

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

10.00am, Wednesday 1 December 2021

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

1. Appointment of Convener

Councillor Osler was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 3 November 2021 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 – 4 Harbour Lane, Edinburgh

Details were submitted of a request for internal alterations and enlargement of existing house at 4 Harbour Lane, Edinburgh. Application number 21/01809/FUL.

Assessment

At the meeting on 1 December 2021, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents and a request for a site visit.

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 being the drawings shown under the application reference number 21/01809/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had insufficient information before it and agreed that a site visit was necessary to determine the review.

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),
Des 3 (Development Design), Env 6 (Conservation Areas – Development)

2) Relevant Non-Statutory Guidelines.

Guidance for Householders

The Queensferry Conservation Area Character Appraisal

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:

- That there was support for a site visit to assess the character of the building and the area.
- That this view was echoed by other panel members to assess the context of the proposed development.
- That this request for review was quite complicated.
- That the panel would undertake discussions on the application following the site visit at a subsequent meeting of the LRB.

Having taken all the above matters into consideration, the LRB was unable to make a final decision and determined to continue consideration of the matter for a site visit to assess the context of the proposed development.

Decision

To continue consideration of the request for review in order to allow for a site visit to be conducted safely under social distancing measures.

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

5. Request for Review – 13 Corstorphine House Avenue, Edinburgh

Details were submitted of a request to Remove existing timber conservatory roof and windows from base walls and install new Chartwell Green uPVC windows and roof onto existing base walls - Application No: 21/04263/FUL.

Assessment

At the meeting on 1 December 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents.

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 being the drawings shown under the application reference number 21/04263/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)
Env 6 (Conservation Areas - Development).
- 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:

- That it was felt there was sufficient information to determine the application.
- That the issue was the uPVC and the appropriateness of the use of this material.
- That the proposals were not highly visible, and that wood grain uPVC could be suitable in this instance.
- That the applicant was repairing, and this was to be encouraged and the cost of uPVC was a lower cost option.
- That a member felt undecided on this matter as the use of uPVC in conservation areas was generally not suitable but thought that the proposal was not highly visible.
- That if the original conservatory had been maintained it may have negated the need for the uPVC replacement.
- That because the structure was not highly conspicuous it was less of a concern however a panel member was not generally supportive of uPVC being used in conservation areas.
- That upon viewing the plan it was clarified that the proposed conservatory sat at the side of the property, not to the rear of the property.
- That it was understood why the application was refused, but that there was sympathy for the applicant when the proposals were replacing like with like.

The Panel therefore overturned the decision of the Chief Planning Officer and granted planning permission as the proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) and Env 6

(Conservation Areas – Development) as the proposals were compatible with the character of the existing building, and an improvement. While the materials were generally not suitable for a conservation area, the proposal was a replacement to the existing conservatory and served to preserve the special character and appearance of the conservation area.

Decision

To overturn the decision by the Chief Planning Officer to grant planning permission.

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

6. Request for Review – 28 Lanark Road West, Edinburgh

Details were submitted of a request for a review for a review for extensions to form new bedrooms, en suites, enhance front entrance. attic reconfigured to form roof terrace, new bedrooms and bathroom at 28 Lanark Road West, Edinburgh. Application number 21/03239/FUL.

Assessment

At the meeting on 1 December 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents.

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 being the drawings shown under the application reference number 21/03239/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:

- That the Officer's report of handling specified clearly the changes to the hipped roof and changes to the building line.
- That the extension to the side and the extent of this was queried alongside the officer's decision to assess the application in its entirety.
- That it was advised the side extension formed an integral part of the overall change to the roof form and this part could not be granted in isolation as when viewing the roof form, it was required to blend in with the existing hipped roof, and that would necessitate the overall roof form being adapted.
- That clarity was sought on the uniformity of the form of the street to the west, and to the east on the street it was noted that there was more irregularity to the building form.
- That this was an improvement to the housing stock in line with the Local Development Plan.
- That there was sympathy for the applicant seeking to capitalise on a beautiful view, especially as the applicant's proposals did not impede neighbour's amenity, however the change in the building line to the front would impact negatively on the road.

Having taken all the above matters into consideration and although there was some sympathy for 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.

Motion

To uphold the decision by the Chief Planning Officer to refuse planning permission.
Reasons for Refusal:

1) The proposed extension was contrary to Edinburgh Local Development Plan Policy Des12 on extensions and alterations as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

2) The proposed extension was contrary to the non-statutory Guidance for Householders as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

- Moved by Councillor Osler, seconded by Councillor Booth.

Amendment

To overturn the decision of the Chief Planning Officer and grant permission for the reason that:

The proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) as the design and form, the choice of materials and positioning were compatible with the character of the existing building, it would not result in an unreasonable loss of privacy or natural light to neighbouring properties, would not be detrimental to neighbourhood amenity and character and any detriment to the quality of the design was marginal and was outweighed by the quality and the improvement in the functionality of the accommodation.

- Moved by Councillor Dixon, seconded by Councillor Rose.

Voting

For the motion - 3 votes

For the amendment - 2 votes

For the Motion: Councillors Booth, Child and Osler.

(For the Amendment: Councillors Rose and Dixon.

Decision:

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

Reasons for Refusal:

The proposed extension was contrary to Edinburgh Local Development Plan Policy Des12 on extensions and alterations as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character. The proposed extension was contrary to the non-statutory Guidance for Householders as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

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

7. Request for Review – 34 Craigmillar Castle Road, Edinburgh

Details were submitted of a request for a review to form rear extension to existing property, application number 21/04363/FUL.

Assessment

At the meeting on 1 December 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents.

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 being the drawings shown under the application reference number 21/04363/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:

- That there was a no report of handling for the application as this was a Review against non-determination.
- That if the panel felt they did not have sufficient information to determine the application, they were able to request further information.
- That it was queried the extent of the garden area occupied by the proposed extension and advised that it took 4.5 metres of the garden in depth and was the full width of the townhouse.
- That it was advised the property was situated at a stagger to the adjacent property.
- That it was advised that from viewing the plans and the householder guidance the panel could consider these when assessing the impact on neighbourhood amenity.
- That a panel member was not sure whether there was enough information presented within the notice of review on neighbourhood amenity, particularly in relation to the loss of sunlight element for adjacent properties.
- That the application was not situated within a conservation area.
- That the impact on neighbouring amenity should have been supplied with the application.
- That the appeal statement indicated that the determination deadline had passed and that the applicant was therefore permitted to submit an appeal.
- That the application was originally submitted in August 2021 and should have been determined by October 2021.
- That usually an applicant would be required to demonstrate the impact of loss of daylight on neighbouring properties within an original planning application.
- That the calculation of overshadowing by the proposed extension was possible.

- That a panel member highlighted that it was unusual to not have the report of handling, and that the application was overdevelopment of the outdoor garden space and the overshadowing element caused concern.
- That there was sympathy for the applicant having not had their application considered within the timescale required and for them having to submit an appeal.
- That the application should be refused.
- That there was no compelling argument to grant the application.
- That it was hoped that if the applicant submitted a future application that they supplied information on the impact on neighbourhood amenity and any loss of sunlight.
- That the application could be continued for consideration although this was advised that this would then present challenges for the application being determined within three months of 16 October 2021, which was when the original planning application should have been determined by.
- That a panel member asked whether the application could be refused on the basis of a lack of information submitted, however it was advised that this was not grounds for refusal.
- That the overshadowing issues were explained to the panel, and it was evident there would be significant overshadowing.
- That clarity was provided that Des 5 of the LDP could not be used to determine this application.
- That it would be in the best interests of the applicant to determine the application at the meeting of the LRB.

Having taken all the above matters into consideration, although there was some sympathy for the proposals, the LRB determined that, the proposals were contrary to Local Development Plan (LDP) policy Des 12 and the non-statutory Guidance for Householders, due to overshadowing and loss of daylight to the adjacent property. It therefore refused planning permission.

Decision

To refuse planning permission.

Reason for Refusal:

The proposal was contrary to Local Development Plan (LDP) policy Des 12 and the non-statutory Guidance for Householders, due to overshadowing and loss of daylight to the adjacent property.

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

8. Request for Review – 102 Gilmerton Dykes Crescent, Road West, Edinburgh

Details were submitted of a request for a review Erection of 2 storey extension to side of dwelling- application number 21/02489/FUL.

Assessment

At the meeting on 1 December 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents.

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 being the drawings shown under the application reference number 21/02489/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:

- That the application was for a side extension and confirmation that the guidance for side extension required the extension to be set back from the main building line to show that the extension was subordinate to the main dwelling house.
- That the use of the phrase 'potential loss of neighbouring amenity' within the report of handling was considered vague when a panel member considered the impact to neighbourhood amenity and loss of daylight of the proposals as considerable.
- That in spring or summer time, the loss of sunlight as a result of the proposals would be most significant.
- That there were no objections for this application, however this did not mean a this was grounds for overturning the decision by the Chief Planning Officer and approving the application.
- That the loss of daylight for subsequent occupiers of the adjacent property would impact them adversely.

Having taken all the above matters into consideration, although there was some sympathy for the proposals, the LRB determined that, the proposal would have a detrimental impact on the amenity of neighbouring residents by virtue of loss of daylight and potentially adverse overshadowing. The proposal was contrary to policy Des 12 of

the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

Decision

To uphold the decision by the chief planning officer and to refuse planning permission.

Reason for Refusal

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

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