

Appellant’s Response to Representations

Local Body Review Reference
22/02168/FLL

Alteration to Roof and Associated Formation of Roof Terrace to Rear Elevation

As the appellant, and having read through the comments and objections from some of the residents in 12 Dean Park Street, I feel that it would be helpful to provide a personal response to some of the concerns raised by my neighbours.

Currently, my property has no outside space, being bounded on the west side by the street of Dean Park Mews, and to the east by the garden of the tenement flats of 12 Dean Park Street. The purpose of the application is to provide a small outdoor space to be enjoyed when the weather permits. I have no desire to negatively impact my neighbours or the character of the area.

I would like to address each of the areas of concern that they have raised:

Encroachment (to the garden space of 12 Dean Park Street)

The proposed roof terrace will be entirely within the existing footprint of 31 Dean Park Mews. There will no overhang, encroachment, or access to the garden of 12 Dean Park Street from, or by, the proposed development as seems to be believed by some.

Privacy

My proposed development will be screened from the flats / garden at 12 Dean Park Street, by a 1.8 metre natural stone wall.

This is for my privacy as well as that of the residents and will completely screen the adjacent flats from the terrace.

The terrace will still be overlooked by the 3rd and 4th floor flats, but the reverse will not be possible. It should be noted that there are already 5 existing, full-sized windows of my property (3 at ground level) that directly face / overlook the garden and the flats of 12 Dean Park Street.

Noise

I find the concerns about noise difficult to understand. The proposed terrace will give a small outdoor space to one property - currently occupied by 2 people. It is a fraction of the size of the adjacent garden which is available to the occupants of 16 flats and as such, any noise potential from the proposed roof terrace is a fraction of that from the garden. Furthermore, the proposed wall between the terrace and the flats / garden will mitigate noise and there will be less impact compared to opening my existing rooflights.

Additionally, there is a similar roof terrace on a property 2 doors up the street. In the 16 years I have lived in this street, there has not been a single record of complaint of noise from this terrace and there is no reason to suggest why my development should be any different.

Daylight / Overshadowing

The proposed terrace is entirely within the existing footprint. The height of the privacy wall is lower than the existing ridge of the roof. There is zero impact on sunlight to the flats and only very minimal additional shadowing to parts of the garden at times of the year when the sun is low in the sky. We did a sunlight impact survey prior to the submission of the application to ensure that there was no detriment to my neighbours. The results of this survey are part of the planning submission.

The public comments also refer to potential issues during the construction period including noise pollution and site access. It is acknowledged that there will be limited impact during construction which is an expected result from any housing development in any situation – the construction period will be short and managed through a Construction Management Plan.

Materials / Character

The proposal was designed deliberately to use traditional materials and to mimic the chimney stack (albeit wider) that was originally on my property at this location prior to removal many years ago (and can still be seen on other properties in the street). The proposed rubble stone wall will match the existing rear wall and replaces an area of concrete roof tiles. This represents a partial return to more traditional materials as viewed from the flats / garden of 12 Dean Park Street.

Overleaf

The image on the following page is an illustration of the proposed rear / east elevation of 31 Dean Park Mews as would be viewed from the garden space that is associated with 12 Dean Park Street

The image shows 31 Dean Park Mews on the right side of the image and the proposed roof terrace and screening in the centre of image.

To the left side of the image is 29 Dean Park Mews and 27 Dean Park Mews (including the existing roof terrace associated with this property)



< Existing Terrace
v

< Proposed
v

< Extent of 31 Dean Park Mews (app. south boundary position)

Extent of 31 Dean Park Mews (app. north boundary position) >

From:
To:
Cc:
Subject:
Date:

Good morning

My objection to the building works is noise, overlooking/loss of privacy, loss of sunlight/overshadowing in the garden, possibilities evening activities, appearance/design – may not be appropriate for the historic building.

All of my windows (lounge, bathroom and bedrooms) of my flat face the garden and thus the proposed balcony. This would seriously affect my properties privacy. I'm also concerned about the noise levels when someone is on the balcony.

After having another look, the building is too close and not high enough for such a development plan. We strongly believe that the proposed development will harm the amenity of our property at 12 Dean Park Street.

Kind regards
Shireen Morton
12 flat 13 Dean Park Street

Sent from my iPhone

From:
To:
Subject:
Date:



Dear sirs,

22/05264/FUL.

This re-application does nothing to address our concerns regarding the inappropriate nature of this development and the consequent loss of amenity to our property at 12 Dean Park Street and we would urge the Planning Authority to reject it forthwith.

See my previous objection on 21st Nov 2022

Customer Details

Name: Mr William McArthur Address: 12 Dean Park St Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As owner of a ground floor flat immediately facing the proposed alteration, I am very uneasy about the aesthetic impact of interrupting the existing roofline of a traditional Edinburgh house. The proposed stone barrier will be unsightly and does not seem to offer a 'sympathetic' alternative to the traditional roof.

It seems desirable to conserve the visual integrity of one of the city's most attractive districts.

Yours faithfully

William McArthur 12 Dean Park Street

From:
To:
Subject:
Date:
Attachments:



Hello,

Please find attached my comments for the case listed.

Many thanks,
Douglas

From:
To:
Subject:
Date:
Attachments:

Hi there,

Please see the attached Further Comments for Planning Application 22/05264/FUL. I inserted them in the content to the email below as well, just in case.

I would appreciate the acknowledgement of the submission.

Kind regards,
Daria Jeczmyk

Further Comments for Planning Application 22/05264/FUL

Application Summary Application Number: 22/05264/FUL Address: 31 Dean Park Mews Edinburgh EH4 1EE Proposal: Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).

Case Officer: Householder Team

Customer Details Name: Mrs Daria Jeczmyk

Address: 12 Dean Park Street Edinburg

Comment Details Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: RE: Application 22/05264/FUL

Date: **23 May 2023**

Delivered by email: [\[redacted\]](#)

To Whom It May Concern,

I would like to make a further written submission and the Local Review Body to take the following objections into consideration with regards to the alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months) Planning application: 22/05264/FUL

Firstly, loss of amenity

The proposed development will harm the amenity of our property at 12 Dean Park Street, through:

- The noise will carry out during day and evenings, possibly nights because the buildings at 12 Dean Park Street and 31 Dean Park Mews are very close and the sound will amplify which will have a negative impact on the garden and 6 flats at 12 Dean Park Street also other neighbours next door from both sides. Our garden is a place of tranquillity where we can improve our mental wellbeing and have a break from the challenging life nowadays. Having neighbours over our heads will significantly disrupt it!

Not mention people having open windows from the garden side in Spring/Summer trying to work or rest!

It will cause constant conflicts!

- Overlooking/loss of privacy. The proposed development overlooks the garden at 12 Dean Park Street. The building at 31 Dean Park Mews is not high and therefore the proposed project will breach a right to privacy in regard to a number of neighbours who use the garden regularly all year around as an important place to look after their wellbeing!

- Loss of sunlight, the proposed development will overshadow most of the garden, causing significant loss of sunlight which is so important for 16 households as the sunlight in the garden is crucial to maintain wellness. The sun light is only in the afternoon. So we will end up in a scenario where the neighbour at 31 Dean Park Mews will enjoy all the sun and we will sit in front of his proposed development in shade for most of the afternoon.

- Late night activities that could be carried on the terrace and could have a detrimental impact on many neighbours living opposite 31 Dean Park Mews including other neighbours living next door.

Secondly, the appearance.

- The proposed development will have a detrimental impact on the appearance and character of the building. It will negatively change the shape of the building. The historic buildings should stay as they are and should be protected by the authorities from monstrous and selfish projects. Mews buildings are part of history!

Access to the private property and the building works effect

- Finally, they are significant concerns about our trees and plants and garden damaged by works carried out as well as about general disturbance in the area.

In summary, one household at 31 Dean Park Mews by their development ideas cannot limit 16 households at 12 Dean Park Street in the garden and at their own flats, not mentioning other neighbours around. It is not right!

Yours sincerely,

Daria Jeczmyk

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: 22/05264/FUL
Date: [REDACTED]
Importance: [REDACTED]

Dear Planning Review Body

I write to object to the appeal of planning application APPEAL AGAINST REFUSAL
—22/05264/FUL refused on 01.03.23.

My previous objections still stand and we as a stair community appreciate the importance the planning committee gave to the impact of this proposed development of neighbours of close proximity when rejecting the proposal.

Further to these objections, I have read the arguments put forward in the appeal and contest the following points included therein:

1. The appeal states "The application site does not have any outside space or garden ground;"

The garden ground of 12 Dean Park Street creates a boundary with the wall of the appeal property, therefore it must be considered that garden ground is indeed directly adjacent to the application site, and owned and occupied by 16 households who will suffer from the proposed development of one sole household. The proposal looks directly onto our garden.

The garden of 12 Dean Park Street is not to our knowledge, in any title deeds, ever for the purpose of enjoyment of 31 Dean Park Mews. It is ours to enjoy quietly and privately.

The building work will cause damage to our garden and borders.

2. The appeal states: "The proposals are located on the rear roof of the property and not visible from the front of the property; "

The implication of this statement is that a projection on a facade is unacceptable to the front, so why would it be then acceptable to have the same unsightly projection to the rear? The front facade poses significantly less impingement on the eye as Dean Park Mews is a quiet street with hardly any through traffic or footfall - the proposed objection would cause far less disruption to the quality of life of the neighbours of the Mews than the current proposal to the rear would for the occupiers of the adjacent garden, owned solely by 12 Dean Park St.

The statement suggests that the rear of the property is somehow less significant than the front - why is this so? And to whom is it less significant? It is significant to us - all the flats in 12 Dean Park Street have views to only one side of the building, so for those of us who overlook the garden, this is our sole view from our home. We could not get away from the proposed development nor the impact it will cause in terms of noise, visual degradation of existing garden view and invasion of privacy.

3. The appeal states: 'Privacy is stated as acceptable in the Report of Handling for – 22/05264/FUL'

The owners and residents of 12 Dean Park Street refute that the privacy level is acceptable to us due to the impact described above, below and in my original objection and this objection was upheld in the rejection which states that the plans:

"the works will result in the unreasonable loss of neighbouring amenity through noise impact." Also the work: " would have a detrimental effect on neighbouring properties".

These facts have not changed and cannot be overlooked.

4. The appeal further states that: "Overlooking is stated as acceptable in the Report of Handling for – 22/05264/FUL

Our objections are that the amount of potential overlooking is **not** acceptable, nor does it consider the impact of noise. The proposed development is effectively providing 31 Dean Park Mews with access to enjoy and bring noise disturbance into a private garden space not owned by them, but owned privately by 16 other households. It is not a garden which is shared with the Mews and they are encroaching onto our only private outdoor space, a factor considered when purchasing the property.

Tenement living with limited access to private green space is not straightforward in Edinburgh. We negotiate with neighbours in our stair community for access to the washing lines, and use of the shared garden, and do so with respect and consideration for the needs of others in our stair community. It will detrimentally affect our wellbeing if our own private garden space is encroached on by this development in order to provide the Mews owners with access to all the benefits of a garden which does not belong to them.

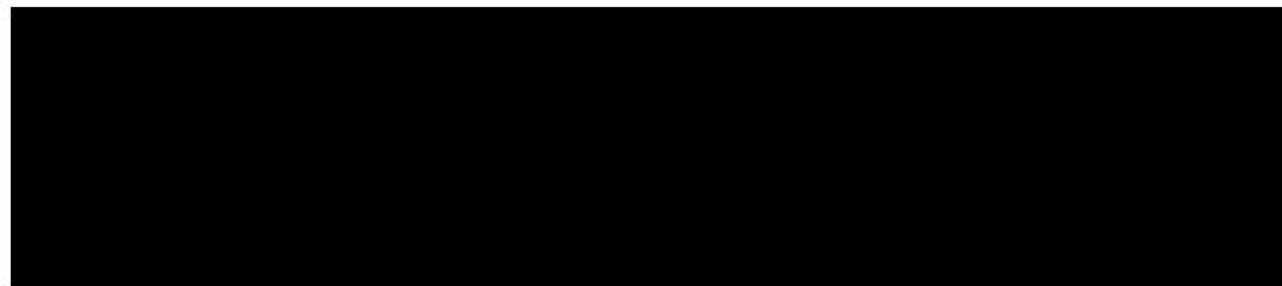
Furthermore the argument that a roof terrace exists nearby is irrelevant. It happens to be used almost never, over the period of 18 years I have lived in the building. There is no guarantee, once planning permission is granted, that the current or future owners of 31 Dean Park Mews would be equally quiet or considerate.

We urge you to consider the number of people affected by the plans of one household.

Yours sincerely

Elizabeth Reilly
Owner, 12 Dean Park Street

From:
To:
Subject:
Date:



Please note our concerns as noted below.

Our main concerns are: noise, overlooking/loss of privacy, loss of sunlight/overshadowing, possibilities evening activities, appearance/design – it is not right to alter the historic building.

The building is too close and not high enough for such a development plan. We strongly believe that the proposed development will harm the amenity of our property at 12 Dean Park Street.

Iain Morris
3F3, 12 Dean Park Street, Edinburgh

From: localreviewbody@edinburgh.gov.uk <localreviewbody@edinburgh.gov.uk>
Sent: 17 May 2023 14:42
To: [REDACTED]
Subject: Notice of Local Review No 22/05264/FUL

Please See Attached This email is to inform you that a local review has been received for a planning application that you commented on .

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From:
To:
Subject:
Date:

To Whom It May Concern,

As the residents and owners at 12 Dean Park Street, Edinburgh, EH5 1JW we strongly object to the project related the alteration to roof and associated formation of roof terrace to rear elevation(resubmission relating to 22/00498/FUL within 12 months).

In case of the above resubmission, can we add arguments against the project to strengthen our position?

If there is anybody who would like to add comments as they did not manage to do so last time. Can they send a comment to you?

It has been a long battle with the owner at 31 Dean Park Mews Edinburgh EH4 1EE and we want to make sure that we are heard on this occasion as well and don't lose the battle.

Kind regards,

Daria