

## DECISION NOTICE AND REPORT OF HANDLING

Application address - 99 Drum Brae South Edinburgh EH12 8TD

Application Ref. No - 19/00798/FUL

Review Ref No - 19/00108/REVREF

Review Lodged Date 07.08.2019

COPY

Format Design  
FAO: Shona Mackay  
146 Duddingston Road West  
Edinburgh  
Scotland  
EH16 4AP

Mr M Gizzi  
C/O Format Design

Date: **3 July 2019**,

Your ref:

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

Erection of a studio mews dwelling-house on land to the rear.

At 99 Drum Brae South Edinburgh EH12 8TD

**Application No:** 19/00798/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 18 February 2019, 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 **Refused** 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;

**Conditions:-**

**Reasons:-**

1. The scale, form and design of this proposal is not keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the the wider area. The proposal is contrary to policy Des 4 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.
2. The proposal will result in an unreasonable loss of neighbouring amenity and is contrary to policy Des 5 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

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

Drawings 01-04, 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 scale, form and design of this proposal is not in keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area. The proposal is contrary to policy Des 4 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

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 Lynsey Townsend directly on 0131 529 3905.

*D R Leslie*

David R. Leslie  
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](http://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](mailto: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 19/00798/FUL  
At 99 Drum Brae South, Edinburgh, EH12 8TD  
**Erection of a studio mews dwelling-house on land to the rear.**

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	19/00798/FUL
<b>Wards</b>	B03 - Drum Brae/Gyle

## Summary

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The scale, form and design of this proposal is not in keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area. The proposal is contrary to policy Des 4 of the adopted Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance.

## Links

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<b><u>Policies and guidance for this application</u></b>	LDPP, LDES01, LDES05, LHOU04, LTRA02, LTRA03, NSG, NSGD02,
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# Report of handling

## Recommendations

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1.1 It is recommended that this application be Refused for the reasons below..

## Background

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### 2.1 Site description

The application site is located to the rear of 99 Drum Brae a detached single storey property located on the west side of Drum Brae South. To the north,south and west is residential properties. To the east is a single storey commercial building.

### 2.2 Site History

June 1995 Planning permission was refused for part change of use of the property to a children's nursery. (planning ref: 95/00976/FUL)

October 2002 Planning permission was granted for extensions. (planning ref: 02/02892/FUL)

September 2004 Planning permission was refused for an extension to the property. (planning ref: 04/02533/FUL)

December 2004 - Planning permission granted for extension and alteration to house (planning ref: 04/04394/FUL).

## Main report

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### 3.1 Description Of The Proposal

The proposal is for the erection of a two storey house sited within the rear garden ground creating a new planning unit. The house measures 10 metres wide, 5.8 metres in depth and approximately 5.5 metres in height to the ridge and 3.8 metres to the eaves. It will provide a living, kitchen/dining area, bedroom and shower room on the ground floor and two bedrooms and a bathroom will be provided on the upper floor. The south elevation will have double height glazing with patio doors at the ground floor level. The north elevation will have a window at the ground and first floor level. No windows will be on the east elevation and a velux window is proposed on the west elevation. Materials proposed are a mixture of smooth render, aluminium cladding and concrete tiles.

A vehicular access is proposed with off street parking from the lane to the north of the site.

### **3.2 Determining Issues**

### **3.3 Assessment**

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

- a) The proposal is acceptable in principle;
- b) The proposal would have a detrimental impact on the character and appearance of the surrounding area;
- c) The proposal would result in the creation of a satisfactory living environment or would have a detrimental impact on the amenity of neighbouring residents;
- d) The proposal raises any issues in respect of parking and road safety; and
- e) Any issues raised in representations have been addressed.

#### **a) Principle**

Part 1 of policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of housing land supply and the



relevant infrastructure as detailed in Part 1 Section 5 of the plan; including on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan. The application site is designated as being in the urban area in the LDP and the proposal is therefore acceptable in principle provided it complies with the other policies in the local plan.

b) Impact on the Character and Appearance of the Surrounding Area

The surrounding area has a settled townscape character in the form of single storey bungalows set within reasonable sized front and rear gardens with some properties having extensions along with domestic sized sheds or garages. Policy Des 4 seeks to ensure that development will have a positive impact on its surroundings, including the character of the wider townscape. The proposal is for a two storey dwelling within the rear garden of the existing dwelling. The scale, form and design of this proposal is not keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area.

The proposal does not comply with Des 4 and the non-statutory Edinburgh Design Guidance.

c) Creation of Satisfactory Living Environment and impact on the amenity of neighbouring residents

Amenity for future occupiers

The proposed dwelling will have a floor area of 82 square metres and will comply with the requirements of the Edinburgh Design Guidance. Windows and doors are suitably located to ensure that all habitable rooms will receive an adequate level of daylight.

The proposal will therefore provide adequate amenity space for prospective occupants.

Privacy

The glazed rear elevation of the building will be set back 9.1 metres to the boundary with number 97 Drum Brae South. Whilst there is no minimum privacy distance set out for new developments it is the pattern of development in the area that will help to define appropriate distances. The distances between properties in this area is greater than 9 metres and this proposal will result in direct overlooking into the neighbouring garden.

#### Overshadowing/Daylighting

The proposal has been measured at a 45 degree angle and does not comply with the terms of the test and will result in overshadowing or loss of daylighting to the neighbouring gardens. This does not comply with the terms of the council's non statutory Edinburgh Design Guidance.

The proposal will have a detrimental impact on the amenity of neighbouring residents and does not comply with policy Des 5.

#### d) Road Safety and Parking

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance. The proposal provides off street parking and complies with the standards.

The proposal does not raise any issues in respect of road safety and parking and complies with Tra 2.

#### e) Public Comments

### **Material Representations - Objection**

- out of character with the area - addressed in section 3.3b
- overlooking - addressed in section 3.3c

- Overshadowing/loss of daylight - addressed in section 3.3c
- traffic and parking - addressed in section 3.3d

## Conclusion

In conclusion, the scale, form and design of this proposal is not keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area. The proposal would have an adverse impact on the neighbouring amenity. There are no material considerations which would justify approval of this application.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

#### **Risk, Policy, compliance and governance impact**

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

#### **Equalities impact**

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**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**

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### **6.1 Pre-Application Process**

### **6.2 Publicity summary of representations and Community Council comments**

Ten letters of representation has been received. A full summary of matters raised by these representations can be found in section 3.3 (e) of the main report.

## **Background reading / external references**

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

**David R. Leslie**

**Statutory Development**

**Plan Provision** Edinburgh Local Development Plan - Urban Area.

**Date registered** 18 February 2019

**Drawing numbers/Scheme** 01-04

Scheme 1

Acting Head of Planning and Building Standards

Contact: Lynsey Townsend, Senior Planning Officer  
E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Consultations

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# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear of 99 Drum Brae South.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mrs Beverley Petrie

Address: 56 Craigmount Avenue North, Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Application Number 19/00798/FUL

With reference to the above application number I would like to object on the following basis:

### Right to light

I disagree that the size and distance from existing buildings will ensure that there is no detrimental impact. The erection of a studio mews dwelling house would most definitely have a detrimental effect on the level of light both my property and my neighbour's property receives and would cause overshadowing on both properties given that we are semi-detached.

### Loss of View

The loss of existing views from neighbouring properties would adversely affect the residential amenity of several neighbouring owners.

### Overlooking and loss of privacy

Whilst there are no side facing windows or balconies that would lead to privacy issues the fact remains that a) the proposal is for the property to have a glass fronted gable end and b) I will now have two houses overlooking directly into my main living area should this proposal be given permission. The existing house has already been granted permission to have two sets of dormer windows installed which encroached on my privacy and this further request is only going to add to a further lack of privacy. I disagree that the proposed building is relatively low scale and that its orientation would result in most overshadowing taking place over the lane that runs alongside.

### Design & Appearance

With the exception of one other property (which is on the opposite side of the lane) the existing

land which is to be developed is surrounded by low one storey bungalow type houses none of which are fully glazed from top to bottom. At this particular side of the development area there are no double height buildings.

#### Safety/ Adequacy of Parking/Loading/Turning

The development would adversely affect the safety of local residents and of school children who use the small lane alongside this property given that there would be an increased requirement for vehicular access.

The narrow lane would be impacted given that it is already over populated with vehicles and given that there is only one route in and out vehicles have to perform a three point turn to exit.

#### Density of Proposed Development

This proposal is clearly a case of "garden grabbing". Albeit previous extensions to the original house have been approved which had a greater footprint than the building now proposed these related to an extension and dormer to the original house. This proposal would result in both loss of garden land and over development of the existing land not to mention the erection of a separate dwelling and the knock on effect of this as outlined above.

# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear of 99 Drum Brae South.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mrs Maria Bathe

Address: 58 Craigmount Ave North Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to not only comment but to STRONGLY object to Application Number 19/00798/FUL

When our application was submitted to build an extension we were required to change various aspects of the design to keep it in line with the surrounding area. Although we were not happy at the time we felt reassured that planning standards were being upheld. We are at a loss to understand how building a two storey property only 1 Metre from our boundary would be in keeping with the surrounding area.

With regards to Planning Statements in 2005 for 99 Drum Brae South it was stated as a reason for the application to be allowed "that the rhythm of the bungalows would not be compromised " therefore this current application should NOT be allowed as the rhythm of the bungalows WOULD BE compromised.

This proposed development is for profit by a developer who has no knowledge and more importantly NO interest in the area. This new build would affect the value of the surrounding properties to the detriment of the existing owners and also the safety of our youngsters to and from school and the elderly on their way to local shops. All the surrounding properties have garden to garden boundaries which give privacy and keep noise pollution to a minimum. These would be compromised with a new build so close to both ours and neighbours boundary.

With regards to the height of the new build there would be an over shadowing of our property - 3 metres above our fence height - and would also make our property more vulnerable.

The entrance/exit of the proposed build is onto a VERY busy pathway used by both the very

young to and from both Primary & Secondary Schools and the very old visiting the local Scotmid store. During previous building works at No 99 a Banksman was repeatedly required to exit vehicles from the area - this shows how dangerous it is for both vehicles and pedestrians.

The previous application for the extension to 99 Drum Brae South has been ongoing for 15 years and we have had to endure continuous building works during that time. Disappointing that we would further be put upon with no consideration for our neighbours and ourselves and this time for a Business Profit.

Our objections are as follows:-

The proposed building :-

- 1) is too close to our boundary fence
- 2) is too high and will deny light into our garden area
- 3) will compromise our security
- 4) entrance/exit would be dangerous as crosses a very busy pathway
- 5) would mean the rhythm of bungalows would be compromised

We think the Council should take into consideration the neighbours comments and objections and REFUSE permission for the erection of the proposed new build rather than approve the application which would result in a developers profit to the detriment of the value of existing neighbouring properties and the danger to both the young and the older pedestrians who constantly use the lane.

# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mr Alexander Fraser

Address: 103A Drum Brae South Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposed application due to the following:

Traffic & Parking - there is not enough space for additional cars and there is a safety risk for pedestrians using the lane, especially school children. This would also impact access for emergency service vehicles.

Appearance of the area - this house is like nothing else in the area and will be an eye sore.

Noise and disturbance - I am concerned about the additional noise, not only during construction but on an ongoing basis as this is a very quiet area.

Privacy - This would overlook my patio and directly into my living room and sun room, giving me no privacy, which I currently have

# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mr Andy Griggs

Address: 101 Drumbrae South Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The north elevation of the proposed dwelling has a large upstairs window, which appears to be clear glass. This will afford the occupants of the property the ability to look directly down the drive of our property (101 Drumbrae South) and into the living room. Because of this we are objecting to the proposal due to privacy concerns. The proposed dwelling will also block the view of the Pentland Hills we currently enjoy

Adding a further two storey property to the land we believe is an over development. A single storey property would be more in keeping with surrounding buildings. There is also a concern of increased vehicles using the lane on what is a busy school crossing point especially whilst the property is being constructed.

Additionally the plans do not show the west elevation

# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mrs Shazana Hussain

Address: 101A Drum Brae South Drum Brae South Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposed house to be built on the rear of 99 Drum Brae South for several reasons.

Firstly the fact that this is a two-storey property will mean that it will impact my family's privacy, as the upstairs window will look directly over the front of my property. The height of the proposed dwelling will also have an impact on the daylight that falls on my property.

I have concerns that the small lane that this property will be accessible from, will become too busy, with yet another house being built. The pathway will be crossed by vehicles, which leads to a busy alleyway and is used by many school children - a Lollipop Lady is employed where the pathway meets Drum Brae South, as it is so heavily used by children. This would be dangerous and could lead to a child or other pedestrian being seriously injured.

Finally, as I have two sons with special needs, I need to park my car close to my property, and as I don't have a driveway, the lane is my only option. The entrance to this proposed dwelling will mean that parking for me and my family will be problematic, particularly if additional visitors etc park in the lane. The building of this house would be an over-development of the garden space of 99 Drum Brae South, and would have a negative impact on the lives of my family and those of my neighbours. Blocked access for emergency vehicles could also be an issue.

# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mrs Gillian Denholm

Address: 97 Drum Brae South Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to note my objections for the proposed erection of studio mews house due to my various concerns. **TRAFFIC AND PARKING** - the increased volume of traffic both during and after construction which is accessed through a public lane/footpath increases the risk of injury to those using this. This footpath is used by the elderly who use this path as access to the GP/Dentist/Shopping and young children who use this to access the local primary school. The lane comes off an extremely busy road which is directly in front of a pedestrian crossing which is considered already a high risk as this is manned during school hours by a crossing patrol officer. The risk surely outweighs any benefit for the individual trying to profit from utilising a small space **PRIVACY** - The proposed mews house faces straight onto our property with the whole of the back of the proposed property being constructed in glass. This offers no privacy to us as the occupants will be able to see right into our house. As a bungalow, no other property overlooks us, and our privacy will be impacted in our home and garden. This was a reason for purchasing the property - we wanted to enjoy the peace and privacy our house offered.

**APPEARANCE OF THE AREA** - My view is that squeezing two properties into a piece of land that has long been one domestic home is not in keeping with the surrounding properties and it would not enhance or add to the area.

Previous planning had been refused for this land due to similar issues as detailed above, and the volume of traffic and footfall has only increased which would now only lead to greater health and safety concerns and lead to more noise and disturbance during and after construction.



# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mrs Jean Walker

Address: 60 Craigmount Avenue North Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to Application Number 19/00798/FUL for the following reasons:

- 1) The proposed property is not in keeping with the surrounding properties.
- 2) The proposed property is too close to surrounding neighbour's boundaries.
- 3) This proposed development is for profit by a developer who has no interest in the area. The title to the property has been split. The developer is the owner of both these titles and has already had planning permission granted in respect of the existing dwelling house. Having extensively developed this it is currently up for sale. It is unfair to expect neighbours to have this new build approved when he has no intention of living here.
- 4) This new build has potential to impact the value of the surrounding properties to the detriment of the existing owners. All the surrounding properties have garden to garden boundaries which give privacy and keep noise pollution to a minimum.
- 5) The proposed height of the new build would cause over shadowing of neighbouring properties.
- 6) The entrance/exit of the proposed build is onto a very busy pathway used by both the very young to and from both Primary & Secondary Schools and the very old visiting the local convenience store.
- 7) Local residents have had to endure continuous building works and the inconvenience of lorries, skips, noise from workmen for the last 15 years. A previous application for the extension to 99 Drum Brae South has been ongoing during that time.



# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mrs Sharon Logan

Address: 52 craigmount avenue north Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The people who buy this building will be able to see into my garden. One of the reasons that I bought my property is because it is not overlooked with the exception of one house. I would like it to stay that way.

The plot looks far too small for a dwelling house to be built on it.

More homes in this vicinity will also affect the carbon footprint so I am very against it being built.

# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mrs Ashlie Fraser

Address: 54 Craigmount Avenue North Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this planning application.

I believe it sets a dangerous precedent for development in a residential area. The building of a new property in an average sized garden should not become the norm. This proposed property would be extremely close to the existing properties and would be an invasion of privacy.

The 2 storey nature of this property is out of line with the existing bungalows in the area. The height will also increase the impact on daylight/overshadowing for existing properties.

The gable end of glazing will allow views directly over the currently private back gardens of myself and my neighbours. I object to this application and would like to the application rejected but I would request that if the development must go ahead the glazing is reduced dramatically.

# Comments for Planning Application 19/00798/FUL

## Application Summary

Application Number: 19/00798/FUL

Address: 99 Drum Brae South Edinburgh EH12 8TD

Proposal: Erection of a studio mews dwelling-house on land to the rear.

Case Officer: Lynsey Townsend

## Customer Details

Name: Mr Stuart Fraser

Address: 54 Craigmount Avenue North Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the following grounds:

- \* I do not believe the building to be in keeping with the surrounding area (primarily bungalows).
- \* The proposed amount of glazing on the gable end of the property would feel rather invasive, overlooking the gardens of myself & my neighbours; if planning is permitted for the site, I would at least hope to see the amount of glazing substantially reduced.
- \* The height & proximity of the proposed building could potentially block sunlight to the gardens of my self and my neighbours.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: [planning.systems@edinburgh.gov.uk](mailto:planning.systems@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 100175685-001

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:	Format Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Shona	Building Name:	
Last Name: *	Mackay	Building Number:	146
Telephone Number: *	0 [REDACTED]	Address 1 (Street): *	Duddingston Road West
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH16 4AP
Email Address: *	[REDACTED]		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	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" value="Mario"/>	Building Number:	<input type="text" value="146"/>
Last Name: *	<input type="text" value="Gizzi"/>	Address 1 (Street): *	<input type="text" value="Duddingston Road West"/>
Company/Organisation	<input type="text" value="c/o Format Design"/>	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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH16 4AP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## 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="99 DRUM BRAE SOUTH"/>
Address 2:	<input type="text"/>
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="EH12 8TD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673873"/>	Easting	<input type="text" value="319130"/>
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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)

Erection of a studio mews dwelling-house on land to the rear

## 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.

The applicant requests that the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 as they are of the opinion that the application ought to have been granted planning permission. The development is of an appropriate form, it does not impact unacceptably upon the amenity of neighbours and it is not 'backland' development. A full statement has been prepared.

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)

Statement in support of the appeal; the original application form; the original plans and submissions; the report of handling; and the decision notice.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/00798/FUL

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

19/02/2019

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

03/07/2019

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is essential for the decision makers to appreciate the context, and also to understand that this proposal is not 'backland' development, and it will not harm the amenity of neighbours to an unacceptable degree.

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: Mrs Shona Mackay

Declaration Date: 02/08/2019

## Proposal Details

Proposal Name	100175685
Proposal Description	The Erection of a studio mews dwelling-house on land to the rear of 99 Drum Brae South
Address	99 DRUM BRAE SOUTH, EDINBURGH, EH12 8TD
Local Authority	City of Edinburgh Council
Application Online Reference	100175685-001

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
99 Drum Brae South LRB statement 01-08-19	Attached	A4
19_00798_FUL-APPLICATION_FORM	Attached	A4
19_00798_FUL-REFUSED_PLANS	Attached	A1
Accompanying notes	Attached	A4
19_00798_FUL-HANDLING_REPORT	Attached	A4
19_00798_FUL-DECISION_NOTICE	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: [planning.systems@edinburgh.gov.uk](mailto:planning.systems@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 100154028-002

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.

### Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

### 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" value="Format Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Shona"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="146"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): *	<input type="text" value="Duddingston Road West"/>
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="EH16 4AP"/>
Email Address: *	<input type="text" value="██"/>		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	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" value="M"/>	Building Number:	<input type="text" value="146"/>
Last Name: *	<input type="text" value="Gizzi"/>	Address 1 (Street): *	<input type="text" value="Duddingston Road West"/>
Company/Organisation	<input type="text" value="C/O Format Design"/>	Address 2:	<input type="text" value="Duddingston Road West"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH16 4AP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

100154028-001, application for Planning Permission, submitted on 15/02/2019

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

This is a corrected location plan showing the sub-divided site with the application site in red and the original dwellinghouse plot in blue.

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mrs Shona Mackay

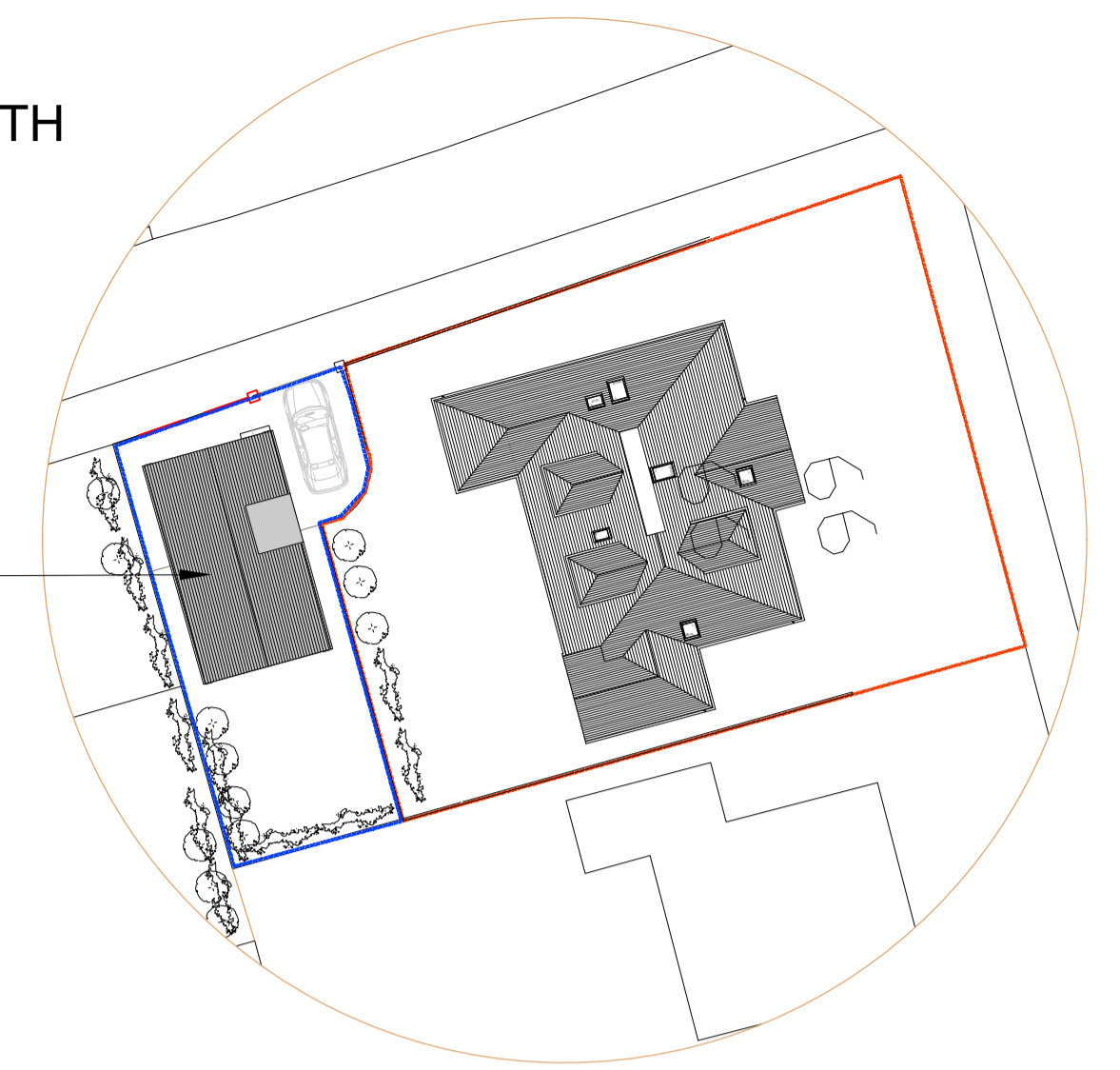
Declaration Date: 19/02/2019



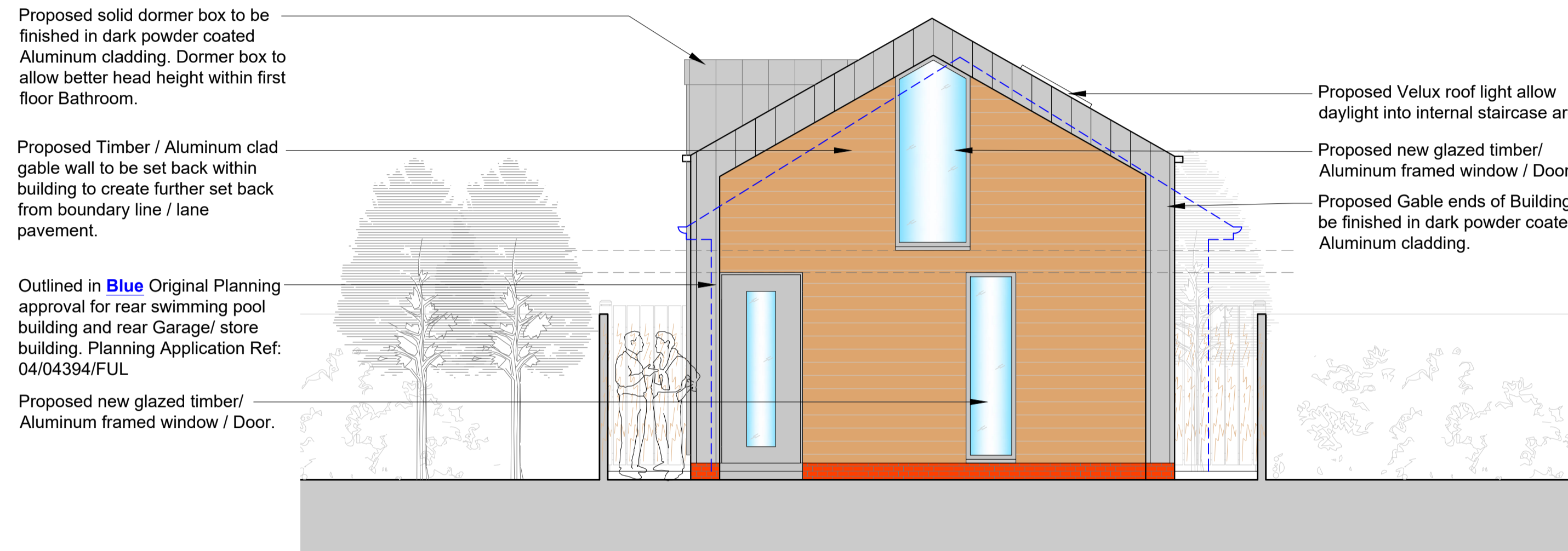




NORTH



Proposed newly constructed dwelling to rear garden of 99 Drum Brae South.



PROPOSED NORTH ELEVATION  
1:50 @ A1

Proposed solid dormer box to be finished in dark powder coated Aluminum cladding. Dormer box to allow better head height within first floor Bathroom.

Proposed Timber / Aluminum clad gable wall to be set back within building to create further set back from boundary line / lane pavement.

Outlined in **Blue** Original Planning approval for rear swimming pool building and rear Garage/ store building. Planning Application Ref: 04/04394/FUL

Proposed new glazed timber/ Aluminum framed window / Door.

Proposed Velux roof light allow daylight into internal staircase area.

Proposed new glazed timber/ Aluminum framed window / Door.

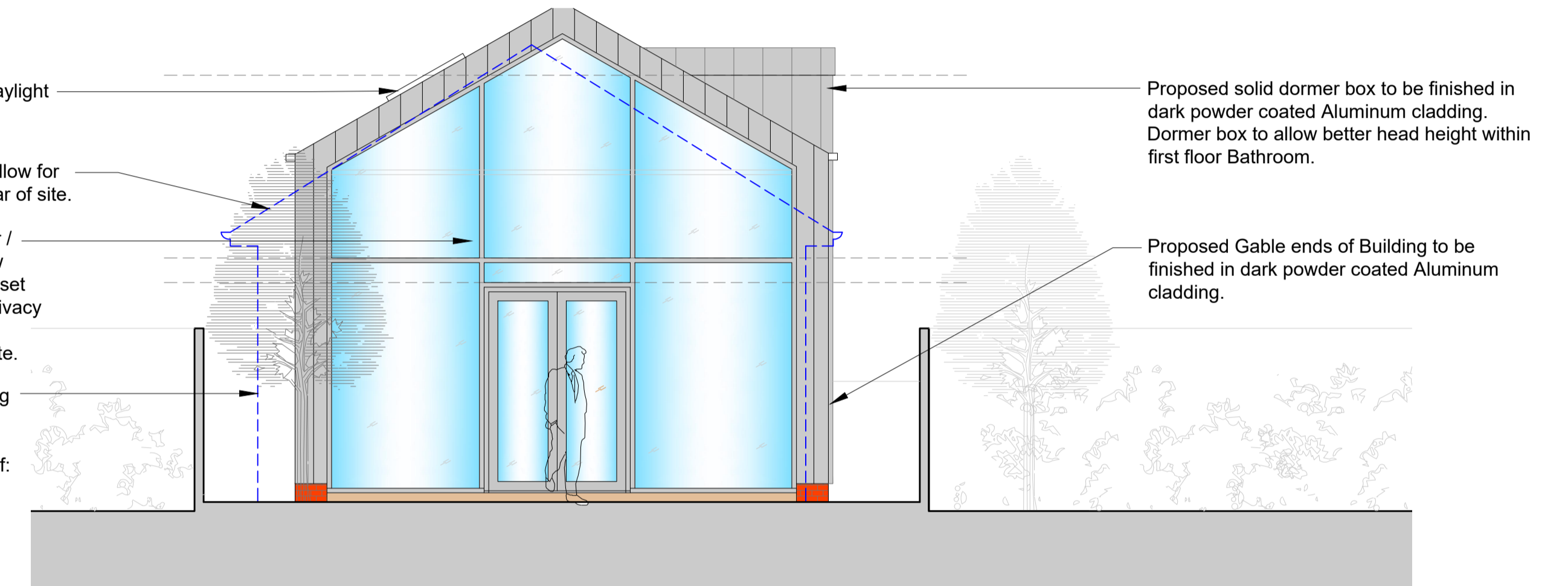
Proposed Gable ends of Building to be finished in dark powder coated Aluminum cladding.

Proposed Velux roof light allow daylight into internal staircase area.

Proposed Trees to be planted to allow for further privacy from dwelling at rear of site.

Proposed full height glazed timber / Aluminum framed windows to new dwelling gable end. Glazing to be set back within building to allow for privacy and prevent overlooking into neighbouring properties around site.

Outlined in **Blue** Original Planning approval for rear swimming pool building and rear Garage/ store building. Planning Application Ref: 04/04394/FUL

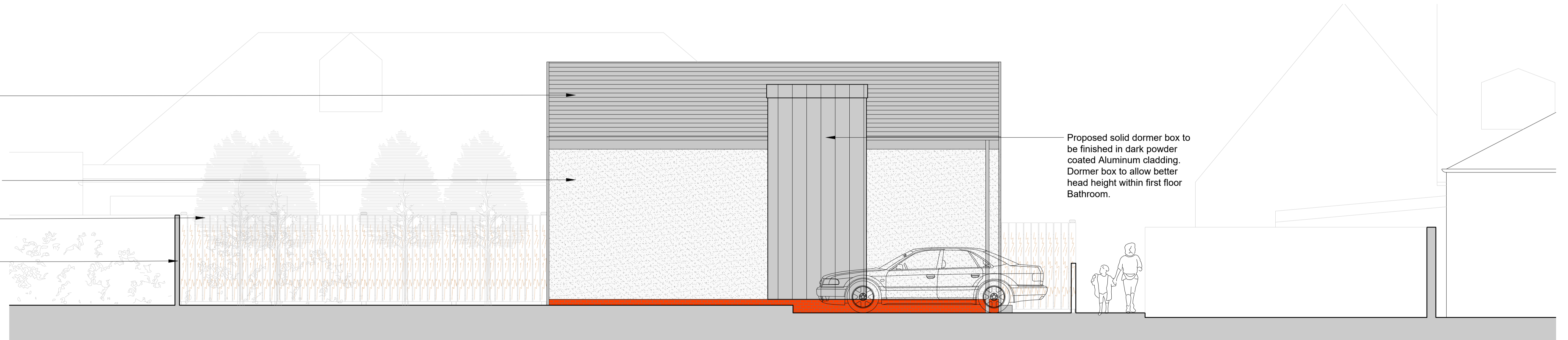


Proposed pitched roof to be finished with concrete tiles to match existing dwelling around.

Proposed new external walls to be finished in K-render smooth.

Proposed Trees to be planted to allow for further privacy from dwelling at rear of site.

Proposed new 2000mm high timber fencing.



PROPOSED EAST ELEVATION  
1:50 @ A1

rev	date	details	by	rev	date	details	by
	07.12.2018	Planning Application.	PM				

**THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.**

**THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.**

**THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.**

**CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.**

**ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.**

**SERVICES OFFERED:**

MEASURED SURVEYS  
PLANNING CONSULTANTS  
FEASIBILITY STUDIES  
NEW BUILDS

PLANNING APPLICATIONS  
LISTED BUILDING APPLICATIONS  
BUILDING WARRANT APPLICATIONS  
LIQUOR LICENCING DRAWINGS  
DEED PLANS

drawing no:  
10142 04

status:  
PLANNING

drawing title: Proposed Elevations of New dwelling.  
job title: 99 Drum Brae South, Edinburgh

client:

scale :  
AS SHOWN @ A1

drawn:  
PM

**format DESIGN**  
FADADS Limited

Holyrood Business Park  
146 Duddingston Road West  
Edinburgh  
EH16 4AP

Tel: 0131 661 7666  
Fax: 0131 659 6033  
Email: formatdesign@aol.com  
Web: www.formatbuildingdesign.com



View of Rear Building Elevation showing recessed Glass gable end.



Internal view of open plan ground floor level / Staircase to upper first floor.



View of Rear Building Elevation at night.



Internal view of open plan First floor level layout.

rev	date	details	by	rev	date	details	by
	07.12.2018	Planning Application.	PM				
<p><b>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</b></p> <p><b>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</b></p> <p><b>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</b></p> <p><b>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</b></p> <p><b>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</b></p>							
<p><b>SERVICES OFFERED:</b></p> <p>MEASURED SURVEYS            PLANNING CONSULTANTS            FEASIBILITY STUDIES            NEW BUILDS</p> <p>PLANNING APPLICATIONS            LISTED BUILDING APPLICATIONS            BUILDING WARRANT APPLICATIONS            LIQUOR LICENCING DRAWINGS            DEED PLANS</p>							
drawing no: 10142 04		drawing title: Proposed Visuals of new dwelling. job title: 99 Drum Brae South, Edinburgh				scale : AS SHOWN @ A1	
status: PLANNING		client:				drawn: PM	
FADADS Limited		<b>format DESIGN</b> Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP				Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com	

LOCAL REVIEW APPEAL STATEMENT  
FOR  
ERECTION OF A STUDIO MEWS DWELLING-HOUSE  
PLANNING APPLICATION REF: 19/00798/FUL  
AT  
LAND TO THE REAR OF 99 DRUM BRAE SOUTH EDINBURGH EH12 8TD



01 AUGUST 2019

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3D PLANNING DRAWINGS



Figure 1a



Figure 1b



Figure 1c

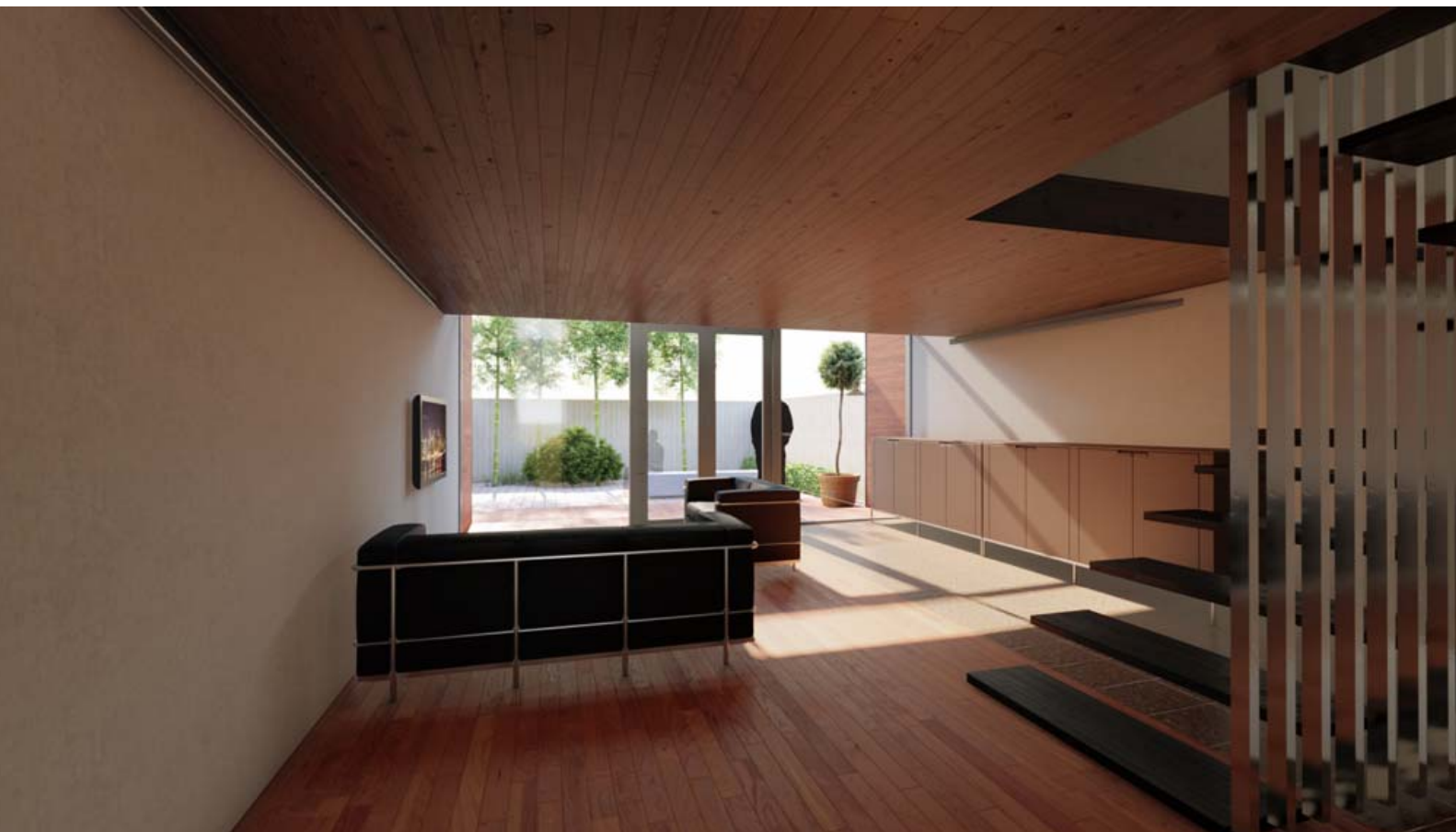


Figure 1d

## 1. Introduction

The matter for consideration is the refusal of planning permission 19/00798/FUL for a new dwellinghouse on land to the rear of 99 Drum Brae South. The appellant is seeking a review of the case under section 43A of the Town and Country Planning (Scotland) Act 1997.

## 2. The Decision

The application was refused for the following two reasons;-

1. The scale, form and design of this proposal is not keeping with characteristics of the wider townscape and this back-land development would disrupt the spatial character of the wider area. The proposal is contrary to policy **Des 4** of the adopted Edinburgh Local Development Plan (LDP) and the **Edinburgh Design Guidance**.
2. The proposal will result in an unreasonable loss of neighbouring amenity and is contrary to policy **Des 5** of the adopted Edinburgh Local Development Plan (LDP) and the **Edinburgh Design Guidance**.

## 3. The Appellant's Response

The principal reasons for the refusal relate to the scale, location and design of the proposal, and the impact upon neighbouring residential amenity. Particular reference was made to policies Des 4, Des 5 and the Edinburgh Design Guidance SPG.

### **(A) General Design issues (Policy Des 4 and the SPG)**

The design is represented in 3D form on pages 2 and 3 above.



Figure 2: Side boundary showing part of extension built under 04/04394/FUL

The first point of note is that a planning permission exists on site for a much larger extension (albeit lower), and this permission remains extant courtesy of the development having commenced (application reference 04/04394/FUL).

The remainder of the extension that was approved under this consent can still be lawfully completed and it is significantly larger in area than what is now proposed. If the current application were approved then the remainder of this consent could no longer be completed.

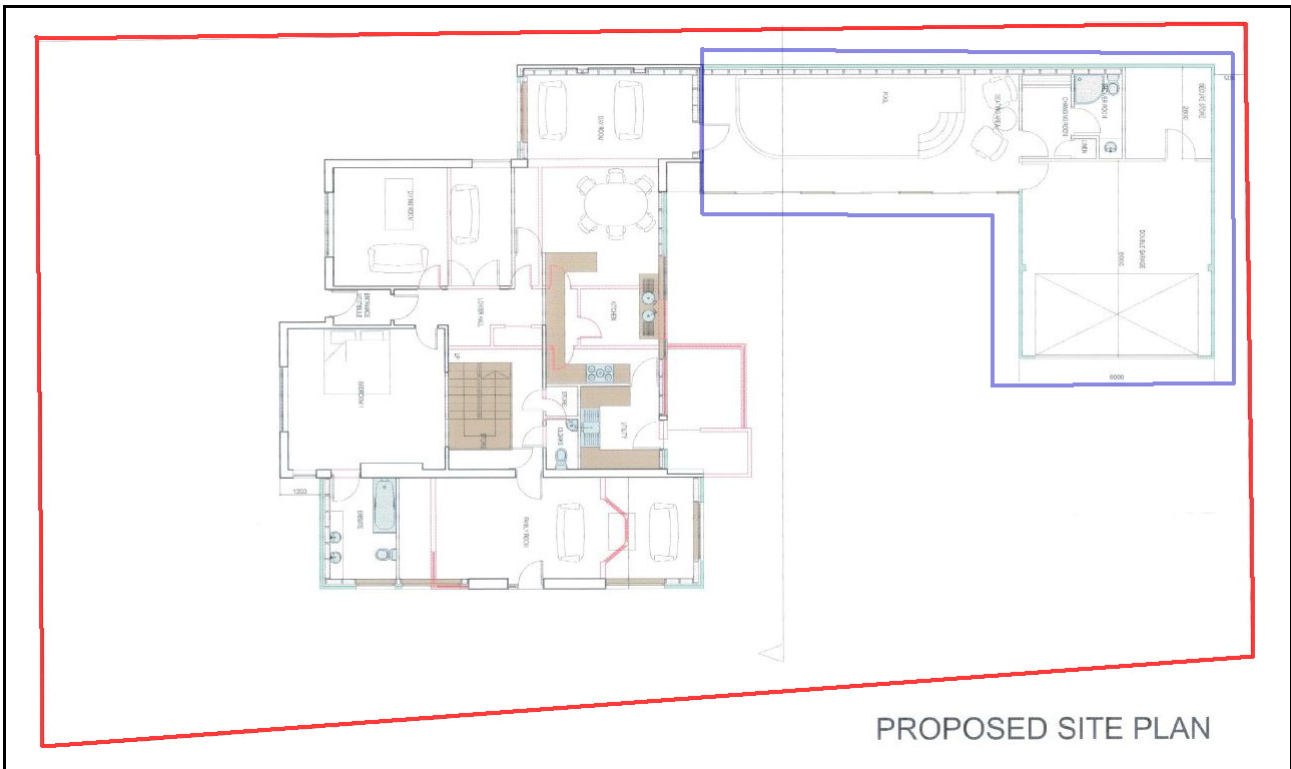


Figure 3: The site showing the extension still lawful but not yet completed (boxed in blue)

The next relevant fact is that opposite the site there has been recent development permitted, as well as some earlier development.



Figure 4: The development opposite the site (north)

A new dwellinghouse was granted in 2006, to the north side of the side street. This has a detached garage to the rear.

Further beyond this to the rear (west) there is an older, but still relatively modern brick bungalow.

These buildings can be seen in the above street view image, and are directly opposite the proposed development.

If one examines the street layout, represented in figure 5 below, it is quite apparent that the development is not out of keeping with the layout of buildings in the area.



Figure 5: The proposed development outlined in red, showing urban form (street flow - orange, building faces - blue)

Following on from this point, it was incorrect of the reason for refusal to describe the development as 'backland'. The site will be directly accessed from a public street, as is the property opposite at 101a Drum Brae North. This is not how 'backland' is defined, rather "*Backland development can be a landlocked site, or just behind existing buildings such as rear gardens and private open space, usually within predominantly residential areas. These developments often have street frontage problems*". This site has a street frontage, and so the first reason for refusal is technically flawed.

The final issue relates to the scale, form and design of the building. The following image, in figure 6, is from the end of the cul-de-sac, looking east back towards Drum Brae. Whilst the area is traditionally one of bungalows, many of these now have developed roof spaces with dormer and larger roof extensions, and the house to the north has a two storey gable.



Figure 6: Neighbouring house forms

Taking into account the existing buildings in this cul-de-sac, and the design of recent additions, the proposed small dwelling is a well designed innovative building which would not be out of place in



this little residential enclave. It will add character and quality to the urban form, which is varied. It will certainly contribute positively to a sense of place. Policy Des 4 is supported by paragraph 154 of the ELDP which advises that “Where the surrounding development is fragmented or of poor quality, development proposals should help repair the urban fabric, establish model forms of development and generate coherence and distinctiveness - a sense of place”. It is considered that the proposals are supported by policy Des 4.

### (B) Loss of Amenity to neighbours (Des 5 and SPG)

Policy Des 5a advises that “the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook”. The design guidance provides further detailed advice on how to assess daylight and sunlight.

Reason 2 does not qualify what the “loss of amenity” is. First of all it cannot be privacy or overlooking. The proposed dwelling has only front and rear windows. The front overlooks the street, and the house at 101A is offset to the west. The rear bedroom window is recessed and the distance to the rear boundary is 10.3 metres.

With regards to daylight, there will be no impact upon daylight to any neighbouring property windows, as the building is sufficiently small and distant to easily comply with the general 25 degree rule (it is below 21 degrees). The relationship to 101A Drum Brae South is shown in figure 7.

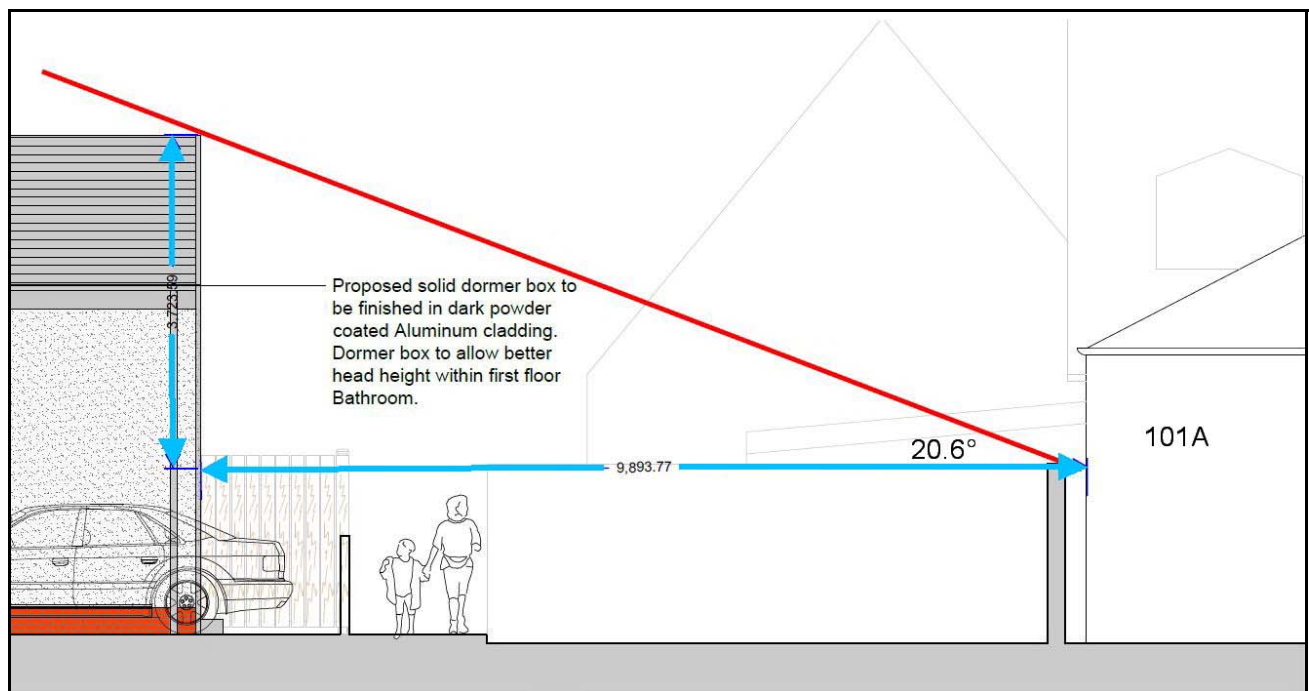
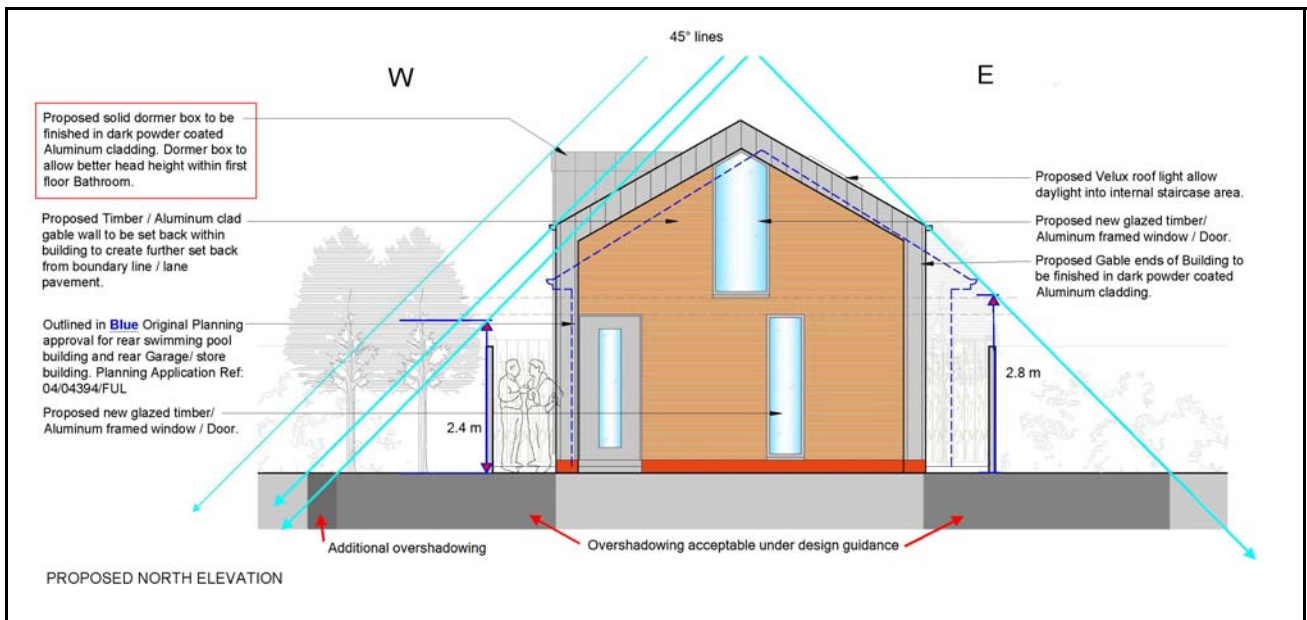


Figure 7: The closest property, 101A Drum Brae South, easily complies with daylighting requirements

The final issue relates to sunlight to neighbouring private amenity space. The affected neighbours are those to the west (56 and 58 Craigmount Avenue North) and to the east, the house previously attached to this land (99 Drum Brae South).

The Edinburgh design guidance advises that whether or not sunlight to neighbouring gardens will be affected can be tested by checking whether a building rises above a 45° line drawn in section from the site boundary.

In the case of properties that sit due west from a development, the height at which this measurement should be made is 2.8 metres (the orientation of boundary in relation to potentially affected garden is due east, SPG page 78). As can be seen from the following figure, the building has been designed to pass this standard, and the 45 degree line from 2.8 metres on the boundary bisects at the eaves.



**Figure 8: Overshadowing of gardens to the east and west sides**

To the east side, the dwellinghouse which previously belonged to the applicant, there is a slight overshadowing. This has been measured and it is 475 mm depth. The dormer extends above this line but is only 2.2 metres wide. Also of note is that the east boundary is more distant towards the front, where the car parking space pushes the boundary to 3.9 metres (figure 10).

This is a small and acceptable degree of overshadowing, and the majority of it is within the applicant's own ground. When this land and house was sold, the buyer was fully aware of the proposals. The neighbour does not object and is in fact in support of the plans.

#### **4. Conclusion**

The appellant is concerned that their application has been dismissed without full consideration of the relevant facts and based upon it being of a different contemporary design.

The proposal has been carefully planned and tailored to fit this site so as to protect the amenity of neighbours and to provide a high quality building that will give a high standard of accommodation within a small space.

The design is to a very high standard and it will provide a desirable living space in a building that will add to the sense of place of this short cul-de-sac.

The small amount of overshadowing that will be present will fall on the applicant's former property which was sold to the present owners in full knowledge of the proposals. It is an acceptable minor breach in standards.

Policy Des 4 seeks development that will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, and the appellant is strongly of the opinion that this is precisely what their proposal will do.

The Edinburgh Design Guidance key aims are for new development to have a positive impact on the immediate surroundings; wider environment; landscape and views, and it is again believed that the development achieves this without detriment.

The proposal enhances the mix of house types available in the area, providing a bespoke modern living and sustainable dwellinghouse within a relatively small space. Exactly the type of development we should be striving towards within our urban environments.

## 2. Designing places: buildings

This chapter sets out the Council's expectations for how features within the built form relate to its setting. The overall composition of streets is shaped by how individual buildings work together, creating the unique visual character through repetition, variety and focal points within the street scene.

The key aims are for new development to:

- Have a positive impact on the immediate surroundings; wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of the buildings on site, integration of ancillary facilities; and the health and amenity of occupiers.
- Repair the urban fabric, establish model forms of development and generate coherence and distinctiveness where the surrounding development is fragmented or of poor quality.
- Achieve high standards of sustainability in building design, construction and use
- Be adaptable to future needs and climate change.
- Support social sustainability, by designing for different types of households.
- Address the street in a positive way to create or help to reinforce a the sense of place, urban vitality and community safety.
- Balance the needs of pedestrians, cyclists, public transport users and motorists effectively and minimise the impacts of car parking through a design-led and place specific approach.
- Reduce exposure to pollution and where possible seek to reduce overall emissions.

Figure 9: Excerpt from the Edinburgh Design guidance, p. 41

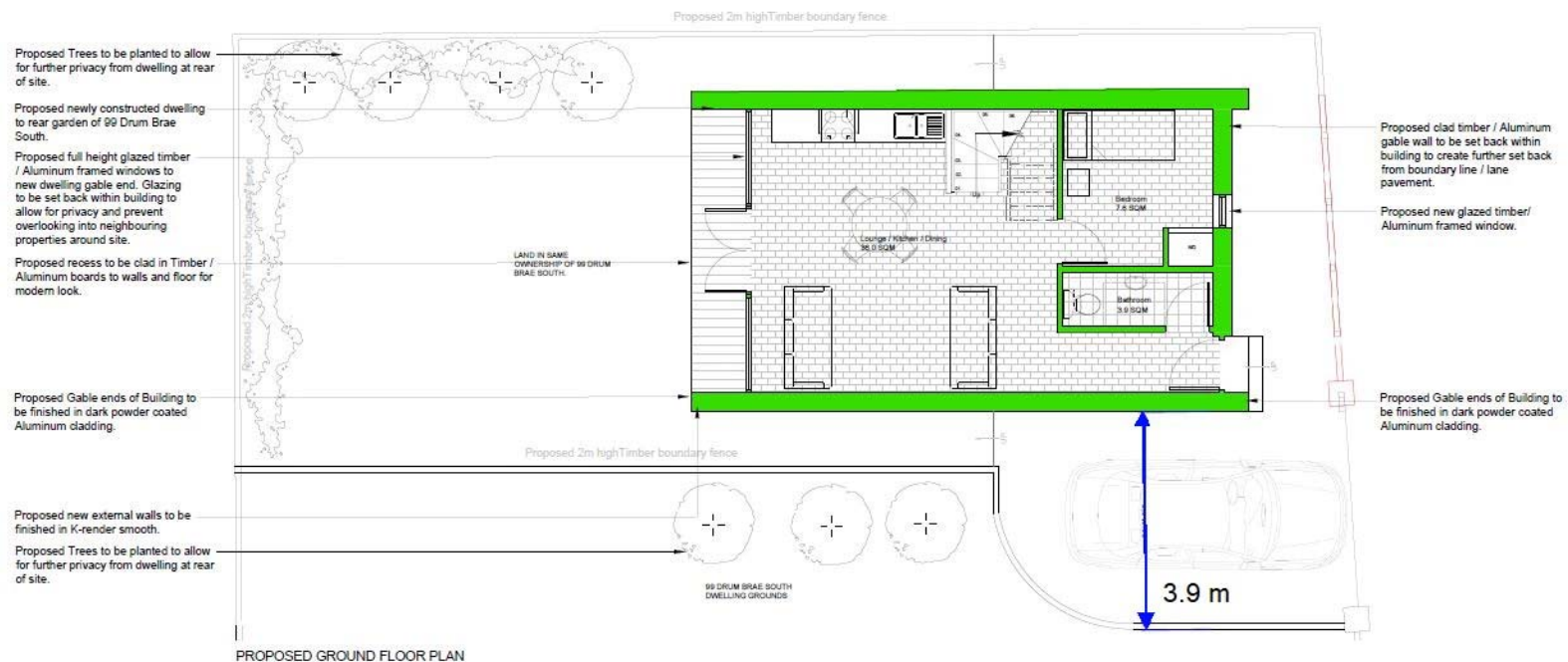


Figure 10: Site plan at ground floor

ACCOMPANYING COMMENTS FOR STUDIO MEWS HOUSE  
AT  
LAND TO THE REAR OF 99 DRUM BRAE SOUTH, EDINBURGH



15 FEBRUARY 2019

Format Design  
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146 Duddingston Road West  
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[formatdesign@aol.com](mailto:formatdesign@aol.com)  
[www.formatbuildingdesign.com](http://www.formatbuildingdesign.com)

The site was originally part of the garden of the dwelling house at 99 Drum Brae South. The land has been legally detached from the house which has now been sold with a reduced garden size. The garden ground that is the subject of this application therefore has a null use until such time as a further use is granted.

The design has considered the impact upon the amenity of neighbours which includes the occupants of the original house (99), and the impact upon the urban character of the area.

There are no side facing windows or balconies that would lead to privacy issues.

With regards to overshadowing, the proposed building is relatively low scale and the orientation of it would result in most overshadowing taking place over the lane.

With regards to daylighting, the size and distance from existing buildings will ensure that there is no detrimental impact.

Considering the development to either side of the lane in this location the proposed building would not be out of character.

Previous extensions to the original house (99) have been approved which had a greater footprint than the building now proposed:-

- **04/04394/FUL: Extension and alteration to house – Granted 24 Feb 2005**
- **02/02892/FUL - House and dormer extension – Granted 25 Oct 2002**

To conclude, the property will not be visible from Drum Brae and so the impact will be limited to the small lane. There are other developments opposite which would ensure that the building would not appear out of place.