

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

10.00 am, Wednesday 22 June 2022

**Present:** Councillors Cameron, Gardiner, Jones, O'Neil and Osler.

### 1. Appointment of Convener

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Councillor Gardiner was appointed as Convener.

### 2. Minutes

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To note the minute of the Local Review Body (LRB Panel 1) of 27 April 2022.

### 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 – 13 Jordan Lane, Edinburgh

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Details were submitted of a request for a review to refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane, at 13 Jordan Lane, Edinburgh. Application no. 21/03213/FUL.

At the meeting of 27 April 2022, the Panel agreed to continue consideration of the matter to the next meeting of the Local Review Body (Panel 1) of the new Council Administration, on the basis that there is insufficient information to allow determination of the Review. The Panel would like to see the DPEA decision on the associated listed building application appeal.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

#### Assessment

At the meeting on 22 June 2022, 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 01-04, Scheme 1 being the drawings shown under the application reference number 21/03213/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 to determine the review.

The LRB in their deliberations on the matter, considered the following:

1) Edinburgh Local Development Plan Policy Des 7 (Private Parking)

Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)

The Relevant Scottish Planning Policy – Sustainable Development Principles

2) Relevant Non-Statutory Guidelines.

Guidance for Listed Buildings and Conservation Areas

Guidance for Householders

Historic Environment Scotland - Managing Change in the Historic Environment: Boundaries

**Other Relevant policy guidance**

The Morningside 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:

- Regarding the weight that should be placed on DPEA decision for the Listed Building Consent, it was explained that the LBC and Planning applications should be treated separately. Consideration should be given to the character and appearance of the conservation area, the amenity of the area and road safety.
- Members could uphold or refuse the officer's report for the planning application, but for the LBC application, the DPEA had made a decision.

- As requested, clarification was given on what the Panel was considering as some aspects were not in this application. This covered the parking area at the front, the removal of the existing side gate, inputting the wider opening, provision of a new sliding gate, forming of ramped areas with bin store and gardens. It also included the refurbishment and replacement of damaged timber windows.
- Regarding the issue of whether the LBC and planning applications were the same, it was explained that some aspects were similar, but the Reporter's reference for the LBC was aimed at aspects such as impact on the setting and integrity of the listed building.
- That it was proposed that the small gate would be removed, the stone would be infilled, and the pedestrian gate would be re-instated in the new wider opening. The gate would be constructed of railings.
- Clarification was sought regarding the front and rear of the property. The listing stated the front elevation was on to the long garden, as opposed to the elevation onto Jordan Lane. The listing stated this as the rear of the property. Regarding the difference to any decision, the front elevation was the primary frontage in terms of its listed building status, but the rear elevation was still road frontage. Consideration should be given to the setting of the listed building, the impact on the character and appearance of the conservation area and the character, amenity, and appearance of the building. Whether it was the front or rear of the property, did not make much difference to the decision.
- With regard to whether LDP Policy Des 7 would be applicable if the proposals related to the rear of the property, Des 7 referred to safe access, parking, safety and accessibility. The officer's report referred to Guidance for Householder's which advised that parking space would be allowed if the front garden was at least 6 metres deep. However, this was not the case. Des 7 also referred to the safety and convenience of road users.
- Considering the weight that should be given to disabled parking space when determining this application, it was explained that the issue of equality had to be considered, but this had to be balanced against the impact on the wider area and the character and appearance of the conservation area.
- A similar situation had arisen in a previous application where there was a case for installing a disabled space on the street if there was a requirement. This need for disabled access should be taken into consideration when determining this application but was not an overriding factor.
- That the disabled parking space was for visitors, the applicant had a family member who was disabled who would visit the property.
- It was necessary to take some consideration of the DPEA findings. There were concerns about the impact on the conservation area, whether the proposals were for the front or back of the property, the impact on the public area and the issue of parking a vehicle in a small space. Therefore, the planning application should be refused.

- The application should be approved on the basis of the front versus back scenario and the DPEA decision. Although it was necessary to retain the historic aspect, other factors had to be considered when determining this application.
- The design of the sliding gate was acceptable as it enhanced the property, but it was not the case that the parking space was of sufficient size or complied with requirements.
- Regarding the issue about disabled space, it was more about access and the applicant had made great effort to make this proposal sympathetic to the area.
- If the application was refused, the applicant could perhaps re-submit a revised application with disabled ramps.
- The LBC was not being considered at this meeting as it had already been considered by the DEPA and the Reporter had granted it. If the application was to be refused, the Panel would uphold the DEPA decision, but remove condition 1.

Having taken all the above matters into consideration and although some of the members were in disagreement, the LRB determined that the proposals were not contrary to the following Edinburgh Local Development Plan Policies:

- 1) Env 4 in respect of Listed Buildings (Alterations and Extensions) as the works would not result in a diminution of the character of the building and the works were justified.
- 2) Env 6 (Conservation Areas – Development) as the loss of the original boundary wall would not detract from the character and appearance of the conservation area.
- 3) Des 7C (Layout Design) as the proposed parking layout would not have an adverse effect on the safety and convenience of road users.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

### **Motion**

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 4 in respect of Listed Buildings - Alterations and Extensions, as the works would result in a diminution of the character of the building and the works were not justified.
- 2) The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the loss of the original boundary wall would detract from the character and appearance of the conservation area.

- 3) The proposal was contrary to the Local Development Plan Policy Des 7 in respect of Layout Design, as the proposed parking layout would not ensure the safety and convenience of road users.
- 4) The proposal did not comply with the relevant SPP - sustainable development principles.
  - Moved by Councillor Gardiner, seconded by Councillor Jones.

### **Amendment**

The proposals were not contrary to the following Edinburgh Local Development Plan Policies:

- 1) Env 4 in respect of Listed Buildings (Alterations and Extensions) as the works would not result in a diminution of the character of the building and the works were justified.
- 2) Env 6 (Conservation Areas – Development) as the loss of the original boundary wall would not detract from the character and appearance of the conservation area.
- 3) Des 7C (Layout Design) as the proposed parking layout would not have an adverse effect on the safety and convenience of road users.
  - Moved by Councillor Osler, seconded by Councillor Cameron.

### **Voting**

For the motion - 2 votes  
For the amendment - 3 votes

(For the motion: Councillors Gardiner and Jones.)

(For the amendment: Councillors Cameron, Osler and O'Neil.)

### **Decision**

To not uphold the decision by the Chief Planning Officer to grant planning permission.

### **Reasons**

The proposals were not contrary to the following Edinburgh Local Development Plan Policies:

- 1) Env 4 in respect of Listed Buildings (Alterations and Extensions) as the works would not result in a diminution of the character of the building and the works were justified.
- 2) Env 6 (Conservation Areas – Development) as the loss of the original boundary wall would not detract from the character and appearance of the conservation area.
- 3) Des 7C (Layout Design) as the proposed parking layout would not have an adverse effect on the safety and convenience of road users.

### **Informatives**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of the 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 was 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 – Planning Local Review Body (Panel 1) of 27 April 2022 (item 7); Decision Notice, Notice of Review, Report of Handling and supporting documents, and Decision Notice from DPEA, submitted)

## **5. Request for Review – 18A Albany Street, Broughton, Edinburgh**

Details were submitted of a request for a review to alter and extend lower basement flat at 18A Albany Street, Broughton, Edinburgh. Application No. 22/00391/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

### **Assessment**

At the meeting on 22 June 2022, 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 01-04, Scheme 1 being the drawings shown under the application reference number 22/00391/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 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)
  - Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)
  - Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)
  - The Relevant Scottish Planning Policy – Sustainable Development Principles

- 2) The procedure used to determine the application.
- 3) 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 clarification was required as there were two plans provided, one of which was from 2012.
- The later plan was the proposal being considered and the difference between the one that was approved in 2012 and the present one was explained. The proposal under consideration was offset from the two boundary walls and there was a difference in the position from what was approved previously and with the materials used.
- That extensions were limited to 50% coverage of the rear width, but this proposal covered 56%. Also, the proposed extension to the lower basement flat was unsympathetic and caused the potential loss of a window and door. It had to be determined if the applicant was planning to remove or keep the window and the door and whether the spaces were being kept.
- It was unclear from the two drawings if the applicant was intending to remove or retain the stone pillar between the existing window and door.
- There were concerns that the drawings seemed to exhibit an entire broken line in relation to the stone pillar.
- There was also some difficulty in visualising what the finished development would look like, therefore, more diagrams were required.
- However, it was only the drawings in the papers which were available. The proposals were for a 4.5m x 4.5m (4 x 4 internal) flat-roofed extension, partially timber clad, and with full height glazed doors on three sides. Therefore, every elevation looked the same.
- There was a lack of information for this proposal, and its eventual size and appearance were not clear. The Panel was not convinced that the materials and detailing were acceptable for a category A listed building.
- The application should be refused, as there was insufficient information to make an alternative decision. However, the applicant could submit a new application.

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 4 in respect of Listed Buildings - Alterations and Extensions, as the scale and design of the proposal was inappropriate to the listed building.
2. The proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the loss of original features and fabric was of an unacceptable scale to the detriment of character.
3. The proposal was contrary to Edinburgh Local Development Plan Des 12a) with respect to the design, form, choice of materials and positioning of the extension.
4. The impact on the character of the listed building did not accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

## **6. Request for Review – 42 Arden Street, Edinburgh**

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Details were submitted of a request for a review for proposals to extend the existing main door flat in the private garden to the rear. Alterations open up the existing kitchen and utility to create a larger kitchen dining family space. (Resubmission relating to 21/04981/FUL) at 42 Arden Street, Edinburgh. Application No. 21/06704/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

### **Assessment**

At the meeting on 22 June 2022, 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 01-05, Scheme 1 being the drawings shown under the application reference number 21/06704/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 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



Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)

The Relevant Scottish Planning Policy – Sustainable Development Principles

- 2) The procedure used to determine the application.
- 3) 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 should be clarification of the relevant examples given by the applicant regarding properties in the Marchmont Conservation Area. As these were granted, why was this application not in the same category?
- It was explained that it was not possible to comment on these properties. The applicant was stating there were similar situations where consent had been granted for extensions in back gardens and this had been evidenced in the papers. In this tenement block, however, there were no extensions in the rear. The conservation area character appraisal stated that these tenements remained largely unaltered in terms of adornments to the rear.
- The proposals were out of character with what already existed. The stone outshoot was being removed entirely, this could have been done more sympathetically and looked incongruous compared to the existing building. The application sought permission to extend the ground floor flat to the rear of the building to achieve a new kitchen and dining space. In the plan there was the back green area and the communal space beyond the private garden, therefore, the proposals might impact on the common area as well as the garden. There were also reservations about the design.
- It was also thought that this was well designed and similar developments had taken place in other conservation areas. It was the first of its kind in this tenement, but some of these properties did not provide the sufficient living accommodation, required, therefore the application should be granted.
- This particular design with its large roof and different materials was at variance with the building. If the applicant had kept the stone outshoot, there would have been more merit to the proposals, but it was quite different in character to the existing building.
- That the mixture of old and new building works could be done well and could be smart in appearance.
- That the proposals could be more sympathetic in design.

- There was a need for family living space and tenement spaces were crowded. Residents should not have to move from the city centre and should be allowed to extend their living space.
- If the application was refused and the applicant wanted to proceed, they would have to submit a completely new application.

Having taken all the above matters into consideration and although some of the members were in disagreement, 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 proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the works were not compatible with the character of the building and conservation area amenity.
- 2) The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the works would not preserve or enhance the character of the existing building or conservation area. The works were inconsistent with the Marchmont, Meadows and Bruntsfield character appraisal.

- Moved by Councillor Gardiner, seconded by Councillor Cameron.

### **Amendment**

The proposals were not contrary to the following Edinburgh Local Development Plan Policies:

- 1) The proposal was not contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the works were not incompatible with the character of the building and conservation area amenity.
- 2) The proposal was non contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it was not the case that the works would not preserve or enhance the character of the existing building or conservation area. The works were not inconsistent with the Marchmont, Meadows and Bruntsfield character appraisal.

- Moved by Councillor Jones, seconded by Councillor O'Neil.

### **Voting**

For the motion - 3 votes  
 For the amendment - 2 votes

(For the motion: Councillors Cameron, Gardiner and Osler.)

(For the amendment: Councillors Jones and O'Neil.)

**Decision:**

To not uphold the decision by the Chief Planning Officer to grant planning permission.

**Reason**

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 Des 12 in respect of Alterations and Extensions, as the works were not compatible with the character of the building and conservation area amenity.
2. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the works would not preserve or enhance the character of the existing building or conservation area. The works were inconsistent with the Marchmont, Meadows and Bruntsfield character appraisal.

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

## **7. Request for Review – 1 East Rigg Farm, Balerno**

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Details were submitted of a request for a review for the erection of dwelling and garage/gym annex at 1 East Rigg Farm, Balerno. Application No. 21/05234/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

**Assessment**

At the meeting on 22 June 2022, 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 01-07, Scheme 1 being the drawings shown under the application reference number 21/05234/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 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 Env 10 (Development in the Green Belt and Countryside)  
Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

The Relevant Scottish Planning Policy – Sustainable Development Principles

2) Relevant Non-Statutory Guidelines.

Guidance for Development in the Countryside and Green Belt

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 this application was contrary to the Development Plan, it was located in the green belt and there was no housing land supply deficit to justify a departure from policy.
- There were no reasons given by the appellant that would justify overturning the officer's recommendation.

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 policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building.
2. The proposal was contrary to the non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling had been established; it did not relate to meeting the needs of one or more workers employed in agriculture; it was not related to a rural activity or business, and it was not a brownfield site or a gap site within an existing cluster of dwellings.
3. The application site was not a sustainable location for the formation of a new dwelling house. It did not comply with the 13 SPP principles.
4. The proposal was contrary to policy Hou 1 of the Edinburgh Local Development Plan (LDP) as the site was not allocated, was not in the urban area and there was no housing land supply deficit.

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

## 8. Request for Review – 61 (3F1) Falcon Avenue, Edinburgh

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Details were submitted of a request for a review for roof extension of flat (as amended) at 3F1 61 Falcon Avenue Edinburgh. Application No. 21/06522/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

### Assessment

At the meeting on 22 June 2022, 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 01-05, 06A, 07, Scheme 2 being the drawings shown under the application reference number 21/06522/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 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)  
The Relevant Scottish Planning Policy – Sustainable Development Principles
- 2) The procedure used to determine the application.
- 3) 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 new information provided should be clarified.
- It was explained that there was a letter and short report from the applicant stating that the daylighting issue of the rooflight to adjacent property had been assessed and there would be no unacceptable loss of daylight.
- This application was of a controversial nature, considering that there had been 20 letters of objections and only 1 of support.
- Permission was sought for the erection of a roof extension with terrace to rear roof plane. The idea of developing the roof space was acceptable, however, it had to be decided whether the application in its entirety was acceptable. The

roof space was currently unused, but there were reservations about the proposals.

- It was not the case that the application worked well with the building. Developing roof spaces like this might be acceptable in principle, but this proposal was not sympathetic to the building.

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 failed to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning was not compatible with the character of the existing building, it would result in an unreasonable loss of natural light to neighbouring properties and it would be detrimental to neighbourhood character.
2. The proposal failed to comply with Scottish Planning Policy as it would not constitute sustainable development.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, and Further Representations, submitted).

## **9. Request for Review – 18 Inverleith Gardens, Edinburgh**

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Details were submitted of a request for a review to remove a section of the existing rear walls and construct a single storey extension at 18 Inverleith Gardens Edinburgh. Application No. 21/05790/FUL

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

**Assessment**

At the meeting on 22 June 2022, 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 01-04, Scheme 1 being the drawings shown under the application reference number 21/05790/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 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 Env 4 (Listed Buildings - Alterations and Extensions)  
  
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)  
  
The Relevant Scottish Planning Policy – Sustainable Development Principles  
  
Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- 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 evidence presented by the applicant indicated that the front elevation was the main reason for the building being listed.
- It was explained that a building itself was listed. The applicant stated that in the listed building description it was listed as part of a larger group (Numbers 9 to 21 Inverleith Gardens), it was the frontage that was the focus and there was no mention of the interior or the rear.
- There were two aspects to consider, whether the development principle was acceptable and if so, whether the proposed design was acceptable.
- There was some sympathy with the applicant and an understanding of what they were trying to achieve. With this row of houses, there had been alterations to the back. Some development could take place, but the current proposals were not appropriate in terms of design.
- It was possible to accept that it would cover approximately 78% of the width of the rear elevation, if the design was of sufficient quality, but there were issues of how the proposals met the existing outshoot and did they preserve the roof. It also looked somewhat incongruous sitting on a flat roof.
- The principle of development was acceptable, and it was the case that housing needed to adapt. It was the front face that was important in terms of listing. The front elevation was very robust, but the rear elevation was more utilitarian. The present proposals were not of the required standard, especially with regard to the outshoot.

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.

**Decision:**

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

**Reasons for Refusal:**

1. The proposal was contrary to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the alterations would not preserve the character of the listed building or the character or appearance of the conservation area.
2. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would be detrimental to the character and appearance of the host property and conservation area.
3. The proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the alterations would adversely affect the character of the listed building.
4. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they would impact on the character of the existing building and would be detrimental to neighbouring amenity.

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