



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100639246-005

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	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="Lisa"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Ntim"/>	Address 1 (Street): *	<input type="text" value="Dalmeny Street"/>
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="EH6 8PF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

7 DALMENY STREET

Address 2:

LEITH

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH6 8PF

Please identify/describe the location of the site or sites

Northing

675319

Easting

326694

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)

Creating my appeal in the correct page, as requested by Lisa at The Local Review Body.

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.

I am seeking a review of my request for a change of use due to a few important factors which have not been considered in the original application. I have attached details for this to be reviewed again. One of the main points being that the property is exceptionally small with no storage space for full time residents. I have detailed all points relevant to the reasons for refusal on the additional documents provided, this details the floor plan to for reference.

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)

3 documents to support my points: Floor Plan Appeal Notes Reasons for appeal

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/06146/FULSTL

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

01/12/2022

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

28/07/2023

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: Mrs Lisa Ntim

Declaration Date: 23/08/2023

Reasons for Appeal – 7 Dalmeny Street, Edinburgh EH6 8PF

2 Reasons for Refusal: -

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

From the 1st point

“This will have a materially detrimental effect on the living conditions of nearby residents”

I refer to point 3 I’ve noted below specifically to explain that there is no effect to any local residents in any way.

From the 2nd point

“Use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified”

I refer to all points below, but to start with point 1 and 2 noted below. This hasn’t always been a residential letting, only in recent years converting to this from a commercial unit. With this, can you honestly advise that 15m² to 20m² is suitable full time living space for 1 or 2 adults to live well? I do not believe this is near enough space for anyone to live their life.

This property was converted FOR the purpose of short stays. This is how the estate agent sold it to me and the previous owner confirmed at the time of Sale in November 2018.

I truly do not believe that having this property running in this way has done for many years, is having any detrimental effect to local people at all. This is not the size of a normal 1-bedroom flat, it has no main kitchen or bathroom, limited floor space and daylight due to limited windows too.

It cannot accommodate families and it is in an exceptionally busy area, not necessarily preferred by local people. I am a local person, I tried to stay in it and it wasn’t workable due to the available space.

There has been no push back from my neighbours and no complaints either. The property and surrounds of it are well kept – regular cleaning, and clearing and painting to really bring the area up.

Supporting Facts:

1. Size of Property: 33m²

Total property 33m² with furniture down, gives approx. 15-20m²

Storage – 1 cupboard (which homes the boiler) so limited space.

Toilet/Shower room – 1 toilet and single shower unit, no bath, floor space available 1.6m² only

Kitchenette – floor space approx. 2m² with limited cupboards and 1 worktop only

2. Property was previously a shop (within the last 15/20 years)

This property was converted from a shop to a residential residence. It is pretty much a bedsit – it has only 2 windows in the whole property – 1 front window, which serves the living room kitchen. The 2nd window is at the back of the property in the bedroom. There is no window in the toilet/shower room.

The toilet/shower room was created as form of this change and a small kitchenette forms part of the living room – great for short stays, for full time residents, both areas provide very limited space.

This conversion – as advised by the previous owner and estate agent was done to make it a short stay property.

3. No access to resident facilities and no use of local residents' amenities

This is a main door flat. It has NO access to any communal area (guests cannot enter stair or garden access at all)

Rubbish removal – is done privately by my paid cleaner who disposes of this on my behalf so not over-cluttering of local communal bins

Parking – no options for parking are given, leaving this only for local residents. All guests at the property are directed to use local transport, namely the trams or buses.

Reviews/Local Residents – I have regular contact with all residents to ensure there is never any disturbance, and no one has disputed this running. Reviews are high from guests and I work only with reputable agents, bringing the right guests who want to enjoy the local area eating and drinking at local businesses

4. I am a local resident

I am born and bred in Leith and I truly care about what happens in the area. I am not a big business cashing in on the gentrification of the area – I am a sole owner trying to part of the development and growth of the area. A local business person just trying to be part of this and not pushed out by bigger wealthier companies. This is part of my livelihood.

Document including correspondence with Planning team and local councillors for support to appeal this decision. Email chain confirming full reasoning of why I'm appealing this decision. Please advise if you need further information to support this.

Hi Lisa

It is difficult for me to support on this. It may be helpful to contact ePlanning directly via their online contact form at <https://www.eplanning.scot/ePlanningClient/custompages/support.aspx>

They offer good support on applications.

Or alternatively contact Edinburgh Local Review Body for enquiries at localreviewbody@edinburgh.gov.uk

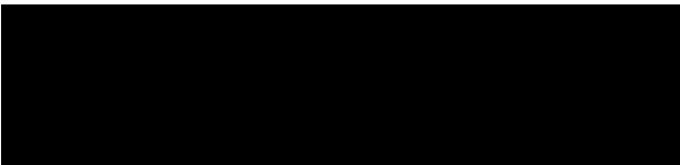
I hope these two options are of good support.

Many thanks

Benny Buckle
Planning Officer

Planning and Building Standards | Sustainable Development | PLACE Directorate | The City of Edinburgh Council | Waverley Court, **G.2**, 4 East Market Street, Edinburgh, EH8 8BG | benny.buckle@edinburgh.gov.uk | www.edinburgh.gov.uk |

Please note my working days are Tuesday to Friday.



Hi Benny,

Thank you so much for your quick response, however going past this point only gives the option to start over again?

Does this mean I have re-input all the information that has already been provided?

I thought the appeal would allow me to justify why I should be approved and allow me to give solid reasoning to why the decision should be changed.

Can you please advise what I should do next?

Lisa

On Wednesday, 9 August 2023 at 12:32:43 BST, Benny Buckle <benny.buckle@edinburgh.gov.uk> wrote:

Hi Lisa

Thank you for your email.

You are appealing for a Local Review.

Many thanks

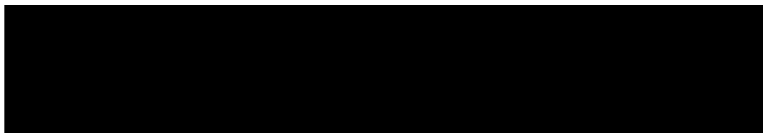
Benny Buckle

Planning Officer

Planning and Building Standards | Sustainable Development | PLACE Directorate | The City of Edinburgh Council | Waverley Court, **G.2**, 4 East Market Street, Edinburgh, EH8 8BG |

benny.buckle@edinburgh.gov.uk | www.edinburgh.gov.uk |

Please note my working days are Tuesday to Friday.



Hi Benny,

I'm afraid this is still quite unclear?
I've gone online to the platform you mentioned below and already there is questions I have no information on?

Am I appealing for local review or Scottish ministers review?

On Tuesday, 8 August 2023 at 15:56:57 BST, Benny Buckle <benny.buckle@edinburgh.gov.uk> wrote:

Hi Lisa

Thank you for your email. You 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 notice (18.07.2023). The Notice of Review can be made online at 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.

More information regarding the Local Review Body maybe found at the link below

<https://democracy.edinburgh.gov.uk/documents/s41231/5.1%20-%20LRB%20Procedure.pdf>

If you have any further queries regarding the review process please get in touch.

Many thanks

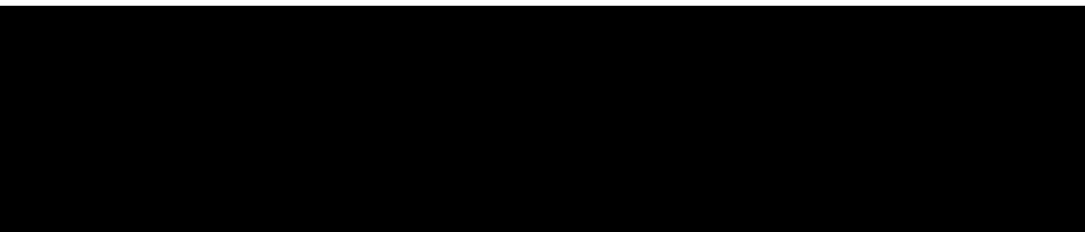
Benny Buckle

Planning Officer

Planning and Building Standards | Sustainable Development | PLACE Directorate | The City of Edinburgh Council | Waverley Court, **G.2**, 4 East Market Street, Edinburgh, EH8 8BG |

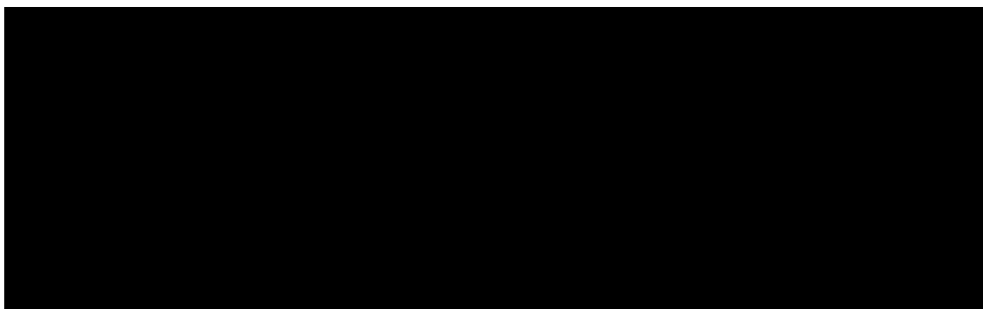
benny.buckle@edinburgh.gov.uk | www.edinburgh.gov.uk |

Please note my working days are Tuesday to Friday.



I can't give you any more advice but I'm copying in the team that gives guidance on STLs and the Planning Department. Hopefully they can shed light on your next steps and what happens with an appeal, what the potential turnaround time might be, etc.

Cllr McNeese-Mechan



Hi Amy,

Thanks for your message.

Sadly, no understanding of where my application is or will be heading has been advised to me prior to your note. The process is extremely unclear and I'm not aware of anyone being approved to date which really worries me.

In regards to your position on this being restricted, can you advise on what I should do from here?

Lisa

Sent from my iPhone

On 7 Aug 2023, at 18:40, Amy McNeese-Mechan <Cllr.Amy.McNeese-Mechan@edinburgh.gov.uk> wrote:

Hi Lisa

James and I are both on the Planning Committee and therefore unable to comment on live applications or appeals. However it sounds like your appeal may be coming before the Local Review Board, which would give you the opportunity to make the points you highlighted.

Kind regards

Cllr McNeese-Mechan

Dear Councillors,

I hope this email finds you well.

Apologies for the mass email, I wasn't sure who I should contact specifically, so please do feel free to point me in the right direction if it's not you.

I'm messaging you in a bid for your help as I honestly don't feel there, I have any other option.

In line with the soon to be new licencing laws that will be in place for Short let accommodation in Edinburgh, I have been actively working to ensure all that is required for this is complete and up to date as requested by Edinburgh Council.

I have a 1-bedroom property on Dalmeny Street and as part of the requirement for the licence it was specified that I needed planning permission to "change of use" which I applied for on 1st December 2022. I received a denial email from the council on 28th July 2023 advising "This will detrimentally affect the living conditions and amenities nearby for residents and their services". Application for the change of use cost £750. I was told that for my licence I needed to have this approved, however was urged to apply for my licence to ensure I'm able to trade after 1st October. 2023. I applied for my licence 14th July 2023; this cost £653. To date I haven't heard anything back on this application and it's doubtful I will now with the refusal from the planning department.

The property I own on Dalmeny Street (number 7) it's an ex-shop which was converted to a residential unit some years ago. I have owned this property since November 2018 and have operated this as a short-let rental since then. I run this myself, with only a cleaner who comes in and out as necessary to clean and remove all rubbish. This has operated successfully (excluding Covid) since I bought it, with no complaints, high customer reviews as I regularly paint, clean and upgrade the property.

When I bought this, the estate agent said it was being sold as it was too small to live in permanently. The total floor space is 33m², but that's without furniture being put down. With a bed, sofa etc the available living space is not enough for 1 person, let alone 2. The property has only 1 cupboard which houses the boiler (so it's limited

what you can put in there) with a single shower unit, no bath or available space. It really is a small bedsit. This sits next door to a shop (which is closed from 4pm every day and the other side is another main door Airbnb accommodation.

The refusal of my application is not due to neighbours or complaints. I regularly liaise with all my neighbours to ensure no disturbances are occurring and they all know me and are able to contact me directly too. I do not use the local bins, I have all rubbish removed privately and have no access to any of the stairs or gardens, therefore no interaction with any local resident's space. I also do not have a car space (as part of the new CPZ's) I only promote our great tram or bus services around the city.

I'm working for myself, I'm not a huge business trying to maximise their money in our city. I have already paid out £1400, not forgetting the expense of upkeep, testing, checks etc (which I have always done prior to the council requesting this).

You will see below I'm asking to appeal this decision. I emailed Benny Buckle over a week ago, still no response. The planning team will only respond to emails, they don't speak to anyone by phone and are only available until lunchtime most days. so, to explain or talk this over with anyone is virtually impossible.

I fully understand the need to control short let accommodation and have no issue following rules. I do however feel this ruling is not fair as it doesn't have the full understanding of my request.

If I had a normal/average size property within a stair I wouldn't challenge their decision, however I do not believe that a 33m² property, less the furniture floor space, so say 15-20m² property with no storage is denying local people the opportunity to find accommodation in this area. To move to a longer let or full-time residential property would provide a very bad quality of life for 1 or 2 people, I know this personally as I stayed there for a month when I first bought it with my husband and it was dreadful, we were on top of each other and had no space for clothes or any other items, hence its use for short let. This is what the estate agent and previous owner told me too.

I am a local resident, I am born and bred in Leith, I even went to Leith Academy (before they became lovely flats) my only intention is to promote the local area in the best way possible.

I'm honestly quite anxious about this as my flat is a source of my income, which also means I then have a loss of earnings too. I am not able to trade from 1st October onwards and that is really starting to worry me.

I wanted to be part of the promotion of Leith and enjoy bringing people to the area to eat, drink and shop within our community.

Apologies for how long this email is, but I feel it's necessary to convey how this is personally affecting me as I noted at the start, there is no-one to talk to about this.

As my local councillors can you help? Or possibly point me to someone else that can?

I appreciate that working for the government who are enforcing these new policies that I'll not be your favourite email today, however I believe the plan was to regulate and manage short let accommodations not stop them all completely?



Email below for understanding/reference to my points. I've also attached the floor plan of my property so you can understand the layout/scale.

Kind Regards,

Lisa Ntim

Owner 7 Dalmeny Street.

----- Forwarded message -----



To: benny.buckle@edinburgh.gov.uk <benny.buckle@edinburgh.gov.uk>

Sent: Friday, 28 July 2023 at 12:35:01 BST

Subject: Fw: Decision Notice for Application No 22/06146/FULSTL

Hi Benny,

I would like to appeal this decision on my planning application.

You're 2 reasons for refusal refer to the same points being: "This will detrimentally affect the living condition and amenities nearby for residents and services"

I think there are a few key relevant points that makes my property different from others in the area.

1. My property was previously a commercial unit which was converted into a residential property within the last 20 years.

2. The property is only 33m2 - with very limited storage, the reason for the sale when I originally enquired was due to the space being too limited as a full-time residence.

3. Through Covid I let the property for a longer term and unfortunately it didn't work due to the lack of living and storage space - which is evident in the plans.

4. If your note on amenities refers to local rubbish collection, I arrange for cleaning and rubbish pick-up from the property which is privately removed so as not to affect any of the surrounding residential facilities. I am considerate and respectful of the surrounding area, regularly sweeping and maintaining the pavement in front and around the property to ensure it's as tidy as it can be, not solely for business reasons but because it's my area.

5. My property is located next door to a shop on the left and another Airbnb on the right. There is no requirement for access by my guests to any residential stairs or gardens for anything at all.

I completely understand the requirement to protect residential properties for the people of Edinburgh, however with 1 person previously letting this before I bought it and confirming it didn't work as a full-time residence due to the size and overall space of the unit, it is very much a bedsit style accommodation which really only works as a short term let. I myself stayed in it with my husband for a month and we struggled to live properly. There is only 1 cupboard which homes the boiler at the back of the property.

I myself am a local resident, who is born in this area and take a lot of pride to ensure I do the right thing locally. Therefore, my consideration with this property was never to deny local people the option to live/rent locally, but mainly due to the fact that the estate agent confirmed the size of the flat is so small, it's best and only use would be as a short-let accommodation.

Had this been a larger/average 1 bedroom property with storage, I wouldn't even appeal your decision.

I understand there will be a process I'll need to follow to appeal this decision. Can you advise my next steps to do that please?

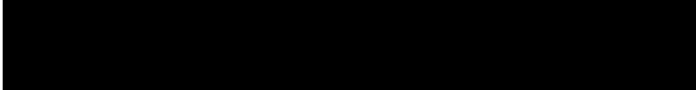
Many Thanks

Lisa Ntim



----- Forwarded message -----

From: planning.support@edinburgh.gov.uk <planning.support@edinburgh.gov.uk>



Sent: Friday, 28 July 2023 at 10:32:37 BST

Subject: Decision Notice for Application No 22/06146/FULSTL

Please See Attached

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

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- -
 -
 -
-

Benny Buckle

benny.buckle@edinburgh.gov.uk

Note

Whilst every attempt has been made to ensure the accuracy of the floor plan contained here, measurements of doors, windows, rooms and any other items are approximate and no responsibility is taken for any error, omission, or mis-statement. This plan is for illustrative purposes only and should be used as such by any prospective purchaser. The services, systems and appliances shown have not been tested and no guarantee as to their operability or efficiency can be given.

Area Description

Leith has rapidly become one of the trendiest areas in Edinburgh. The former bustling port has been replaced by a vibrant cultural scene, with a host of independent galleries and festivals taking place throughout the year. A range of quirky and diverse restaurants, delis, and bars make the area extremely popular with visitors and city residents alike. Take the opportunity to walk along the Water of Leith Walkway – a charming footpath which borders the river. Meanwhile, the mile-long Leith Walk links the area to the city centre, and has a truly impressive range of independent shops and outlets. The nearby Ocean Terminal provides further shopping opportunities, along with a large cinema and more restaurants.

Approximate Dimensions

Living/ Dining Room/ Kitchen	5.40m (17'9") x 3.71m (12'2")
Bedroom	3.74m (12'3") x 2.54m (8'4")
Shower Room	2.35m (7'9") x 1.15m (3'9")



Total area: approx. 34.0 sq. metres (366.0 sq. feet)

For more information or to register your interest please contact:

Aberdein Considine
40-44 Elm Row, Edinburgh, EH7 4AH
47 Lothian Road, Edinburgh, EH1 2DJ

0131 222 9000 | edi@acandco.com
[@AC_Edinburgh](https://twitter.com/AC_Edinburgh)
acandco.com