

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

100578006-001

The online reference is the your form is validated. Ple	e unique reference for your online form only ease quote this reference if you need to conf	. The Planning Authoract the planning Auth	ority will allocate an Application Number when ority about this application.	
Applicant or A	Agent Details			
	n agent? * (An agent is an architect, consulta in connection with this application)	ant or someone else a	acting ☐ Applicant ☒Agent	
Agent Details				
Please enter Agent details	S			
Company/Organisation:	HAB ARCHITECTURE LTD			
Ref. Number:		You must enter a Building Name or Number, or both: *		
First Name: *	Fiona	Building Name:		
Last Name: *	Beedie	Building Number:	6	
Telephone Number: *	01501770986	Address 1 (Street): *	Fauldhouse Road	
Extension Number:		Address 2:	Longridge	
Mobile Number:		Town/City: *	Bathgate	
Fax Number:		Country: *	Scotland	
		Postcode: *	EH47 8AQ	
Email Address: *	fiona@habarchitecture.com			
Is the applicant an individu	ual or an organisation/corporate entity? *			
✓ Individual	nisation/Corporate entity			

Applicant Details						
Please enter Applicant details						
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *			
Other Title:		Building Name:	46/ 2			
First Name: *	Florin	Building Number:				
Last Name: *	Рора	Address 1 (Street): *	Saughton Park			
Company/Organisation		Address 2:				
Telephone Number: *		Town/City: *	Edinburgh			
Extension Number:		Country: *	UK			
Mobile Number:		Postcode: *	EH12 5TQ			
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:	FLAT 2					
Address 2:	46 SAUGHTON PARK					
Address 3:	SAUGHTONHALL					
Address 4:						
Address 5:						
Town/City/Settlement:	EDINBURGH					
Post Code:	EH12 5TQ					
Please identify/describe the location of the site or sites						
Northing	672682	Easting	321831			

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Erection of single storey garage and alteration to public footpath to provide access
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.
Precedence has been set with the approval of the neighbouring application 13/02599/FUL for the garage and driveway at Flat 1/40 Saughton Park. In this instance the driveway falls short of the 6m driveway in which application 22/01934/FUL was refused. This driveway was approved at 4.5m and our Clients application, which is in fact marginally longer, indicates a 4.6m driveway but was refused on this basis. Untimely issue of the Refusal also undermined our Clients opportunity to revise plans.
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)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the						
LRB APPEAL - SUPPORTING STATEMENT - HAB Architecture CLIENT SUPPORTING STATEMENT - Mr Florin Popa Site Photos - Street Scene 1; Side Elevation 1; Rear Elevation 1 and Rear Elevation 2. 13_02599_FUL-SITE_PLAN_03-1633260 13_02599_FUL-PRESENTATION_DRAWING_05-1633263 13_02599_FUL-LOCATIONELEVATIONSTIMBER_GARAGE_PROPOSALS_04-1633262						
Application Details						
Please provide the application reference no. given to you by your planning authority for your previous application.	22/01934/FUL					
What date was the application submitted to the planning authority? *	? * 08/04/2022					
What date was the decision issued by the planning authority? *	14/06/2022					
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 in-	spect the site, in your op	inion:				
Can the site be clearly seen from a road or public land? *		Yes No				
Can the site be clearly seen from a road or public land? * Is it possible for the site to be accessed safely and without barriers to entry? *		Yes No				
·						
Is it possible for the site to be accessed safely and without barriers to entry? *	⊠	Yes No				
Is it possible for the site to be accessed safely and without barriers to entry? * Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in	⊠	Yes No				
Is it possible for the site to be accessed safely and without barriers to entry? * Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	oformation in support of	Yes No No				
Is it possible for the site to be accessed safely and without barriers to entry? * Checklist – Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of th	information in support of your his X Yes \(\bigcap \) Yes \(\bigcap \)	Yes No your appeal. Failure				
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Checklist — Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary into submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of treview? * If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? * Have you provided a statement setting out your reasons for requiring a review and by what	formation in support of your stry information and evide	your appeal. Failure No No No No No No res you consider atement of review ence that you rely				
Checklist — Application for Notice of Review Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid. Have you provided the name and address of the applicant?. * Have you provided the date and reference number of the application which is the subject of the review? * If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? * 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? * Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opport at a later date. It is therefore essential that you submit with your notice of review, all necessary.	information in support of support	your appeal. Failure No No No No No No res you consider atement of review ence that you rely				

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Marc Hislop

Declaration Date: 27/06/2022



27th June 2022

City of Edinburgh Council Planning Department Local enquiries about the Local Review Body Waverley Court, 4 E Market St, **Edinburgh EH8 8BG**

Our Ref: 2201 Popa

Dear Sir/ Madam

Subjects: Flat 2/46 Saughton Park, Edinburgh, EH12 5TQ - Decision Notice for Application No 22/01934/FUL

With regards to the above, we write on behalf of our Client, Mr Florin Popa, with a view to submit an appeal in response to the refusal notice for application 22/01934/FUL, issued on 14/06/22.

Please see our Supporting Statement as outlined below. In addition, we would include the following as part of this appeal submission;-

- Client Supporting Statement Mr Florin Popa;
- Precedent Planning Application 13-02599;-
- 13 02599 FUL-LOCATION ELEVATIONS TIMBER GARAGE PROPOSALS 04-1633262
- 13_02599_FUL-PRESENTATION_DRAWING_05-1633263
- 13_02599_FUL-SITE_PLAN_03-1633260;
- Site Photos Street Scene 1; Side Elevation 1; Rear Elevation 1 and Rear Elevation 2; and
- Appendix Chain of emails with Planning Officer, Adam Thomson, following the issue of the Refusal Decision Notice.









SUPPORTING STATEMENT

Background

Application 22/01934/FUL was a resubmission following a previously withdrawn application under a separate agent. Our Client appointed us to resubmit an application seeking permission for the erection of the garage only - the previous application covered a roof alteration which was not in keeping with the local area.

Precedence

Application 13/02599/FUL for Flat 1/40 Saughton Park – Approval Granted August 2013.

Neighbouring timber garage granted approval with a driveway clearly marked as 4.58m length - a shorter length to that we are proposing.

Our submission worked on the premise that as this application had been granted approval on a driveway of similar proportions, there would be similar scope and discretion applied to our Clients application and similar request.

Application Timeline

08 April 2022 - Application 22/01934/FUL was lodged via online ePlanning portal.

27 April 2022 – Communication received from the Planning Department was received – Content as follows;-

We are experiencing an unusually high volume of applications and to manage this workload effectively, a new system is being trialled. This application has been temporarily allocated to the team manager and will be allocated to a case officer as soon as possible. The statutory target date for this application is 7 June 2022. Please be reassured that your application will be assessed and determined. However, it is going to take longer than normal, and we appreciate your patience and understanding at this time. In order to focus on applications, we aim to reduce the number of chase up emails and calls and contact will only be made by the case officer if: 1) additional information is required to assess the application; 2) amendments are needed to your proposals; or 3) your application is likely to be refused.

1st June 2022 – Application was passed to the Planning Officer Adam Thomson

7th June 2022 – (Target Date for Determination) – Email received from Adam to note;- *The proposed parking space is contrary to the Council's non statutory guidelines on vehicle parking in front gardens (link to guidance – see page 19) owing to the restricted length of the driveway, which is less than the minimum 6 metres in length, and also owing to it being of non-porous surface finish. Thereby it would constitute a potential hazard to pedestrians. Therefore, I do not consider that the application as submitted can be recommended for planning permission.*

A revised proposal for a garage positioned further back into the side garden and a 6 metre long driveway with a porous surface or a soakaway provided, could be considered more favourably. Please submit revised drawings delineating these changes within 10 days of this email. If I do not receive revised drawings by that date and the application is not withdrawn, the application shall be determined as submitted.

Link to Householder Guidance was attached – https://www.edinburgh.gov.uk/downloads/file/27026/for-householders

With the comment "Should you have a query on this please contact me".



9th June 2022 - Having discussed options with our Client, we responded to Adam in good faith and in line with his comment "Should you have a query on this please contact me", with the request for negotiation on the 6m driveway, and on the basis that we had been offered 10 days in which to submit revised drawings, if necessary. Given our request for patience from the initial acknowledge letter, we would have hoped this same respect would have been offered to ourselves.

Email content as follows;-

Good Afternoon Adam,

Thank you for your email.

To provide a background, this application is a resubmission following a previously withdrawn application under a separate agent. Our Client appointed us to resubmit for the garage only - the previous application covered a roof alteration which was not in keeping with the local area.

To that effect, we have prepared plans based on the previous drawings where by the department had noted, in an email dated 6 Dec 21;-

"The Planning Officer, Tom Hutchinson, had advised your agent that neither the roof alteration or a front dormer would be acceptable, as they would be out of character with the area and the building. The rear dormer would need to be reduced in size as it covered too much of the roof, but that it could be amended to be acceptable.

The garage would be acceptable in principle, but it needs to include details of how it would be accessed as planning permission would be needed to form a new vehicular access/driveway"

In addition, we took precedent from the neighbouring timber garage and aligned the front of this proposed garage with it. For reference the application being referenced is 13/02599/FUL for Flat 1/40 Saughton Park. The front of the proposed garage and the existing adjacent garage, aligns also with the street frontage of the flats on Saughton Park. Reviewing the approved plans from August 2013, we would note that the driveway is clearly marked as 4.58m length - a shorter length to that we are proposing.

We are aware of the Guidance for Householders but understood that this is guidance, and each application would be reviewed on its individual merit. We also note that this document states 'This guidance sets out the Council's expectations for householder developments. It was initially approved in December 2012 and incorporates minor amendments approved in February 2016, March 2018 and February 2019."

This would indicate that the approved garage at Flat 1/40 was issued some 9months after this document was published - it would therefore suggest that the 6m driveway guidance was not met in this instance but the shorter 4.5m drive accepted by the Planning Department at that time. It is suggested that this proposal has no less potential hazard to pedestrians than that as already existing and approved.

Further to the above, we would further note that due to the limitations of the garden ground title, the proposed garage does not have much scope to be pushed back on the site; if it is shortened in length, this limits the ability to physically park a car inside. Finally, it is noted that a standard parking



bay in the UK is 2.5x5.0m - the proposed drive in this instance is 4.64m, approximately 350mm shorter than a public car parking bay.

Having discussed this situation with our Client, we write to request a negotiation for the position of the garage to remain as noted based on the above. We understand the need for porous driveway and our Client is more than willing to ensure that this is installed and we will update the drawings to that effect.

We trust that the above is clear and understand our Clients position on this and willingness to negotiate their position. You will note that I have copied our Client into this email for ease and openess of communication.

We look forward to hearing from you.

Kind regards,

Fiona

14 June 2022 – Decision Notice – Refusal was issued. NO response to our email to Adam Thomson of 9^{th} June.

16 June 2022 – Email communication with Adam Thomson. Please refer to the correspondence chain of emails as included below in the Appendix. We have asked that this information be uploaded to the ePlanning portal to ensure full transparency of the communication with the department however this has yet to be made available in the public domain.

17 June 2022 – Final date which we had been offered a chance to submit revised plans by. Note, REFUSAL was issued 3 days prior to this deadline set by the Delegated Officer and without any response to our email requesting a negotiation.

Implication of Events

The lack of communication from the Planning Officer and the untimely issue of the refusal Decision Notice, effectively removed our Client the opportunity to submit revised plans. It was clear from the application that this was our Clients "free go" under the planning policy, from a previously withdrawn application. The manner in which this refusal has been issued has both time and financial implications for our Client. Their right to revise their plans under this planning application process has been removed and the only way forward will be for a further Planning Application with associated Statutory and Professional fees, a route which they would potentially not be having to face had there been communication from the Delegated Officer as he so pertained to be open to in his initial email. In addition to the above and the apparent lack of due process, we would note that the precedent already set under the neighbouring application would suggest that our Client has had their application assessed and refused in an unjust and unfair manner.



Summary

It is therefore, in our professional opinion, that the application for a single storey garage with a 4.6m driveway, which mirrors that of the neighbouring development, granted permission by the same Planning Department, under the same guidance being applied to our Clients application, should be permitted in this instance. We would suggest that there is no more of a risk of hazard to pedestrians using the footway than that which has already been established.

APPENDIX.

Email chain with Adam Thomson following determination of application 3 days before the deadline (note we have included this to ensure full transparency of content of communication and intention within content – we have asked that this is added to the online portal however we have not received a response at time of writing and to date this information has not been made available in the public domain):-

Good Morning Adam

Trust that this finds you well.

With regards to the above, we have received a Determination Letter stating that the application has been refused. We are a bit confused by this as we were still waiting for a response to our email dated 9 June and we understood that we had until 17June to submit our revised plans (10 days from your email dated 7 June).

If you can advise on this application that would be appreciated.

We look forward to hearing from you.

Kind regards

Fiona

Good morning Fiona,

In my email of 7th June 2022 I clarified that the Planning Authority could not support the proposal as originally submitted owing to its substandard length and I requested that a revised proposal be submitted. The Planning service does not have the resources to undertake extensive negotiations, and this was the only opportunity to resolve the aspects of the development that could not be supported.

In your email of 9^{th} June you confirmed that your client wishes the position of the garage to remain. Therefore, the application was determined based on the original submission.

Your client has the right of appeal to the Local Review Body against the refusal to grant planning permission. Alternatively, your client may wish to submit a fresh planning application for a revised proposal and if so no additional planning fee would be incurred.

I hope this is useful, but understand that your client may be disappointed with the decision on the application. However, should you have any further queries please do not hesitate to contact me.

Kind regards,

Adam Thomson Senior Planning Officer Hi Adam,



Thanks for your email.

That is disappointing to hear. We had not appreciated there was to be no response to our email - your initial email stated "Should you have a query on this please contact me" and I therefore took this to be a chance to comunicate with yourself.

Given our previous comment on the adjacent garage having been approved with a 4.5m driveway, we don't think it would be unreasonable of our Clients to have requested that their application is given the same review. Precedence has been set with this neighbouring situation. In addition, we would comment that where we did suggest that our Client would prefer to retain the garage in the suggested location, we were by nature of the email, requesting comment on this as a way of negotiaion. Had we received comment that this was definitely not an option, we understood that we still had until the 17th of June to submit revised plans. Applicants must be given sufficient time to make educated decisions and it may appear that this has not been allowed in this instance.

You mention an appeal to the Local Review Body - can you advise on this process? The determination letter suggests an appeal to the Scottish Ministers? Im not clear now which process we should be following or how we would go about making an appeal to the LRB?

In addition, you have suggested that if a fresh application was to be submitted that no fee would be incurred. Again, we are unclear on the nature of why this would be the case in this instance? As stated, this application was already our Clients "free go" following a previously withdrawn application.

If you can advise on the above, that would be helpful.

Thank you for your time on this matter. I understand that the department is under some pressure however, it would be useful for an appeal process to have a fuller understanding of the above.

Fiona

Fiona,

I will come back to you on your email shorty and address the points you raise. I will need to check a few things, including the decision notice that was issued and why a 4.5 metres long driveway was

approved at a neighbouring property. I was not aware that a previous application was submitted for this property for a driveway, it is not showing in our application history.

Regards,

Kind regards

Adam Thomson
Senior Planning Officer

HI Adam



Thank you for your email. We look forward to hearing from you once you have had the opportunity to review the points raised.

Kind regards,

Fiona

Fiona,

I have checked the delegated report on planning permission 13/02599/FUL for the garage and driveway at Flat 1/40 Saughton Park. In the report there is no assessment made of the driveway and I therefore do not know the then case officer's justification was for recommending that planning permission be granted for it. At the time planning application 13/002599/FUL was being assessed by the Planning Authority I do not know what the then Council's Non-statutory Guidance (SG) for Householders stated with regards to driveways in front of garages.

Application No.22/01934/FUL stood to be determined on the basis of the Council's Local Development Plan Policy Des 12 and the current SG for householders, which was approved in November 2021. The current SG is unequivocal that garages must have at least a 6 metre driveway in front to allow vehicles to draw in completely off-street.

In your email of 9 June you requested a negotiation for the garage to remain and you explain that due to the limitations of the garden ground title the proposed garage does not have much scope to be pushed back on the site. I understood this response as your client's nonagreement to submit a revised proposal as requested in my email of 7 June 20021. Consequently, I proceeded to complete my report on the application on the basis of the original submission.

I see that a previous planning application 21/03219/FUL, with included a garage, but not a driveway, was withdrawn. Application No.22/01934/FUL, which includes a proposed access, is the revised application for the previously withdrawn application and thus no additional fee was incurred. Therefore, my statement that a new planning application for a revised proposal would not incur a fee is incorrect. I applopise for this error.

Given that planning permission has not been refused your client could now appeal against the refusal of the application to the Local Review Body, not the Department of Planning and Environment

Appeals as stated in Note 1 appended to the decision notice. The note appended to the decision notice should read as follows:

"If the applicant is aggrieved by the decision to refused 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 copies should be addressed to the City of Edinburgh Planning Local enquiries about the Local Review Body, please email localreviewbody@edinburhgh.gov.uk"

I hope this is useful. If you have a further query please do not hesitate to contact me.

Kind regards, Adam Thomson Senior Planning Officer



Good Morning Adam

Thank you for your in-depth response to our queries.

We have passed this information along to our Client, with the updated details for making an appeal to the LRB and not the Scottish Ministers. Our Client are considering their options and how best to move forward from here.

Subsequently to the above, we note that our email communication is not uploaded to the public portal and would ask if this can be included in the file. We would like to ensure that the communication with the department is transparent and to ensure that our Clients request for negotiation is made clear to anyone reading the file. We appreciate your understanding that our client was not willing to submit a revised proposal however it is clear from the content of our email that this was not the case and they were open to try and negotiate on the basis of precedent already set. We would like to ensure that this email is available in the event that our Client do wish to make an appeal.

In addition, we accept your apology that a fresh application would not incur additional fees and understand mistakes happen. We would note however, that our initial application made it clear that this was the "free go" application following from a previously withdrawn application. You will understand that by issuing the refusal in the manner which this was issued, has major implications for our Client in terms of finance and timescales.

We trust that the above is clear and look forward to seeing the emails appear on the online portal from here.

Many thanks for your time on this application, much appreciated.

Kind regards

Fiona



27th June 2022

CLIENT SUPPORTING STATEMENT

Flat 2/46 Saughton Park, Edinburgh, EH12 5TQ - Decision Notice for Application No 22/01934/FUL

I feel that I have been unfairly treated and that you can help rectify this situation. Safety for my family and the public is something I very much care about; when preparing the drawings, the architect and I have made sure that our proposed garage is not only safe, but also in line with my neighbour's garage and the street line. I am always open for a discussion on making things better.

But, I was absolutely shocked that the planning officer ignored our email in which we were asking to negotiate and went ahead to refuse and close my application, taking away my opportunity to rethink all my options and reply within the deadline. Surely this is not common practice. I have already paid an agent twice, and by closing my application this way the planning officer is basically forcing me to pay again for professional fees and the fee to the council just for a revised drawing. This is not fair! I never said I wasn't willing to find the best way, and I don't know what gave the officer the right to close my application. I asked for collaboration, and it feels like the door was shut in my nose. We were supposed to have until the 17th to send a response and revised drawing, but the officer took that away from me without any warning.

I hope you can help solve the situation in a manner that benefits us all. As I said above, I am always open for discussion and collaboration so that I can build a garage that is safe for my family and the public.

Thank you,

Florin









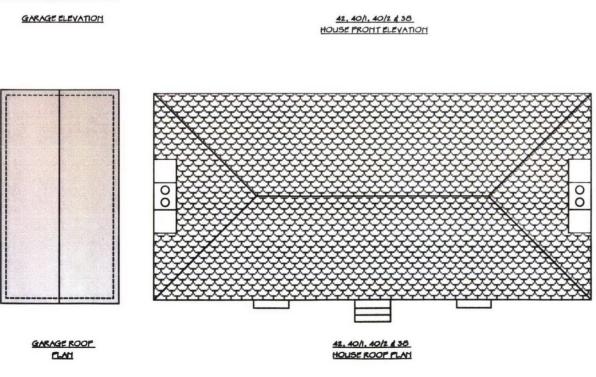














GARAGE & HOUSE

GABLE ELEVATION (LAH)

LOCATION ELEVATIONS: TIMBER GARAGE PROPOSALS

Address: 40/1 Saughton Park, Edinburgh, EH12 5TQ.

Drawn by : D. G. Brown

Date: 07/02/12 Scale @ A3 = 1:100

STANDARD DEORE" DOUBLE GARAGE SPECIFICATION:

EXTERNAL SIZE 4m (131") wide x 7.5m (247") deep (approx).

OVERALL INTERNAL SIZE 3.77m (12'4") wide x 7.27m (23'10") deep (approx).

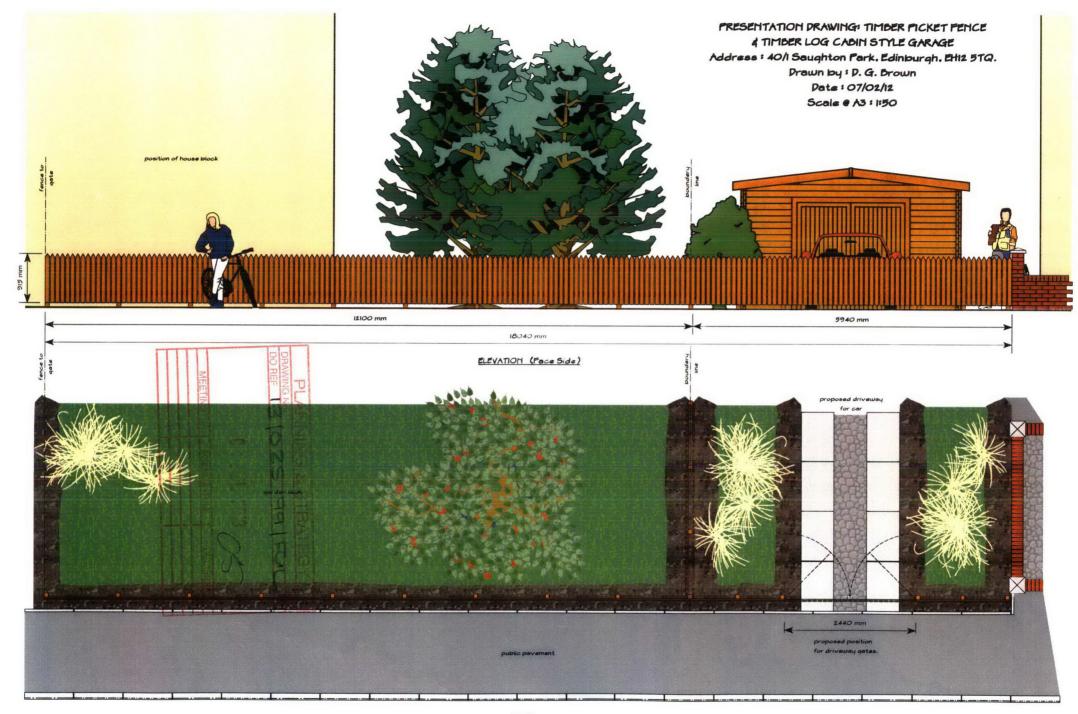
INTERNAL SQUARE METRES - 27.41m_ (approx).

RIDGE HEIGHT 2630mm (87) (approx) The highest point outside the cabin.

WALLS 45mm Pouble Tonque & Groove walls.

ROOF 19mm Tonque & Groove Roof Timbers

INTERNAL EAVES 2400mm (710") (approx) High



SITE FLAN: TIMBER LOG CABIN GARAGE PROPOSALS Address: 40/1 Saughton Park. Edinburgh. EH12 5TQ. Prawn by: P. G. Brown Pate: 07/02/12 Scale @ A3 = 1:200

