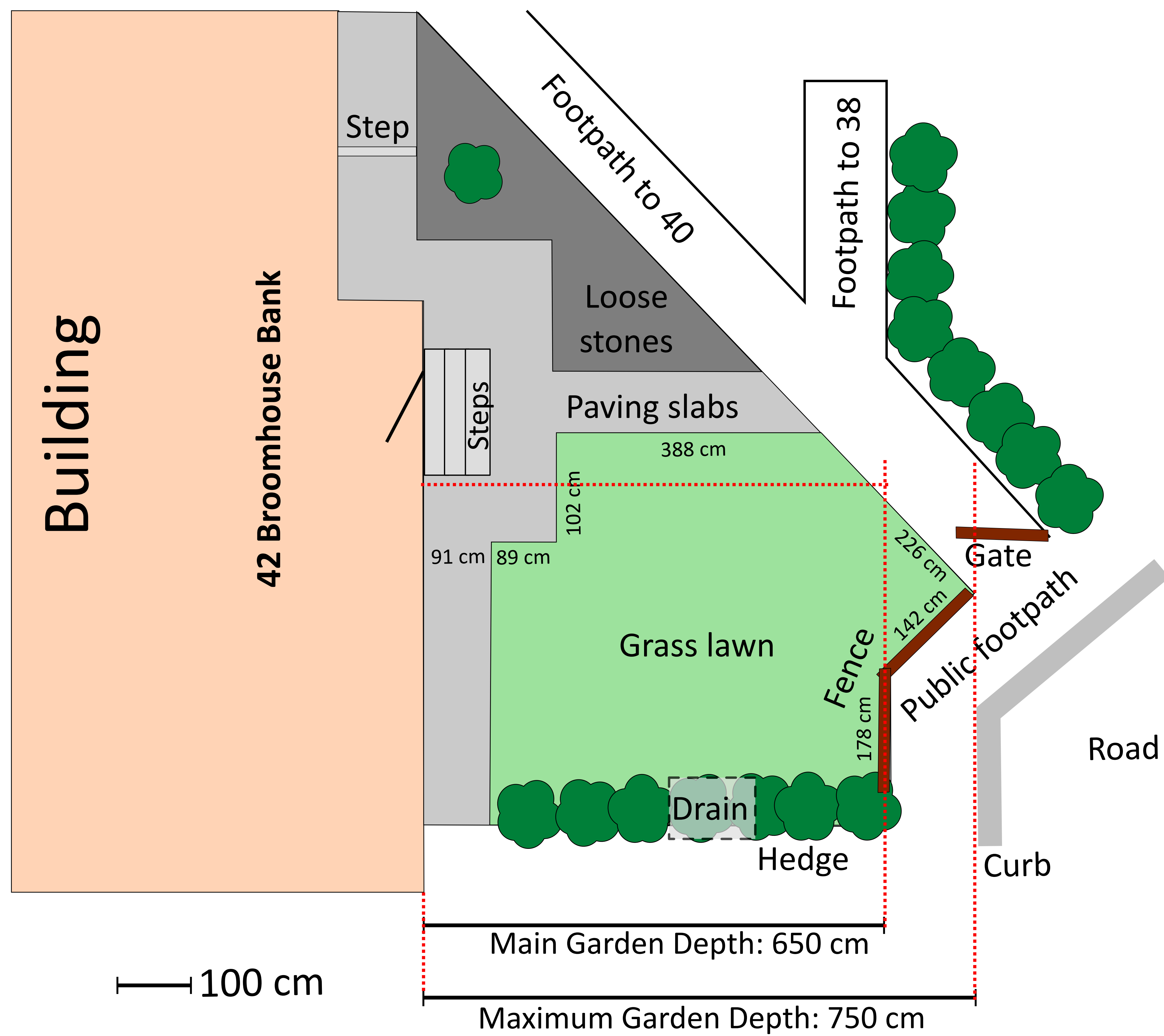
## Declare – Notice of Review

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

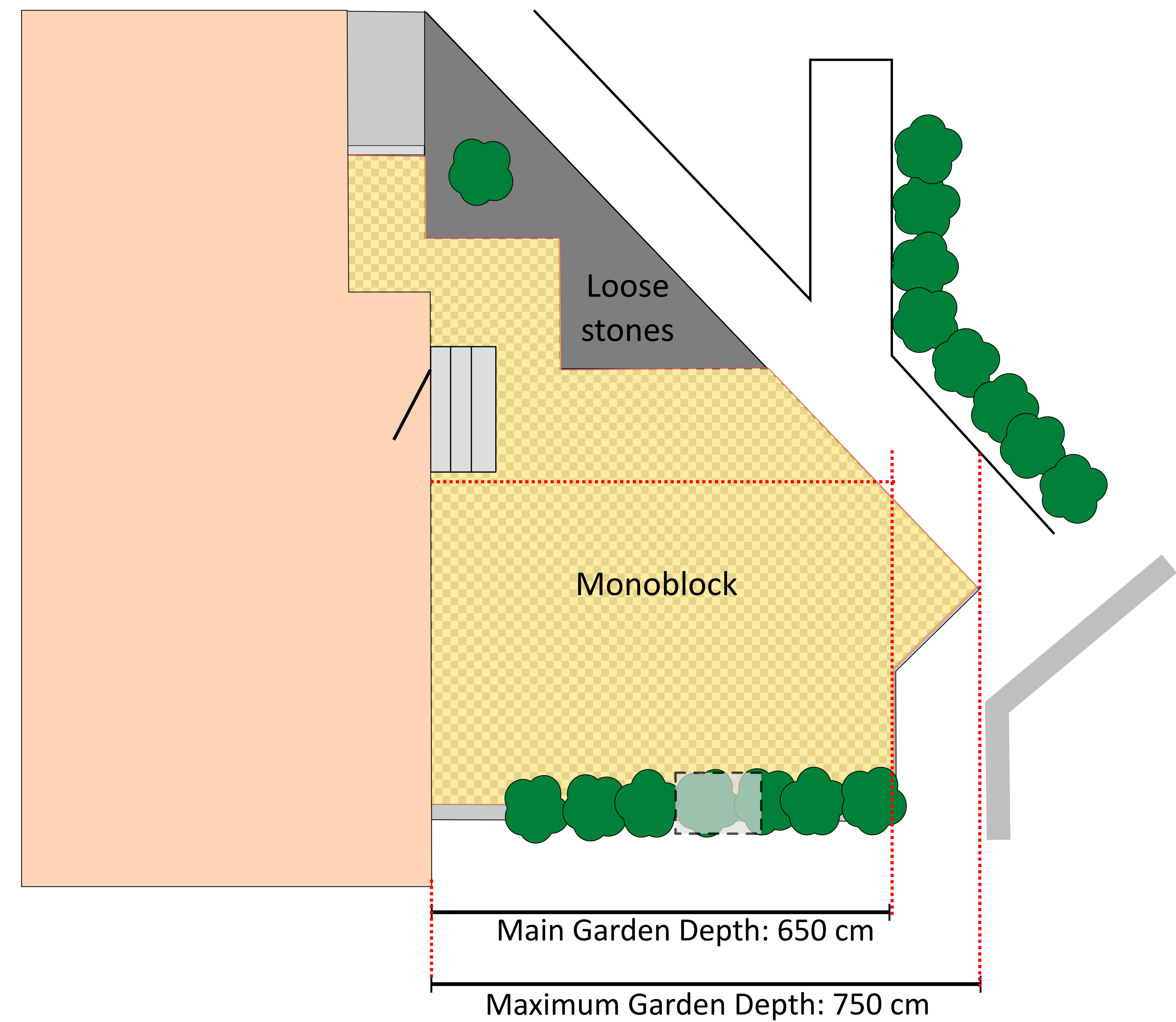
Declaration Name: Dr Peter Connolly

Declaration Date: 10/10/2021

## Existing



## Proposed



Grass lawn and paving slabs replaced with monoblock driveway

Fence and gate removed for vehicle access

Curb to be lowered (separate application)

Loose stones and hedge remain as soakaway