

11 MANSIONHOUSE ROAD
EDINBURGH
EH9 1TZ

City of Edinburgh Council
Local Review Body
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

BY EMAIL ONLY: localreviewbody@edinburgh.gov.uk

23 January 2023

Dear Sirs

**Comments in opposition to Planning Appeal
In respect of 10 Chalmers Crescent, Edinburgh, EH9 1TS
Notice of Review reference - 100611269-001 - 22/03157/FUL & 22/03156/LBC**

We have considered the ‘Appeal Statement’ prepared in support of the above Notice of Review by Felsham Planning & Development and wish to make the following comments:

To begin with, the statement at section 3.0 of the Appeal Statement that “*the proposal has been discussed and agreed with the immediate neighbours to the application site*” is quite untrue.

At section 6.0 of the Appeal Statement, the applicant makes an inappropriate and arguably misleading comparison with reference to the fact that the neighbours are already overlooked from the upper floors. To state “*Therefore, there will be no impact on the amenity of neighbours*” is the result of an entirely false premise. To be overlooked through a window from a second floor bedroom is entirely different to the creation of an outdoor space whose essential purpose is for multiple people to congregate, converse and entertain. We believe that the proposed terrace would constitute a significant detriment to our privacy.

It is also faintly disingenuous of the Appeal Statement to suggest that the neighbours’ amenity is somehow improved by the transition of the property from office to residential use. The former NHS office was never occupied at evenings or weekends, the times when the immediate neighbours to the East wish to enjoy time in our gardens; nor did the NHS staff ever congregate on the roof of the rear extension; whereas the applicant represents multiple families in residence 24/7/365.

Further, the purported comparators of similar terraces elsewhere in the Grange (Figure 7 of the Appeal Statement) bear no resemblance in scale or style to the proposal under appeal. Those shown are partially enclosed, more in the nature of a small balcony than the large open roof terrace here proposed as an inherently social space – perhaps in due course to feature a barbeque or a pizza oven or outdoor heaters.

/...

In response to section 7.0 of the Appeal Statement, it cannot be said that the proposals do not affect the amenity or privacy of the neighbouring properties of which our home is one. It is also obviously untrue that there are no views of the proposal from the East.

We have seen, and wholeheartedly support, the objections to the appeal made by the owners of No.13 Mansionhouse Road.

Yours faithfully

Ed Watt & Sinéad Reynolds

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24 January 2023

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To Whom It May Concern,

We have considered the Appeal Statement prepared in support of the above Notice of Review by Felsham Planning & Development and wish to make the following comments:

Loss of privacy to 13 Mansionhouse Rd

Our property, 13 Mansionhouse Rd (together with the adjoining 11 Mansionhouse Rd), is situated directly to the east of the back garden of 10 Chalmers Crescent across Lovers Loan. With the rear façade of our house only some 27 meters from the east side of the proposed roof terrace, its construction would result in a **significant loss of visual and sound privacy** (See Fig. 1). This would adversely affect the quality of life in our house and garden. The Felsham Appeal document makes several inaccurate and misleading claims with respect to us, which we wish to correct here.



Figure 1. View from 13 Mansionhouse Rd of the extension at the back of 10 Chalmers Crescent, showing the approximate position of the proposed terrace with respect to our gardens.

Felsham Appeal document's misrepresentations

In the comments which we submitted at the planning permission stage, we outlined three conditions which might have made the roof terrace acceptable to us. These were that -

- (1) a modified design would have provided a permanent, 1.8m-high visual screen along the length of the east side of the terrace,
- (2) a permanent, 2.7m-high hedge would have been erected above and along the length of the back wall, and
- (3) a document would have been created ensuring that these conditions remain fixed into the future.

The Felsham Appeal document makes no modifications to the original design proposals. Instead, it misleadingly claims (in Section 3) that the proposals were “agreed with the immediate neighbours.”

The overlook drawings

Figure 5, A, B, C & D of the Felsham Appeal document are drawings made by the owner's architect, Crichton Wood, in discussion with Dagmar Weston of 13 Mansionhouse Rd at the time of the planning application about the problem of mutual overlooking. They show, in fact, that if the terrace were constructed with the low balustrade as proposed in the design, the entire gardens of 11 and 13 Mansionhouse Road would be overlooked. It was these drawings which showed that the high opaque screen on the east side of the terrace and the 2.7m high hedge were necessary to prevent this. The document's claim that these drawings show the efforts to make the scheme acceptable to neighbours through good design are disingenuous, because there has since been **no effort to implement any of their findings**. On overlooking, see also our Fig. 2, below.

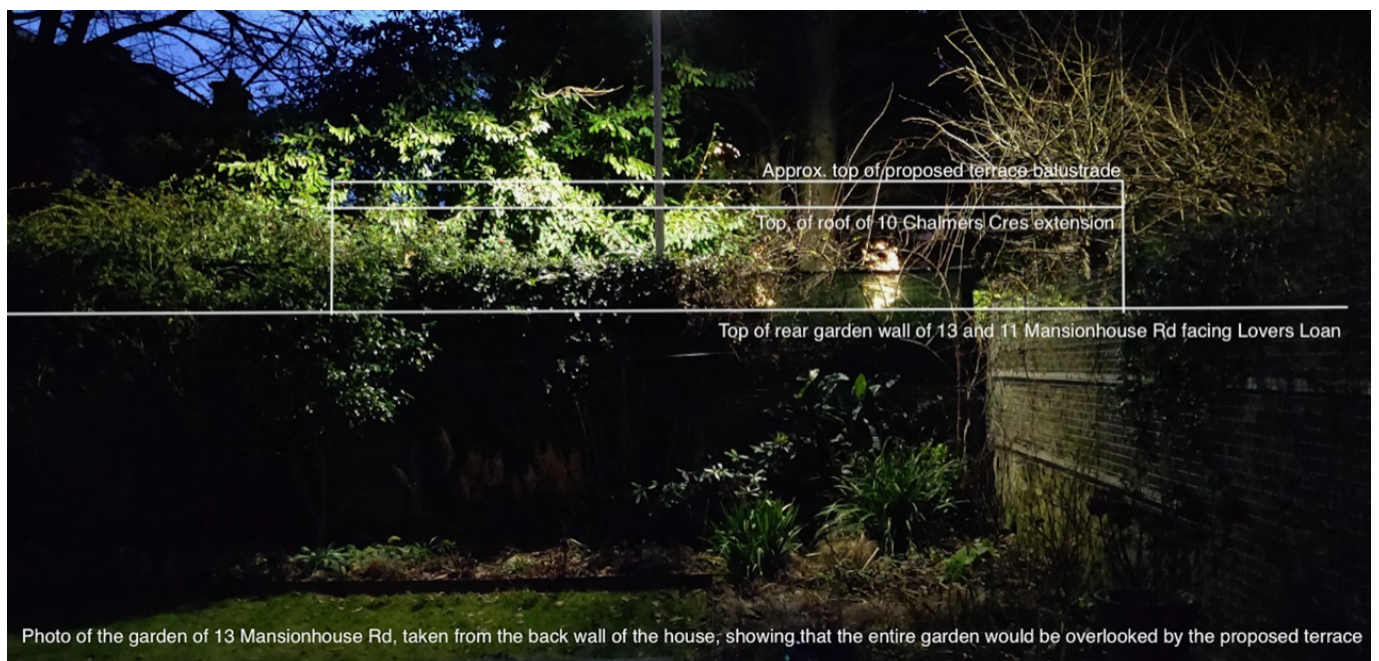


Figure 2. Photo of the garden of 13 Mansionhouse Rd, taken from the back wall of the house, showing that the entire garden would be overlooked by the proposed terrace at 10 Chalmers Cres.

Local precedents and the loss of amenity

The Felsham Appeal document lists as precedent a raised terrace which has been permitted on Dick Place. This is not comparable because it is much smaller (a large balcony, really) and less intrusive than the proposed one. 10 Chalmers Crescent is a very large property on 4 levels. Together with its Annex, it contains many rooms, housing a growing extended family. So, unlike the Dick Place terrace, the proposed roof terrace could be used by large numbers of people. The fact that the owners have decided to keep the two modern blocks instead of creating a larger garden at ground level suggests that they plan to make substantial use of the proposed terrace. Unlike with the previous office use, this residential use would occur mainly in the evenings and on weekends, at the very times when noise and mutual overlooking would be most objectionable to the neighbouring properties.



Figure 3. View of 10 Chalmers Cres extension from 15 Mansionhouse Rd, showing its the proximity to the gardens across Lovers Loan and the poor screening of the trees. The roof terrace would be above where the skylights are now, on top of the beige box.

The trees along the east border to Lovers Loan

The Felsham Appeal document claims that the trees along the east border of 10 Chalmers Crescent provide an adequate screen, so that “there are no views” of the proposed terrace from any side (see Felsham Fig. 6). This is false, as can be seen in the photos taken from the neighbouring houses (see our Fig. 2, above). The large deciduous tree near the south-east corner is bare for six months of the year, allowing full views to and from the proposed terrace. There is a ragtag mixture of low, leafy trees and shrubs along the southern part of the east wall. The tall conifer further north has been gravely damaged by the previous owner’s unprofessional pruning and presents an eyesore. The main point is, however, that trees alone cannot be relied upon to provide a permanent protection against overlooking and noise.

We trust that these arguments make it clear that should this roof terrace be permitted, it would result in an unreasonable loss of privacy to the neighbouring properties to the immediate the east. It would undeniably be detrimental to neighbourhood amenity.

We have seen, and wholeheartedly support, the objections to the appeal made by the owners of No.11 Mansionhouse Road.

Yours faithfully,

Dagmar and Robert Weston

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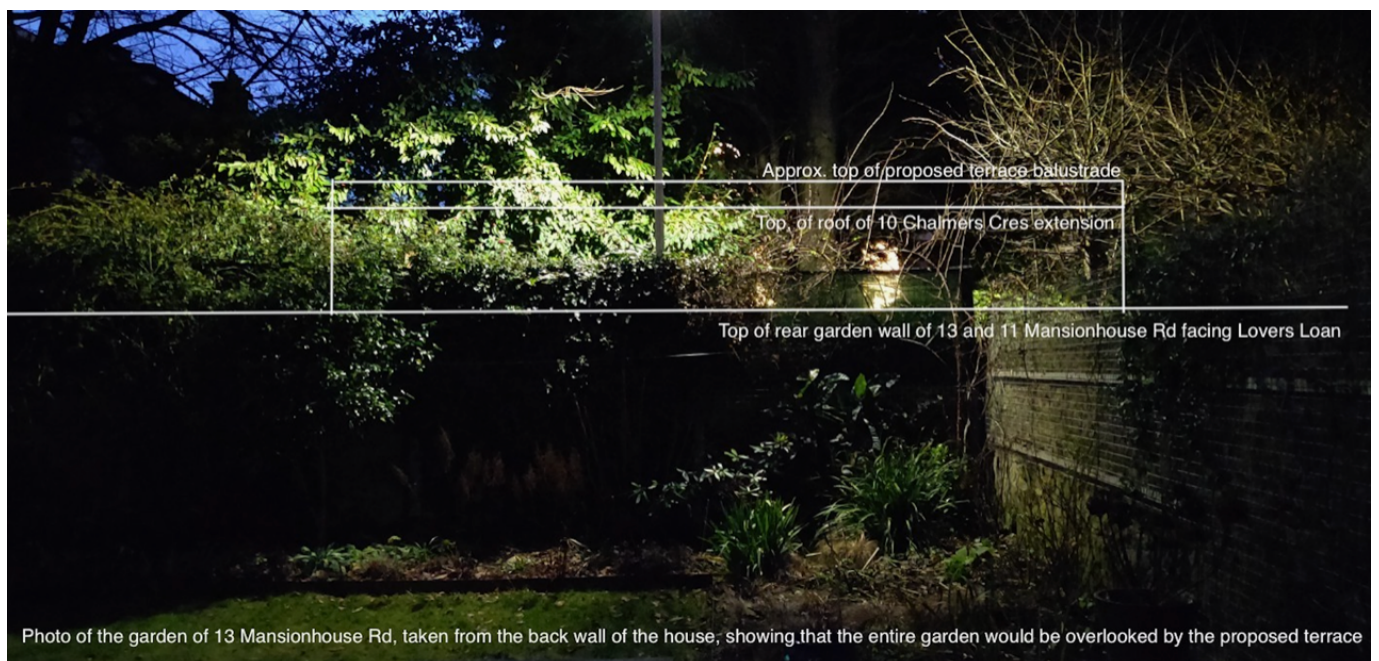


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Yours faithfully,

Dagmar and Robert Weston

Gina Bellhouse
Planning Advisor
Local Review Body
City Of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh EH8 8BG

10th February 2023

Dear Ms Belhouse

Local Review Body Further Representations

Dr Gill, 10 Chalmers Crescent Edinburgh EH9 1TS

Add external stair to ground floor flat roof extension and create roof terrace.

Planning Application: 22/03157/FUL

We refer to your letter of 27th January 2023 attaching representations from residents at 11 and 13 Mansion House Road and inviting comments. We have reviewed these at length with our client, his family and his architect. We attach below some photographs that illustrate the relationship between our client's property and those of the objectors.

In an urban area such as this some overlooking is inevitable. The separation distance is 27m from our client's proposed terrace to the objectors' properties. This is considerably in excess of the Council's standard window to window separation of 18m which is intended to protect privacy.

The appeal proposal is not creating an impact that does not already exist. Our clients already overlook the objectors' properties. The illustrations submitted with the appeal papers show that standing on the roof terrace the nature of the angle means that it would not be possible to look down into the garden and the view is of the rear wall of the properties. We reiterate that this was once an office and the potential for overlooking was significantly greater because the size of the building gave the office a capacity of at least 50 people. Before it was an office the property was a hospital. The historic use of the building has been such that the potential for overlooking was far greater than now.

The photographs below illustrate the extent of the screen and the angle of view. They corroborate the images used in the appeal submission. Our comments on the photographs, in the order they are presented is as follows:

1. Taken from our client's garden and shows that even in winter there is a considerable screen along much of the boundary.
2. This view from our client's extension roof shows the effect of the existing screen. This will be greater in summer when the trees are in leaf. It also illustrates the point that the nature of the angle of the view from the roof means that it is not possible to look directly into the garden beyond Lovers' Lane
3. This further illustrates the point made above and demonstrates how trees prevent a view into the houses beyond Lovers' Lane.
4. The final photograph is also taken from our client's garden and illustrates how view beyond Lovers' Lane are intermittent because of the trees screening the view.

Thus, there is already a visual screen and this is shown in the photographs below. These were taken in winter and the extent of this screen will be greater in the summer.

The parties making comments are not adjoining neighbours. They do not share a boundary wall and are separated by Lovers' Lane. The immediately adjoining neighbours have not objected.

The same neighbours who objected to the appeal approached our clients some time ago and offered to contribute toward removing some of these trees to create more light. We have noted above that there is existing overlooking views but at that time it did not appear to be an issue for the neighbours. The very trees that help create intermittent views were going to be removed to open up those views. It seemed privacy was not a matter of concern at that time.

We submitted with the appeal a number of precedents for other roof terraces in this area. The objectors dismissed the Dick Place example as not relevant because the objectors argue it is too small. We do not accept this argument because the issue is overlooking not size. We have shown that elsewhere in this area a roof terrace has been deemed to be acceptable where it has a similar relationship to its neighbours as our client's proposal.

Our client has looked at possible mitigation. Their preferred option is a sitting area around the drum to have a 1.8m high visual screen, the remaining part of the east elevation was going to have a 1.1m glass safety wall at perimeter and used for planters and minimal public sitting. This would be the planters for the kitchen herb garden. In our view this would be a good compromise for visual privacy for both parties.

Our clients are willing to offer mitigation. This can be secured by planning conditions. Alternatively, our clients would be willing to enter into a s75 agreement. This would be a legal document this could be agreed to have a permanent 1.1m balustrade along east elevations and to have the 1.8m high visual screen around the drum.

We would be grateful if this submission could be made available to the Local Review Body.

Please do not hesitate to contact me if there are any matters you wish to discuss further.

Yours sincerely



Philip Neaves

Director

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