



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 100586992-001

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:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Sinclair"/>	Building Number:	<input type="text" value="40"/>
Telephone Number: *	<input type="text" value="07565527555"/>	Address 1 (Street): *	<input type="text" value="Corstorphine Hill Gardens"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH12 6LA"/>
Email Address: *	<input type="text" value="dave@sinclairarc.co.uk"/>		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	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"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Napier Road"/>
Company/Organisation	<input type="text" value="The Christian Community in"/>	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 5AZ"/>
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="21 NAPIER ROAD"/>
Address 2:	<input type="text" value="MERCHISTON"/>
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 5AZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672009"/>	Easting	<input type="text" value="323898"/>
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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)

Review of refusal of 21/04838/AMC 21 Napier Road

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.

We ask that the refusal of 21/04838/AMC be reviewed Please see attached document Appeal to Local Planning Review

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)

Appeal to Local Planning Review Document

Application Details

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

21/04838/AMC

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

15/09/2021

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

28/06/2022

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 ☐ 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: Mr David Sinclair

Declaration Date: 20/07/2022

Appeal to Local Planning Review Body

Application 21 Napier Road Edinburgh EH10 5AZ 21/04838/AMC

Application to approve matters as specified in condition 1 of planning permission in principle 19/02753/PPP

Statement for Planning review after refusal of the application above.

In August 2020 application 19/02753/PPP for 'New chapel and priest accommodation in the grounds of the existing house (as amended)' was granted consent. This was for a new church, meeting rooms and residential priest accommodation. Further to the conditions of the approved application 21/03676/AMC was applied for. This was unexpectedly refused.

The following extract from the Decision Notice explains our confusion. "The principle of the development is supported and is in accordance with the Edinburgh Local Development Plan and the planning permission in principle. The proposed design, layout, landscaping and access are all acceptable. The proposal will not harm the protected trees within the site or cause harm to local ecology. There are no material considerations which outweigh this conclusion."

With planning in principle, our Swiss architect heightened the community room design to provide "balance" with a hyperbolic paraboloid eco-roofed roof to the chapel, with modern irregular windows and finishes. Once 21/03676/AMC was lodged a meeting was called by the applicant The Christian Community in Edinburgh (CCE) with local residents to discuss the proposal and take cognisance of the feelings and comments. The proposal which proposed to increase the proportions of the ancillary building was not well received by the local community as they felt it was larger than the original building approved in 19/02753/PPP. There were also concerns that the proposals would affect the two existing sycamore trees and the large chestnut tree in the adjoining garden.

After due consideration by the CCE it was decided that the application should be withdrawn and a new application lodged with the ancillary block being reduced in size in line with the original PPP approval. A new application was lodged on 15th September 2021 Ref 21/04838/AMC

Discussions then took place with Robert McIntosh the planning officer in conjunction with his line manager Nancy Jamieson to confirm requirements they felt would help the proposal. Several areas of the design required clarification by the department, and these were finalised by way of further discussions and revision of the drawings. These included minor alterations to the elevations and after discussions with Robert these were changes were finalised and the application was passed on by Robert to the Nancy. Unfortunately, at this time Nancy who had been very much involved with the finalising of the proposals was on sick leave and has since retired and the application was reviewed by a new Line Manager who was unhappy with the proposal and recommended it for refusal.

History of the development.

The Christian Community have owned 21 Napier Road for seventy years and has lived in harmony with its neighbours. We now find that the Georgian house is no longer suitable for the congregation, some who are aging, and a new church and meeting rooms set on one level would be more appropriate moving forward. Secondly the congregation is modestly growing with a need for better communal space, that would also be available for local community use. The large garden space is ideal for the proposed accommodation. The proposed building is set 14 metres behind the boundary, a 2.0m high wall to Polwarth Terrace and behind the existing tall sycamore trees and would fit unobtrusively into the landscape. The present proposal sits in the same position and height as the original PPP which was approved by the planning committee. (19/02753/PPP)

The proposed buildings.

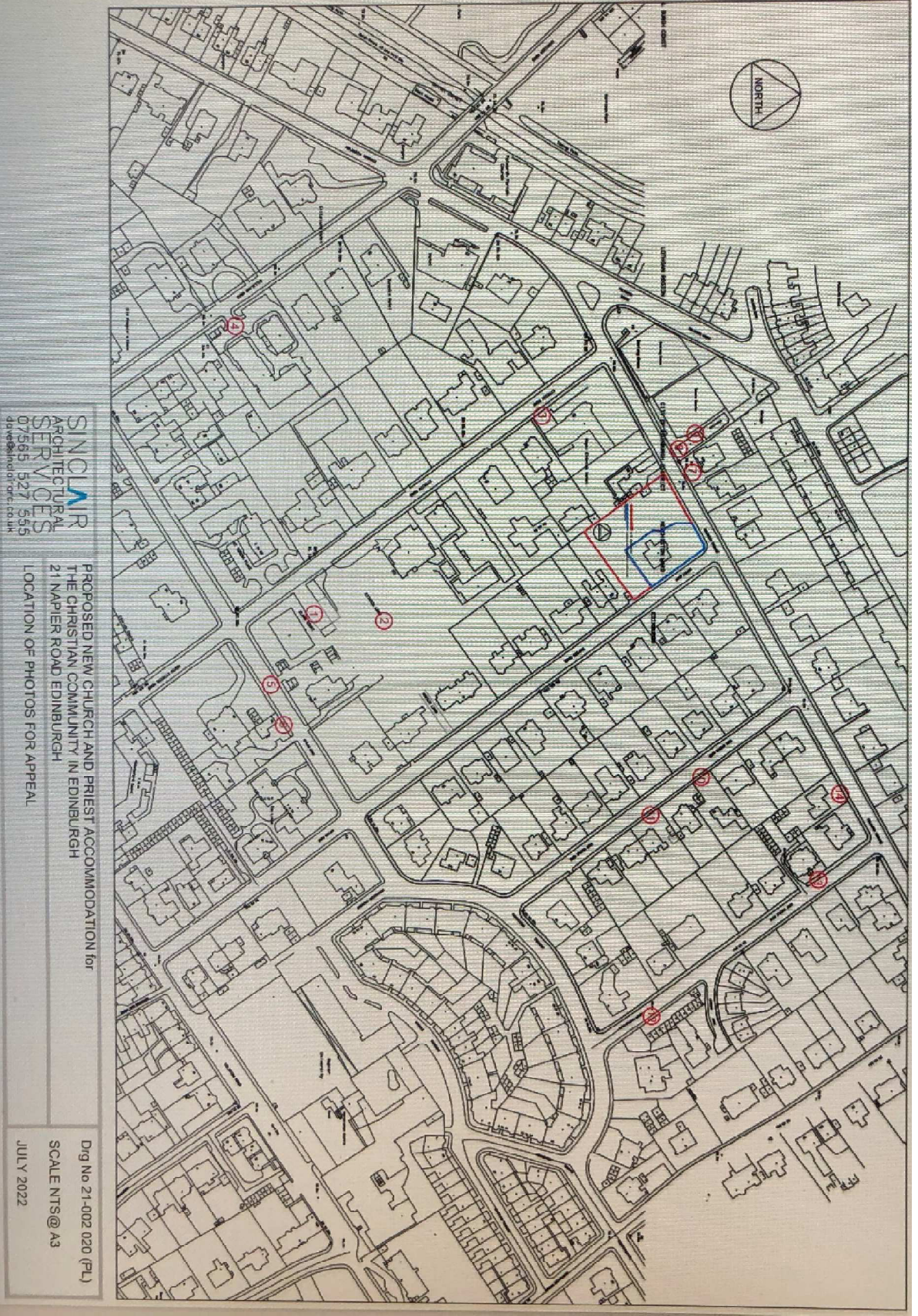
The proposed church building is a single storey timber clad structure which will be finished with sedum roof to give a natural living finish. The CCE have residential priests who live within the church premises, and it is proposed that the new ancillary accommodation should be provided for two priests with their families. There is also a small studio apartment situated on the ground floor which can accommodate a visitor. To accommodate the priests the ancillary building is two stories high with two family flats on the upper floor. The communal areas on the ground floor consist of a meeting room, office and toilets.

The design issues flagged up by the senior planner we believe were resolved, as it is proposed that this ancillary building should have a more traditional look, with a stone finish to the front elevation including traditional sash and case windows. Side and rear elevations will be finished with a render finish with sash and case windows and a slate roof. This is very much in line with several more modern blocks on Polwarth Terrace which have both natural and artificial stone facades, render to the sides and rear and slate roofs.. This traditional look was taken on board after a meeting with the local residents who felt that this part of the building should fit in more with the surrounding buildings. With the stone facade and the the sloping slate roof to the ancilliary building it is felt that the building does not overwhelm the church.

Rebuttal of refusal.

Essentially the five refusal points raised by the senior planner are around the appropriateness of the ancillary block (the main church building is fine). Our original proposal was moved from the south end of the site to Polwarth Terrace, the edge of Marchmont conservation area, to minimise any design issues on Napier Road.

The conservation area has a substantial number of developments that do not reflect the traditional design of the original buildings in streets surrounding Polwarth Terrace, Through our discussions with the Department we feel we have manage to keep our design within the context of previous acceptable new buildings in the area. A number of developments in the area do not reflect the nature of the conservation area. This can best be explained by the following pictures and also includes two applications that have been recently approved in both Napier Road and our neighbour at 19 Polwarth Terrace.



SINCLAIR
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PROPOSED NEW CHURCH AND PRIEST ACCOMMODATION for
THE CHRISTIAN COMMUNITY IN EDINBURGH
21 NAPIER ROAD EDINBURGH
LOCATION OF PHOTOS FOR APPEAL

Dwg No 21-002 020 (PL)
SCALE NTS@A3
JULY 2022



1. Elgar Court Ettrick Road



2. Ettrick Loan Ettrick Road



3. Ettrick Road



4. 4/1-58 Gillisland Road



5. 4 Spylaw Road



6. 15 17 19 & 21 Spylaw Road



7. Ashley Court 26b Polwarth Terrace



8. Tennis Club Polwarth Terrace



9. Tennis Club Polwarth Terrace



10. 7b West Castle Road



11. 5 West Castle Road



12. East Castle Road



13. 22 East Castle Road



14. 11 Polwarth Terrace

There have been two recent applications that have been granted Planning consent in the area which we feel are of a design which are not in keeping with the conservation area especially 8A Napier

19 Polwarth Terrace 22/00880/FUL

The existing garage has permission to be clad in charred timber cladding. The garage gable is the primary elevation of the property as viewed from Polwarth Terrace. The existing material type and wall colour is in keeping with the rest of the property, allowing the property to be read as one coherent building. Charred timber is not a traditional material for this building type and will not read with other properties in the area and negatively affects the view of the property from the road. Our proposal for No 21 Napier Road is no different to this as we have timber cladding and a traditional stone frontage to the Priest accommodation.

The conclusion to the granting of the proposal to clad the garage was "The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

8A Napier Road

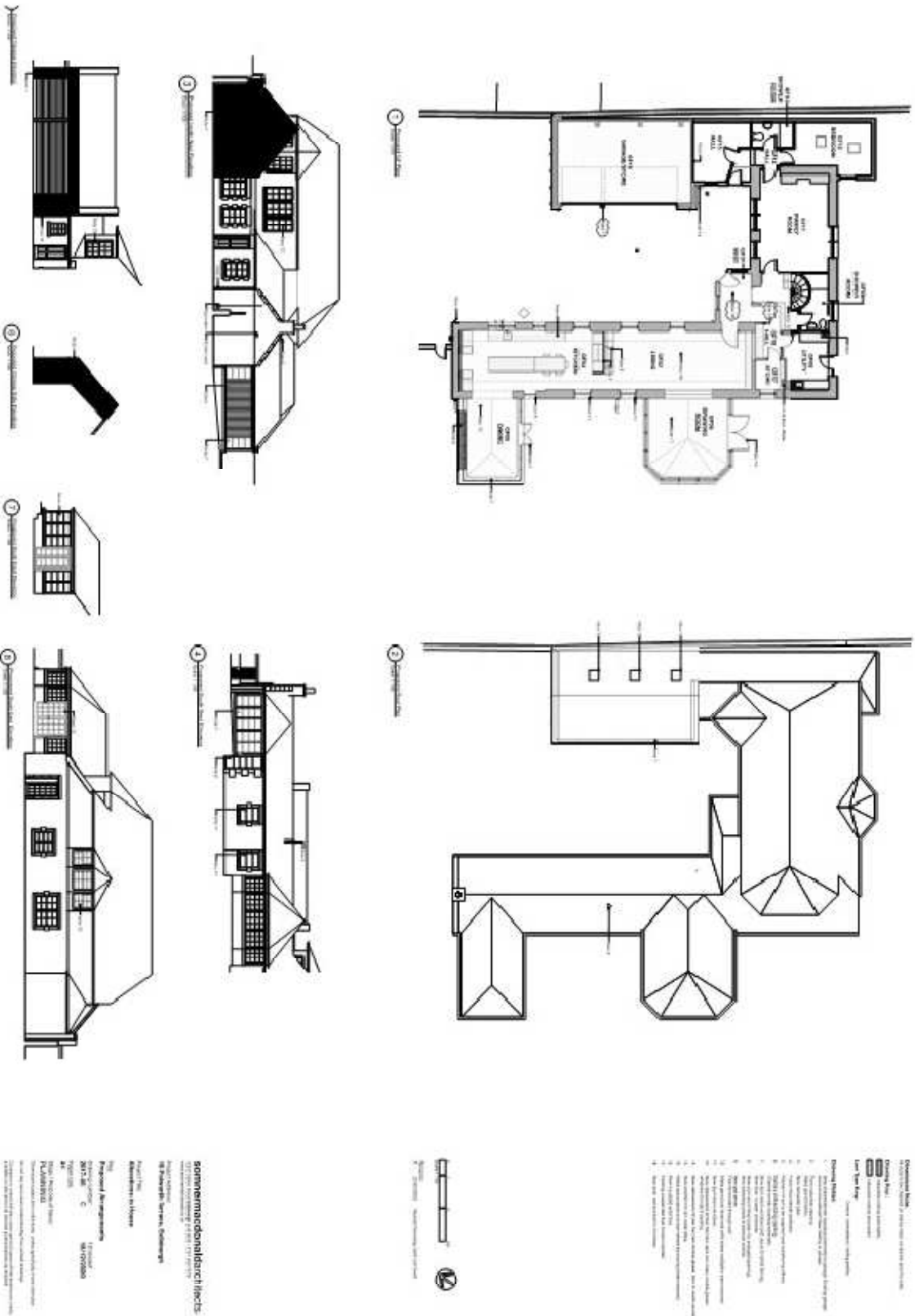
The granted proposal designed by Richard Murphy Architects is a timber clad two storey house that sits on the front boundary wall of Napier Road with the wall increased in height to accommodate a new bay window that overhangs the adjoining pavement. The proposed building which has a timber clad finish can be seen clearly from the street were as our proposal sits well back from the street and cannot be seen due the height of the existing wall on Polwarth Terrace and the large sycamore trees that are being retained.

The conclusion in this case was that "the proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the development preserves the character and appearance of the conservation area and respects the setting of the adjacent A listed building.

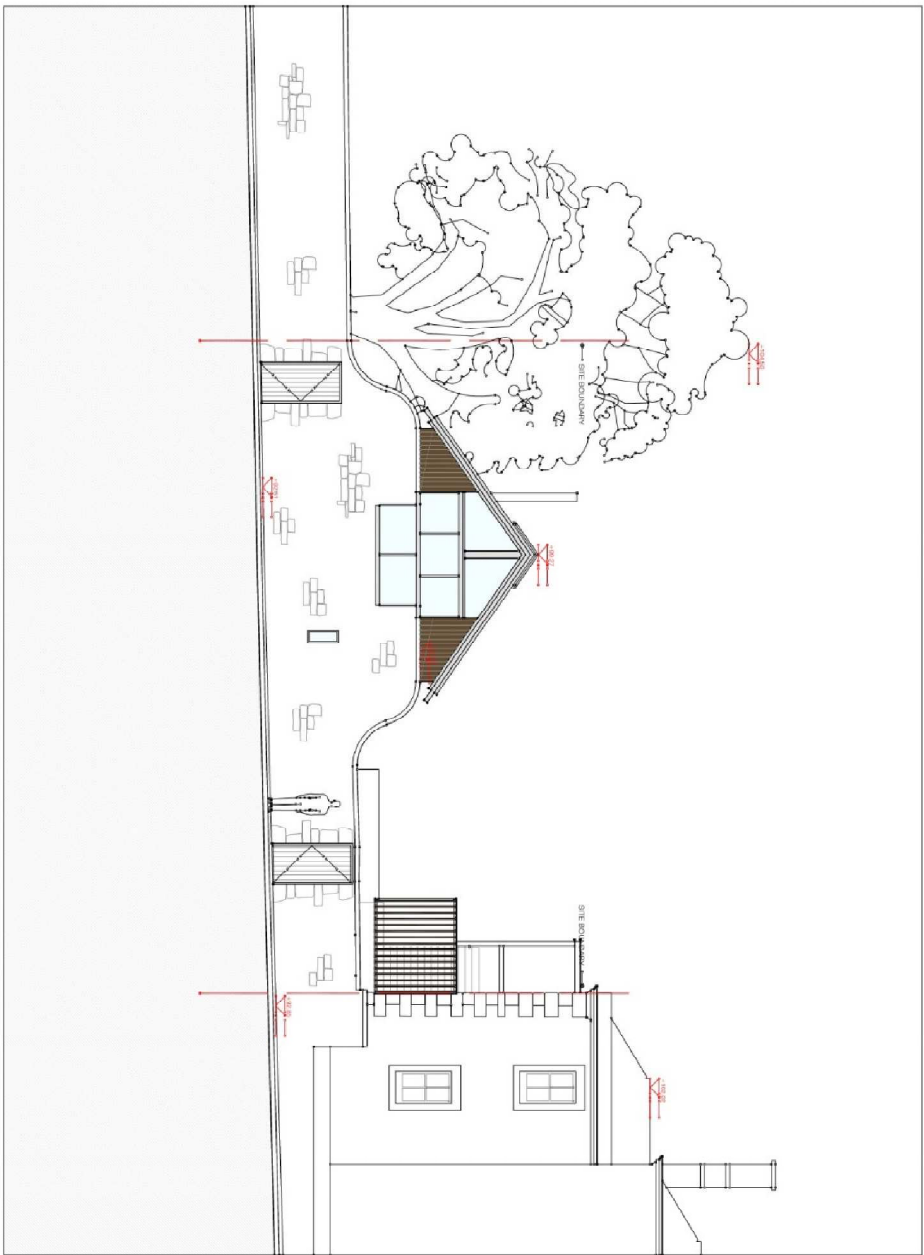
The proposal is acceptable in this location and complies with the Local Development Plan. It is of an appropriate design, form and scale and is in keeping with the character, appearance and spatial pattern of the surrounding area. The proposal draws on the positive characteristics of the surrounding area. (ENV6 DES1 DES3 DES4)

Our proposal at 21 Napier Road is very much in line with the conclusion for 8A Napier Road drawing on the positive characteristics of the surrounding area. ENV6 DES1 DES3 DES4 as quoted in our refusal.

Copies of the proposals for 19 Polwarth Terrace and 8A Napier Road are below.



19 POLWARTH TERRACE



NOTES

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PROJECT TITLE
**Proposed New House at 8A
Napier Road, EDINBURGH**

DRAWING TITLE
West Elevation

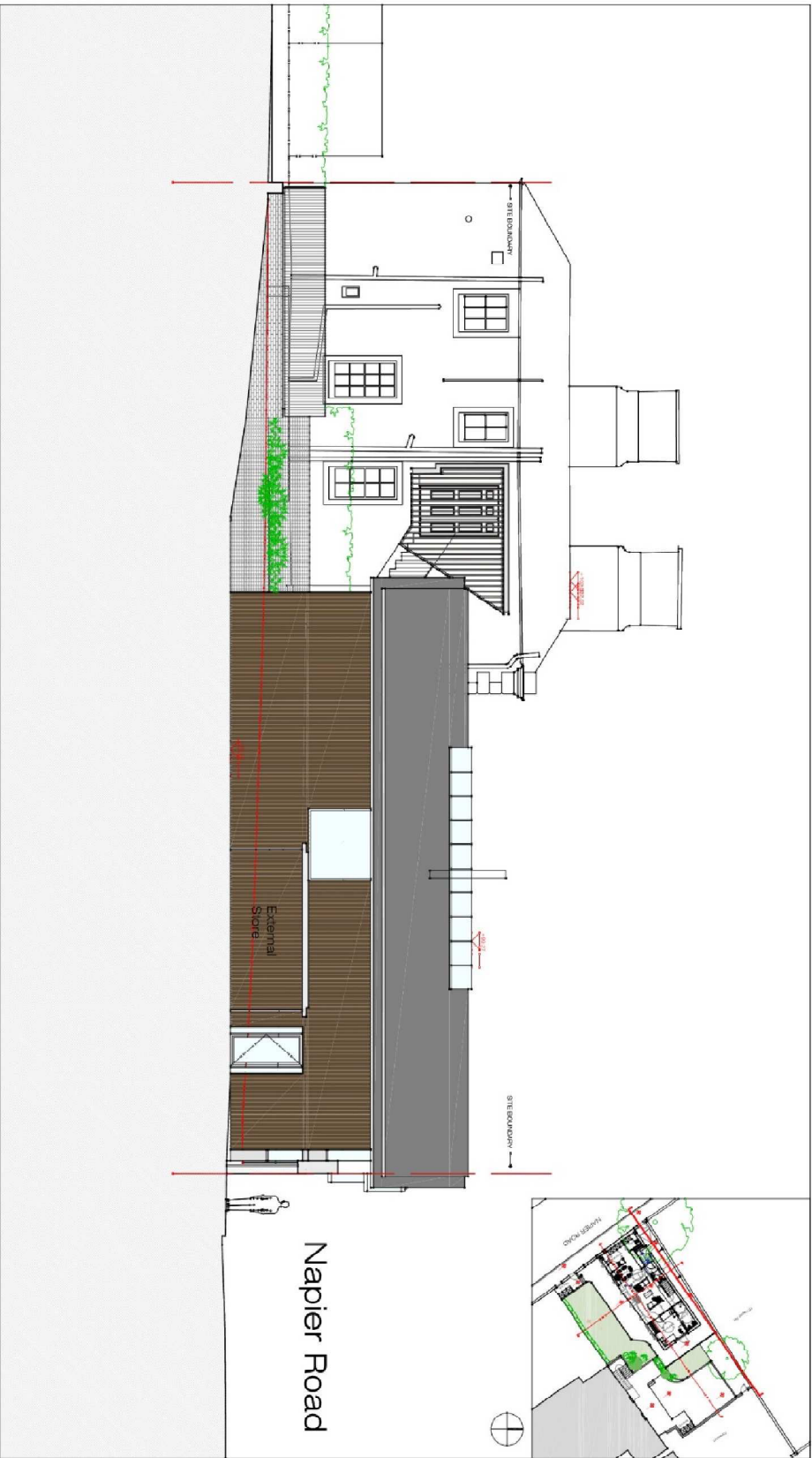
DWG SCALE
PLANNING

DRAWN CD	FILE #	DATE 27/09/2021	REVISION
CHECKED BM	JOB NO. 608	SCALE 1:100 @ A3	DWG NO. AL/03/01

The Brecknock Mission, 15 Old Farmmarket Close
Edinburgh EH1 1NP

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NOTES

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PROJECT TITLE				Proposed New House at 8A	
				Napier Road, EDINBURGH	
DRAWING TITLE				North Elevation	
DRAWING STATUS				PLANNING	
DRAWN	CD	FILE	PL	DATE	27/09/2021
CHECKED	RM	JOB NO.	608	SCALE	1:100 @ A3
				REGION	AL/03/06
				THE PROJECT	
				The Breakfast Mission, 15 Old Farmer's Close	
				EDINBURGH	
				1 0111 220 9125	
				1 0111 220 9125	
				Richard Murphy Architects	
				mail@richardmurphyarchitects.com	
				www.richardmurphyarchitects.com	

Conclusion

We have committed over two years in trying to find a suitable solution that is acceptable to planners and neighbours. Our proposal that was refused was throughout moved forward in discussions with Robert McIntosh and Nancy Jamieson taking on board both their comments and the concerns of the local residents.

We find it hard to accept that a proposal that has taken almost 9 months to finalise with one senior planning officer can then be unacceptable to another. Surely planning consent should be made on the merits of the application and not on the personal preference of a planning officer who we feel does not have the full picture of the process we have gone through.

The statement of refusal does not give a clear reason for refusal as it states "The proposed design, layout, landscaping and access are all acceptable. The proposal will not harm the protected trees within the site or cause harm to local ecology. There are no material considerations which outweigh this conclusion."

We therefore ask the Appeals Committee to overturn our refusal and grant permission for the proposal.

20th July 2022