

Item 4.1 - Minutes

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

10.00am, Wednesday 26 June 2019

Present: Councillors Cameron (substituting for Councillor Griffiths), Dixon (substituting for Councillor Gordon), Mitchell, Mowat and Staniforth.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 29 May 2019 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 – 76 Clermiston Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the for the refusal of planning permission for the extension to mansion to create garage, swimming pool and ancillary accommodation (as amended) at 76 Clermiston Road Edinburgh. Application No. 17/05461/FUL

Assessment

At the meeting on 26 June 2019, 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 numbered 01A-12A, Scheme 2, being the drawings shown under the application reference number 17/05461/FUL on the Council's Planning and Building Standards Online Services.

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 3 (Listed Buildings - Setting)
Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)
Edinburgh Local Development Plan Policy Env 12 (Trees)
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
'Listed Buildings and Conservation Areas'
- 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:

- The visual display indicated that the proposed extension was a cause for some concern.
- That this was a category C listed building.
- The Tree Preservation Order should be respected and therefore the removal of trees was unacceptable.
- That the proposals did not distinguish between the existing building and the new extension.
- That the footprint was excessively large.
- That the proposals would be in breach of most of the non-statutory guidelines, which made it difficult to support this type of decision.
- There was some sympathy for the applicant, but a better solution was required.
- It would be difficult to extend this historic building and that any alterations would need to be sympathetic to the existing structure.

Having taken all the above matters into consideration and, although there was some sympathy for the applicant, 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:

The proposals did not comply with Policy Env 3, Env 4, Env 12 and Des 12 of the Edinburgh Local Development Plan, Non-Statutory Guidance for Listed Buildings and Conservation Areas and Non-Statutory Guidance for Householders. The proposed extension was not of an appropriate scale, form or design and would have a detrimental impact on the character and setting of the listed building. There were no material considerations which outweighed this conclusion.

(References – Decision Notice, Report of Handling and Notice of Review, submitted; information from applicant, tabled.)

5. Request for Review – 70 Greenbank Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the formation of a driveway at 70 Greenbank Road, Edinburgh. Application No. 18/09904/FUL.

Assessment

At the meeting on 26 June 2019, 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 numbered 01-02, Scheme 1, being the drawings shown under the application reference number 18/09904/FUL on the Council's Planning and Building Standards Online Services.

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:

- Even though a similar development had been built in the area before, this did not justify granting the application.
- That the existing gardens enhanced the area and the proposed reduction of garden space would be detrimental to the character of the area.
- If the applicant wanted to remove part of their garden, then that would be their decision.
- That the policy of the Council was to discourage car usage, however, it might be advantageous to create parking space to get cars off the road.
- That the proposed driveway did not meet the relevant criteria in terms of depth required for parking spaces in front gardens.
- That there was existing space for up to three cars and the proposals provided insufficient space in front of the house for more parking space.

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:

The proposed driveway would be detrimental to the appearance of the property itself and the character of the wider area. The proposal was contrary to Policy Des 12 of the Edinburgh Local Development Plan and the non-statutory Guidance for Householders.

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

6. Request for Review – 41 Saughton Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission to demolish existing rear extension and replace existing garage with new single storey side and rear extension; alterations to rear elevation with new windows and doors; erect new garden store within boundary wall with stone to match existing at 41 Saughton Road North, Edinburgh – Application No. 19/00191/FUL.

Assessment

At the meeting on 26 June 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of 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 numbered 01 – 10, Scheme 1, being the drawings shown under the application reference number 19/00191/FUL on the Council's Planning and Building Standards Online Services.

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:

- If the corrugated steel, which was part of the existing boundary wall, would be removed.
- That the proposed materials to be used, which included a facing brick to the walls with a cast stone cope, might be an improvement to the existing structure.
- That the proposals were not detrimental to the character of the building or the visual amenity of the area.
- If the plans were to be approved, there should be a condition placed on the use of materials to ensure that the proposed extension should be finished in stone to match the existing boundary wall on the north elevation.

Having taken all these matters into consideration, the LRB determined that the proposal would not result in a prominent and obtrusive building which would have a detrimental visual impact on Meadowhouse Road and the open character of the corner plot. Additionally, the proposal was not contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders', and would not adversely affect the character and appearance of the house and the immediate area and were not therefore contrary to LDP Policy Des 12.

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

Decision

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

The following Condition:

- (a) Notwithstanding the hereby approved plans, the north elevation of the side extension should be finished in stone to match the existing north boundary wall.

Reason:

- (a) To ensure that the extension was in keeping with the character and appearance of the surrounding area.

The following informatives:

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this 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 – Decision Notice, Report of Handling and Notice of Review, submitted)

7. Request for Review – 80 (3F1) Spottiswoode Street, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for internal alterations to top floor flat to form external roof terrace at 80 (3F1) Spottiswoode Street, Edinburgh. Application No. 18/10286/FUL.

Assessment

At the meeting on 26 June 2019, 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 numbered 01-03, Scheme 1, being the drawings shown under the application reference number 18/10286/FUL on the Council's Planning and Building Standards Online Services.

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 5 (Development Design - Amenity).

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

- 2) Relevant Non-Statutory Guidelines.
‘Listed Buildings and Conservation Areas’.
‘The Marchmont, Meadows and Bruntsfield 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 some discussion took place in relation to the following issues:

- That the proposals would be inappropriate in this part of Marchmont.
- That a full and comprehensive report had been prepared by the case officer and that the proposed alterations would be in breach of a number of Local Development Plan policies.

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 6 in respect of Conservation Areas - Development, as the proposals would have a detrimental impact on the character and appearance of the largely unaltered roofscape of the conservation area.
2. The proposal was contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as the activities carried out on the roof terrace would encroach on the amenity of neighbouring residents.
3. The proposal was contrary to the Marchmont, Meadows and Bruntsfield Character Appraisal as the proposals would not preserve the uniformity in the height, massing and materials of the existing roofscapes, which contributed to the character and appearance of the conservation area.
4. The proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they failed to preserve or enhance the character or appearance of the conservation area.

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