

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 100577611-001

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 Agent

Agent Details

Please enter Agent details

Company/Organisation:	Suzanne McIntosh Planning Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Suzanne	Building Name:	
Last Name: *	McIntosh	Building Number:	45C
Telephone Number: *	07792230979	Address 1 (Street): *	Bath Street
Extension Number:		Address 2:	Portobello
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH15 1HB
Email Address: *	smcintoshplan@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Sophia"/>	Building Number:	<input type="text" value="112"/>
Last Name: *	<input type="text" value="Lowry"/>	Address 1 (Street): *	<input type="text" value="Viewforth"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 4LN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="112 VIEWFORTH"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH10 4LN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672453"/>	Easting	<input type="text" value="324455"/>
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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)

Formation of new car parking space, alterations to boundary wall, erection of iron railings, gate and erection of cycle shed.

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 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.

A Grounds for Review documents is uploaded

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

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 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)

Grounds for Review, Drawings lodged with the application x 2 Application form Refusal Notice Report of Handling Transport - objection and support responses Trees letter Supporting opinion of a local expert - docs x 2 PHotos as Existing Architects Supporting Statement with the original app

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/06535/FUL

What date was the application submitted to the planning authority? *

13/12/2021

What date was the decision issued by the planning authority? *

23/03/2022

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 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

Checklist – Application 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?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

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 the review should be sent to you 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? *

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 documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

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 certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Suzanne McIntosh

Declaration Date: 21/06/2022

GROUNDS FOR REVIEW

AGAINST THE REFUSAL OF
PLANNING PERMISSION FOR
VARIOUS WORKS IN THE GARDEN

112 VIEWFORTH,
EDINBURGH, EH10 4LN

Gordon Bain and Sophie Lowry

21 June 2022

SUZANNE MCINTOSH PLANNING LIMITED

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SUMMARY OF THE GROUNDS FOR REVIEW

The LRB is required to consider the case 'de novo' as though it is being looked at for the first time. It must not consider the case from a starting position of 'was the Planner correct?'

The LRB must ask itself whether the proposal complies firstly with the development plan and secondly whether there are any material considerations that are relevant that would outweigh the policies in the plan.

Given the site is located within a conservation area the LRB must also consider whether the proposal will have regard to the character and amenity of the conservation area.

The LRB must not be mis-directed as the Planner has been by overstating the requirements in relation to the conservation area or embellishing the conservation requirements. Conservation areas require ongoing works, restoration and conservation to survive. This proposal does not impact on the integrity of the conservation area in a harmful way. The proposal results in improvements to the general appearance of this corner site.

The guidance the proposal is assessed against rigidly controls parking in front gardens – not side gardens. In this case the parking for the electric vehicle is in the side, ie not principle elevation, garden.

Planning, as the LRB is well aware, is about balance, fact, degree and interpretation. There are pros and cons to every proposal. The appellant puts to the LRB that on balance this case should be approved. The proposal brings many more benefits to the conservation area, to the locale and environmental benefits than it detracts. For those reasons it should be supported.

The rebuttal against the 2 reasons for refusal is provided in this document to allow the LRB to support the proposal without breaching council policy. Much of the proposal is work that could be undertaken without an application.

We could have sited other examples of parking introduced in this conservation area but many of these are in front gardens, many are aged, those granted recent permissions do not directly relate to this proposal. This proposal is therefore a unique one that requires special consideration.

1 INTRODUCTION

- 1.1 This Grounds for Review document sets out the appellant's case against the refusal of Planning Permission by the City of Edinburgh Council.
- 1.2 The planning application sought permission for the formation of new car parking space, partial rebuilding of boundary wall, erection of iron railings and gate and erection of cycle shed at 112 Viewforth Edinburgh EH10 4LN.
- 1.3 The City of Edinburgh Council refused the Planning application, reference 21/06525/FUL, on 23rd March 2022 for the following reasons:
 1. *The proposal is contrary to the Local Development Plan as loss of the stone boundary wall will adversely impact on the setting of the tenement properties which will fail to preserve the character or appearance of the conservation area.*
 2. *The proposal is contrary to the City Council's Guidance for Householders in regard to access and parking as it would be the detriment of road safety due to its location near to a road junction and orientation of car parking spaces.*
- 1.4 The Grounds for Review and supporting documents will demonstrate that the application proposes a suitable, sympathetic and complimentary modification to the grounds of the property that will not adversely impact on the character or appearance of the Marchmont, Meadows and Brunstfield Conservation Area nor be detrimental to road safety in this location.
- 1.5 No new information is provided in making this appeal submission. The purpose of this statement is to bring together the case and respond on the reasons for refusal, as the regulations and process allows.

2 THE APPEAL SITE AND LOCATION

- 2.1 The appeal site, number 112 Viewforth, is the main door ground floor corner flat of a traditional tenement building. The flat is unusual in that it has an extensive private garden area associated with it that wraps around the exterior of the building and has boundaries to both Viewforth and Viewforth Square. The garden is situated between the building and the road and is unusual because it is all hard surfaced, visually all open to the street and has no degree of privacy to allow it to be used as a garden. Normally these spaces are much narrower, not capable of a vehicle occupying them and not always at a slightly lower level than the pavement. They may also be contained visually by hedging, railings, stone walls.
- 2.2 The tenement is five stories overall, and presents on the corner of Viewforth and Viewforth Square with a squared bay corner detail that runs the full height of the building. The building is a typical Victorian stone tenement with a slate roof.
- 2.3 The appeal site is in the sole ownership and for the sole use of the occupants of number 112. The flat has eight windows that look onto the external front and side garden space. Access to the flatted units above is taken from a separate, common stair door which is outside the appeal site.
- 2.4 The appeal site separates the building and the public realm – the pavement on both sides. To Viewforth, the site is adjacent to the 'spaces for people' pavement widening cones and street furniture; to Viewforth Square it looks onto a communal, designated, informal council bin location in part and the road. The visual amenity and general character of this corner is one of street clutter with cumulative impact of the the spaces for people cones, kerbing, markings etc and the street bins never finding their way into the designated areas for them, plus the bright red road markings upon entering the square. This level of diminution of the amenity of the corner is further exacerbated by the condition of the low stone wall and cope around the appeal site.
- 2.5 The road junction connecting Viewforth and the one way Viewforth Square is adjacent to the site. There are also single yellow lines around the corner of the junction, not double yellow lines.
- 2.6 The boundary of the appeal site garden ground is delineated by a low perimeter stone wall and stone cope as well as hedging to part of the Viewforth boundary. This wall is in a poor state of repair and requires extensive work and to be replaced.

- 2.7 The appeal site currently has a small number of trees which are to be removed. Following an application under the Town and Country Planning (Scotland) Act 1997; Tree Preservation and Trees In Conservation Areas (Scotland) Regulations 2010, Edinburgh City Council decided not to make a Tree Preservation Order in relation to the trees in question and consented their removal, document provided as a production.
- 2.8 The remainder of the garden is finished in hard standing, made up predominantly of slabs with some loose chippings. The site currently provides no off-street residential parking, or secure cycle storage.

3 THE PROPOSAL

- 3.1 The proposal includes a number of different elements namely: rebuilding the stone boundary wall in natural stone to match existing, re-using the cope stones, installing wrought iron railings onto the cope, introducing a manual sliding wrought iron gate, creating a small cycle store at the site of the building, resurfacing the garden to the side with permeable pavements and soft grassed areas. Introducing planting and forming a small parking space to give access to the electric vehicle charging point proposed in part of the paved area at the side of the building. The elevations and layout show that the proposed wrought iron railings on top of the restored boundary wall will take the full height of both up to 1.4m. The sliding gate proposed will be of a similar height.
- 3.2 These physical works are to be sensitively undertaken in appropriate natural, conservation area appropriate materials to complement the existing features, restore the features and reinstate what would have been there originally.
- 3.3 In an effort to be conscious of their impact on the environment the family, who require a car for work, are changing to an electric vehicle and require a safe, off street place to charge it. The existing street cannot accommodate their vehicle outside the site to be charged, on the corner due to the spaces for people street furniture and the random bins placed around the junction. The paved area in the side garden and the replacement with a small area of railings on the side garden boundary to Viewforth Square will allow adequate access to the garden to park and charge the vehicle overnight. The vehicle will not be parked there all the time given that it will be in use. The proposal presents an opportunity to improve the visual appearance of the corner and include provision for sustainable transport provisions at the micro residential level.

- 3.4 The physical alterations to the boundary wall are limited thus reducing the impact on the conservation area. There are areas of the wall that are in a poor state of repair and are a concern at present. Much of the wall is to be retained, with the elevation onto Viewforth retained in its entirety. The area proposed for removal is on the Viewforth Square elevation and will be wide enough to facilitate access to the EV charging point. The charge point is adjacent to the side elevation of the flat. The remainder of the boundary will be rebuilt and repaired. The section of low wall adjoining the neighbouring properties outdoor space will also be rebuilt to match that which is existing.
- 3.5 The formation of a new parking space will essentially allow access to the EV charging point first and foremost. It will have the added consequence of alleviating the parking pressures for residents in the area. There are currently a number of factors that make this difficult at present, namely; zoned parking, extended pedestrianisation and bin storage. Cumulatively, these elements are adding to the pressure of parking for local people. The ability to greatly increase the practicality of the property by virtue of a parking space for an electric vehicle would support retaining families in the area.
- 3.6 The erection of iron railings at the property is intended to enhance both the visual appearance of the tenement, but also the integrity of the Conservation Area. The railings proposed are typical of the Victorian era and a feature that would have existed previously, prior to the second world war.
- 3.7 The provision of a sliding gate seeks to enhance the quality of the built environment, with the character enhanced using wrought iron, similar to that of the railings. The gate has also been designed in such a way so as to retain visual permeability into and out of the space. This has been carefully considered so as to prevent any loss of openness to the front curtilage that is a regular feature of the street and surrounding area. The gate has been kept as a sliding gate, to ensure no part of the gate will project out with the site avoiding any conflict with pedestrians.
- 3.8 The erection of a cycle shed is also proposed at the site, this would be of a considerate scale and design being a maximum of 4sqm. The addition of a bicycle shed is hoped to enable active travel and sustainable transport for this family.
- 3.9 Although not requiring planning permission in their own right, the owners have included in the proposal some aesthetic landscaping changes they intent to introduce to improve the overall visual

quality of the garden including some new planting. These works are intended to complete the high-quality outcome, enhance the biodiversity of the site as a habitat because at present its value is low being a hard surfaced area. The permeability of the surfacing will also slow down the percolation of surface rain water through the site. An admirable aim in the urban area with wider positive impacts.

4 PLANNING CONSIDERATIONS

- 4.1 The application requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997. The LRB is required to consider the case 'de novo' as though it is being looked at for the first time. It must not consider the case from a starting position of 'was the Planner correct?'. The LRB must ask itself whether the proposal complies firstly with the development plan and secondly whether there are any material considerations that are relevant that would outweigh the policies in the plan.
- 4.2 Given the site is located within a conservation area the LRB must also consider whether the proposal will have regard to the character and amenity of the conservation area.
- 4.3 The LRB must not be mis-directed, as the Planner has been, by overstating the requirements in relation to the conservation area or embellishing the conservation requirements.
- 4.4 Planning, as the LRB is well aware is about balance. There are pros and cons to every proposal. The appellant puts to the LRB that on balance this case should be approved. The proposal brings many more benefits to the conservation area, to the locale and to the environmental benefits than it detracts. For those reasons it should be supported.
- 4.5 The works within the curtilage, that require planning permission, do so as a result of their Conservation Area location and the Article 4 Direction in place removing permitted development rights in the conservation area.
- 4.6 The council's reason for refusal 1 states that: *the proposal is contrary to the Local Development Plan as loss of the stone boundary wall will adversely impact on the setting of the tenement properties which will fail to preserve the character or appearance of the conservation area.* No policy reference is quoted as to which policy in the LDP the proposal is in conflict with. A generic sentence only is stated. The LDP does not have a policy that requires stone boundary

walls, walls to be reinstated, walls never to be altered for example. The statement that the plan is breached because of the loss of the stone boundary wall is untrue and exaggerated. The proposal clearly states in the submissions and on the proposed drawings. If the LRB would turn to PL 02 they will see that it states that the existing wall is to be rebuilt and partially rebuilt, wrought iron railings are proposed and a sliding gate. Only a small section of wall will be removed to facilitate an entrance but this is balanced with the proposal to reinstate the conservation area appropriate railings and gate. The proposal could have not proposed railings and gates and not proposed the restoration of the boundary wall and purely been about removing a section of wall – but it is not. The LRB must consider the proposal in the round. Despite a small area of wall (amounting to 1/8th of the total boundary wall around the appeal site) being removed to facilitate access – a much greater area of wall is being restored and having original features reintroduced.

- 4.7 When considering the conservation area more holistically there are numerous examples of incremental changes and alterations as the area has developed and progressed. These include the addition of openings, gates and parking spaces. These demonstrate the practical additions being made by local residents and being supported by Planning. Conservation areas, by virtue of their size and geography, must consider how a number of streets, buildings and spaces which connect them contribute to the overall sense of place and identity.
- 4.8 It is therefore put to the LRB that the replacement of a 3.5 m length of the side elevation stone wall, not the front elevation would have no tangible impact upon the character of the area that would warrant refusal especially in the light of the enhancements to the conservation area being proposed.
- 4.9 The works proposed are considered to use traditional quality materials and design which will enhance the appearance of the site in this location. The Planner's report of handling echos this message stating that the traditional design and material of the gate is in keeping with those prevalent in the area.
- 4.10 The Planner refers to the low stone boundary wall as being a consistent feature at the front of these tenement buildings; however the area of change to the wall that most concerns them is not to the front but the side of the building. They say that existing openings in the stone front boundary walls are narrow and tend to provide pedestrian access. There are however a number in this part of the conservation area that are accesses to parking spaces.

- 4.11 The proposal has been considered by the case officer to result in an disruptive impact on the setting, character and appearance of the building. However, considering that like-for-like changes in conservation areas do not require the benefit of planning permission, the works to rebuild and the wall would fall out with the planning process. They are included in this case because they are part and parcel of the whole proposal.
- 4.12 The loss of wall described here can only be that of the section removed to allow for the opening, some 3.5 metre stretch. This is considered to be a small portion of the wall in its totality, with the effects of this much outweighed by the overall aesthetic improvement of the site design and materials as stated above.
- 4.13 The second of the reasons for refusal was that the proposal was contrary to the City Council's Guidance for Householders in regard to access and parking as it would be the detriment of road safety due to its location near to a road junction and orientation of car parking spaces.
- 4.14 Prior to lodging the application for planning permission the Architect sought the advice of the Transport Manager, met a senior member of his team on site and provided the detailed drawings and received a written response dated 26.10.21 that stated:

'I refer to your email dated 18 October 2021 regarding the above. Having assessed your drawing (2021-01 (SK)01 revision A), and taking into account your notes, I am happy to approve your design with the following conditions.

When the car is parked within the driveway it must not encroach onto the public footway, the full width of the footway must be available to pedestrians at all times.

The driveway area must be surfaced using a permeable block paving, no loose chips would be approved.

The driveway area should be built up and be roughly at the same level as the footway to avoid any adverse change in gradient. Any security feature or gate must not open onto the public footway.' The design that was lodged with Planning was very much led by the discussion with Transportation. If the LRB felt that an alternative option to the width of the opening was appropriate then a condition could be applied to reduce the width of the opening. The access would still function adequately at a reduced width.

- 4.15 In the course of the application Planning consulted Transportation and advised that they received a contradictory response from someone else in Transportation saying the application should be refused due to the proximity to the junction. Planning were clearly not

happy that the Architect had taken the initiative to contact Transportation as part of his due diligence and before he had contacted them. However, he did not wish to take his client down the path of an application if it was to be ruled out on a transport technicality. The lack of consistency in response approach from Transportation is clearly an issue.

- 4.16 Turning to the City of Edinburgh Council Local Development Plan and the relevant policies that are to be considered in this appeal. Policy Env6 deals with Conservation Areas and Policy Des12 deals with Householder Development. The LRB will be familiar with these policies. Neither policy is explicitly named in the reasons for refusal but they are nonetheless relevant to this appeal. We cannot answer why the policies were not referenced in the reasons for refusal.
- 4.17 Policy Env6 Conservation Areas states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design, utilising materials appropriate to the historic environment.
- 4.18 The proposal seeks to enhance and improve the quality and materials used at the site, increasing the aesthetic appearance whilst retaining authenticity of the boundary treatment and surfacing in the front and side garden. The design solution, sought to enable access to the electric vehicle charging point in the side garden, compliments the existing building and does not detract from its heritage value or that of the surrounding area. Many examples of similar solutions can be found in the conservation area. There is no moratorium on providing parking spaces in the side gardens of the tenements in the conservation area, the LRB must accept this.
- 4.19 The proposal will not adversely impact upon neighbours or the amenity or special character of the conservation area. Whilst visible from public viewpoints, the proposal does seek to use designs and materials considered appropriate to the environment and to positively add to the character and special features of the area. The proposal are therefore in compliance with policy Env6 and do not adversely impact upon the conservation area.
- 4.20 Policy Des12 sets out that planning permission will be granted for alterations and extensions to existing buildings which comply with three key criteria, these have been considered in turn.

a) the design and form, choice of materials and positioning are compatible with the character of the existing building. As echoed in the report of handling, the materials and design proposed for the gates and railing are considered appropriate and compatible with the surrounding area, as such criteria are considered to be complied with and will result in a positive change.

b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties. There will be no detrimental impact upon the residential amenity of neighbours, with no impact to light or privacy given the scale of works are relatively small.

c) will not be detrimental to neighbourhood amenity and character. As explained above the proposed works are proposed to enhance the quality of the space for all. With the design and materials chosen carefully to enhance the character of the site, and positively contribute to the wider area. The impact upon neighbouring properties would be minimal, with limited development proposed.

4.21 The LRB is invited to see the site and to note the points the appellant puts forward in situ.

4.22 The Planning Officer refers to the Guidance for Householders and states that *'it states for road safety reasons, an access must not be formed in 15m of a junction, where visibility would be obstructed and where it would interfere with pedestrian crossings, bus stops, street lighting or existing furniture'*. However, in this case, the proposal will have the effect of introducing a safer solution in terms of controlled parking at the corner and result in a clearer area of road. The access will stop people parking on the corner, on the single yellow line; and stop bins being placed there blocking the road.

4.23 The Guidance actually says 'Parking in front gardens will not normally be allowed'. **This is not a front garden location** – it is a side garden. The front garden remains as garden with improved boundaries, surfacing and planting. In addition the windows looking onto the space are all within the appellant's flat, there are no other windows at ground floor level that look onto this space; the hard surface exists at present and a restoration programme and reinstatement of historic features is provided. Each of the criteria in that guidance (the LRB will note that it is not an adopted policy so a lesser level of requirement) in relation to planning/ conservation/ amenity are complied with. In addition, the LRB must note that this space is not the communal garden for the tenement; it is a private side garden for the main door flat.

- 4.24 In relation to the second set of criteria regarding road safety we have the letter from the Transport Manager agreeing the proposals. The 'junction' is a one way turning into a small section of street – it is not proposed to change this. The bins and other street furniture present a greater danger to the street in the status quo than a well ordered proposal with appropriate visibility for traffic that is slow moving, small in volume and on a one way street. For those reasons the proposal will not result in a negative impact on the road safety of the locale.
- 4.25 The LRB will recall at its meeting on 8.6.22 considering this policy and setting aside the Planner's comments on another case in Magdalene Drive (21/0529/FUL). However, in that case the LRB was heard to recall other guidance relating to parking in gardens. That guidance was in fact 13 years old. The up to date guidance is all referred to above and that is what is relevant to this case.
- 4.26 The most relevant points in relation to any of the council's guidance in relating to parking in gardens is that this parking area is for an electric vehicle charging point, it is not in a front garden but a side garden, The road is not a principle traffic route ; the street is one way, short not a rat run or cut through; and impact upon windows is limited to that only of the owner/applicant.

5 CONCLUSION

- 5.1 Planning, as the LRB is well aware, is about balance and looking at each case on its own merits. There are pros and cons to every proposal. The appellant puts to the LRB that on balance this case should be approved. The proposal brings many more benefits to the conservation area, to the locale, to road safety and the environmental benefits than it detracts. For those reasons it should be supported.
- 5.2 The proposal does not conflict with planning policies and guidance. It is a side garden not front. It will result in an improved appearance of this corner in the conservation area.
- 5.3 The road safety at the junction will be significantly improved with the street clutter being contained and the potential for rogue parking being reduced.
- 5.4 The proposal will take a car off the street and will provide a conservation area appropriate solution to an existing problem.

- 5.5 This is an unusual, one off situation and for the above reasons the LRB is asked to consider the case and bring commonsense to the outcome in order to assist this family in pursuing this proposal.
- 5.6 The LRB is respectfully requested to allow this appeal and grant planning permission.

Suzanne C McIntosh MRTPI HonFRIAS

Planning Application 21/06535/Ful

Appeal against refusal

This statement is contributed by a former resident of Viewforth who has experienced the social and environmental pressures existing in the high density tenement area of Bruntsfield.

A larger picture must be viewed of the neighbourhood and locality to realise a Place to live freely and successfully using the amenity that is available and accessible.

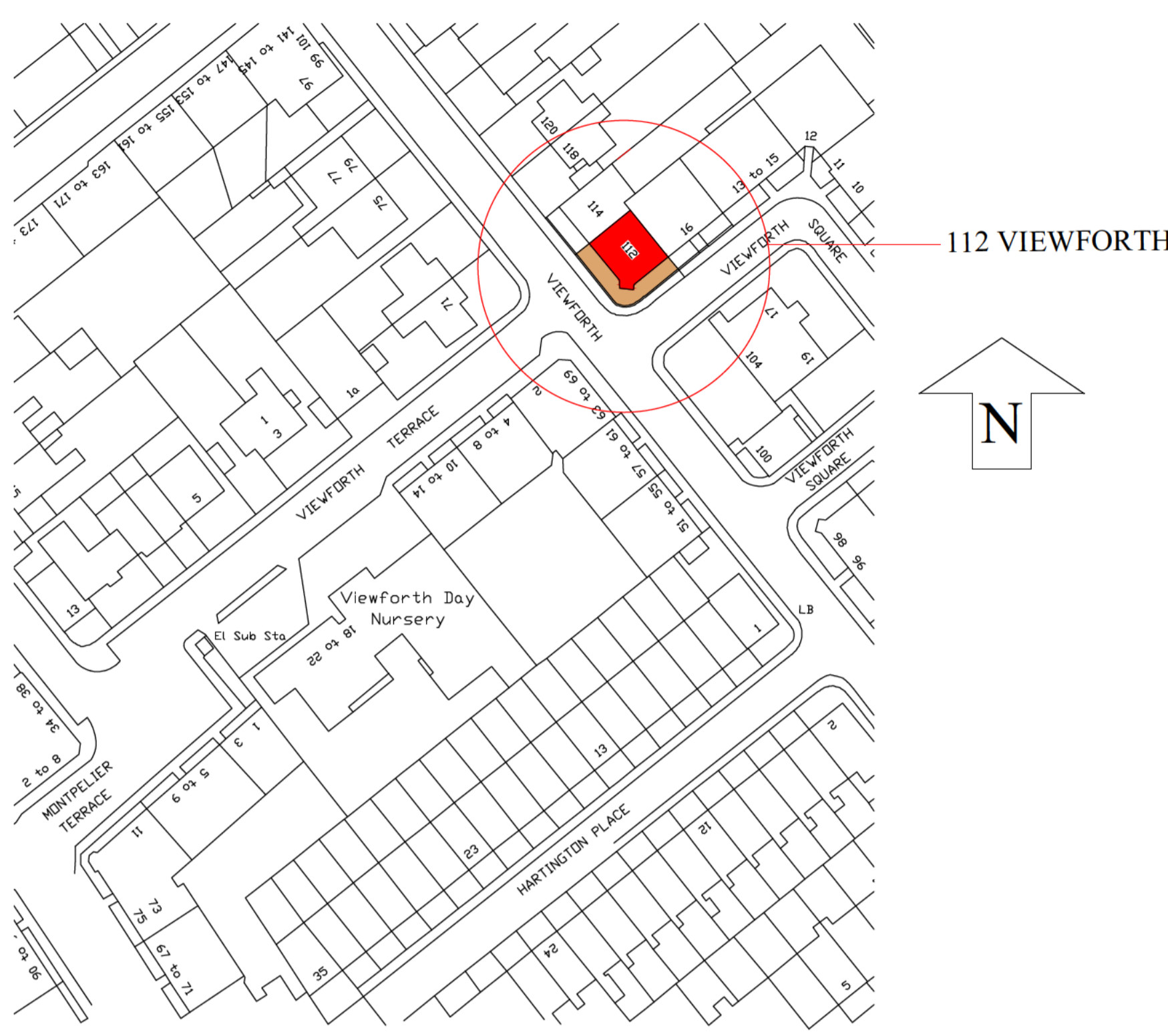
The proposal to add additional amenity by careful design and insertion of further car parking using 'garden space' is laudable and a positive use of available environment. In this proposed Application it is without detrimental effect to the Contextual Historic Environment and creates a positive sympathetic use of materials and design of elements.

Application of seeming rules should be considered in a balance of purpose against the will of a numeric analysis based on an accumulated figure of objectors who sight a visual loss of a street corner setting. The right to develop ones' own garden area for use as car parking should receive a weighting in a more balanced analysis with a prioritised understanding of the advantage obtainable by the Applicant. As stated above the proposed developed condition is not intrusive to the overall setting of the neighbourhood and can be viewed consistent with the evolution of garden areas in the neighbouring streets with garden areas. Gates railings and adjustment to stone elements generally prevail. The overall character of stone-built tenements and villas dominate the appearance and environmental quality. The ground plane is subordinated to the dominant building volumes and visual massing.

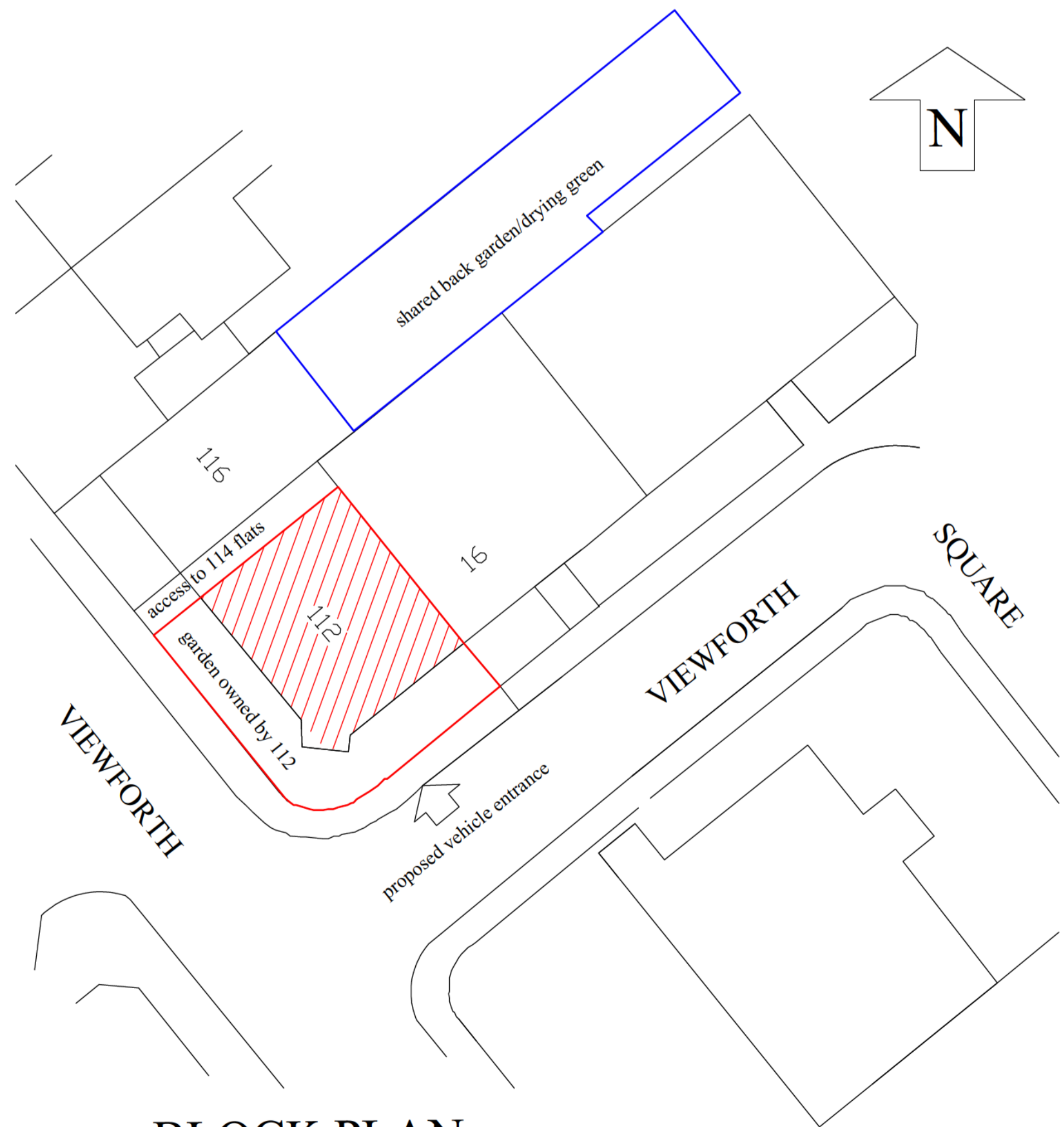
It is a great disappointment that providing an additional car parking space in such a vibrant City location is not considered to be an improvement and advantage to the setting of Viewforth. This decision for refusal should be revisited, reviewed assessed for real environmental effect, when the proposal can be viewed as enhancement, taking a pragmatic worldly examination of the physical facts apart from emotive sentiments generated by popular reactionary views.

Donald I.L. Millar FRIAS

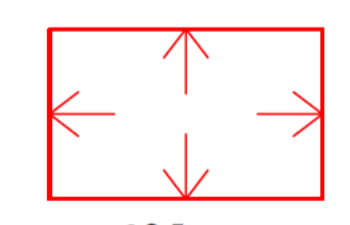
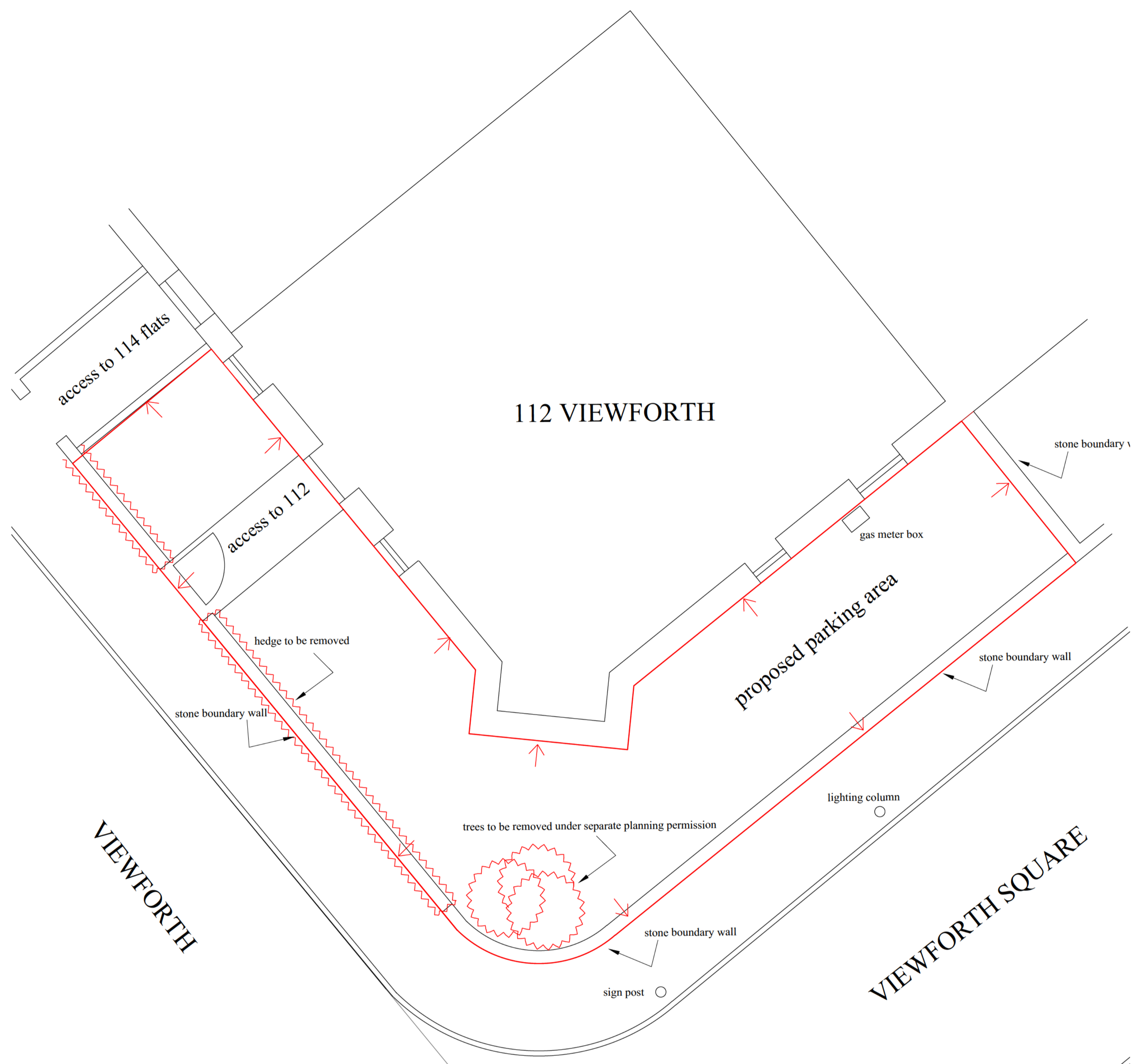
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LOCATION PLAN
scale 1:1000

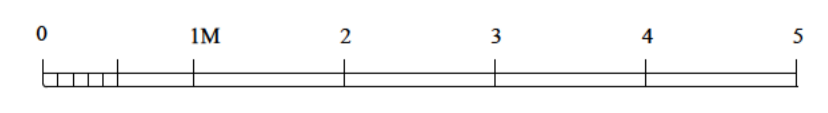


BLOCK PLAN
scale 1:100



825 sq.m.
frontage land owned by 112 Viewforth

SITE PLAN AS EXISTING



stage PLANNING APPLICATION

LESLIE D. HOWSON
Chartered Architect & Urban Designer

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client

project

112 VIEWFORTH, EDINBURGH , EH10 4LN

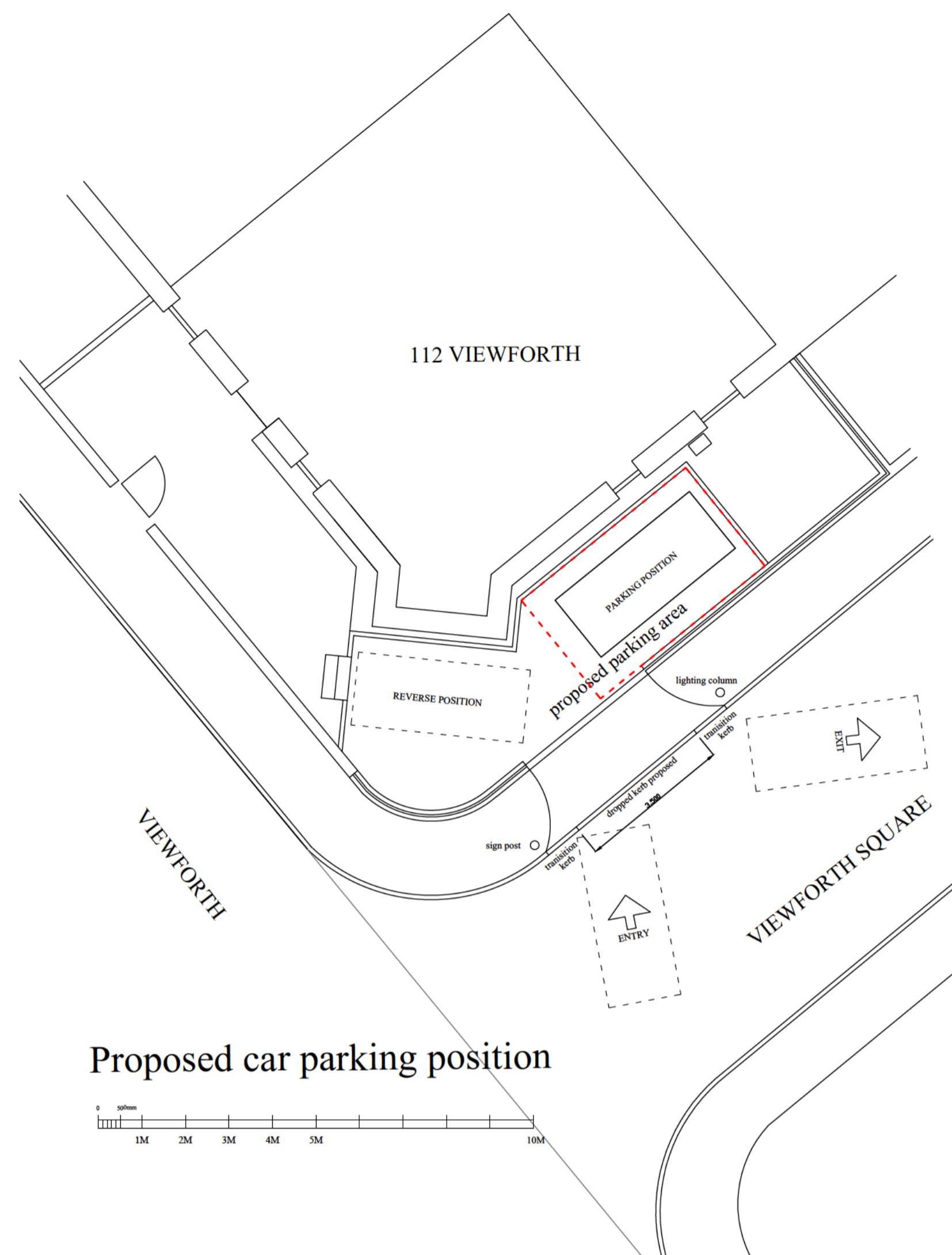
PROPOSED SINGLE CAR PARKING SPACE

drawing title

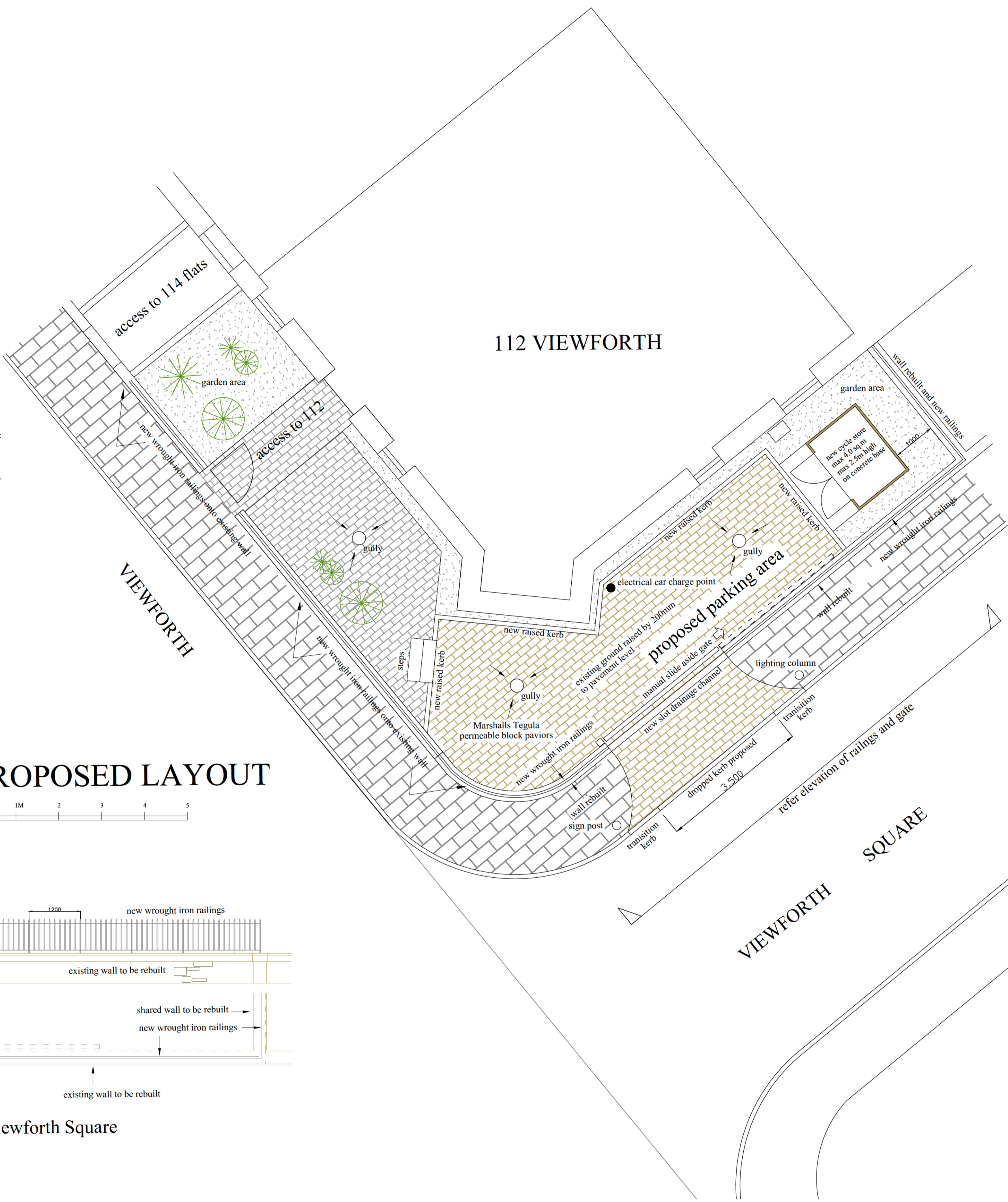
SITE PLAN AS EXISTING
BLOCK PLAN AND LOCATION PLAN

scale AS SHOWN	job no. 2021 - 01	drg.no. (PL) 01
date 23.11.21		rev.

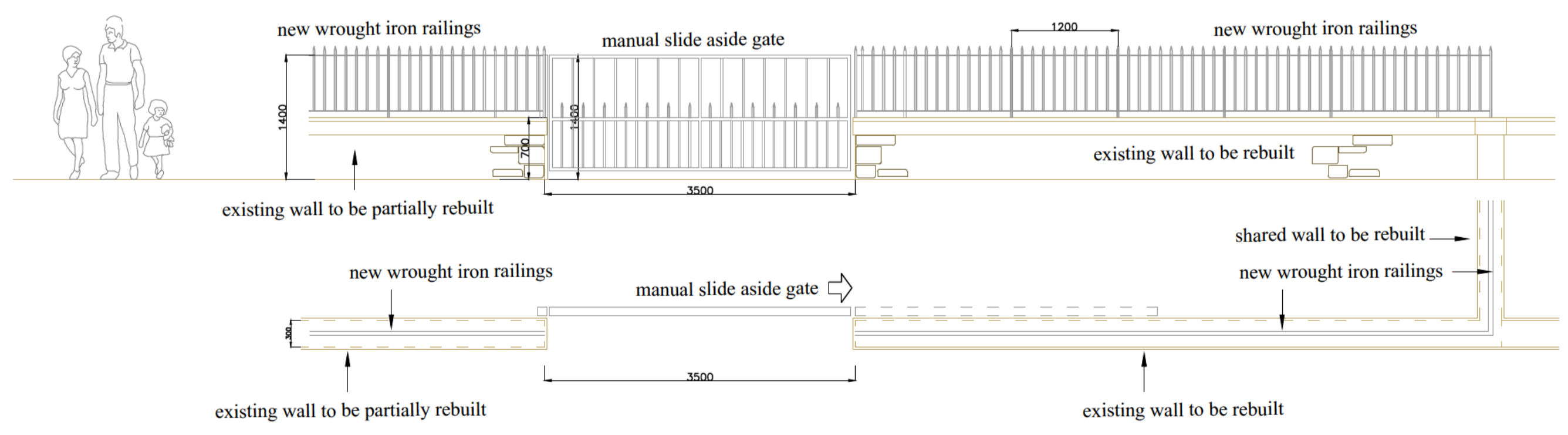
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Proposed car parking position



PROPOSED LAYOUT



Elevation of proposed railings and gate facing onto Viewforth Square

stage PLANNING APPLICATION

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project
 112 VIEWFORTH, EDINBURGH
 PROPOSED SINGLE CAR PARKING SPACE

drawing title
 PROPOSED SITE LAYOUT
 AND DETAILS OF RAILINGS & GATE

scale AS SHOWN	job no. 2021 - 01	drg.no. (PL) 02
date 23.11.21		rev.

112 VIEW FORTH, EDINBURGH, EH10 4JN - PROPOSED CAR PARKING SPACE

Location of proposed development :

The property is a ground floor flat of a 4 storey Victorian tenement block, located within the Marchmont, Meadows and Brunts field Conservation Area .

The property fronts onto View forth and View forth Square, a quiet residential one-way street.

The proposals:

1. To create a single car parking space within the garden ground fronting the property and to be accessed from View forth Square.
2. To rebuild a section of wall to the boundary of the front garden of the building which fronts onto View forth Square. The garden ground is bounded by a low wall to View forth and to View forth Square, broken by a gateway providing access to the front door of the property. The section of wall facing onto View forth Square is a dilapidated condition and is in need of re building.
3. To erect new iron railings along the top pf the boundary wall and with a new gate to View forth Square. The walls would originally have been topped with metal railings but which were removed in 1940 for the war effort.
4. To erect a small cycle store within the front garden ground.

Note : A clump of trees at the corner of the site are due to be removed under a separate grant of Planning permission.

Back ground and context to the proposal and the case for a parking space:

There is currently a lack of off-street parking in the immediate area as well as few permits parking spaces. The parking situation has been made worse due to the `people spaces` policy which now restricts parking and drop off in front of many properties including 112 View forth.

The applicants are a young couple with a small child and for whom safe and convenient access to their property is vital at all times for delivery of such as shopping and in the interests of their child`s safety. Refer also letter dated 30th December 2021, from the applicants, submitted with the Planning application.

The applicant`s property and land ownership are verified in their title deeds

The applicant`s property is on the ground floor of a 4 storey tenement block , 112 to 116 View forth. There is no garden frontage to 114 which is the access for the tenement flats above. 116 has it`s own front garden space.

The applicant at 112 View forth, owns and has sole usage of all the land fronting the tenement block edged red on the submitted plan. All the ground and upper level properties have shared ownership of and thus access to the rear garden space edged blue on the submitted plans.

Compliance with planning policies and guidance :

The property is located within a conservation area, therefore, permitted development does not apply.

Under planning policy ENV 6 , Article 4 directs that development cannot take place without consent of the local authority and that the correct procedure for doing this is by means of a planning application to the relevant planning authority.

The applicant appreciates the character of the Marchmont, Meadows and Brunts field Conservation Area and considers that incorporating iron railings and gates will both enhance the properties appearance and the character of the street.

Other relevant guidance is contained in Edinburgh City Council's `Guidance for Householders` November 2021, document which sets out particular criteria for guidance when considering the provision of parking spaces. These are :-

Parking in front gardens will not normally be allowed :-

1. *`Within traditional tenements.`* This is a restriction which assumes front gardens are shared. However, in this case, the front garden is wholly in the ownership of 112 Viewforth - refer site plan.
2. *`In conservation areas or listed buildings where loss of walls or railings and the creation of hard surfaces would have an adverse effect on the character and setting of the area.`* Given there are no historic railings and the existing a low wall enclosing the garden land requires rebuilding, the proposed boundary treatment will in fact enhance the property.
3. *`Where the parking space would be formed in front of the windows of a habitable room owned by a different occupier.`* This is not the case here.

For road safety reasons, an access must not be formed :-

1. *`Within 15M of a road junction`.* This is a quiet location and not close to a major road junction. The position of the proposed access and parking space was approved by Transportation prior to making the submission for planning permission part with their letter of approval having been submitted as part of the planning application.
2. *`Where visibility would be obstructed`.* This is not the case here
3. *`Where it would interfere with pedestrian crossings, bus stops, street lighting and existing street furniture.`* Non applies here.

Other criteria :-

1. *`A parking space will not normally be allowed in a front garden less than 6M deep or more than 21 sq m or 25% of the whole garden area.`* The garden land is 835 sqm total of which 14 sq.m. is to be used for the parking and turning area.
2. *`The access should not be wider than 3M.`* The proposed access as approved by Transportation is to 3.5M. reduced to 3M at the gateway
3. *`Materials must be of high quality and appropriate for the house and the area. The paving must be porous or combined with a soak away system. The first 2M from the road must be paved to avoid loose chippings spilling out.`* This requirement is being met.
4. *Gates should be of appropriate design and open inwards to avoid obstructing the pavement.`* Proposed gates are to be sliding and within the site.

Garages and outbuildings including sheds for cycle storage, within the curtilage of dwellings :

1. *`In flatted properties the position of neighbouring windows may restrain the size or position of any outbuildings`.*
2. *`Buildings in front gardens will not usually be acceptable, because of the damaging impact on the appearance and amenity of the street and the surrounding area`;*
3. *`There may be additional considerations for listed buildings and conservation areas.`*

All aforementioned criteria 1, 2 and 3 are being met.

Key aspects in favour of the proposal :

1. One less car on the street thus freeing up a much-needed permit space for use by other residents within the immediate area.
2. The historic wall will be re built and metal railings re-instated thus enhancing both the building and the corner and improving the character of area.
3. Removal of the holly trees will ensure clear 180degree visibility from the garden of one-way traffic coming into View forth Square
4. A car will be able to turn around within the site thus neither backing in nor out of the parking space.
5. Given this is a ground floor property, provision of an off-street parking space makes disability drop off safer than with an on-street space.

Addressing refusal of planning Permission :

Reasons given for refusal:-

1. The proposal is deemed to be contrary to the Local Development Plan, in that the loss of the stone boundary wall will adversely impact on the setting of the tenement properties thus will fail to preserve the character or appearance of the conservation area.
2. The proposal is deemed to be contrary to the City Council's Guidance for Householders in regard to access and parking in that it would be detrimental to road safety due to its closeness to a road junction and to the orientation of car parking space proposed.

In response to reason 1:

Rebuilding of the dilapidated wall and removal of a comparatively small section of it in order to from a vehicular access, coupled with re-establishing iron railings on top of the wall, to which there are no objections, will not only greatly improve the properties appearance but will serve to enhance the character of this corner street site.

In response to reason 2:

Edinburgh City Council Transportation (as the major consul tee) were consulted prior to submission of the Planning application on matters of visibility and sight lines, pedestrian safety, the potential of vehicle turning within the site and the width of the new access. Drawings were submitted and the outcome of those discussion including a site meeting ,was the letter of approval dated 26th October 2021. Thus, the position in relation to the road junction was accepted as was the orientation of the parking space proposed.

It has to be appreciated that a car will be able to turn around within the site thus avoiding backing into or out of the parking space. This is in marked contrast to most other spaces within the locality such as along Gilmore Place where vehicles reversing into the path of oncoming traffic on what is a main thoroughfare and a major bus route, is common place and unchecked and due to the fact that no vehicles can turn with their own sites.

Addressing neighbour objections :

Summary of some of the main issues raised :

- Desire to keep gardens free from cars
- Loss of single yellow line parking especially for blue badges drivers
- Access will be tricky and cause public safety issue
- Loss of front garden and boundary wall
- Proposals will be detrimental to historic character and to conservation area and communal amenity
- Access will be too close to junction
- Hazard to school children and other drivers entering View forth Square.

Summary of lesser issues raised:

- Drainage issue
- Noise from the car when parking
- Bins will have to move
- Loss of holly trees
- Objection to cycle shed
- Provision of an electric charging point is an attempt to influence

Response to main issues raised:

- Front gardens continue to be lost in the area due to the critical need for parking and lack of resident parking spaces. It is notable that the City Council do not insist that developers provide parking spaces as planning gain for use by local residents
- With regards to the supposed loss of yellow line parking spaces, there is in fact only room for one car to park and even then, only after 5.30 pm and up to 8.00 am the next days and on Sunday. Parking of any vehicle in that location is surely already contrary to public and traffic safety. One wonders whether the single yellow line should be a double yellow line anyway which would stop such potentially dangerous parking. Also, whilst there will be loss of single yellow line overnight parking one more permit space will be available in the immediate area.
- This will be one of the few situations in the area where a car can drive in and out and without reversing onto or off the street and without encroaching onto the street when parked.
- The loss of front gardens and boundary walls has not stopped City Planning permitting parking in the area.
- Restoration of railings and re building a dilapidated wall will enhance the property and re-inforce the character the corner.
- Transportation approved the position of the proposed entrance prior to submission for Planning permission.
- The site has better visibility than usual and access and exit will be with a one ways traffic flow.

Response to other lesser issues raised:

- The holly trees are in private ground and Planning permission has already been granted for their removal. Their removal will greatly improve visibility for traffic entering View forth Square .
- Drainage will be within the site in accordance with Planning requirements thus not an issue
- Noise from the car when parking will only affect 112 Viewforth and is no more than with any on street parking
- Cycle shed are not disallowed subject to size
- The bins will not have to move
- Electric charge points are much needed. We are already seeing cables across pavements which are a hazard to pedestrians

Ms Sophie Lowry.
112 Viewforth
Edinburgh
EH10 4LN

Decision date: 5 November 2021

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TREE PRESERVATION AND TREES IN CONSERVATION AREAS (SCOTLAND)
REGULATIONS 2010**

A group of holly trees on the corner of Viewforth and Viewforth Square in conservation area - Remove holly trees as advised by tree surgeons.

At 112 Viewforth Edinburgh EH10 4LN

Application No: 21/05801/TCO
Date of Notification: 01.11.2021

DECISION NOTICE

With reference to your prior notification for Treework Within a Conservation Area as required under S172 of the above Act, an assessment has been made. Under the Act, the works can commence 6 weeks after the date of the notification unless the Council makes a Tree Preservation Order (TPO).

The Council has decided to **not make a TPO** in relation to the works detailed in the notification.

It should be noted that if the work is not carried out within a two year period following receipt of this letter, a fresh notification will be required if the proposal is to be carried out after that period.

Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council has made this decision is as follows:.

The works are based on sound landscape management and will have no more than a neutral effect on the character and amenity of the conservation area.

Neither the foregoing or any further comment made by Council personnel can dispense with any requirement to seek the permission of other interested parties (e.g. Co-owners/tenants of the property, proprietors of neighbouring land if the trees are located on their land) if such consent is needed to carry out the work.

This decision 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 Ruthe Davies directly at ruthe.davies@edinburgh.gov.uk.

A handwritten signature in black ink, appearing to read 'Ruthe Davies', with a long horizontal flourish extending to the right.

Chief Planning Officer
PLACE
The City of Edinburgh Council

112 VIEWFORTH - PROPOSED PARKING SPACE

PHOTOGRAPHS OF SITE AS EXISTING



View of 112 Viewforth (white door)
Boundary wall to be rebuilt.
Trees and hedge to be removed



Position of proposed dropped kerb and pavement crossover



Low wall to be rebuilt
Ground level between building and wall to be raised
Paving to be replaced with porous paviers



Trees to be removed
Low wall to be rebuilt from corner towards Viewforth Square and with new railings, gate piers and gate
(refer drawing 2021-01 (PL) 02)

Leslie Howson.
112 Viewforth
Edinburgh
EH10 4LN

Ms Lowry
112 Viewforth
Edinburgh
EH10 4LN

Decision date: 23 March 2022

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

Formation of new car parking space, alterations to boundary wall, erection of iron railings, gate and erection of cycle shed.
At 112 Viewforth Edinburgh EH10 4LN

Application No: 21/06535/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 13 December 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:-

Reasons:-

1. The proposal is contrary to the Local Development Plan as loss of the stone boundary wall will adversely impact on the setting of the tenement properties which will fail to preserve the character or appearance of the conservation area.
2. The proposal is contrary to the City Council's Guidance for Householders in regard to access and parking as it would be the detriment of road safety due to its location near to a road junction and orientation of car parking spaces.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-02, 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 is contrary to the Local Development Plan as it fails to preserve the character and appearance of the conservation area.

It is also contrary to SPP principles of sustainable development as it fails to protect the historic environment. It will also be to the detriment of road safety.

These material considerations therefore support the planning permission being refused.

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 Lewis McWilliam directly at lewis.mcwilliam@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
112 Viewforth, Edinburgh, EH10 4LN**

Proposal: Formation of new car parking space, alterations to boundary wall, erection of iron railings, gate and erection of cycle shed.

**Item – Local Delegated Decision
Application Number – 21/06535/FUL
Ward – B10 - Morningside**

Recommendation

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

Summary

The proposal is contrary to the Local Development Plan as it fails to preserve the character and appearance of the conservation area.

It is also contrary to SPP principles of sustainable development as it fails to protect the historic environment. It will also be to the detriment of road safety.

These material considerations therefore support the planning permission being refused.

SECTION A – Application Background

Site Description

The site is a ground floor flatted property that forms part of a tenement building located on a corner plot at the junction between Viewforth Square and Viewforth. It is located within a primarily residential area, in the Marchmont, Meadows and Brunstfield Conservation Area.

Description Of The Proposal

- Formation of new car parking space including alterations to ground level and paving.
- Removal of boundary wall section and partial re-build.
- Installation of vehicular gate, iron railings and cycle shed.

Relevant Site History

18/00730/TCO

112 Viewforth

Edinburgh

EH10 4LN

A group of holly trees at south corner (Viewforth & Viewforth Square) of property -

Remove all trees and replace with uniform hedge around property boundaries

Not make a Tree Preservation Order

21 February 2018

21/05801/TCO

112 Viewforth

Edinburgh

EH10 4LN

A group of holly trees on the corner of Viewforth and Viewforth Square in conservation area - Remove holly trees as advised by tree surgeons.

Not make a Tree Preservation Order

5 November 2021

Consultation Engagement

Transportation Planning

Publicity and Public Engagement

Date of Neighbour Notification: 23 March 2022

Date of Advertisement: 7 January 2022

Date of Site Notice: 7 January 2022

Number of Contributors: 11

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well-proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

The appraisal refers to use of consistent materials including stone boundary walls helping to unify the varied built forms. Further, that low stone walling to the front of buildings is an important feature of the area, particularly where enhanced by traditional railings and gates which add rhythm and character.

The low-stone boundary wall borders the front of the site and is a consistent feature along the frontage of these tenement buildings. Its uniform position and materials along the street edge make a positive contribution to the setting of these traditional tenement properties and character of the historic environment. Existing openings in the wall are mainly of narrow width, designed as pedestrian gates leading to communal entrances into the tenements.

The proposal would remove a 3.5 m wide section of the boundary wall to create the vehicle access. This is disruptive to the setting of the traditional tenements by virtue of eroding a feature that contributes positively to its character, and that of the conservation area.

On Viewforth, previous alterations have been carried out to the front boundary wall including two vehicular gates south-east of the site at no. 94 and 98.

These openings are not characteristic of the frontages to tenement buildings in the area, were formed in advance current policy and there is no planning history for these works. They do not set precedence for assessment of this proposal.

Notwithstanding the above, the loss of the stone boundary wall and vehicular access is not a prevalent characteristic of the tenement buildings in the conservation area. The width of the openings is in excess of existing openings along the frontage of tenements. The level of disruption to the front boundary wall detracts from the setting of the tenement buildings. Its incremental erosion would be to the detriment of the character and appearance of the conservation area.

It is recognised the traditional design and material of the gate is in keeping with those prevalent in the area. In addition, inclusion of the wrought iron black railings positioned on the re-built boundary wall is welcomed, as it replicates a traditional feature evident along the street frontage.

However, potential benefit from inclusion of this feature is not outweighed by the resultant harm to the character of the historic environment through loss of the stone boundary wall.

Additional works, including alterations to raise the ground level and paving to accommodate the parking space are relatively minor in scale and in isolation do not raise concern in regard to their impact on the conservation area.

Proposed cycle storage is detailed on the plans. Should the proposal have been acceptable on all other aspects an elevation of this structure would have been sought to assess this element in detail.

Conclusion in relation to the conservation area

In light of the above, the proposals fail to preserve or enhance the character or appearance of the conservation area therefore do not comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 6
- LDP Design policy Des 12

The non-statutory 'Listed Building and Conservation Area' guidance and 'Guidance for Householders' are material considerations that are relevant when considering policies Env 6 and Des 12.

Scale, form, design and conservation area

LDP policy Env 6 (Conservation Area - Development) states:

Development within a conservation area or affecting its setting will be permitted which:

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;
- b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

LDP policy Des 12 states permission will be granted for development is compatible with the character of the existing building and neighbourhood character.

The Guidance for Householders refers to the loss of original walls or railings and adverse effect this can have on the character and setting of an area.

The proposals fail to preserve or enhance the character or appearance of the conservation area as detailed in section a) of the assessment and are therefore contrary to LDP policy Env 6 and Des 12.

Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will not result in any unreasonable loss to neighbouring amenity.

Conclusion in relation to the Development Plan

The proposals are contrary to the Local Development Plan.

It will fail to preserve the character or appearance of the conservation area by eroding a feature that makes a positive contribution to the historic environment.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Road Safety

The Guidance for Householders states for road safety reasons, an access must not be formed in 15 metres of a junction, where visibility would be obstructed and where it would interfere with pedestrian crossings, bus stops, street lighting or existing street furniture.

Transport Planning have been consulted on the proposals and have recommended the application be refused as it would be to the detriment of road safety.

Specifically, that it does not meet transport guidelines including its location within 15m of a road junction, its visibility is affected due to orientation of the car parking space to the detriment of road safety.

No specific pedestrian safety issues have been raised.

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. 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.

The proposal will have a harmful impact on the character and the setting of the historic environment therefore does not comply with the principle 10 of the SPP.

The proposed development therefore does not fully comply with the SPP sustainability principles.

Emerging policy context

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

While City Plan 2030 represents 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.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

11 objections have been received summarised as the following:

material considerations

- Impact on character and appearance of the conservation area : Addressed in section a) and b)
- Road and pedestrian safety : Addressed in section c)
- Impact on drainage : The hard surface is proposed to be constructed in permeable paving. No additional drainage information would be required for this householder planning application.

non-material considerations

- Impact on on-street car parking spaces and dropped kerb requirement : these matters cannot materially be assessed under this planning application.
- Alterations to existing waste provision : this matter cannot materially be assessed under this planning application.
- Decisions on past planning applications : each planning application is assessed on its own individual merits.

-Tree removal : Separate prior notification applications for Treeworks within a Conservation Area have been determined and no TPO made. Therefore, these removal works can be carried out outwith this planning application.

-Noise and disturbance : The potential for noise and disturbance cannot be anticipated as part of this householder planning application. Should a nuisance or noise disturbance be reported from the site then there are statutory provisions under separate Environmental Protection legislation to assess this matter.

Conclusion in relation to identified material considerations

The proposal is contrary to the SPP as it fails to protect the historic environment and will also be to the detriment of road safety.

Overall conclusion

The proposal is contrary to the Local Development Plan as it fails to preserve the character and appearance of the conservation area.

It is also contrary to SPP principle of sustainable development as it fails to protect the historic environment. It will also be to the detriment of road safety.

These material considerations therefore supports this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to the Local Development Plan as loss of the stone boundary wall will adversely impact on the setting of the tenement properties which will fail to preserve the character or appearance of the conservation area.
2. The proposal is contrary to the City Council's Guidance for Householders in regard to access and parking as it would be the detriment of road safety due to its location near to a road junction and orientation of car parking spaces.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 13 December 2021

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
E-mail: lewis.mcwilliam@edinburgh.gov.uk

Appendix 1

Consultations

NAME: SAUNDERS S

COMMENT: The application should be refused.

The proposed driveway does not meet the guidelines with respect to the following transport matters; located within 15m of a road junction, visibility is affected due to the orientation of the car parking space (i.e. not at right angles to the road), to the detriment of road safety.

DONALD I. L. MILLAR FRIAS

CHARTERED ARCHITECT

8 SETON PLACE DINBURGH EH9 2JT 0131 667 0000

dmarc@btconnect.com

SOPHIE LOWRY

112 VIEWFORTH

EDINBURGH EH10 4LN

Dear Sophie

PLANNING APPLICATION 21/06535/FUL /FORMATION OF NEW PARKING SPACE

Attached for onward submission for inclusion in an Appeal to obtain Planning Consent to create additional parking space in the garden of 112 Viewforth ; Ground floor flat.

As a former resident of Viewforth I have a close and experienced understanding of the social order and difficulty in providing adequate and useful car parking space in the high density city area.

The following statement high lights the numerical imbalance of analysis in Planning Applications in tenement areas which appears to be prevalent in this Application with unlimited objectors who disregard the positive nature of the proposal.

Kind regards

Donald Iain Millar

MEMORANDUM

To: Planning Officer
Lewis McWilliam

From: Transport
Steven Saunders

Our Ref: 21/06535/FUL

**21/06535/FUL
112 VIEWFORTH
EDINBURGH
EH10 4LN**

TRANSPORT CONSULTATION RESPONSE

Summary Response

The application should be refused.

Reasons;

The proposed driveway does not meet the guidelines with respect to the following transport matters; located within 15m of a road junction, visibility is affected due to the orientation of the car parking space (i.e. not at right angles to the road), to the detriment of road safety.

Full Response

The application should be refused.

Reasons;

The proposed driveway does not meet the guidelines with respect to the following transport matters; located within 15m of a road junction, visibility is affected due to the orientation of the car parking space (i.e. not at right angles to the road), to the detriment of road safety.

Steven Saunders

**TRANSPORT
Steven Saunders
Transport Officer 11.02.2022**

Mr L Howson
179 Gilmore Place
EDINBURGH
EH3 9PW

Date: 26 October 2021

Your Ref:

Dear Mr Howson

Proposed Car Parking Space – 112 Viewforth

I refer to your email dated 18 October 2021 regarding the above.

Having assessed your drawing (2021-01 (SK)01 revision A), and taking into account your notes, I am happy to approve your design with the following conditions.

When the car is parked within the driveway it must not encroach onto the public footway, the full width of the footway must be available to pedestrians at all times.

The driveway area must be surfaced using a permeable block paving, no loose chips would be approved.

The driveway area should be built up and be roughly at the same level as the footway to avoid any adverse change in gradient.

Any security feature or gate must not open onto the public footway.

If you have any queries please contact Derek Roden, Road Engineer on 07920 535 813.

Yours sincerely



Signature of or on behalf of
Stuart Harding
Transport Manager

Stuart Harding, Transport Manager, Citywide Road Co-ordination
Waverley Court, 4 East Market Street, Edinburgh EH8 8BG
roadoccupation@edinburgh.gov.uk

