

John K Hunter.
11 Old Mill Grove
East Whitburn
West Lothian
EH47 0LW

Mr Mark Foster
19 Craiglockhart Road North
Edinburgh
EH14 1BR

Decision date: 14 May 2019

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

Erect two-storey extension to side of house with a single-storey extension to the rear.
Part change of use from domestic dwelling to domestic dwelling / dog grooming
business.

At 19 Craiglockhart Road North Edinburgh EH14 1BR

Application No: 18/08822/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 26 October 2018, 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 **mixed decision** 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;

1. This permission relates to The proposed single storey rear extension and the first floor extension adjacent to the eastern gable elevation of the premises..
2. This refusal relates to a proposed change of use from a dwellinghouse (class 9) to a dwellinghouse/dog grooming business (class 9/sui generis)..

Reasons:-

1. In order to recognise which elements of the proposal are recommended for approval.
2. **Reasons for Refusal**

The proposed change of use would have a materially detrimental impact on the living conditions of neighbouring residents and is contrary to LDP policy Hou 7 and the Council's Guidance for Businesses.

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

Drawings 01 - 06, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

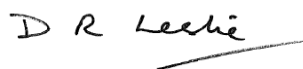
The reason why the Council made this decision is as follows:

The proposed extension is of a suitable design, scale and form and will not have a detrimental impact on the character and appearance of the surrounding area or the amenity of neighbouring residents. This element of the proposal complies with policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

The proposed change of use from a dwellinghouse (class 9) to a dwellinghouse/dog grooming business (class 9/sui generis) would have a materially detrimental impact on the living conditions of neighbouring residents and is contrary to LDP policy Hou 7 and the Council's Guidance for Businesses.

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 James Allanson directly on 0131 529 3946.



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 18/08822/FUL
At 19 Craiglockhart Road North, Edinburgh, EH14 1BR
Erect two-storey extension to side of house with a single-storey extension to the rear. Part change of use from domestic dwelling to domestic dwelling / dog grooming business.**

Item	Local Delegated Decision
Application number	18/08822/FUL
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposed extension is of a suitable design, scale and form and will not have a detrimental impact on the character and appearance of the surrounding area or the amenity of neighbouring residents. This element of the proposal complies with policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

The proposed change of use from a dwellinghouse (class 9) to a dwellinghouse/dog grooming business (class 9/sui generis) would have a materially detrimental impact on the living conditions of neighbouring residents and is contrary to LDP policy Hou 7 and the Council's Guidance for Businesses.

Links

Policies and guidance for this application	LDPP, LDES12, LHOU07, NSG, NSHOU, NSBUS,
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Report of handling

Recommendations

1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

The site is a two semi-detached dwellinghouse located on the southern side of Craiglockhart Road North. The surrounding area is predominantly residential in nature and is characterised by detached and semi-detached dwellinghouses.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal seeks planning permission for the construction of a first floor pitched roofed extension adjacent to the eastern gable wall of the premises above the existing garage, and a pitched roofed single storey extension adjacent to the rear elevation. Consent is also sought for a change of use of the premises from a residential dwellinghouse (class 9) to a mixed use dwellinghouse/dog grooming business (class 9/sui generis). The proposed new use would involve utilising the front room within the converted garage as a dog grooming area.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal is appropriate in respect of its scale, design and form and impact on the character and appearance of the surrounding area, and;
- b) The proposal will have an adverse impact on the amenity or living conditions of neighbouring residents.

a) Design, Scale and Form, Impact on Character and Appearance of the Surrounding Area

The existing dwellinghouse has a floor area of 100 square metres. The proposed extensions will have a combined floor area of 57 square metres and will be subservient in scale to the original dwellinghouse. The design of the extensions are appropriate and matches the pitched roof of the main building. The exterior materials are appropriate and will enable the extensions to be read as later additions to the premises.

The rear extension will be obscured from wider view and will have no impact on the character of the streetscape.

The side extension is of a suitable form which will ensure that it does not disrupt the character and appearance of the surrounding area.

The extensions are appropriate in respect of their design, scale and form and will not have a detrimental impact on the character and appearance of the surrounding area. The extension element of the proposal complies with LDP policy Des 12.

b) Amenity and Living Conditions of Neighbouring Residents

Both the side and rear extensions comply with the 45 degree test outlined in the Council's Non-Statutory Guidance for Householders. The extensions will not result in a loss of daylight for either neighbouring property.

The rear extension will not cause any adverse overshadowing to either neighbouring property. Any adverse overshadowing caused by the side extension will fall on the roof of the garage or the front driveway of the neighbouring property to the east and will not affect any useable amenity space within the curtilage of this premises.

The surrounding area is predominantly residential in nature. The introduction of a dog grooming business would result in an increase in noise and disturbance from customers visiting the premises and from dogs barking on a continual basis throughout the day, leading to a materially detrimental impact in the living conditions of neighbouring residents. In addition, the introduction of a business use into a predominantly residential location may also lead to an increase in on street parking and vehicle movements, also to the detriment of neighbouring amenity.

The dog grooming element of the proposal is contrary to LDP policy Hou 7.

Conclusion

In conclusion, the proposed extension is of a suitable design, scale and form and will not have a detrimental impact on the character and appearance of the surrounding area or the amenity of neighbouring residents. This element of the proposal complies with policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Non-Statutory Guidance for Householders.

The proposed change of use from a dwellinghouse (class 9) to a dwellinghouse/dog grooming business (class 9/sui generis) would have a materially detrimental impact on the living conditions of neighbouring residents and is contrary to LDP policy Hou 7 and the Council's Guidance for Businesses.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to The proposed single storey rear extension and the first floor extension adjacent to the eastern gable elevation of the premises..
2. This refusal relates to a proposed change of use from a dwellinghouse (class 9) to a dwellinghouse/dog grooming business (class 9/sui generis)..

Reasons:-

1. In order to recognise which elements of the proposal are recommended for approval.

2. **Reasons for Refusal**

The proposed change of use would have a materially detrimental impact on the living conditions of neighbouring residents and is contrary to LDP policy Hou 7 and the Council's Guidance for Businesses.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development**Plan Provision**

The site is located in the urban area in the LDP.

Date registered

26 October 2018

Drawing numbers/Scheme

01 - 06

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Allanson, Planning Officer
E-mail:james.allanson@edinburgh.gov.uk Tel:0131 529 3946

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Appendix 1

Consultations

No consultations undertaken.

END

PLANNING APPLICATION 18/08822/FUL

24 Leithglockhart Road North
Edinburgh
EH14 1BR.

22 May 2019.

Dear Mr Foster,

I thank you for providing me with a resume in respect of the change of use at 19 Leithglockhart Road North. It would appear that you have considered both 'Noise and Parking' in the street and from your proposed schedule there would be no significant change to the traffic nor noise.

Taking this into consideration I have no objection to your request to work from home and make the necessary adaptations.

Yours sincerely



John Spinks
25 Craiglockhart Road
Edinburgh EH14 1BR

Dear Mhairi

Many thanks for writing to me with a detailed description of your proposed dog grooming business.

I note that that your plans include for a fully sound insulated salon and come with a well-reasoned assessment that the impact on parking should be minimal.

I am happy to confirm that I am fully supportive of your venture. Best of luck.

Yours sincerely
John Spinks

17 Craiglockhart Road North
Edinburgh
EH14 1BR
21nd May 2019

Mhairi Foster
19 Craiglockhart Road North
Edinburgh
EH14 1BR

Ref: Planning Application 18/08822/FUL

Dear Mhairi,

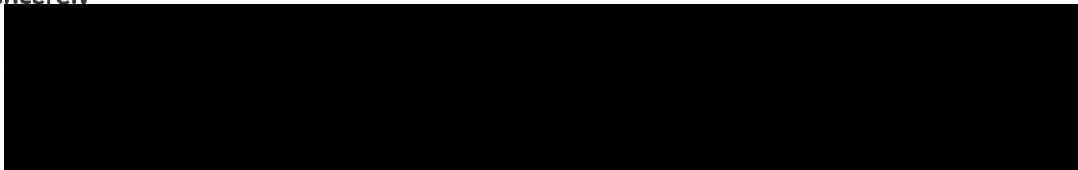
We write this letter in support of your application to set up a dog grooming business at 19 Craiglockhart Road North, which is next to our property.

We have read your business plan and note your assurances regarding the measures that you intend to implement with regard to minimising any noise caused by dogs barking and are happy that they will be effective.

Since you plan to have only one client at any one point in time, this should not present any difficulties with parking of cars in the street. As you have stated, you will provide a parking space on your drive if necessary.

In summary, we do not have any objections to your business plans as described in your business profile.

Yours sincerely



Joan and Michael Caithness

MM

Mhairi Mark <markandmhairi@hotmail.com>

Fri 07/06/2019 22:10
You &

Hi John

See email of 25/4 where the councillor refers to prev email to CEC planning.....

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...

From: David Key <David.Key@edinburgh.gov.uk>

Sent: Thursday, April 25, 2019 5:46:18 PM

To: David Leslie; Planning VIP

Cc: Neil Gardiner

Subject: Fwd: 19 CRAIGLOCKHART ROAD NORTH: REF 18/08822/FUL

Hello,

I sent the above addressees an email on 2/4/19. I have yet to receive a reply.

The text was:

"Hello team,

This is clearly a contentious application - to my mind the dog grooming business fits in well to the suburban world and I don't agree with the summation of the planning officer re noise. At most this small business would generate the same noise as any other dog-owning family and we do not restrict dog ownership or vehicle movements generally. Further, there have been no objections from neighbours either.

So, I'd be keen to have this application sent to Committee for perusal.

And given the lengthy process so far I wonder if we could fast track it please?"

The email below from the planning officer indicates that this application has been taken as a delegated decision and the next step is for an appeal to the local review board. I'm disappointed that the action I asked for was not taken and even more disappointed that I didn't receive a reply to my email at all.

Can you please indicate to my constituents and myself the details for appeal by the Local Review Body and can this application still be taken directly as a committee item?

Yours,

David

David Key

SNP Councillor - Fountainbridge & Craiglockhart

The City Chambers

Edinburgh

EH1 1YJ

Tel: [0131 529 3260](tel:01315293260)

Twitter @davidfkeySNP

Data Protection

To serve the interests of my constituents and to fulfil my role as an Elected Member, I need to collect, store, use, share and dispose of personal data.

In doing so, I abide by the data protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. My privacy notice on the Council's website explains how I do this.

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