

Mark MacKenzie.  
East Lodge  
Milton Bridge  
Penicuik  
EH26 0NX

Mr Moore  
102 Gilmerton Dykes Crescent  
Edinburgh  
EH17 8JN

**Decision date: 14 September 2021**

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

Erection of 2 storey extension to side of dwelling.  
At 102 Gilmerton Dykes Crescent Edinburgh EH17 8JN

**Application No:** 21/02489/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 6 May 2021, 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:-**

**Reason for Refusal:-**

1. The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing . The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

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

Drawings 01 - 11, 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 proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing . The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's 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 James Allanson directly at [james.allanson@edinburgh.gov.uk](mailto:james.allanson@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.

# Report of Handling

## **Application for Planning Permission**

**102 Gilmerton Dykes Crescent, Edinburgh, EH17 8JN**

**Proposal: Erection of 2 storey extension to side of dwelling.**

## **Item – Local Delegated Decision**

**Application Number – 21/02489/FUL**

**Ward – B16 - Liberton/Gilmerton**

## **Recommendation**

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

## **Summary**

The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing . The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

## **SECTION A – Application Background**

### **Site Description**

The site is a two storey terraced dwellinghouse situated at the eastern end of a terraced row of properties on the northern side of Gilmerton Dykes Crescent. The surrounding area is predominatly residential in nature and is characterised by similar style dwellings.

### **Description Of The Proposal**

The proposal seeks planning permission for the erection of a two storey extension adjacent to the gable elevation of the dwellinghouse.

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 12 May 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 extension is subordinate in scale and floor area to the main dwellinghouses. The proposed design is appropriate and will not have a detrimental impact on the character and appearance of the surrounding area.

#### b) Neighbouring amenity

The submitted information details that the proposal fails the 45 degree test in the Guidance for Householders in respect of the neighbouring premises to the east. The 45 degree line when drawn from both on the plan and section drawing encloses the window at ground floor level on the rear elevation of the neighbouring premises. The proposal therefore has the potential to result in a notable loss of daylight to the neighbouring premises.

Part of the extension gable wall will be sited directly adjacent to the boundary line with the neighbouring premises. The rear section of the extension gable wall varies in distance from the boundary line from 0m to 1.9m. The extension as a whole may result in 18.7 metres of the neighbouring garden ground to the east being directly overshadowed to a potentially adverse degree, with any overshadowing likely to occur in the afternoon and evening periods during springtime and summertime. The neighbouring garden has a total area of 170 square metres and therefore around 11% of the garden may be affected. While some of this overshadowing will fall on an area between the neighbouring gable and the boundary line which has limited amenity value, some overshadowing may also fall directly onto the main rear garden to the detriment of neighbouring amenity.

The proposal will have a detrimental impact on the amenity of neighbouring residents and is contrary to section (b) of LDP policy Des 12.

#### 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 were received.

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

The recommendation is subject to the following;

### **Reason for Refusal**

1. The proposal will have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing. The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

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

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

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

**Date Registered: 6 May 2021**

**Drawing Numbers/Scheme**

01 - 11

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

Contact: James Allanson, Planning Officer  
E-mail: [james.allanson@edinburgh.gov.uk](mailto:james.allanson@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 100407733-008

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

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Mr"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Mark"/>	Building Name:	<input type="text" value="East Lodge"/>
Last Name: *	<input type="text" value="MacKenzie"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07766762001"/>	Address 1 (Street): *	<input type="text" value="Milton Bridge"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Penicuik"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH26 0NX"/>
Email Address: *	<input type="text" value="mwmackenzie@yahoo.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ryan"/>	Building Number:	<input type="text" value="102"/>
Last Name: *	<input type="text" value="Moore"/>	Address 1 (Street): *	<input type="text" value="Gilmerton Dykes Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH17 8JN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="102 GILMERTON DYKES CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH17 8JN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668910"/>	Easting	<input type="text" value="328430"/>
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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)

Erection of 2 storey extension to side of dwelling.

## 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.

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)

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)

## Application Details

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

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

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

## 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: Mr Mark MacKenzie

Declaration Date: 10/11/2021