

## DECISION NOTICE AND REPORT OF HANDLING

Application address - 47 Orchard Road Edinburgh EH4 2EU

Application Ref. No - 19/01150/FUL

Review Ref No - 19/00102/REVREF

Review Lodged Date 11.07.2019

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Ian Forbes Architect  
FAO: Ian Forbes  
The Station Masters Office  
Station Master's Office  
Station Road  
South Queensferry  
United Kingdom  
EH30 9JP

Mr Richard & Mrs Rosalind Cutts  
47 Orchard Road  
Edinburgh  
Scotland  
EH4 2EU

Date: **26 April 2019**,

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS  
2013**

Internal alterations in addition to a new front porch, a side extension and a two-story rear extension.

At 47 Orchard Road Edinburgh EH4 2EU

**Application No:** 19/01150/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 6 March 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 **mixed decision** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

1. The permission relates to the single-storey side extension only.
2. The proposed porch is not acceptable.
3. The proposed one and a half storey rear extension is unacceptable.

**Reasons:-**

1. In order to recognise the elements of the application recommended for approval.
2. The proposed porch would create an unsympathetic addition to the property, introducing an incongruous feature having an unacceptable impact upon the host property and the character and appearance of the surrounding area.
3. The proposed rear extension would create an unsympathetic addition to the property, introducing an incongruous feature in terms of size and scale, having an unacceptable impact upon the host property and the character and appearance of the surrounding area.

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 proposed single storey side extension would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. This element of the proposal complies with the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is acceptable.

The proposed porch would disrupt the primary elevation of the building by introducing an incongruous addition which would disrupt the established building line of the streetscape. This is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable.

The proposed one and a half storey rear extension is unacceptable in terms of scale, form and design. This element of the proposal is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable.

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 Conor MacGreevy directly on 0131 469 3743.

*D R Leslie*

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

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## 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 19/01150/FUL

At 47 Orchard Road, Edinburgh, EH4 2EU

**Internal alterations in addition to a new front porch, a side extension and a two-story rear extension.**

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	19/01150/FUL
<b>Wards</b>	B05 - Inverleith

## Summary

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The proposed single storey side extension would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. This element of the proposal complies with the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is acceptable.

The proposed porch would disrupt the primary elevation of the building by introducing an incongruous addition which would disrupt the established building line of the streetscape. This is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable.

The proposed one and a half storey rear extension is unacceptable in terms of scale, form and design. This element of the proposal is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable.

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## Links

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**Policies and guidance for this application**

LDPP, LDES12, NSHOU,

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# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The property is a detached bungalow with front and rear gardens. Craigleith Road lies to the north of the property and Queensferry Road to the south.

### 2.2 Site History

04.12.2017 - Application withdrawn for; Construction of an extension over two floors to the rear of an existing one and a half storey house including internal alterations and demolition of existing garage - (17/05640/FUL).

13.08.2018 - Application withdrawn for; Construction of an extension over two floors and to the rear of an existing house and new front entrance porch, including internal alterations and demolition of garage - (18/04440/FUL).

## Main report

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### 3.1 Description Of The Proposal

The proposal is for a two storey rear extension, one storey side extension and a porch to the primary elevation.

### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

a) The proposal is of an acceptable scale, form and design, compatible with neighbourhood character and will, where appropriate, preserve the character and the appearance of the conservation area.

b) The proposal does not result in an unreasonable loss of neighbouring residential amenity.

c) Any impacts on equalities or human rights are acceptable;

d) Any comments raised have been addressed.

a) The assessment has been broken into three elements - the one and a half storey rear extension, the side extension and the primary elevation porch.

The residential dwellings within Orchard Road are defined by single storey detached and semi-detached bungalows with relatively modest extensions and subservient additions to the roof plans.

In relation to the proposed one and a half storey rear extension, the scale, form and design is unacceptable by virtue of it representing an over-dominant addition which would not harmonise with the host property the surrounding area. The proposed roof design would create an informal juxtaposition between it and the roof plan of the host property. This lack of correlation between it and the host property would also represent an incongruous addition in terms of the roof scape of the surrounding area. The proposal does not represent overdevelopment on site however the positioning of this element would create an informal spatial layout which would contradict that of the surrounding context. The suggested materials are acceptable in this location. This element of the proposal would be detrimental to the character and appearance of the host property and surrounding area and is contrary to the development plan policy Des 12 and the non-statutory Guidance for Householders.

In relation to the proposed primary elevation porch, this is unacceptable in its location as it would disrupt the established building line within this segment of Orchard Road. The porch would also project in front of the primary elevation which represents an unacceptable departure from the non-statutory Guidance for Householders. In addition, by virtue of primary elevation porches not being a characteristic within the local vicinity it would represent an incongruous element of the proposal which would detrimentally impact upon the character and appearance of the surrounding area. The proposed materials are acceptable in this location. This element of the proposal would be detrimental to the character and appearance of the host property and surrounding area and is contrary to the development plan policy Des 12 and the non-statutory Guidance for Householders.

The proposed single storey side extension is of a design that will sit comfortably within that elevation of the building. The layout and scale of this element of the proposal is in keeping with the spatial pattern of the area and does not represent overdevelopment on the site. The proposed materials and fenestration design provide a suitable contrast to the original building and are acceptable in this location. This element of the proposal is acceptable and complies with the development plan policy Des 12 and the non-statutory Guidance for Householders.

b) The proposal was assessed in terms of neighbouring amenity. The proposal would have no impact upon neighbouring amenity.

c) The application was assessed in terms of equalities and human rights. No impact was identified.

d) No comments were received.

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

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

#### **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**

Pre-application discussions took place on this application.

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

No representations have been received.

### **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.

**Date registered** 6 March 2019

**Drawing numbers/Scheme** 01-04

Scheme 1

Acting Head of Planning and Building Standards

Contact: Conor MacGreevy, Planning Officer  
E-mail: conor.macgreevy@edinburgh.gov.uk Tel: 0131 469 3743

**Links - Policies**

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**Relevant Policies:**

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

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

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

## Appendix 1

### Consultations

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No consultations undertaken.

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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 100156112-002

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.

## 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:	Ian Forbes Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ian	Building Name:	The Station Masters Office
Last Name: *	Forbes	Building Number:	
Telephone Number: *	01313311041	Address 1 (Street): *	Station Master's Office
Extension Number:		Address 2:	Station Road
Mobile Number:		Town/City: *	South Queensferry
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH30 9JP
Email Address: *	ian@ianforbesarchitect.com		

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="Richard Cutts &amp;"/>	Building Number:	<input type="text" value="47"/>
Last Name: *	<input type="text" value="Mrs Rosalind Cutts"/>	Address 1 (Street): *	<input type="text" value="Orchard Road"/>
Company/Organisation	<input type="text"/>	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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH4 2EU"/>
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="47 ORCHARD ROAD"/>
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="EH4 2EU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674397"/>	Easting	<input type="text" value="323347"/>
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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)

Internal alterations in addition to a new front porch, a single-story side extension and a two-story rear extension to 47 Orchard Road.

## 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 proposal should be considered acceptable because it is truly sympathetic to the existing design, minimises impact on neighbouring properties, avoids building over the existing infrastructure in the rear of the garden and adds to the rich local vernacular of the area. The above points are also in agreement with the guidance of the Planning Guidelines and Policy Des 12 which should result in a reversal to the decision of point three. Please refer to the Appeal Statement for more details.

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)

We have attached the following as a supporting document: A Notice of Review Appeal Statement - 47 Orchard Road-190711, the Planning decision letter, the complete Planning drawings

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/01150/FUL

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

05/03/2019

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

26/04/2019

## 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

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: Mr Ian Forbes

Declaration Date: 11/07/2019

## Proposal Details

Proposal Name	100156112
Proposal Description	Internal alterations in addition to a new front porch, a side extension and a two story rear extension to 47 Orchard Road.
Address	47 ORCHARD ROAD, EDINBURGH, EH4 2EU
Local Authority	City of Edinburgh Council
Application Online Reference	100156112-002

## Application Status

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

## Attachment Details

Notice of Review	System	A4
47 Orchard Road-Decision Letter-190426	Attached	A4
101-47 Orchard Road-Location Plan	Attached	A4
102-47 Orchard Road-Existing Building	Attached	A1
103A-47 Orchard Road-Proposed Design	Attached	A1
104A-47 Orchard Road-Existing and Proposed Images	Attached	A1
Notice of review appeal statement for 47 Orchard Road-190711	Attached	A4
Drawing Registry-47 Orchard Road-Notice of Review-190711	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

# Notice of Review/Appeal Statement

Ian Forbes  

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Architect

**Appeal Against Refusal of Planning Permission**  
**Application: 19/01150/FUL**  
**47 Orchard Road, Edinburgh, EH4 2EU**



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- 2. Previous Planning Application History**
- 3. Planning Process**
- 4. Reason of Refusal**
- 5. Justification**
- 6. Conclusion**
- 7. Appendices**

## **Prepared by:**

Ian Forbes  
Ian Forbes Architect Ltd.  
The Station Masters Office  
Dalmeny Station, South Queensferry, EH30 9JP

## 1. Introduction

47 Orchard Road is a three bedroom detached villa located in Craigleith with a small garden to the front and a large south facing garden in the rear. The house is located on the south side of Orchard Road which runs in a north east direction from Queensferry Road towards Stockbridge.



The property has two previous withdrawn planning applications (17/05640/FUL & 18/04440/FUL) for the proposed construction of an extension over two floors and to the rear of an existing house and new front entrance porch, including internal alterations and demolition of the garage. The first application was made on 04 December 2017 and withdrawn on 25 April 2018 (Case Officer: Peter Martin) while the second was made on 13 August 2018 and withdrawn on 18 October 2018 (Case Officer: Declan Semple).

Our clients, Richard and Rosalind Cutts appointed us to take over the project and redesign the proposal based on the comments from the previous Case Officer Declan Semple.



## 2. Previous Planning Application History

Reference	17/05640/FUL	18/04440/FUL
<b>Proposal</b>	Construction of an extension over two floors to the rear of an existing one and a half storey house including internal alterations and demolition of existing garage.	Construction of an extension over two floors and to the rear of an existing house and new front entrance porch, including internal alterations and demolition of garage.
<b>Application Validated</b>	4 December 2017	13 August 2018
<b>Application Withdrawn</b>	25 April 2018	18 October 2018
<b>Applicant</b>	Mr Richard Cutts	Mr Richard Cutts
<b>Architect</b>	Mr Robert Black	Mr Robert Black
<b>Planning Officer</b>	Mr Peter Martin	Mr Declan Semple
<b>Reasons for Withdrawal</b>	Proposals were for a two storey flat roof extension at the rear of the property, angled to take into account the restrictions caused by the public sewer that runs through the applicants property at an angle. Following advice from the Planning Officer the applicant withdrew the application rather than allow it be refused.	

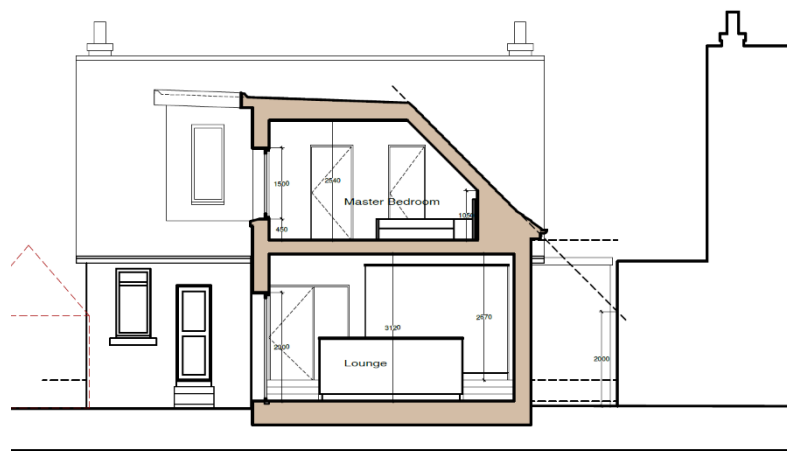
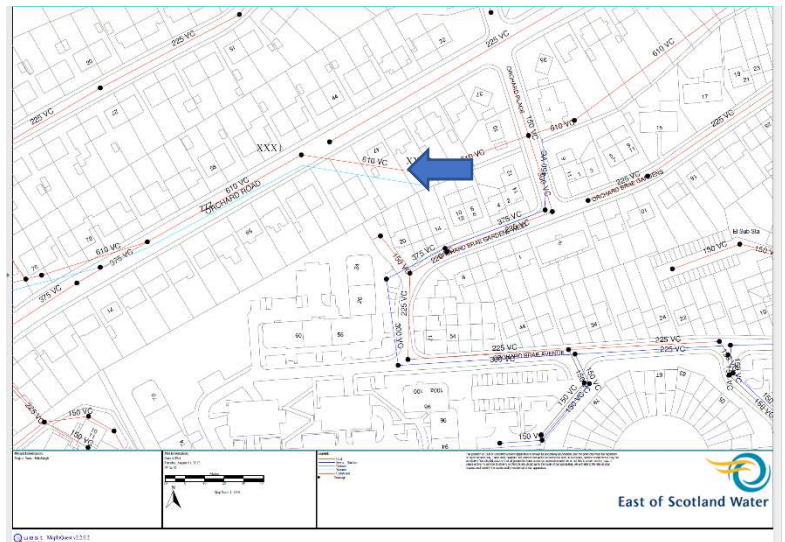


### 3. Planning Process

Our clients requested a new kitchen and lounge on the ground floor that has access and a strong connection to the south facing garden. On the first floor a new bedroom, en-suite shower room and bathroom was added. On the ground floor a new store was added too.

After analysis of the two previous designs and consultation with the client and Planning Officer Declan Semple we signed off a scheme that would adhere to the Planning guidelines and the challenges of the site, noted below:

- A Scottish Water combined sewer runs east to west below the rear garden and is within 2500mm of the south west corner of the ground floor. In order to maintain this distance, the ground floor extension is placed on the south east of the rear (See East of Scotland Water layout, above right).
- The relationship of the rear extension with the existing property: Declan Semple recommended (06/02/19) that the extension is 'offset from the edges of the roof and the style of roof is changed to a style that compliments the existing roof' (see section right). To achieve this, the height of the new extension roof does not meet the ridge of the existing roof and slates that match the existing roof will be used to provide continuity of material with the existing roof. Refer to Appendix 5.1
- Overshadowing the neighbours to the east: The neighbour directly to the east has a garage on the boundary to the site. To comply with the Planning Guidelines and requests from Declan Semple we reduced the height of the proposed extension pitched roof in order to minimise the impact of overshadowing over the neighbours garage. (See section above)



Proposed Section B-B

We submitted a complete Householder Application via The Planning Portal on 5 March 2019 for internal alterations in addition to a new front porch, a side extension and a two-story rear extension. Refer to Appendix 5.2 to see the plans and 3D images for the proposal. The application was registered on the system as 6 March 2019, see Appendix 5.3. We received a confirmation of registration on 19 March 2019 and was notified that Mr Conor MacGreevy was assigned as the Case Officer. The reference number for this application is: 19/01150/FUL, Appendix 5.4.

On the 15<sup>th</sup> of April 2019 we received an email by Conor MacGreevy to notify us that he updated himself with the previous applications and has been in contact with Declan and Peter, the previous Case Officers. He continued to highlight the following:

- Single story extension shown at the side of the building would be acceptable.
- Primary elevation porch; unacceptable by virtue of being in front of the primary elevation and established building line - contrary to LDes and NSG.
- Two storey rear extension; unacceptable by virtue of not being subordinate or subservient in its form and design, nor the roof plan relating to the host property or surrounding area – contrary to LDes 12 and NSG. In addition, fenestration design does not relate to the host property.

We replied and confirmed that the front porch could be removed from the proposal and that we disagreed that the fenestration needed to relate to the existing house windows as we have designed a contemporary extension

with large areas of curved glass windows and doors. The rear extension roof is below the existing roof ridge line in accordance with the Planning Guidelines and the impact of the rear extension will be minimal from the front elevation as it has been set back in order to avoiding any development above the sewer. Refer to Appendix 5.5 to see the complete reply email.

#### 4. Reasons for Refusal

In late April 2019 we received a notification on the status of the application. The result was a Mixed Decision and the decision issued date, 26<sup>th</sup> April 2019. The details of the decision are as follow:

The reasons for the mixed decisions are as follow:

1. *Permission was granted for the single-story side extension only;*
2. *The proposed front porch was deemed not acceptable;*
3. *The proposed one and a half storey rear extension was deemed unacceptable.*

We are pleased with point one of the planning decision and accept point two regarding the front porch. The porch will be removed from the planning proposal. A porch would be allowed under Permitted Development Rights if it has an area less than 3m<sup>2</sup> and is less than 3m high.

We would like to appeal point three regarding the proposed one and a half story rear extension.

The reasons for point three are noted as:

- 'The decision for the proposed rear extension was deemed unacceptable because it would create an unsympathetic addition to the property, introducing an incongruous feature in terms of size and scale, having an unacceptable impact upon the host property and the character and appearance of the surrounding area.'
- The proposed one and a half storey rear extension is unacceptable in terms of scale, form and design. This element of the proposal is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable.

### Policy Context

The purpose of this guidance is to explain how new development can conform to the policy in the Edinburgh Local Development Plan (LDP) on house alterations and extensions. Developments that follow this guidance will normally be supported. The policy is as follows:

#### Policy Des 12 Alterations and Extensions

Planning permission will be granted for alterations and extensions to existing buildings which:

- in their design and form, choice of materials and positioning are compatible with the character of the existing building;
- will not result in an unreasonable loss of privacy or natural light to neighbouring properties;
- will not be detrimental to neighbourhood amenity and character.

Alterations and extensions to existing buildings generally raise similar design issues to those of new development. Every change to a building, a street or a space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

Particular attention will be paid to ensuring that such works to listed buildings and non-listed buildings in conservation areas do not damage their special character. Policies Env 4 and Env 6 of the LDP will apply in these cases.

We find point three very disappointing and entirely unwarranted especially when you consider that the design proposal is a result of a lengthy design consultation with the Planning department over several applications. The layout of the rear extension maximises solar gain, takes advantage of private views of the rear garden, minimises any overlooked views or overshadowing and avoids the Scottish Water sewer. The unique shape of the proposed extension is specific to the character of this property and reflects the site conditions and the relationship to neighbouring properties. The shape of the pitched roof minimises any overshadowing to the east of the neighbour's garage and the new extension will use slates to match the existing roof.

Along Orchard Road there are a few properties with hip roofs with single or two storey rear extensions and there is no cohesion or common theme among their various designs. Some properties have full length double pitched roofs at the rear extensions which we cannot do in this instance because of the restrictions of the sewer. In this regard, the shape and layout of our proposed rear extension fits in with existing local vernacular.

In terms of materiality, the materials of the proposed rear extension match the existing property: render walls, slate roof and with a zinc-effect single ply membrane to border the new roof edge. These proposed materials can all be found on all of the similar houses with rear extensions along Orchard Road.

With reference to Policy Des 12: Alterations and Extensions, the previously noted points directly agree with the policy and guidelines.

- The design, form, choice of materials and positioning are in fact compatible with the existing building. Using the existing property as a palette for materials and colours of the new extension help it compliment the existing building.
- There are no overlooking windows to the east and the roof of the extension has been angled to avoid overshadowing onto the neighbor to the east.
- In some areas in Edinburgh there is a clear and distinct local vernacular and cohesiveness to the designs of the existing buildings and any new extensions. This does not exist in this part of Craighleith along Orchard Road, whether the public facing front facades or the rear extensions. Diversity of designs is what actually stands out in this area. We have ensured the impact of the proposed rear extension is completely minimal from the road at the front of the property and the scale complements the existing rear façade and roof.

**Neighbours responses** : The neighbours on either side of the property are in full support of the design and the two neighbours took the time to support the previous application. They did not voice their support in Planning Application 19/01150/FUL as they didn't expect it to meet any resistance and were surprised by the mixed decision. Refer to appendix 5.6 & 5.7 to see the two neighbours comments to go with this Appeal Statement.

The proposal should be considered acceptable because it is truly sympathetic to the existing design, minimises impact on neighbouring properties, avoids building over the existing infrastructure in the rear of the garden and adds to the rich local vernacular of the area. The above points are also in agreement with the guidance of the Planning Guidelines and Policy Des 12 which should result in a reversal to the decision of point three.

## 5. Appendices

### 5.1 Design consultation with Declan Semple - 6 February 2019

**From:** Declan Semple <[Declan.Semple@edinburgh.gov.uk](mailto:Declan.Semple@edinburgh.gov.uk)>

**Sent:** 06 February 2019 10:05

**To:** Ian Forbes <[ian@ianforbesarchitect.com](mailto:ian@ianforbesarchitect.com)>

**Subject:** RE: 18/04440/FUL 47 Orchard Road

Hi Ian

A first floor balcony is unlikely to be acceptable, even when set back from the boundary first floor balconies are likely to lead to a loss of privacy to the neighbouring properties.

The roof of the proposed extension looks uncomfortably attached to the existing property. I would recommend the extension is offset from the edges of the roof and the style of roof is changed to a style which compliments the existing roof. A closer link between the existing roof style and new design would be preferable.

Before submitting you should also consider the impact of overshadowing on the neighbouring property, offsetting the roof may help address this.

Thanks

Declan

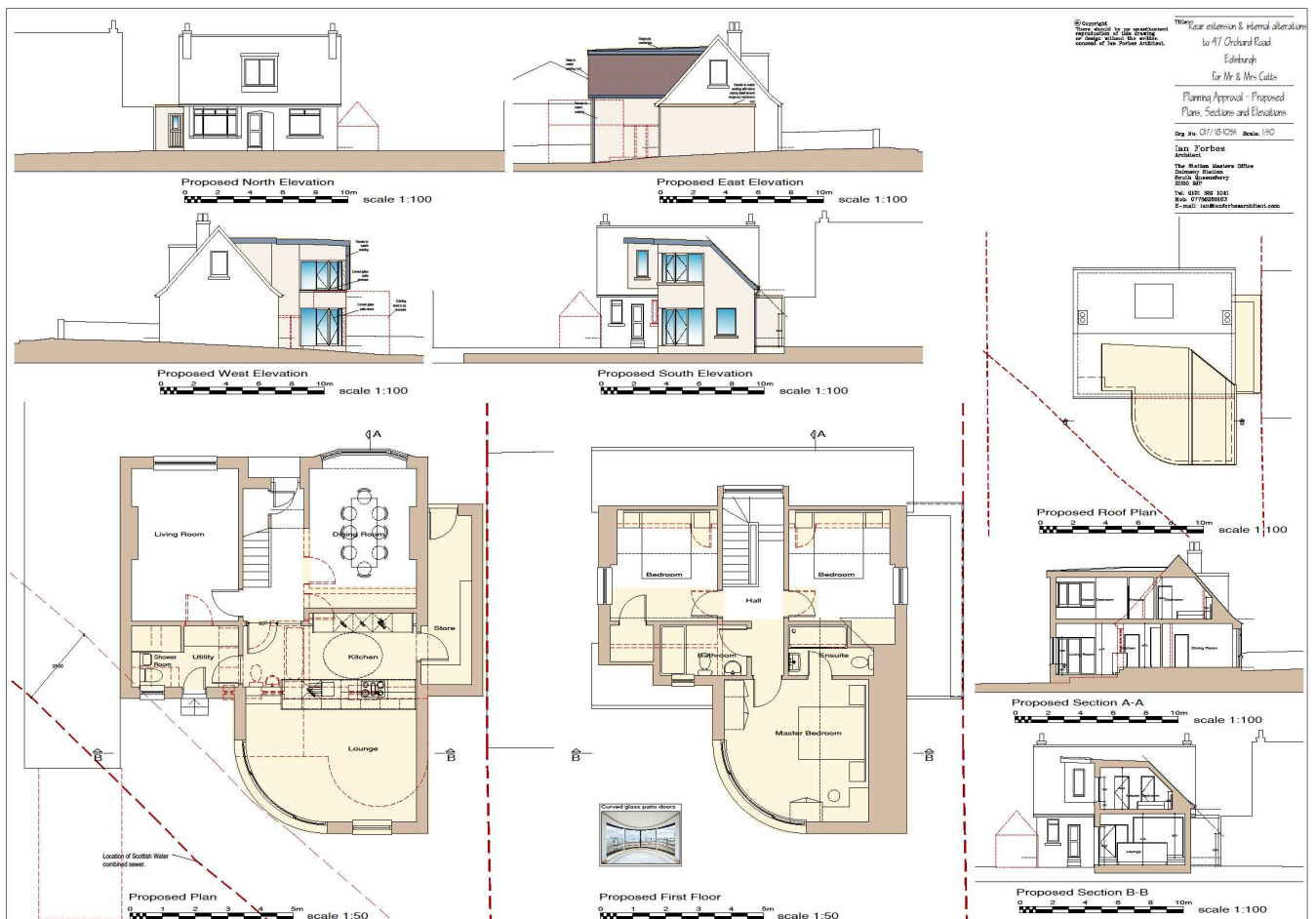
Declan Semple

Planning Officer

Major Central | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG | Tel: 0131 529 3968 | Email:

[declan.semple@edinburgh.gov.uk](mailto:declan.semple@edinburgh.gov.uk) | [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)

### 5.2 - Planning Application 19/01150/FUL (with front porch removed)





### 3D Elevations: Existing and Proposed

Existing Elevations



Proposed Elevations



Existing Elevations



Proposed Elevations



### Location Plan



Location Plan

Scale 1:1250

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Title: *Rear extension & internal alterations  
to 47 Orchard Road  
Edinburgh  
for Mr & Mrs Cutts*

---

Location Plan

Dwg No: 017/18-101 Scale: 1:50

**Ian Forbes**  
Architect

The Station Masters Office  
Dalmeny Station  
South Queensferry  
EH30 9JF

Tel: 0131 331 1041  
Mob: 07786286103  
E-mail: [ian@ianforbesarchitect.com](mailto:ian@ianforbesarchitect.com)

## 5.3 - ePlanning Confirmation - 6 March 2019

100156112-001 has been received



noreply@scot.gov.uk  
To Ian Forbes  
Cc Kenneth Brangman



[If there are problems with how this message is displayed, click here to view it in a web browser.](#)



100156112-001 has been received

ePlanning Scotland Reference: 100156112-001

Dear Ian Forbes,

Your application has been successfully submitted using ePlanning.scot. **Your application will be deleted from the site 90 days after submission you may wish to save a copy for your own records.**

Your online reference number is **100156112-001**, which you should keep safe for your records.

Your application will now be sent to **City of Edinburgh Council** who is responsible for processing and determining your application.

The Planning Authority will contact you in due course regarding your application. If you need to contact **City of Edinburgh Council** directly, please use the contact details below.

---

### Submission Details

Online Reference **100156112-001**

Title **47 Orchard Road**

Authority Name **City of Edinburgh Council**

## 5.4 - City of Edinburgh Registration of Application - 19 March 2019



EDINBURGH  
CITY OF EDINBURGH COUNCIL

Ian Forbes Architect  
FAO: Ian Forbes  
The Station Masters Office  
Station Master's Office  
Station Road  
South Queensferry  
United Kingdom  
EH30 9JP

Mr Richard & Mrs Rosalind Cutts  
47 Orchard Road  
Edinburgh  
Scotland  
EH4 2EU

Date: 19 March 2019

Your ref:

Dear Ian Forbes Architect

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
Internal alterations in addition to a new front porch, a side extension and a two-story rear extension. , at 47 Orchard Road Edinburgh  
EH4 2EU  
REFERENCE NUMBER: 19/01150/FUL

### **CONFIRMATION OF RECEIPT AND REGISTRATION OF APPLICATION**

Thank you for your application which was registered on 6 March 2019. We acknowledge receipt of your fee of £202.

Your application has been assigned to Conor MacGreevy who has the responsibility for assessing the application in relation to National and Council policies, carrying out the necessary consultations and preparing a report.

Decisions on planning applications cannot be made within 21 days of registration, neighbour notification or advert to allow a period of time to comment.

The target date for this application is 5 May 2019. It is intended that your application will be decided by **Local Delegated Decision**.

The officer can be contacted at [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk)

In the event of a decision not being made within the two month period, you may ask for the application to be reviewed by the Council's Local Review Body. The review notice should be submitted within 3 months from the target date specified above or agreed additional period.

## 5.5 - Emails correspondence with Conor MacGreevy - 15 April 2019

**From:** Ian Forbes  
**Sent:** 15 April 2019 16:44  
**To:** Conor MacGreevy <[Conor.MacGreevy@edinburgh.gov.uk](mailto:Conor.MacGreevy@edinburgh.gov.uk)>  
**Cc:** Ros Cutts ; Richard Cutts  
**Subject:** RE: 47 Orchard Road 19/01150/FUL

Hi Conor,

I take your point regarding the porch and I am happy to remove this, and we can deal with it as a permitted development item if it's under 3m2.

The extension at the rear would ideally be a double pitched roof which would reflect the original building if that is the scope of the design you would prefer, however in this instance there is a public sewer running through the site restricting the extension to the east side of the building. I am sure you would have preferred a design along the lines of the rear extension formed at 69 Orchard Road. Ref 05/02098/FUL, or 05/01137/FUL at 8 Craigleith Hill Loan, however we do not have that option for designing across the full rear of the building, and quite honestly, I find them very boring.

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=IIFHI1EWW1000>  
<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?keyVal=IEL410EWU1000&activeTab=summary>

We originally were going down the route of a more contemporary zinc clad roof and smooth render and glass walls with a balcony. Declan wished a more conservative design using the same materials and matching look and style to the original. Not a style that I would have gone for as I believe a modern extension should look like a modern extension. In agreement with my clients we amended the design to be more 'in keeping' in materials and style as far as practical in achieving the accommodation that was desired.

You have quoted that the two-storey extension is not acceptable by virtue of not being subordinate or subservient in its form and design, nor the roof plan relating to the host property or surrounding area – contrary to LDes 12 and NSG. In addition, fenestration design does not relate to the host property.

I disagree with this on two grounds.

The extension is at the rear of the property and the original design of the house as seen from the front (porch aside) will not have any change in character. The sewer restricts the extension to the side and the pitched roof to the east (now in slate) to comply with daylighting requirements to the neighbours the extension cannot be seen from the road and provides the look and character that yourself and Declan wish when viewed along the east elevation.

There is no reason why an extension has to match the original building. There are many extensions that my architectural colleagues have had approved that are totally different from the existing building and their neighbours, have different fenestration looks. David Blackie carried out an extension to a property at 20 Columba Road that was a two-storey flat roofed contemporary design that bore no resemblance to the original house. Ref 07/00990/FUL.

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=JF5MK3EWW1000>

I can quote a few more examples if you wish where the design on a rear extension does not relate in architectural form to the original building.

I would be grateful if you could reconsider the design in light of the site restriction that my clients are faced with and that the two-storey part of the building does not dominate the character of the original dwelling as viewed from the street.

I have copied in Richard and Ros so that they can give me their thoughts on points raised.

I am happy to remove the porch from the design if this is contrary to policy.

I will be in the office most of tomorrow, but away Wednesday & Thursday.

Regards

Ian



Ian Forbes  
Director

**From:** Conor MacGreevy <[Conor.MacGreevy@edinburgh.gov.uk](mailto:Conor.MacGreevy@edinburgh.gov.uk)>  
**Sent:** 15 April 2019 14:57  
**To:** Ian Forbes <[ian@ianforbesarchitect.com](mailto:ian@ianforbesarchitect.com)>  
**Subject:** RE: 47 Orchard Road 19/01150/FUL

Good afternoon Ian,  
To recap our telephone conversation this afternoon:  
Issues in previous emails discussed and highlighted  
You are consulting your client in terms of a next step  
I look forward to hearing from you.  
Thanks,  
Conor.

**From:** Conor MacGreevy  
**Sent:** 15 April 2019 14:41  
**To:** 'ian@ianforbesarchitect.com' <[ian@ianforbesarchitect.com](mailto:ian@ianforbesarchitect.com)>  
**Subject:** RE: 47 Orchard Road 19/01150/FUL

Good afternoon Ian,  
In addition, I would like to receive a response/a form of direction from you/your client within a week.  
Thanks,  
Conor.

**From:** Conor MacGreevy  
**Sent:** 15 April 2019 14:40  
**To:** 'ian@ianforbesarchitect.com' <[ian@ianforbesarchitect.com](mailto:ian@ianforbesarchitect.com)>  
**Subject:** 47 Orchard Road 19/01150/FUL

Good afternoon,  
I left you a voicemail this afternoon in relation to the above application.  
I am aware that you and the previous agent affiliated with the site had been in contact with Declan/Peter in relation to potential amended schemes. I have read through the correspondence and caught up with these officers in terms of what was discussed for the purpose of clarity and efficiency.  
From the current application, I will highlight the issues below:  
Single storey side extension; acceptable in current proposal.  
Primary elevation porch; unacceptable by virtue of being in front of the primary elevation and established building line – contrary to LDes 12 and NSG.  
Two storey rear extension; unacceptable by virtue of not being subordinate or subservient in its form and design, nor the roof plan relating to the host property or surrounding area – contrary to LDes 12 and NSG. In addition, fenestration design does not relate to the host property.

Some of the above concerns if not all were raised by previous officers and unless addressed, the application would be refused/advised to be withdrawn.

It is of my opinion that to amend this to an acceptable standard, considerable changes would be required, and I would suggest withdrawing the application to discuss this further with your client. I am also happy to look over potential plans before a future submission in order to make for a more efficient process.

Thanks,

Conor MacGreevy | Town Planning Officer (East) | Planning and Building Standards | PLACE | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG | Tel 0131 469 3743 | Fax 0131 529 6207 | [Conor.macgreevy@edinburgh.gov.uk](mailto:Conor.macgreevy@edinburgh.gov.uk) | [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)

## 5.6 - Neighbour Comment 1 - 45 Orchard Road

45 Orchard Road  
Edinburgh EH4 2EU  
7 July 2019

To whom it may concern

Dear Sir,

### **Planning Application 19/01150/FUL**

We write in regard to the appeal lodged by our neighbours Rosalind and Richard Cutts.

We have been informed from inception of their plans to extend their property at 47 Orchard Road. We have had no objection to them and commented earlier in support of the planning submission on the web portal.

We confirm that our support remains for the current scheme.

Yours faithfully,



Iain Sime and Linda Sime

## 5.7 - Neighbour Comment 2 - 49 Orchard Road

Begin forwarded message:

**From:** [lynn.x.ward@gmail.com](mailto:lynn.x.ward@gmail.com)  
**Subject:** Re: 47 Orchard Road  
**Date:** 8 July 2019 at 19:43:00 BST  
**To:** Ros Cutts <[ros.cutts@yahoo.com](mailto:ros.cutts@yahoo.com)>

Dear Sirs,

With reference to planning application 19/01150/FUL we write in support of the scheme submitted, we have been consulted on the plans for the extension and have no objection to their proposal.

Regards

Simon and Lynn Ward  
49 Orchard Road  
Edinburgh  
EH4 2EU

Sent from my iPhone

Ian Forbes Architect  
FAO: Ian Forbes  
The Station Masters Office  
Station Master's Office  
Station Road  
South Queensferry  
United Kingdom  
EH30 9JP

Mr Richard & Mrs Rosalind Cutts  
47 Orchard Road  
Edinburgh  
Scotland  
EH4 2EU

**Decision date: 26 April 2019**

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

Internal alterations in addition to a new front porch, a side extension and a two-story rear extension.

At 47 Orchard Road Edinburgh EH4 2EU

**Application No:** 19/01150/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 6 March 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 **mixed decision** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

1. The permission relates to the single-storey side extension only.
2. The proposed porch is not acceptable.
3. The proposed one and a half storey rear extension is unacceptable.

**Reasons:-**

1. In order to recognise the elements of the application recommended for approval.

2. The proposed porch would create an unsympathetic addition to the property, introducing an incongruous feature having an unacceptable impact upon the host property and the character and appearance of the surrounding area.

3. The proposed rear extension would create an unsympathetic addition to the property, introducing an incongruous feature in terms of size and scale, having an unacceptable impact upon the host property and the character and appearance of the surrounding area.

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 proposed single storey side extension would be a compatible addition to that elevation of the host property and would be acceptable in scale, form and design. It would not have an unacceptable impact on neighbouring amenity. This element of the proposal complies with the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is acceptable.

The proposed porch would disrupt the primary elevation of the building by introducing an incongruous addition which would disrupt the established building line of the streetscape. This is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable.

The proposed one and a half storey rear extension is unacceptable in terms of scale, form and design. This element of the proposal is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders. This element of the proposal is unacceptable.

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 Conor MacGreevy directly on 0131 469 3743.

*D R Leehi*

**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.



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Title: *Rear extension & internal alterations  
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Edinburgh  
for Mr & Mrs Cutts*

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*Location Plan*

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Drg No: 017/18-101      Scale: 1:50

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**Ian Forbes**  
Architect

The Station Masters Office  
Dalmeny Station  
South Queensferry  
EH30 9JP

Tel: 0131 331 1041  
Mob: 07786266103  
E-mail: [ian@ianforbesarchitect.com](mailto:ian@ianforbesarchitect.com)

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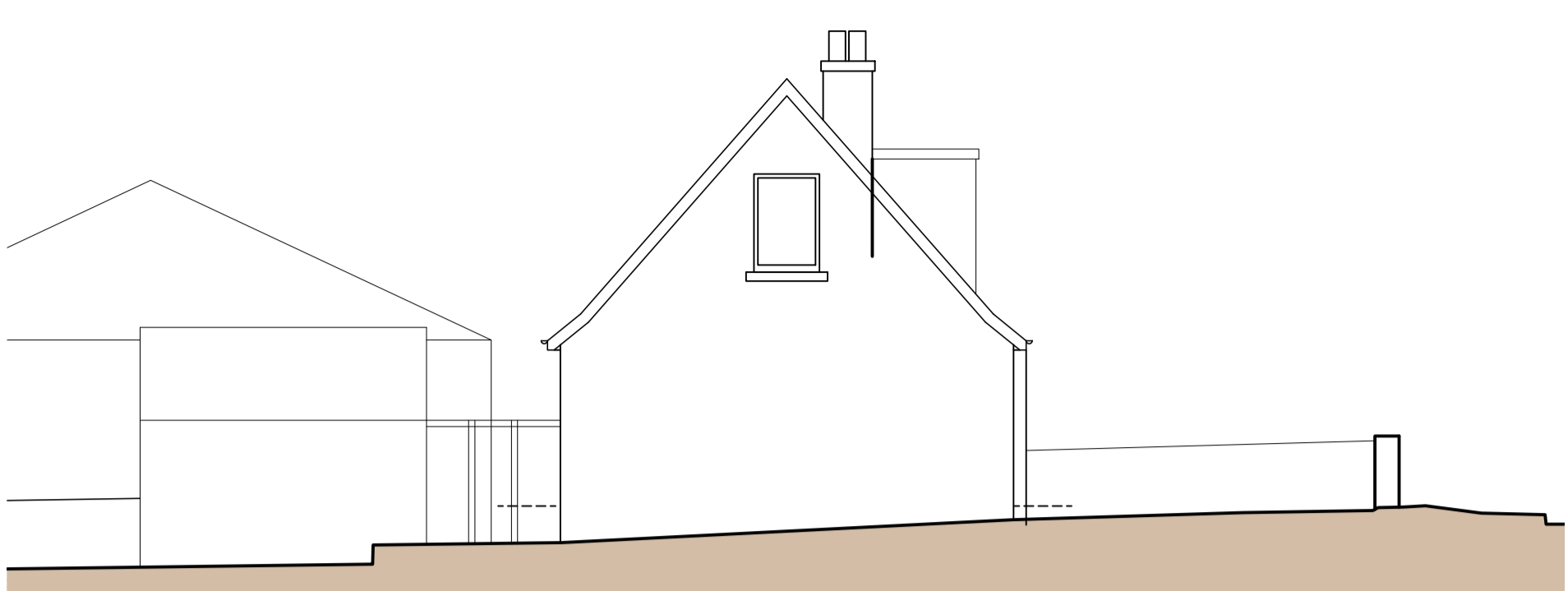
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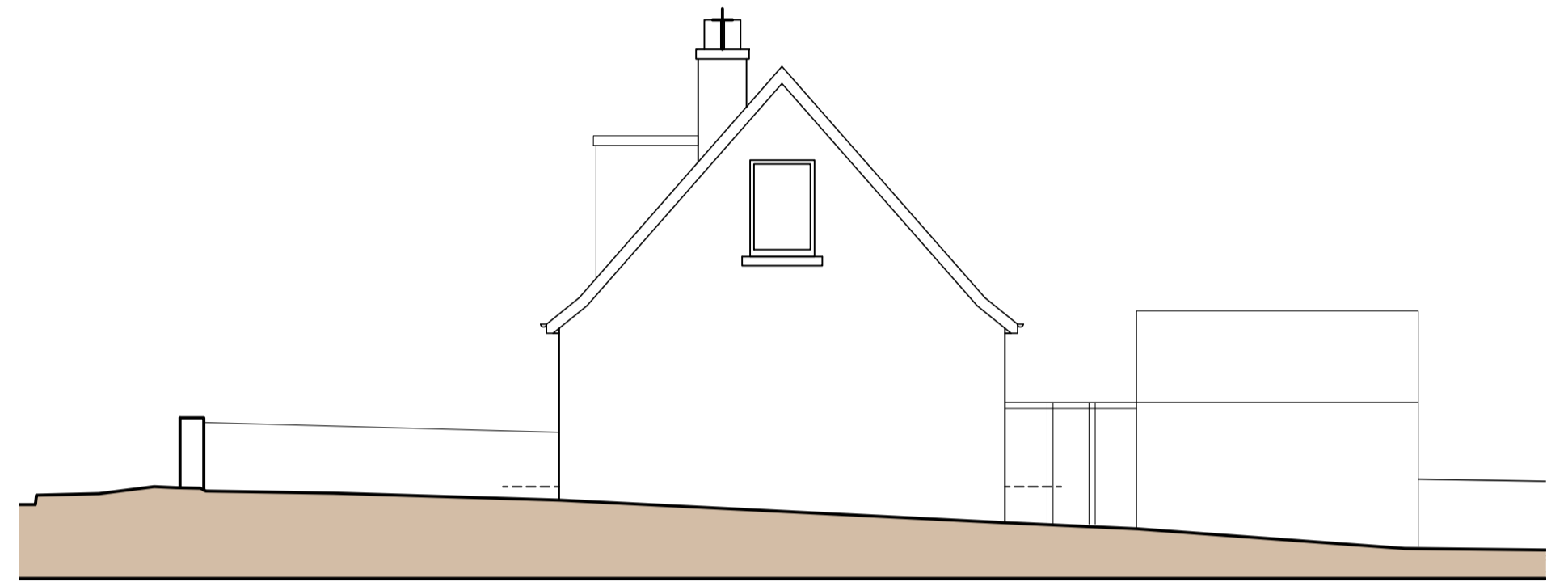
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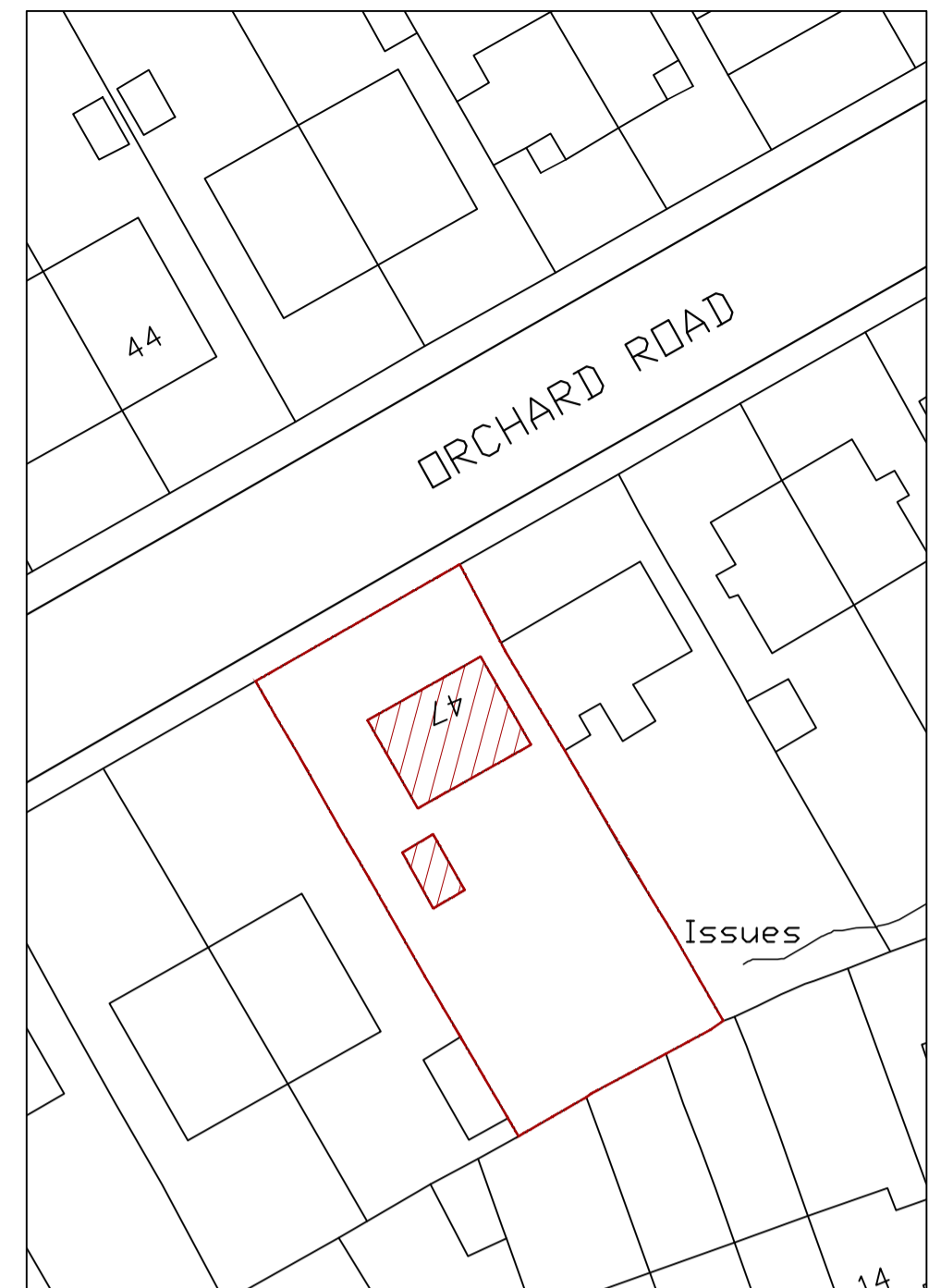
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Existing West Elevation  
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Existing South Elevation  
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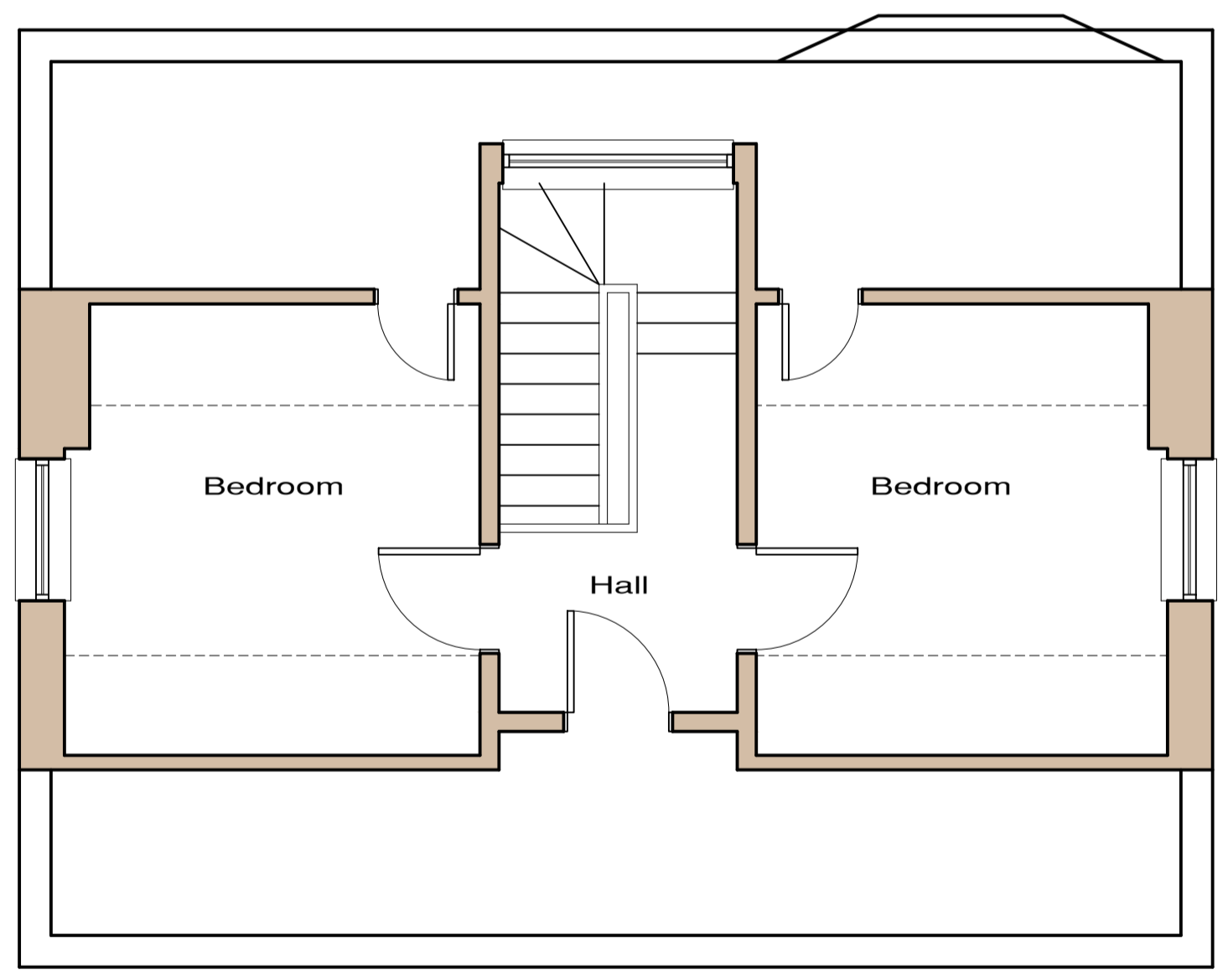


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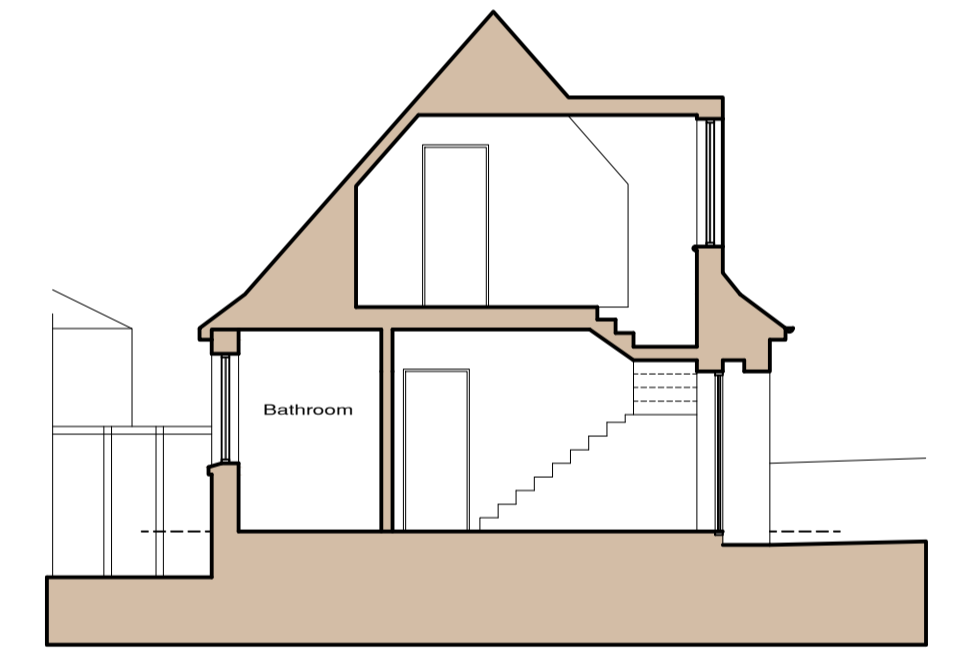
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to 47 Orchard Road  
Edinburgh  
for Mr & Mrs Cutts  
Planning Approval - Existing  
Plans, Sections and Elevations  
Drg No: 017/18-102 Scale: 1:50  
Ian Forbes  
Architect  
The Station Masters Office  
Dalmeiy Station  
South Queensferry  
EH30 9JP  
Tel: 0131 331 1041  
Mob: 07786286103  
E-mail: ian@ianforbesarchitect.com



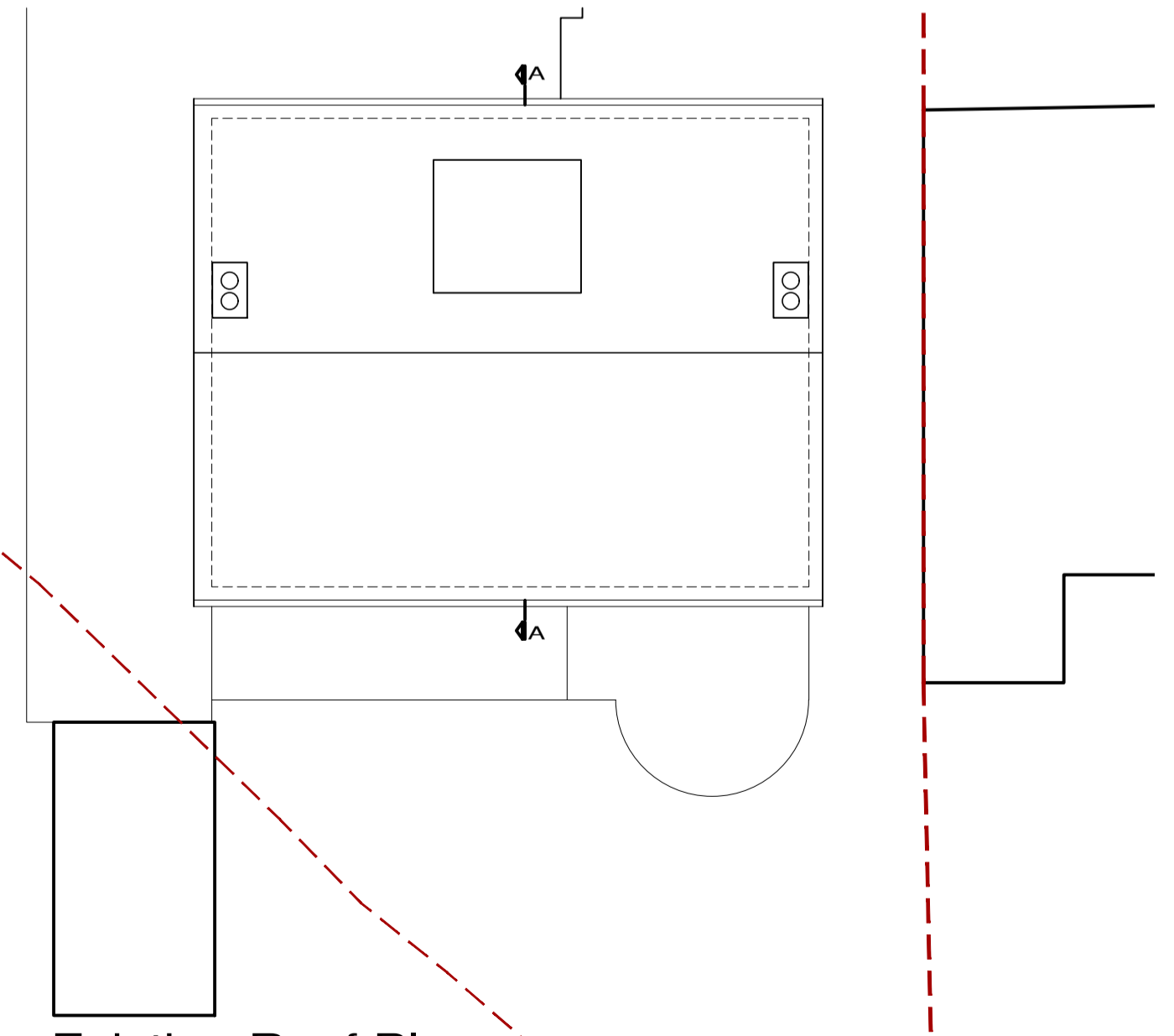
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Existing First Floor  
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Existing Section A-A  
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Existing Roof Plan  
0 2 4 6 8 10m scale 1:100



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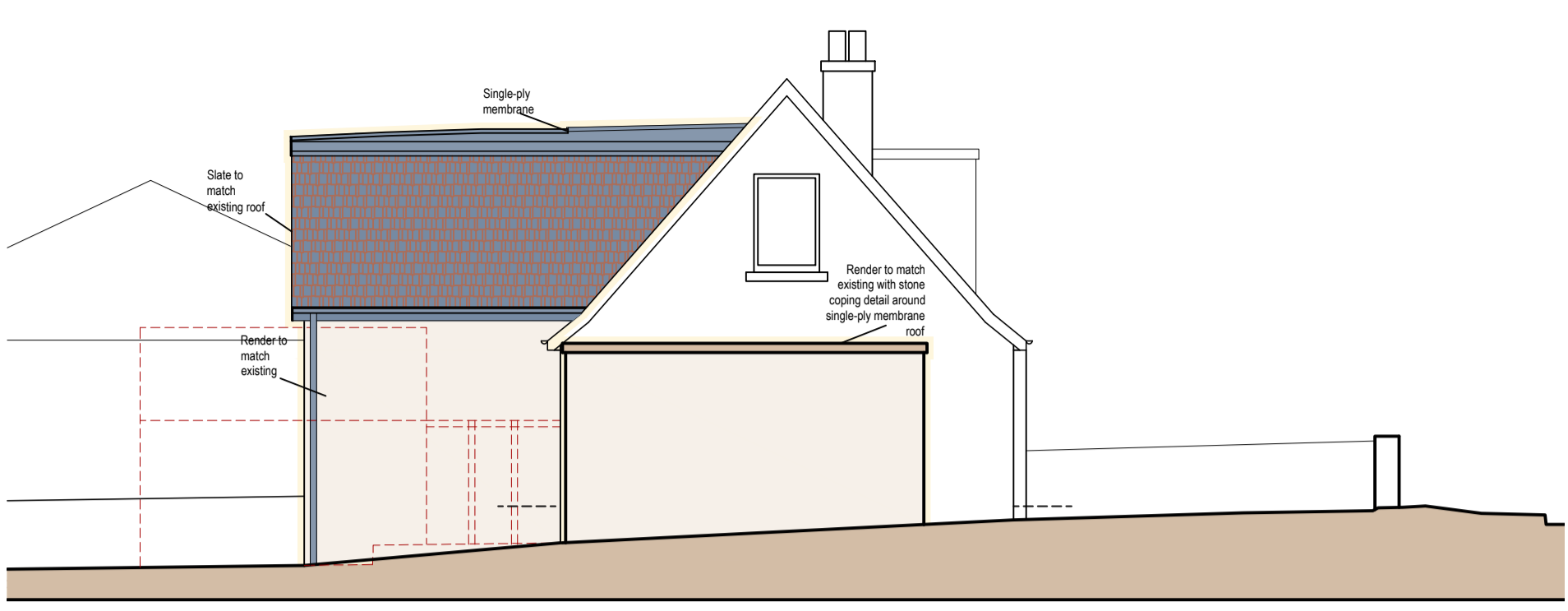
Planning Approval - Proposed  
Plans, Sections and Elevations

Drng No: 017/18-103A Scale: 1:50

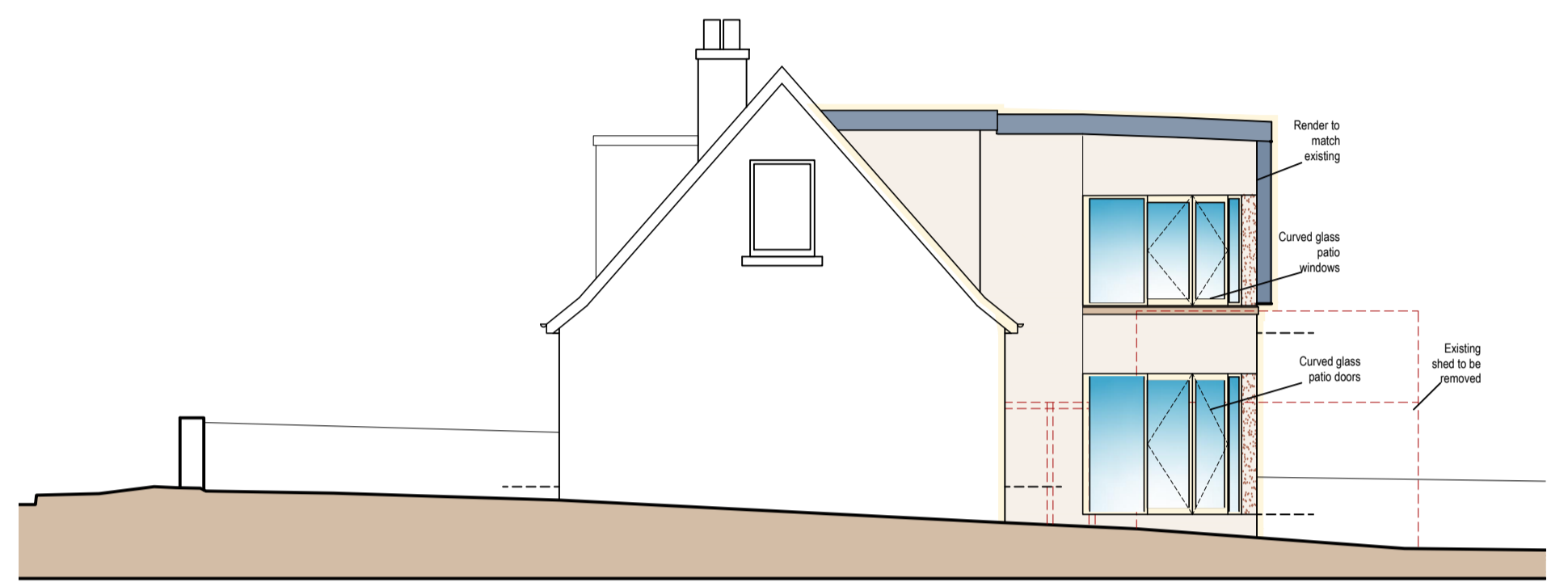
Ian Forbes  
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EH30 9JZ  
Tel: 0131 331 1041  
Mob: 07786266103  
E-mail: ian@ianforbesarchitect.com



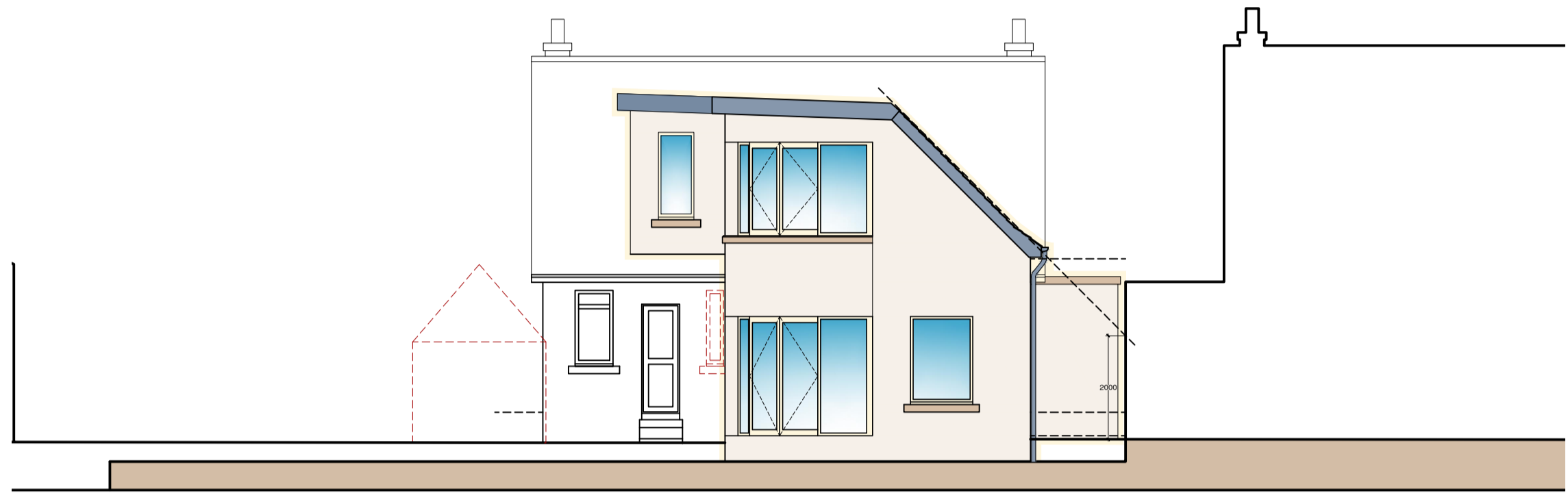
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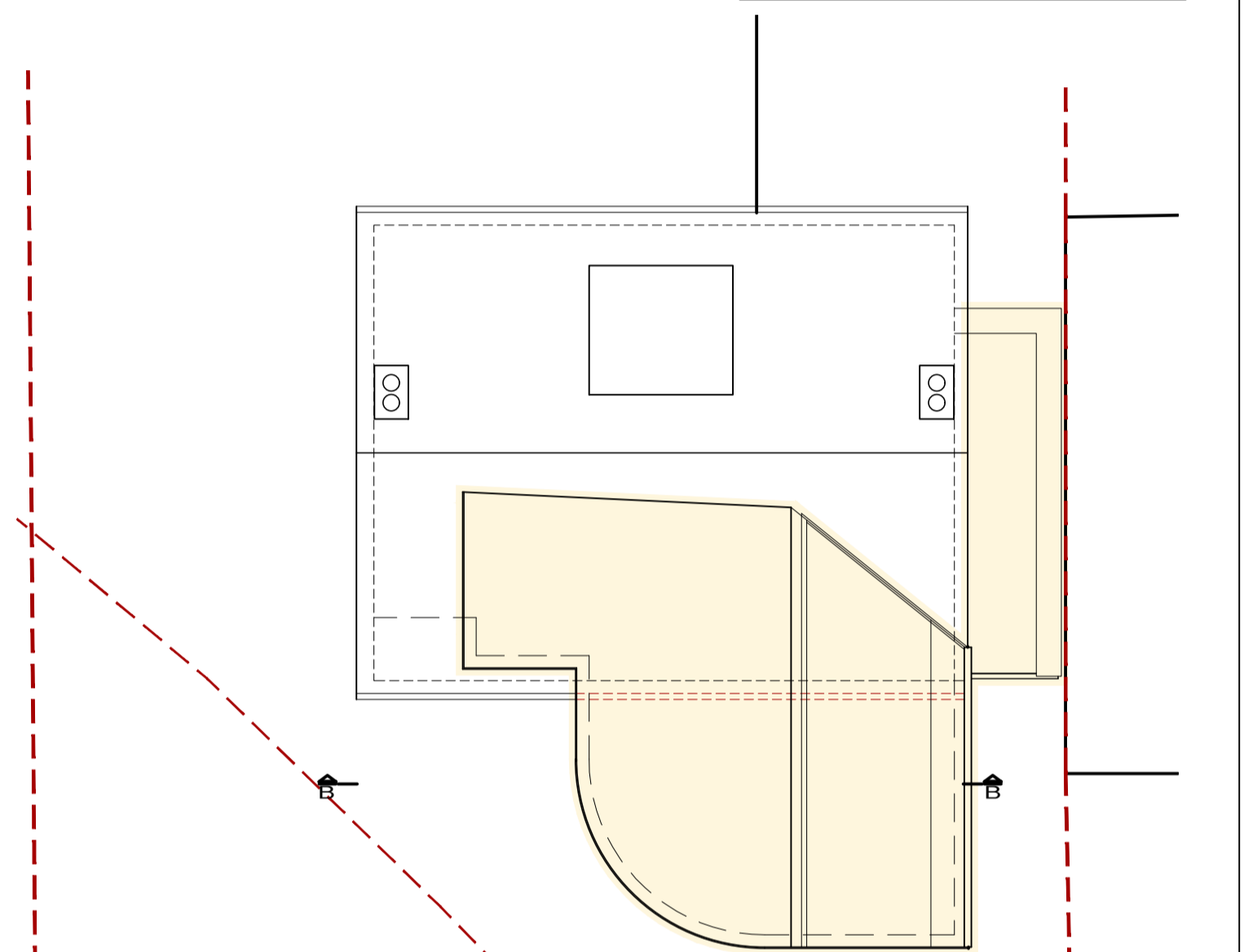
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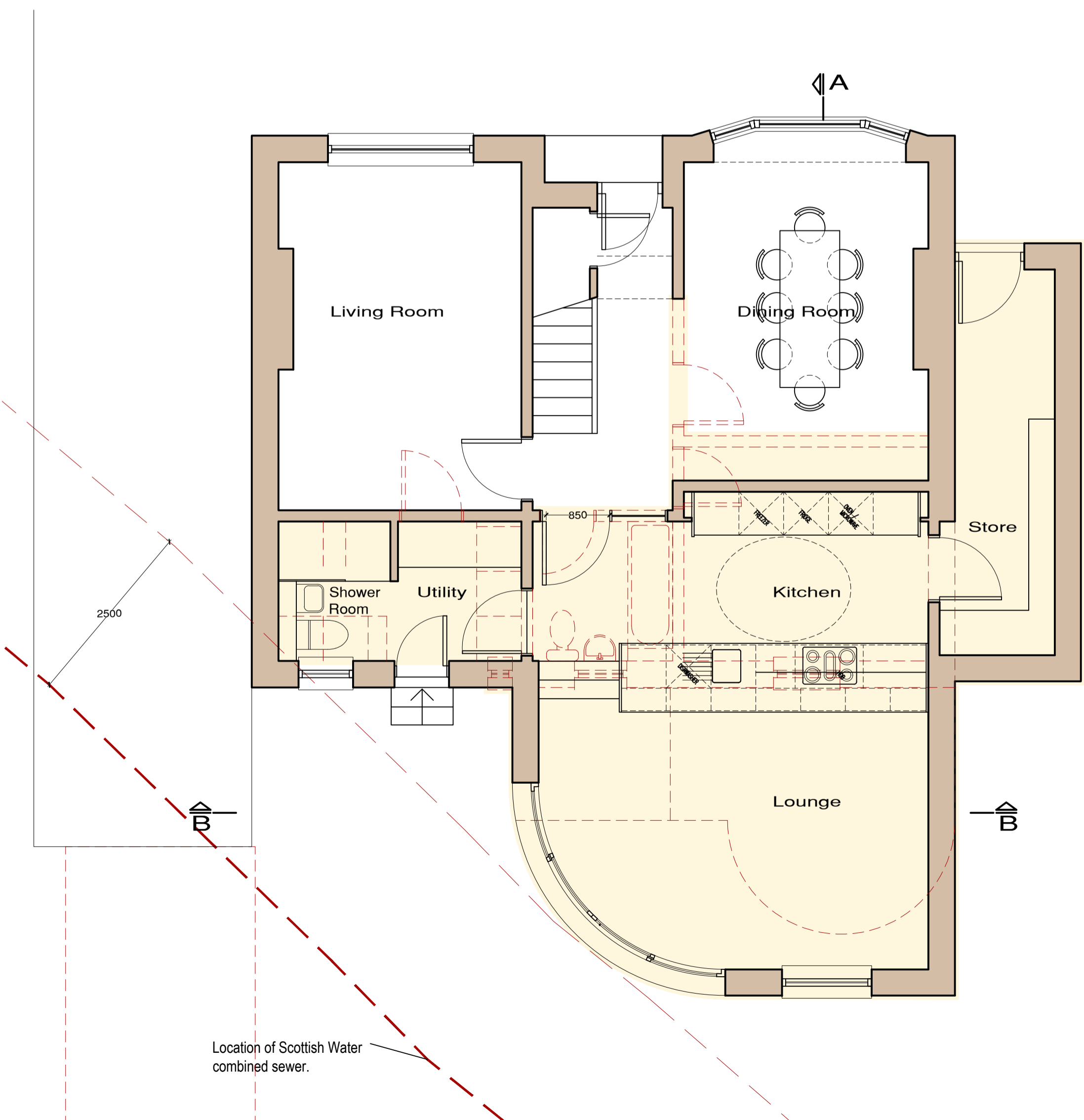
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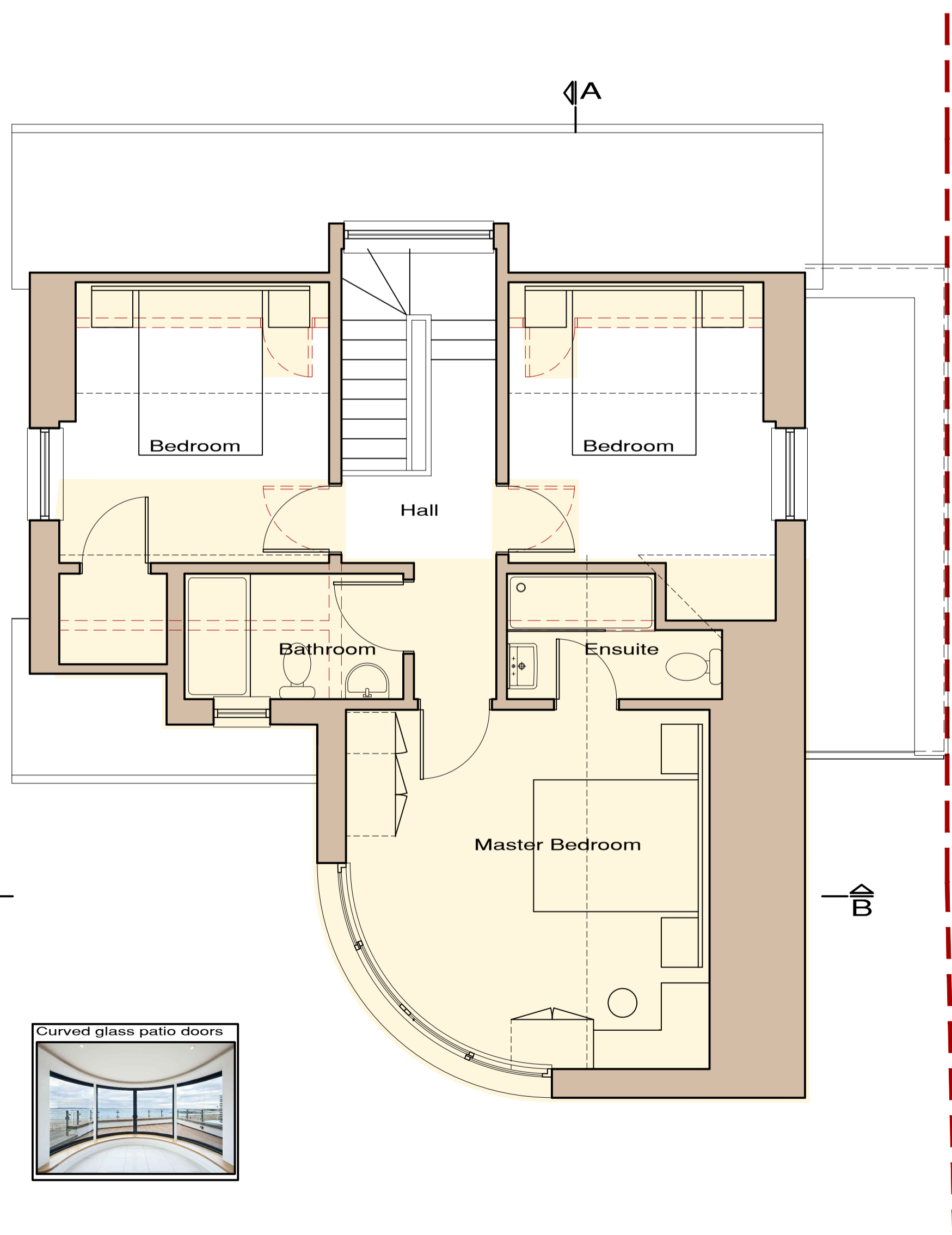
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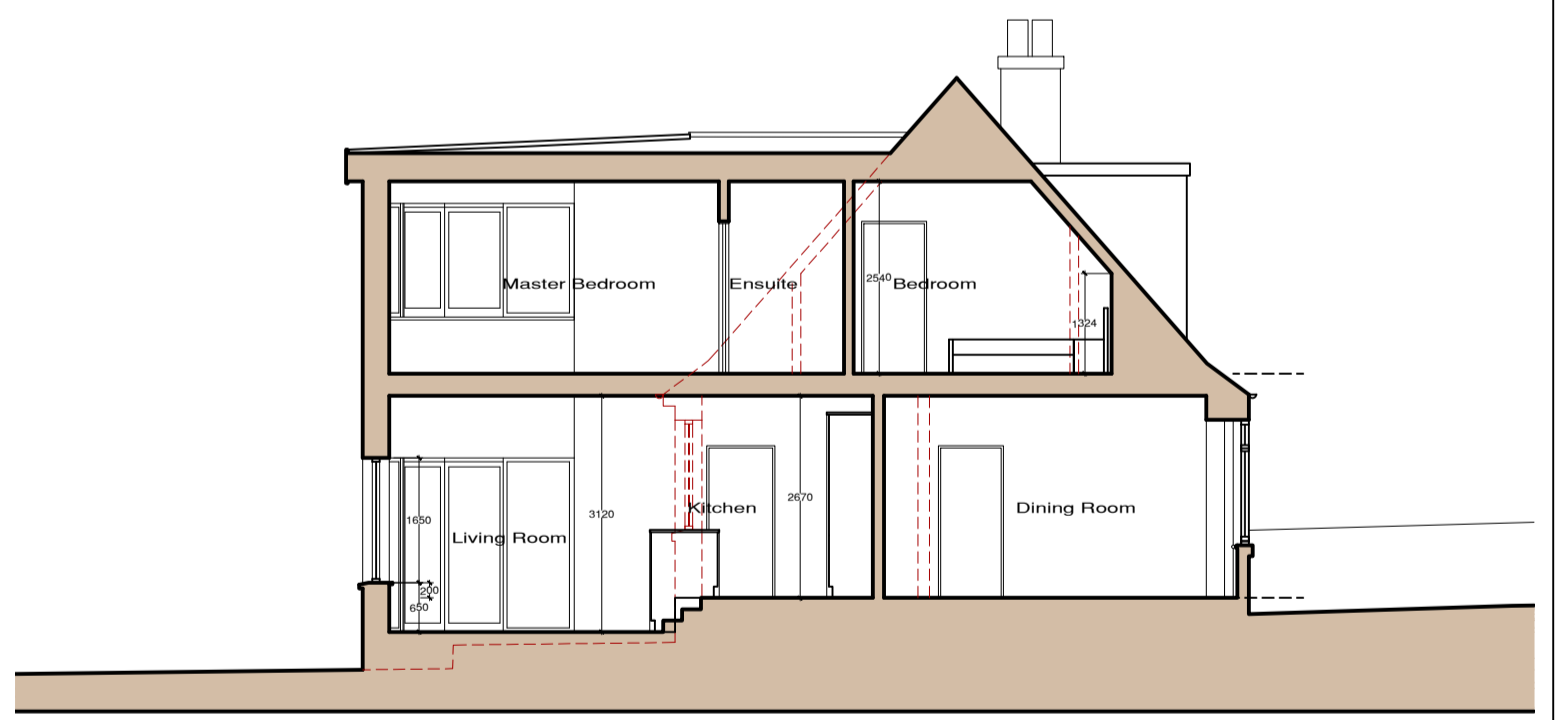
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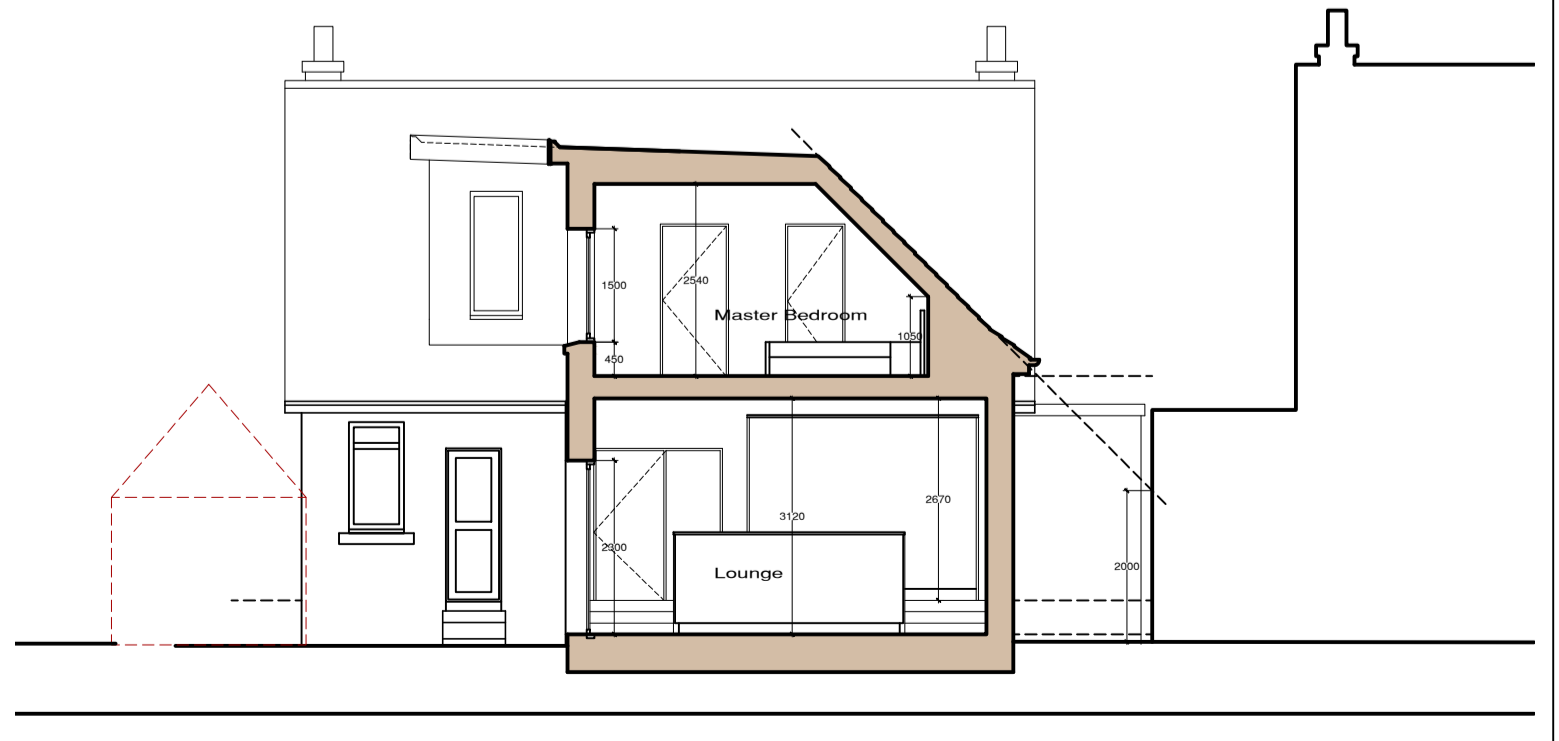
Proposed Plan  
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Proposed First Floor  
0 1 2 3 4 5m scale 1:50



Proposed Section A-A  
0 2 4 6 8 10m scale 1:100



Proposed Section B-B  
0 2 4 6 8 10m scale 1:100



Location of Scottish Water  
combined sewer.



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Edinburgh  
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Planning Approval - Images

Drg No: 017/18-104A Scale: 1:50

Ian Forbes  
Architect

The Station Masters Office  
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EH30 9JP

Tel: 0131 331 1041  
Mob: 07786266103  
E-mail: [ian@ianforbesarchitect.com](mailto:ian@ianforbesarchitect.com)

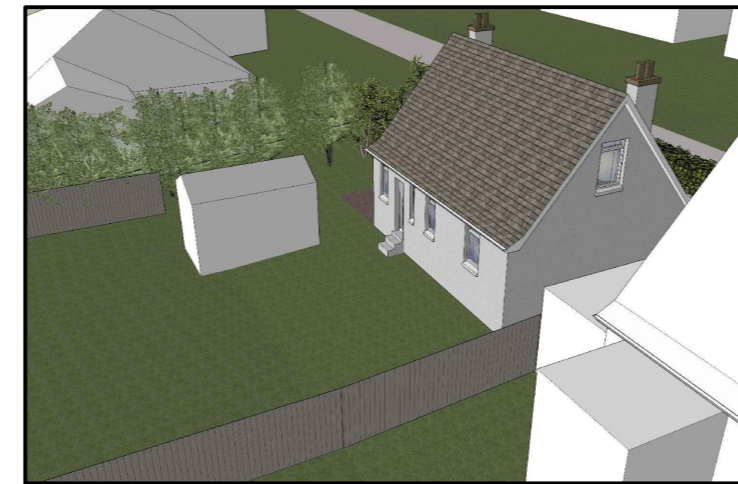
Existing Elevations



Proposed Elevations



Existing Elevations



Proposed Elevations

