

Arkiplan Ltd. (Bo'Ness) FAO. Sean Elder. 28 Grahamsdyke Place Bo'Ness EH51 9QZ Mrs S Gilchrist. 288 Colinton Mains Road Edinburgh EH13 9BS

Decision date: 13 December 2021

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

Proposed extension to rear of ground floor flat. At 288 Colinton Mains Road Edinburgh EH13 9BS

Application No: 21/05490/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 October 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:-

1. The proposal for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles.

Please see the guidance notes on our <u>decision page</u> for further information, including how to appeal or review your decision.

Drawings 01-05, 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 for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles. There are no other material considerations which indicate that the proposal should be granted. Therefore, the recommendation is to refuse planning permission.

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 Rachel Webster directly at rachel.webster@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 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.
- 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 288 Colinton Mains Road, Edinburgh, EH13 9BS

Proposal: Proposed extension to rear of ground floor flat.

Item – Local Delegated Decision Application Number – 21/05490/FUL Ward – B08 - Colinton/Fairmilehead

Recommendation

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

Summary

The proposal for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles. There are no other material considerations which indicate that the proposal should be granted. Therefore, the recommendation is to refuse planning permission.

SECTION A – Application Background

Site Description

Lower cottage flat located on a small cul-de-sac to the south of Colinton Mains Road.

Description of the Proposals

Erection of single storey rear extension. Proposed materials are roughcast rendered walls and redland regent roof tiles to match the existing house.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Page 1 of 6

Date of Neighbour Notification: 25 October 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;
- d) any comments raised have been addressed; and
- e) there are any other material considerations.
- a) Scale, form, design and neighbourhood character

The proposals are of an acceptable scale in relation to the design of the existing flat. However, the extension will occupy a significant area of existing rear garden ground, the existing private garden extends 37.5sqm and the extension will occupy 23.7sqm (63%). This far exceeds the maximum one third of garden ground to be covered by extensions as recommended in Guidance for Householders. The proposals are therefore overdevelopment of the garden ground relating to the ground floor flat with little private outdoor space retained.

The proposals fail to comply with Local Development Plan Policy Des 12 but fail to comply with the non-statutory Guidance for Householders.

b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to overshadowing and loss of daylight or sunlight.

The extension will be located less than 9 metres from a garden boundary, being located only 1.75m from the garden boundary and is partially bound beyond this by an open common drying green and the private garden ground of the upper flat. There is little opportunity to screen the extension from neighbouring garden ground given the small distances involved.

The proposals fail to comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders in terms of privacy.

In addition, the proposed extension will be located on the boundary with the adjoining lower flat which has a private garden of a similar depth to the application site. Guidance for Householders identifies that there is the potential for a development to cause an unacceptable loss of sunlight to neighbouring garden ground where development exceeds 2.8m high on the boundary as the extension will be located to the east of the adjoining neighbour. As the proposed extension exceeds this height, the proposals will result in a loss of sunlight to neighbouring garden ground. No evidence has been submitted such as sun path analysis to contradict this conclusion.

The proposals fail to comply with Local Development Plan Policy Des 12 but fail to comply with the non-statutory Guidance for Householders.

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.

e) Other considerations

Due to the development plan being over 5 years old the Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

To determine whether the proposals are sustainable development they require to be assessed against the sustainability principles as set out in Scottish Planning Policy.

The proposals are not considered to be sustainable development as they fail to accord with the sustainability principles of:

- 'Do the Proposals Comply with Sustainability Principle 3 of supporting good design and the six qualities of successful places?'
- 'Do the Proposals Comply with Sustainability Principle 13 of avoiding overdevelopment, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality?'

Emerging Policy Context

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal for the erection of a dwelling is not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal does not comply with the relevant SPP - sustainable development principles.

Background Reading/External References

To view details of the application go to the Planning Portal

Further Information - Local Development Plan

Date Registered: 18 October 2021

Drawing Numbers/Scheme

01-05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer E-mail:rachel.webster@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

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

100487439-002

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 Applicant							
Agent Details							
Please enter Agent details							
Company/Organisation:	ARKIPLAN LTD						
Ref. Number:		You must enter a Building Name or Number, or both: *					
First Name: *	SEAN	Building Name:					
Last Name: *	ELDER	Building Number:	28				
Telephone Number: *	01506 500169	Address 1 (Street): *	GRAHAMSDYKE PLACE				
Extension Number:		Address 2:					
Mobile Number:		Town/City: *	BO'NESS				
Fax Number:		Country: *	UK				
		Postcode: *	EH51 9QZ				
Email Address: *	seanelder@blueyonder.co.uk						
Is the applicant an individual or an organisation/corporate entity? *							
☑ Individual ☐ Organisation/Corporate entity							

Applicant Details						
Please enter Applicant details						
Title:	Mrs	You must enter a Bu	uilding Name or Number, or both: *			
Other Title:		Building Name:				
First Name: *	S	Building Number:	288			
Last Name: *	GILCHRIST	Address 1 (Street): *	COLINTON MAINS ROAD			
Company/Organisation		Address 2:				
Telephone Number: *		Town/City: *	EDINBURGH			
Extension Number:		Country: *	UK			
Mobile Number:		Postcode: *	EH13 9BS			
Fax Number:						
Email Address: *						
Site Address	Details					
Planning Authority:	City of Edinburgh Council					
Full postal address of th	ne site (including postcode where available	e):				
Address 1:	288 COLINTON MAINS ROAD					
Address 2:	FIRRHILL					
Address 3:						
Address 4:						
Address 5:						
Town/City/Settlement:	EDINBURGH					
Post Code:	EH13 9BS					
Please identify/describe the location of the site or sites						
Northing	668800	Easting	323173			

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)
PROPOSED EXTENSION TO REAR OF GROUND FLOOR FLAT
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 a 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.
The rear property is south facing and receives direct sunlight all day. There is no loss of daylight to the neighbouring property or over shadowing. The extension falls below the maximum allowance of over shadowing of the neighbours french doors ,this is demonstrated on the rear elevation drawing . The extension is within the garden area and has a common drying area adjoining. The applicant will be purchasing the immediate upper flat and garden area so will own the whole of the garden.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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)
It was pointed out that there would be no loss of daylight by over shadowing of the extension.

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 drawings , photos of property, Refusal document				
Application Details				
Please provide the application reference no. given to you by your planning authority for your previous application.	21/05490/FUL			
What date was the application submitted to the planning authority? *	18/10/2021			
What date was the decision issued by the planning authority? *	13/12/2021			
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 \sum 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)	
If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)				

Checklist - App	lication 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?. *	X Yes No			
Have you provided the date a review? *	nd reference number of the application which is the subject of this	X Yes □ No			
, , , ,	behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the 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? *		X 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 do (e.g. plans and Drawings) whi	⊠ 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 certif	fy that this is an application for review on the grounds stated.				
Declaration Name:	Mr SEAN ELDER				
Declaration Date:	01/03/2022				



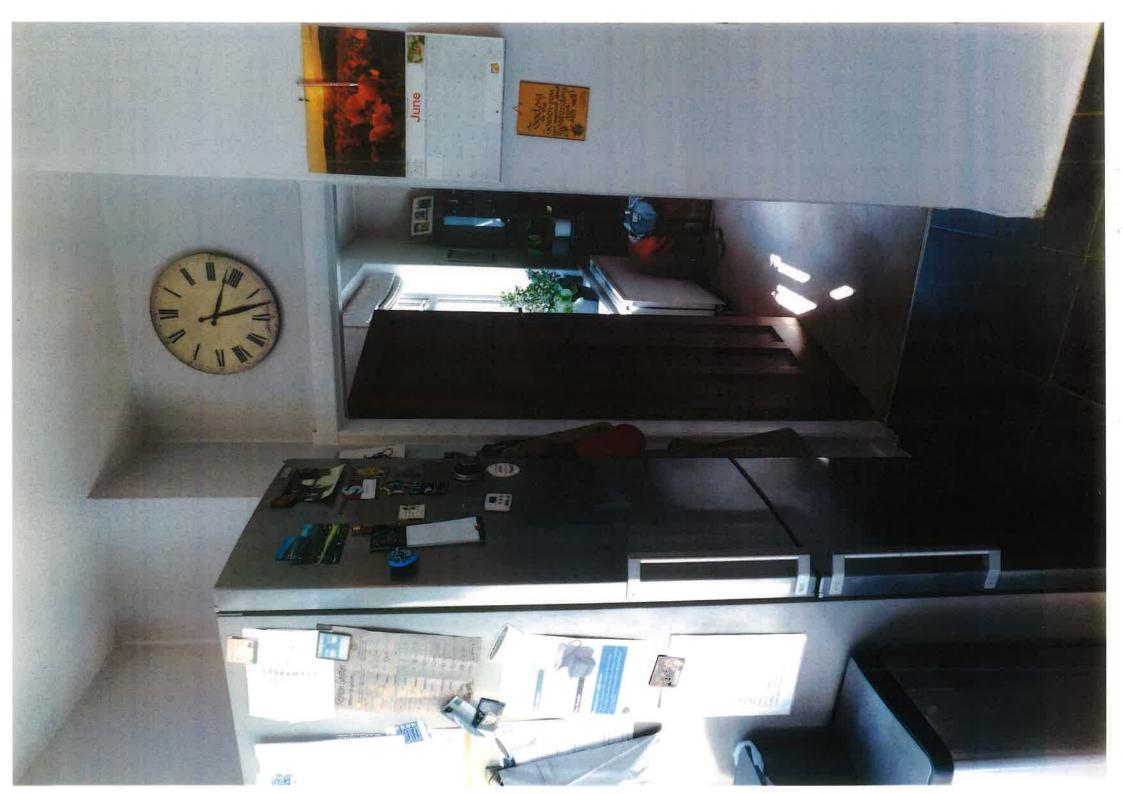
















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Chief Planning Officer

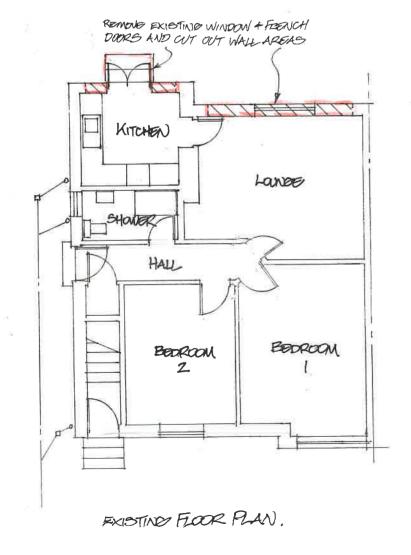
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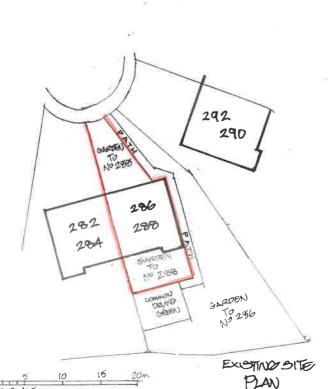
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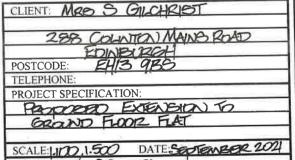


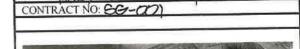


All work to be in accordance with the current Building Standards

All work to be in accordance with the current Building Standards (Scotland) Regulations. All electrical work to be to current LE.T. Regulations & BS 7671 2019.All new works, products & processes are to be to manufacturers guidance.

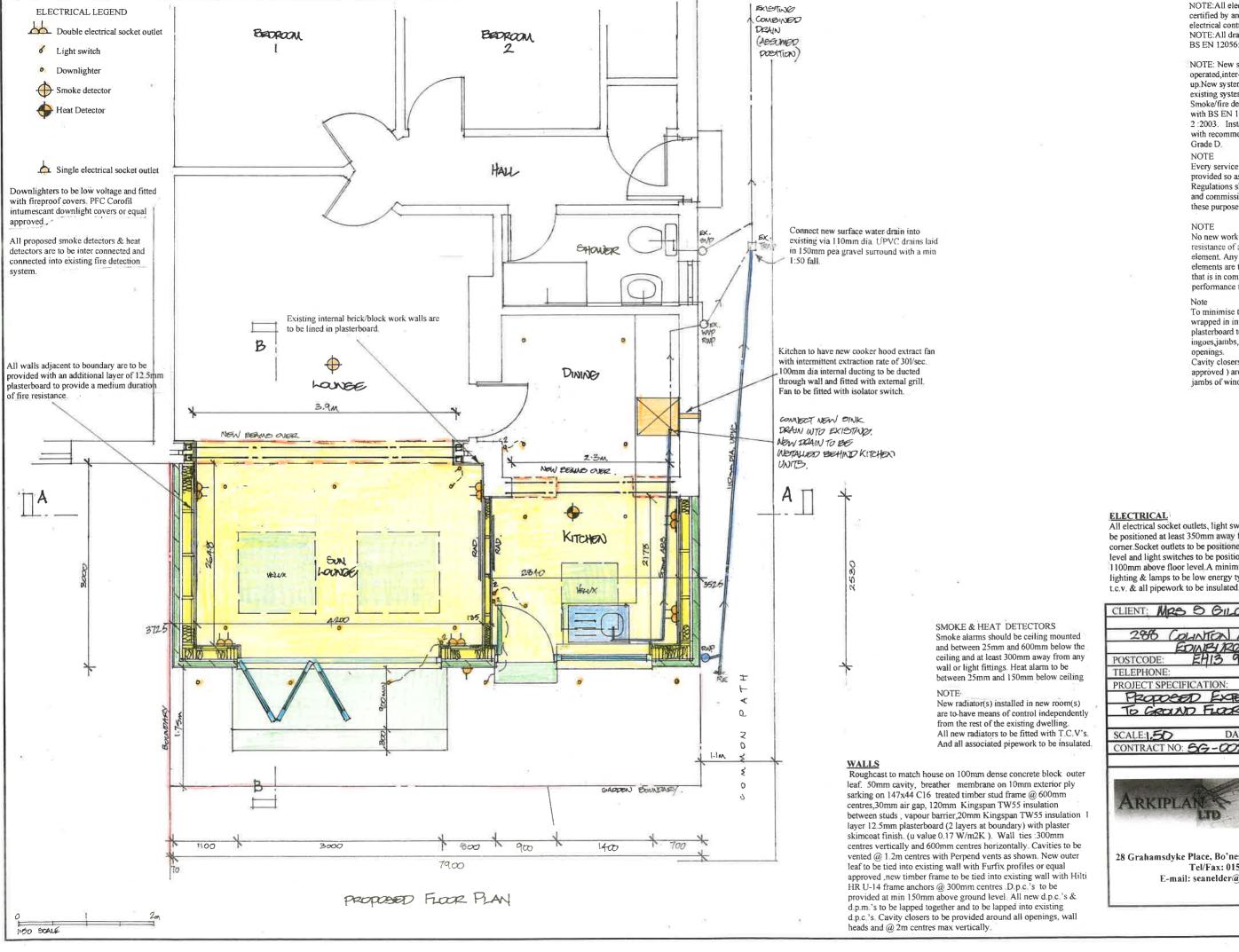
Drainage: Surface Water Drainage to be installed & constructed to BS EN 12056-3:2000.Sanitary Pipework to be installed & constructed to BS EN 12056-2:2000.External Drainage to be installed & constructed to BS EN 12056-1:2000,BS EN 752:2008 & BS EN 1610:1998 and to the entire satisfaction of the Local Authority. All sizes must be checked and verified on site prior to ordering materials and commencing works by building contractor. Any discrepancies or changes are to be reported to contractor. Any discrepancies or changes are to be reported to Architect prior to work continuing. If in doubt ask.







28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ Tel/Fax: 01506 500169 E-mail: seanelder@blueyonder.co.uk



NOTE:All electrical installations to be certified by an approved electrician or electrical contractor.

NOTE: All drainage to be in accordance with BS EN 12056:Pt 2:2000.

NOTE: New smoke/ heat alarms to be mains operated,inter-linked and have battery back up. New system to be also inter-linked with existing system.

Smoke/fire detection to be in accordance with BS EN 14604/2005 & BS 5446 : Part 2:2003. Installation to be in accordance with recommendations of BS5839:Pt6: 2004 Grade D.

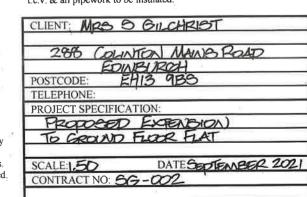
Every service, fitting or piece of equipment provided so as to serve a purpose of the Regulations should be designed installed and commissioned in such a way as to fulfil these purposes.

No new works are to impair the sound/fire resistance of an existing sound/fire resistant element. Any disturbed sound/fire resistant elements are to be made good in a manner that is in compliance with the required performance for that element.

To minimise thermal bridging, cills are to be wrapped in insulated d.p.c.'s, Insulated plasterboard to be provided around ingoes, jambs, and wall heads around window

Cavity closers (Rockwool TCB or equal approved) are be provided at heads and iambs of window and door openings.

All electrical socket outlets, light switches ,t.v. and data points to be positioned at least 350mm away from any internal corner Socket outlets to be positioned at least 400mm above floor level and light switches to be positioned between 900mm and 1100mm above floor level. A minimum of 75% of new fixed lighting & lamps to be low energy type Radiator to be titted with





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