

The City of Edinburgh Planning Local Review Body (Panel 2)

10.00 am, Wednesday 18 January 2022

Present: Councillors Beal, Booth, Hyslop and Mowat.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

3. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 2 November 2022 as a correct record.

4. Request for Review – 1 Avenue Villas, Edinburgh

Details were submitted for a request for review to demolish existing rear extension and form new extension to the side and rear to house living, dining and utility facilities. Form basement to extension with study and plant room. Minor internal remodelling of existing house. Apex roof light over existing stair at 1 Avenue Villas, Edinburgh. Application number 22/02322/FUL.

At the meeting of 30 November 2022, the Panel agreed to continue consideration of the matter to a further meeting of the Local Review Body (Panel 2) for a site visit and to allow for a response from the Council's Arboricultural Officer, specifically addressing the content of both the Tree Report from the appellant written by Hinshelwood Arboricultural Consultants, and the Tree Report from the objector written by Julian A Morris, as these appeared to offer conflicting opinions.

Assessment

At the meeting on 18 January 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an

assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and additional information.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 1-7, Scheme 1 being the drawings shown under the application reference number 22/02322/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Env 4 (Listed Buildings – Alterations and Extensions)
 - Edinburgh Local Development Plan Policy Env 9 (Development if Site of Archaeological Significance)
 - Edinburgh Local Development Plan Policy Env 12 (Trees)
 - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.

Guidance for Householders

- Listed Buildings & Conservation Areas Guidance

Other Relevant policy guidance

Revised Draft NPF4

Scottish Planning Policy on Sustainable Development

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- As the replacement trees within the TPO site were replanted by the applicant, not the Council, whether that was a material planning consideration.

- It was confirmed that they were TPO trees and the identity of the planter was not relevant.
- The appellant had stated that if the impact on the two mature TPO trees was a key consideration, was it correct that it could be rectified by a planning condition requiring further information?
- The Arboricultural Officer had indicated that they could protect these trees. The issue for protection was the proximity to the development and encroachment in the root protection area. There were also the issues of compacting soil and that the development included a basement. Regarding the imposition of a possible condition, the information was available and it was the decision of the Panel to consider if these trees could be protected.
- The applicant had stated that they could undertake a renewed tree survey. If the Panel were to grant the application on this basis and it stated that the development would have a significant impact on the root area of these trees, what effect would that have? As the Panel would have already granted the application, how would that address concerns brought about by the actual development itself?
- It was explained that the Panel would need to know that information, prior to making a decision on the application.
- Both the site visit and Arboricultural Report were helpful in navigating through a complex area.
- LDP Policy Env 12 was applicable. The trees and the future growth of the trees were in the boundary of the proposed extension, so this would not be acceptable.
- It was regrettable that there had been a delay on receiving the Arboricultural Officer's comments. The fundamental issue could not be addressed by imposing a condition. The main issue was whether this development would impact on the trees that were subject to a TPO and the onus was on the applicant to show it would not have a have a negative impact. They could have done that by a more comprehensive tree survey, but the Panel did not have that information, therefore, they should uphold the officer's recommendation.
- There had been a very thorough investigation of a complex issue. There had been previous cases where trees could be protected, but on this site the concerns could not be mitigated, as evidenced by the Tree Report and Arboricultural Report, which stated that there was potential of straying into the root systems.

- The trees were in close proximity to the side of the proposed extension which could conflict with the extension when the trees grew. These were important trees for the locality, which used to be very green in appearance. With consideration of NPF4, the reasons for refusal were still valid, but even more explicit than it was under current regulations. Therefore, it was not possible to overturn the officer's recommendations.
- The officer's recommendation should be upheld on LDP Policy Env 12 only, not NPF4, as it would complicate the matter. Env 12 was clear on the impact on trees and this application did not comply with this. Env 12 was itself an adequate reason for refusal.

Having taken all the above matters into consideration, and there was some sympathy for the proposals, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The proposal was contrary to the Local Development Plan Policy Env 12 in respect of Trees, as the location of the extension would impact on the long-term growth of replacement trees.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

5. Request for Review – 1 (Flat 1) Dicksonfield, Edinburgh

Details were submitted for a request for a review for the proposed change of use from residential to short term let, (in retrospect) at 1 (Flat 1) Dicksonfield Edinburgh. Application Number. 22/02925/FUL.

The Lead Planning Officer outlined Determining Issues for Planning Applications following parliamentary approval of NPF4, which should be taken into account when determining applications.

Assessment

At the meeting on 18 January 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and one or more hearing sessions. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01,02,03, Scheme 1 being the drawings shown under the application reference number 22/02925/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:

Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

- 2) Relevant Non-Statutory Guidelines.

Guidance for Businesses

Other Relevant policy guidance

Revised Draft NPF4

Scottish Planning Policy on Sustainable Development

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- If the Panel was to consider NPF4, did they have to take into account the views of the appellant and objectors?
- It was the decision of the Panel. If they decided to use NPF4, it was within their rights to ask the appellant or officer for further comments.
- It seemed not necessary to include NPF4.
- What would be the relevant section of NPF4, if the panel was to consider it?
- It was confirmed that Policy 30 on Tourism was the relevant section and this was outlined. Referring to short-term lets, if there was going to be an impact on local

amenity and the potential economic benefit did not outweigh the issues around the loss of residential accommodation, then the Panel should not support it.

- It was thought that Edinburgh Local Development Policies were sufficient to consider this application.
- There was sympathy for the applicant as the property looked onto Leith Walk which was of a busy character and there might be less impact here of a short-term let. However, the property shared a stair with another residential development and there was the potential for the visitors to have a negative impact on residents, therefore, the officer's decision was sound.
- There was agreement with that, as with shared space there would be noise caused by actions such as doors slamming.
- Initially, it did seem like there might be exceptional circumstances because of its locality. But with its shared stair, it did not conform to LDP Policy Hou 7, it would be in line with previous decisions taken by the Panel, therefore they should uphold the officer's decision.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

6. Request for Review – 99 Drum Brae South, Craigmount, Edinburgh

Details were submitted for a request for a review, for the proposed new dwelling house at land to the rear 99 Drum Brae South, Craigmount, Edinburgh. Application Number. 22/01177/FUL.

The Lead Planning Officer outlined Determining Issues for Planning Applications following parliamentary approval of NPF4, which should be taken into account when determining applications.

Assessment

At the meeting on 18 January 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice, the report of handling and further information.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01,02A,03,04, Scheme 2 being the drawings shown under the application reference number 22/01177/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy Hou 1 (Housing Development)
 - Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)
 - Edinburgh Local Development Plan Policy Hou 4 (Housing Density)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
 - Edinburgh Local Development Plan Policy Tra 4 (Design of Off-Street Car and Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
 - Revised Draft NPF4
 - The Relevant Scottish Planning Policy – Sustainable Development Principles
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.

- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- What was the distance between the proposed new dwelling house and the existing one, as that would be a major consideration?
- The screen was displayed and the actual distance from the existing property was explained.
- The existing distance of the proposed house to the garden to the rear of the proposed house was 9 metres. There were some dormer windows in the new property. The new dormer window would be 9 metres from the boundary. Reference was made to the length of the garden of the new house and the garden of the adjacent house sitting beyond that.
- It was acknowledged that the applicant had tried to address some of the reasons for the previous refusal, but the officer's decision was sound. This was overdevelopment in context of wider area and the Panel should uphold the officer's decision.
- It was notable that other developments in the area were carried out before the current planning guidance was issued. Therefore, this could not be said to set any precedence.
- The proposal seemed to be crammed into a very small site, inappropriate to the surrounding area. Therefore, it was necessary to uphold the officer's decision.
- There was concern about the separation of the proposed dwelling house from the main house. That might suit the current occupants but this could change over time. The officers had interpreted the policy correctly, therefore, their decision should be upheld.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The scale, form and design of this proposal was not keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial

character of the wider area. The proposal was contrary to policies Hou 1, Des 4 and Hou 4 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

2. The proposal would result in an unreasonable loss of neighbouring amenity and was contrary to policy Des 5 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

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

7. Request for Review – 44 Main Street, Edinburgh

Details were submitted of request for a review, to vary Condition 1 of Planning Consent 14/01199/FUL to permit the opening of the cafe /restaurant until 11.00pm at 44 Main Street, Edinburgh. Application Number. 22/03376/FUL.

The Lead Planning Officer outlined Determining Issues for Planning Applications following parliamentary approval of NPF4, which should be taken into account when determining applications.

Assessment

At the meeting on 18 January 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 1 Scheme 1 being the drawings shown under the application reference number 22/03376/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Ret 5 (Shopping)
 - Edinburgh Local Development Plan Policy Ret 11 (Food and Drink Establishments)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance for Businesses

Other Relevant policy guidance

Revised Draft NPF4

The Relevant Scottish Planning Policy – Sustainable Development Principles

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- It was agreed that there was no need to include NPF4 in the Panel's deliberations.
- There was some sympathy with the applicant, but the comments from objectors, environmental protection and the officer's assessment were sound. There was no reason to overturn the recommendations in the officer's report.
- The Panel should uphold the officer's recommendations.

Having taken all the above matters into consideration, although there was some sympathy for the proposals, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The increase in opening hours was likely to have a materially detrimental effect on the living conditions of nearby residents which was contrary to Policy Hou 7 of the Edinburgh Local Development Plan.

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

8. Request for Review – 18 Spring Gardens, Edinburgh

Details were submitted of a request for a review, for the change of use from house to short stay commercial visitor accommodation at 18 Spring Gardens, Edinburgh. Application Number. 22/03161/FUL.

Assessment

At the meeting on 18 January 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and further information.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01,02, Scheme 1 being the drawings shown under the application reference number 22/03161/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:

Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

- 2) Relevant Non-Statutory Guidelines.

The Relevant Scottish Planning Policy – Sustainable Development Principles

Guidance for Businesses

Revised Draft NPF4

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:.

- What specifically were the objectors' complaints regarding noise in the communal space?
- It was advised that the objections were provided in full in the papers, and covered a range of issues, but mainly in relation to the loss of residential accommodation and the impact on the surrounding residents. The main

complainant had listed the arrivals and departures to the property. This included visitors, staff and parked cars. This was all related to increased activity and that permanent residents might be more mindful of neighbours than visitors would be.

- This was more complicated than the previous short-term let which had been considered. If the Panel were to consider including grounds for NPF4, would it be prudent to tell the appellant and those commenting to say that the Panel was considering this. Could they then appeal to the DPEA on the grounds of non-determination?
- It was explained that there would be no issue regarding non-determination. The decision would still remain with the Panel.
- It was explained that the Panel could request further written submissions from the appellant in respect of NPF4, and in particular Policy 30 on tourism. The Panel might want to get information from case officers, though probably not from objectors.
- There was some confusion with the reporter's decision. It was explained that the enforcement notice was served on the basis that a material change of use had occurred. The reporter was looking at this, on the basis of frequency of use and they thought that short term let use was sufficiently infrequent not to warrant a change of use, so they quashed the enforcement notice. Therefore, the status of the property remained residential. Now, there was a short term let control area in place, if someone wanted to use their property as a short term let, they now needed planning permissions, to get a licence.
- Why would personal permission be inappropriate for short-term lets?
- When applying conditions, it is necessary to consider whether they are appropriate, reasonable and enforceable. The authority would need to know who was operating the short term let. And when considered alongside restricting the number of nights the premises could be let it would not be possible to monitor.
- It was appreciated that the number of nights per year was difficult to enforce and given government guidance, they said they did not want to look at restricted numbers. It was the issue of the personal licence of 3 years. Was it just the fact that it was put together with a number of conditions or was it was it personal licences that officers had concerns about?
- It was explained that there were tests for conditions as to whether there were reasonable grounds for enforcement. If it was appropriate to be operated as a short term let, it might be more appropriate to grant it in perpetuity.

- The application was for change of use to a short-term let, they had not specifically applied for a number of nights.
- It might be possible to continue consideration to allow the appellant to comment on the applicability of NPF4 30 regarding tourism. The refusal was based on LDP Policy Hou 7. There were also the comments from the DPEA regarding the appeal. It was probable that there were insufficient grounds to refuse the application.
- One of the members disagreed. They did not think that section 30 of NPF4 was of sufficient relevance. The Panel should make a decision at this meeting. It was not normal practice to take into account the way a property was managed.
- Continuation would be useful, because of its complex nature, regarding communal space and the impact that had in the Panel's determination in respect to LDP Policy Hou 7, it was advisable to proceed with caution and ask for more information on NPF4.
- When the Panel used LDP Policy Hou 7 on amenity, it tended to be for the potential impact on shared stairs and this was a small shared communal area. There was a mixture of views from those residents in the surrounding area, there was also an enforcement issue. The individual house would be deemed suitable. Given this, the Panel should indicate they had considered Policy 30 Tourism of NPF4 and ask the officer and appellant to assess this in light of this.

Having taken all the above matters into consideration and although one of the members was in disagreement, the LRB was unable to make a final decision and determined to continue consideration of the matter to a further meeting of the Local Review Body (Panel 2) for further written submissions both from the appellant/applicant and the planning officer with regards to Policy 30 Tourism of NPF 4.

Decision

To continue consideration of the application for further written submissions both from the appellant/applicant and the planning officer with regards to Policy 30 Tourism of NPF 4.

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

Dissent

Councillor Beal requested that his dissent be recorded in respect of the above decision.

9. Request for Review – 7 (GF) Strathearn Place , Edinburgh

Details were submitted of a request for a review for the removal of existing extension and internal alterations. Erection of a new extension and garden room to the rear of the property at 7 (GF) Strathearn Place, Edinburgh. Application Number. 22/03235/FUL.

The Lead Planning Officer outlined Determining Issues for Planning Applications following parliamentary approval of NPF4, which should be taken into account when determining applications.

Assessment

At the meeting on 18 January 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and further information.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 1-3, Scheme 1 being the drawings shown under the application reference number 22/03235/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
 - Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
 - Listed Buildings and Conservation Area Guidance

Other Relevant policy guidance

Revised Draft NPF4

The Relevant Scottish Planning Policy – Sustainable Development Principles

Merchiston & Greenhill Conservation Area Character Appraisal

Managing Change in the Historic Environment – Extensions

Managing Change in the Historic Environment – Interiors

Managing Change in the Historic Environment – Roofs

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The Panel should consider the application on current policies, without reference to NPF4.
- Could it be confirmed that 6 of the 8 properties at Strathearn Road had full width extensions.
- It was confirmed that 6 of 8 properties had extended at Strathearn Road had full width extensions across the back of the properties. At Strathearn Place, aerial photographs showed that the outshoots remained visible.
- Whether the extensions on Strathearn Place were the original outshoots.
- The image displayed indicated that the outshoots were the hipped roofed elements at Strathearn Place, and some had been altered.
- The issue was this property already had an existing extension that cover 100% of the width of the property and it seemed unfair that the Panel refused this application as it did not comply with guidance that stated only 50% of the width of the building could be covered.
- Was it the case that if the extension had existed for more than 10 years, then enforcement action could not take place?
- It was confirmed that it was 4 years for a residential property. The history of the site only referred to the corresponding listed building application for the extension, it did not refer to any previous applications on this site.
- Reference was made to the reason for refusal. The proposal was contrary to LDP Policy Env 4, would it have detrimental impact on the architectural merits of the property. Should this be supported?

- LDP Policies Env 4 and Env 6 were given as reasons for refusal, but there was no reference to Des 12, which was referred to on page 392 of the report. What then were the reasons for refusal?
- It was confirmed that LDP Policies Env 4 and Env 6 were the reasons for refusal and the Panel should concentrate on these.
- Regarding the supposed detrimental impact on the architectural merits on the property, was that referring to the large area to the rear of the property?
- This was open to interpretation. By building this extension, would there be a detrimental impact on the existing architectural merits of the building.
- It was thought that the extension would dominate the back of the property. The Panel was considering the new extension, not what currently exists, and that it was different to other houses in the area.
- The reasons for refusal were Env 4 and Env 6, and the impact on the listed building and the conservation area were crucial to the determination of the application. Therefore, should the Panel continue the application to wait for the DPEA decision?
- It was explained that these two policies were crucial for the LBC application, but the determining issues for a planning application and a listed building application were different. It was possible to have one application refused and one granted. The Panel could make a decision independent of the LBC application.
- It was not the case that Env 6 was proven in this case. Most people in the conservation area would not see this extension so it would not have an impact on conservation area. Also, while looking at the original building, this had been altered, what there was to be considered was an application for alteration to an extended section of a listed building. This was probably an improvement on what existed. It would increase living space and allow the property to be slightly bigger for a growing family without the need to move.
- This application was acceptable, there was no detrimental impact on the architectural merits of the property, it complied with policies and this was a better extension.
- The case for the proposals being detrimental to the conservation area was not made as it would not be generally visible. Of more concern was the impact on the listed building, there would be an increase in height and it might be of merit to continue this.

- Considering LDP Policy Env 6, it had to be questioned if the proposals preserved or enhance the conservation area. Even the back garden was located in the conservation area and could not be ignored. The extension could become quite dominant. It was not the case that it would preserve the character of the conservation area.
- Whether the listed consent process cover internal and external aspects.
- It was explained that it covered external and internal aspects, and setting. It was concerned with the integrity of the building. All of that would be taken into consideration.
- The grounds for refusal may or not be mitigated by the outcome of the listed building process. It might be advantageous to continue this application until the outcome of the listed building consideration was settled. It should be stated that not anything could be built in the back garden and this extension was probably an improvement on the existing work.

Having taken all the above matters into consideration, the LRB was unable to make a final decision and determined to continue the matter to allow consideration of the DPEA appeal decision on the listed building application in due course.

Decision

To continue the matter to allow consideration of the DPEA appeal decision on the listed building application in due course.

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