

**Land at 14 Lampacre Road  
Edinburgh EH12 7HX**

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**Review of a Decision by Officials of City  
of Edinburgh Council to Refuse Planning  
Permission for Application Reference  
23/02897/FUL**

**Proposed Construction of a New House**

**Planning Appeal Statement**

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On behalf of:

The Owners Group

7 December 2023

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## SUPPORTING DOCUMENTATION

### Documents Submitted with Application 17/03026/FUL

1. Drawing 1 - Location Plan, Ground & First Floor Plans
2. Drawing 2 - Block Plan
3. Drawing 3 - Roof Plan, Elevations & Sections
4. Drawing 4 - Section and Contextual Elevation Proposed Elevations and Floor Plans

### Documents from Determination of the Application

5. CEC Transport Consultation Response
6. Planning Officers' Report of Handling
7. Decision Notice, 8 September 2023

### Additional Documents for Consideration with this Review

8. Planning Appeal Statement (this document)
9. Flood Risk & Surface Water Management Plan (Harley Haddow)

## SECTION 1 INTRODUCTION

- 1.1 This Planning Appeal Statement is in support of a Notice of Review submitted to City of Edinburgh Council (*the Council*) under Section 43A of the Town and Country Planning (Scotland) Act 1997, as amended (*the Planning Act*).
- 1.2 It seeks to justify the proposal to construct a four-bedroomed house in the garden ground of No14 Lampacre Road (*No14*). No14 is a flatted apartment on the upper (first) floor of the adjacent four-in-a-block property. This is located on a corner plot at the junction of Lampacre Road with Tyler's Acre Road in the Carrick Knowe area of West Edinburgh.



Fig 1 - Location Plan / Block Plan

- 1.3 Planning permission for this proposal was refused on 8 September 2023 by the Council's planning officials under delegated authority (application reference 23/02897/FUL). The Council's Local Review Body is therefore requested to overturn that decision.
- 1.4 Regulations under the Planning Act give allowance to seek a review of this decision within three months and the Notice of Review has been duly submitted within that period.
- 1.5 The Review of the planning refusal is promoted on instructions from Mr Pat Black whose daughter is the owner of No14 and the application having been submitted in the name of The Owners Group. The apartment is tenanted. Mr Black is a local builder with considerable experience in the area and would personally manage the development of the proposed house should planning permission be granted.
- 1.6 This is the third scheme pursued for development of the site but all have been refused. It is considered that the design of the current third scheme brought forward by the project architect John Tod addresses the reasons for refusal for the preceding schemes and there was considerable disappointment that this was not accepted by the Council's planning officials.

- 1.7 It is also relevant that the Council has recently declared a housing crisis due to the lack of available housing stock across the city. It is noted that the housing crisis has subsequently been cited by the Council in refusing planning permission for student accommodation proposals and short-term let proposals so as not to further diminish the housing stock. It is therefore presumed that additional weight should be afforded to applications for new houses that seek to bolster the housing supply, such as this proposal.
- 1.8 It is on this basis that a further opinion is now requested from the Local Review Body (*'LRB'*).

## **SECTION 2 BACKGROUND TO THE PROPOSAL**

### **Site Context**

- 2.1 The property is located in an area which is wholly residential in character. Surrounding streets are characterised by two storey houses, generally semi-detached or in short terraces. These include whole townhouses as well as many divided into upper/lower villas. The area also has a number of bungalows and detached houses.
- 2.2 The apartment block of which No14 forms part is of different character in its design, appearance and siting to its neighbours. It also has additional accommodation in the attic space including a dormer extension facing the garden.
- 2.3 The block is positioned at a 45-degree angle, facing the junction of Lampacre Road with Tyler's Acre Road, and thereby comprising a 'corner plot'. Its siting provides an irregular relationship with the immediately adjacent residential properties on each road, which stand parallel with their respective road frontages. It is thereby out of character with the predominant layout in surrounding streets.
- 2.4 This unusual relationship with neighbouring property results in the garden ground at the side of No14 having an irregular shape. It is also of considerable size, sufficient to offer a development plot.
- 2.5 The existing garden includes a detached garage accessed from Lampacre Road. It otherwise comprises a grassed area to the front facing the street and a vegetable patch to the rear, separated by a wall.
- 2.6 There is a low wall along the boundary to the street and a double railing fence along the footpath which gives access to the apartment block entrances.
- 2.7 The ground floor apartment (*'No16'*) has a garden area to the front separated from the street by mature trees, plus a small narrow rear garden area. The other two apartments in the block (Nos 50 & 52 Tyler's Acre Road) have a similar garden arrangement.
- 2.8 Directly opposite the site is an entrance to Carrick Knowe Primary School which runs between houses on the east side of Lampacre Road.



Fig 2 - View of existing garden from street



Fig 3 - View of apartment block from street. Entrance to No14 (upper floor flat) at front, and to No16 (ground floor) at side

### Proposed Development

- 2.9 It is considered that the garden has the character of an 'infill site' between the apartment block and the neighbouring property to the south at No18 Lampacre Road ('No18').
- 2.10 The garden has a site area of some 330sqm which is considered to be of sufficient size to enable its sub-division to accommodate a new dwelling, while still providing ample garden ground for No14, and also satisfying the Council's amenity standards in all regards.
- 2.11 The project architect John Tod initially considered that a larger house than currently proposed would be merited and two previous schemes were progressed.
- 2.12 **Scheme 1** - The first scheme was for a four-bedroom house of two and a half / three storeys. This proposed a building height and scale greater than No12 but less than the larger host apartment block (Nos14/16), seeking to complement both in design terms. A small garden area for No14 was shown in the layout. It also included two parking spaces for the new house and one for No14 along the street frontage.

2.13 The proposal was progressed under planning application ref 22/02368/FUL. However planning permission was refused on 9 August 2022 by planning officials acting under delegated powers on grounds it would result in:

i) adverse impact on the living environment of the occupiers of No14 through loss of private greenspace – this was due to only a small triangular garden area included for No 14, and

ii) loss of daylight and outlook for residents of No16 – this was due to the height and proximity of the proposed house relative to the gable kitchen window of No16.

2.14 **Scheme 2** - the second scheme was progressed under planning application 22/04900/FUL. This reduced the proposed house in scale to one and a half / two storeys and a smaller footprint by reducing its depth. It used the entire plot as the demise for the new house with a large garden but no provision for No14.

2.15 Planning permission was refused on 10 March 2023 by planning officials on three grounds:

i) unsympathetic and incongruous design, failing to respect the built form and spaces between buildings.

ii) concern regarding increased local flooding issues

iii) diminished external amenity space for No14

2.16 **Current Proposal, Scheme 3, application 23/02897/FUL** - The project architect has sought to address the stated concerns by reconfiguring the proposal. The application site is shown in the plans at Fig 1 (above) & Fig 4 (below) outlined in red, also showing the detail of the proposed house with its own garden areas to front and rear.

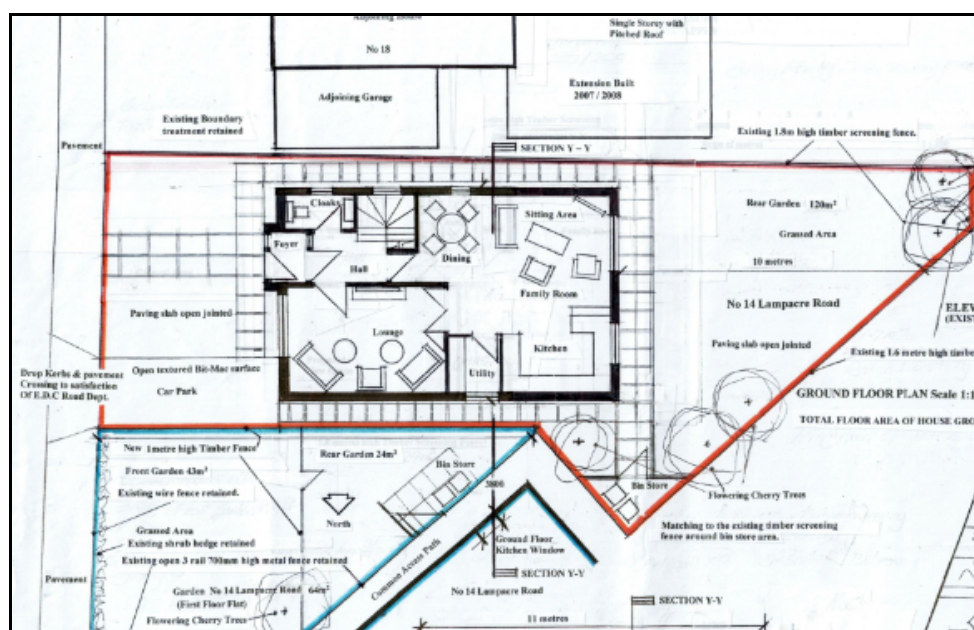
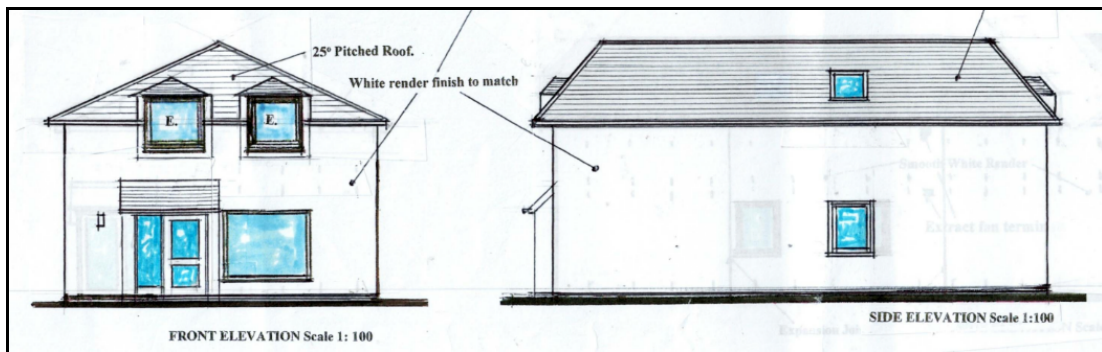
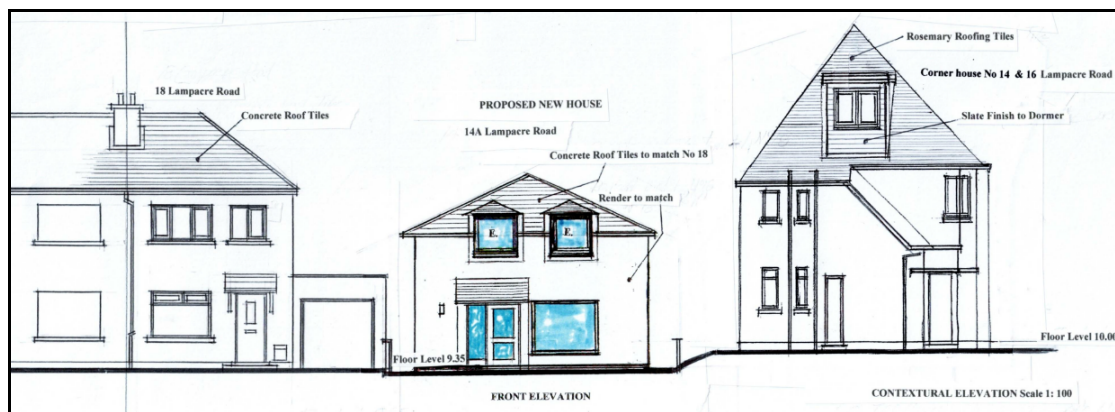


Fig 4 - Proposed site layout

2.17 The proposed elevations are shown in the drawings at Fig 5 and a contextual streetscape at Fig 6.



**Fig 5 - Proposed elevations**



**Fig 6 - Contextual Streetscape Elevation**

2.18 The proposed house has the following features:

- It is a one and a half storey, detached, four-bedroom house.
- The existing detached garage within the garden will be demolished and removed
- The proposed house has a gable-to-gable relationship with both immediate neighbours (Nos 18 and 14/16) so there is no impact to daylight or outlook from habitable rooms
- It has a reduced plot size of 260sqm to enable a substantial garden area to be retained within the demise of No14 of some 67sqm, shown outlined in blue on the site plans.
- Its height has been reduced from Scheme 2 to now be subservient to both immediate neighbours, reducing any impact in the streetscene.
- Reduced footprint by around 15% from Scheme 2, now 77sqm previously 91sqm.
- Front building line remains commensurate with the adjacent house on Lampacre Road (No18), but its depth/rear building line has been reduced.

- No18 has a single storey rear extension with a pitched roof that extends into the back garden by 3 metres more than the proposed house.
- Concern expressed by the planning officer that Scheme 2 might overshadow adjacent gardens to the rear has been addressed by this reduction in massing
- Proposed massing is less than both immediate neighbours and commensurate within the streetscape.
- Rooms in the upper floor are positioned within the eaves.
- The roof is pitched on all four elevations. The main pitches on each side elevation include velux windows, as per Scheme 2. The proposal also now includes pitched roofs to front and rear elevations, with both including mini-dormers to front and back.
- The roof pitch will be 25 degrees. Together with proposed building height and separation distance from No14/16 this ensures daylight standards are maintained to the window of No16's ground floor kitchen (reason for refusal in Scheme 1)
- External walls will be rendered in white with dark grey concrete roof tiles
- The proposed house has one off-street parking space. No off-street parking is allocated for no14
- Minor excavation into the site is proposed for the foundations but the ground floor level of the proposed new house will be the same as the existing garage on-site. The outside garden level will be approximately 50mm lower in a few places.

#### **Decision to Refuse Planning Permission**

2.19 The decision notice was issued on 8 September 2023 with three reasons:

***'1. It has not been demonstrated that the development would not adversely affect the potential to increase local flooding issues, contrary to LDP Policy Env 21.***

***2. The proposal would diminish the level of external amenity space enjoyed by occupiers of the existing dwelling to an unacceptable degree. This is contrary to NPF Policy 14 and LDP Policies Hou 4.***

***3. The proposal would constitute an unsympathetic and incongruous addition to the surrounding area, failing to respect the built form and spaces between buildings. This is contrary to NPF 4 Policy 14, NPF 4 Policy 16 and LDP Policies Hou 1, Hou 4, Des 1 and Des 4.'***

2.19 The decision notice also included the following commentary:

***'The proposal would fail to create an acceptable development within the area. It would fail to respect the existing streetscape character and would result in a cramped and low-quality addition, to the detriment of visual amenity. In addition, it would result in a low quality of amenity for the occupiers of the existing property, through the loss of garden ground and resultant overshadowing of the***



***remaining garden. It has not been demonstrated that the building would not create the potential for instances of localised flooding. There are no material considerations that outweigh this conclusion.***

- 2.20 A Report of Handling was issued with the decision providing further commentary by the case officer. This is broadly the same as the matters within the decision notice, although with some additional comments.
- 2.21 The reasons for refusal in the decision notice are worded exactly the same as for Scheme 2. The report of handling includes minor reference to matters which the case officer considers have been acceptably addressed, but is largely a direct repeat of the report of handling for Scheme 2.
- 2.22 Given the considerable amendments undertaken by the architect it was considered disappointing that these were not reflected in the conclusion by the case officer and the LRB is now asked to reconsider.

### **Planning Policy Context**

- 2.23 Section 25 of the Planning Act requires that *'planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.'*
- 2.24 **The Development Plan** - for this application the development plan comprises two parts:
- National Planning Framework 4 ('NPF4') - approved by Scottish Parliament in January 2023 and adopted by Scottish Ministers with effect from 13 February 2023. NPF4 is the national spatial strategy for Scotland and sets out the Scottish Government's spatial principles, regional priorities, national developments and national planning policy.
  - Edinburgh Local Development Plan ('the LDP') - adopted in 2016, this sets out policies and proposals to guide development across the city.
- 2.25 Both documents must be taken into account, with Section 24(3)(i) of the Planning Act stating that *'in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.'*
- 2.26 In providing a planning assessment we therefore give primary consideration to NPF4 as it was most recently approved, with subsidiary consideration given to the LDP.
- 2.27 **Material Considerations** - of primary relevance we refer to:
- Edinburgh Design Guidance (2020)
  - Householder Guidance (2021)
- 2.28 The remaining sections of this Planning Appeal Statement consider four factors. First we address wider planning considerations and detailed matters which are not in dispute. This is followed by a response to each of the three reasons for refusal. Reference to planning policy and material considerations will be made in each context.

### SECTION 3 GENERAL PLANNING CONSIDERATIONS AND MATTERS NOT IN DISPUTE

- 3.1 Before addressing the reasons for refusal we wish to highlight wider planning considerations of relevance to the proposal together with matters of detail which we understand have been found acceptable by the Council. This has been either in the consideration of this proposal or with reference to the earlier two schemes.
- 3.2 **Housing Crisis** - The Council has recently declared a housing crisis due to the lack of available housing stock across the city. It is noted that the housing crisis has since been cited by the Council in refusing planning permission for student accommodation and short-term let proposals in order to prevent further diminution of the housing stock available.
- 3.3 Given the Council's position in that regard, we presume that added weight will be afforded to proposals for new houses that seek to bolster the housing supply. While every case is considered on its merits, if the decision for this proposal is finely balanced we trust due weight will be given to enhancing the housing stock by the grant of planning permission.
- 3.4 **Sustainable Location for Housing** - The site is within the wider urban area of Edinburgh and is part of the long-established residential neighbourhood of Carrick Knowe. It is close to Corstorphine Road and other routes with good transport links to the city centre and surrounding areas, which reduces the need for private car use. For these reasons the principle of housing is acceptable, and is acknowledged in the report of handling.
- 3.5 The existing garage on the site and associated hardstanding constitute 'brownfield' characteristics mixed with its function as garden ground. As such this demonstrates one of the key tenets of sustainable development that supports the grant of consent. It is incorrect to regard the site solely as an amenity space or the new house as a wholly new 'infill' in the streetscape.
- 3.6 These characteristics broadly conform with the objectives of NPF4 Policy 1 in responding to the climate crisis.
- 3.7 **Acceptable Design Quality** - the proposed house design is of a style commensurate with the locality and the immediate streetscape. This is acknowledged in the report of handling in which the case officer states *'The building would be a modest and unassuming design, with a white render finish providing some visual connection with the existing building. Whilst it would not create a distinctive addition to the streetscene, it would not, in isolation, constitute an unacceptable design.'* This is a somewhat underwhelming appreciation of the design by the planning officer but it does confirm the overall acceptability of design in its setting.
- 3.8 **Amenity and Relationship with Neighbouring Dwellings** - the new house has no windows in its side elevations and this corresponds with those of No18 and No14/16. This feature ensures privacy and no overlooking between habitable rooms.
- 3.9 The report confirms that CEC guidance does not seek to protect daylight to gable elevations. However the siting, height and roof pitch of the proposed house has been specifically designed by the architect to ensure appropriate daylight is maintained to the ground floor kitchen window of No16 which had been a reason for refusal in Scheme 1.

- 3.10 The 'gable to gable' relationship between neighbouring houses is also an aspect of design that has the effect of 'continuing' the streetscape.
- 3.11 The significant reduction in massing and footprint ensures there is no overshadowing of adjacent gardens at the rear which the case officer had queried for the Scheme 2 design.
- 3.12 **Amenity of New Residents** - Regarding the proposed size of the house, the minimum internal floor area for a four-bedroom house required by the Design Guidance is 91sqm. The proposed house will be 154sqm which exceeds this threshold, so there can be no question it is of appropriate scale.
- 3.13 The size of the proposed garden for the new house also provides ample amenity for the new residents, as recognised in the report of handling.
- 3.14 These aspects achieve conformity with NPF4 Policies 14 and 16 regarding Design, Quality & Place, and the desire for Quality Homes.
- 3.15 **Impact on Greenspace, Wildlife** - the report of handling confirms there is no evidence of protected species on the site and while the new house would result in a slight loss of greenspace this is acceptable. Consequently we consider this satisfies NPF4 Policies 1 and 3 regarding implications for nature and biodiversity
- 3.16 **Car Parking** - Provision of one off-street parking space for the proposed house and no provision for the existing apartment at No14 is in accordance with the CEC parking standards and, in their consultation response, CEC Transport confirmed they have no objection.
- 3.17 The report confirms that while an additional dwelling has scope to create traffic this would be very minor in the context of the wider residential area which has a high number of residents with cars.
- 3.18 **Relationship to School** - some objections raise safety concerns regarding children attending the primary school whose entrance is opposite the site. However it is considered that construction of the house can be managed with full regard to safety of everyone associated with the school, passers-by, etc.
- 3.19 Once built it is not considered the general activity, vehicle movements, parking associated with one additional house in a heavily populated area should cause concern, as acknowledged in the officer's report of handling.

#### **SECTION 4 FLOODING CONSIDERATIONS**

- 4.1 The first reason for refusal is:

***'1. It has not been demonstrated that the development would not adversely affect the potential to increase local flooding issues, contrary to LDP Policy Env 21.***

- 4.2 To address this matter a Flood Risk and Surface Water Management Plan has been commissioned by Harley Haddow ('HH'), the leading Edinburgh-based construction and civil engineers.

- 4.3 Their report is submitted with this planning review and the LRB is requested to accept it as an additional document. Whilst flooding can be a technical subject, the findings of the report are straightforward and easily understood.
- 4.4 At the outset we note there has been no consultation response from CEC Environmental Services regarding this application or for the previous two applications, yet the reports of handling prepared by the planning officials refer to '*several comments have been received about potential flooding within the site.*'
- 4.5 We therefore presume these comments have been made by neighbours / members of the public and there has been no objection or concerns raised by a designated or professional body regarding flood risk or drainage. Harley Haddow have carried out a desk top study and we trust their professional opinion can be accepted.
- 4.6 **Flood Risk** - In their report Harley Haddow define three categories of flooding - coastal, pluvial and overland.
- 4.7 Regarding coastal and fluvial flood risk, the site is 45+metres above sea level, 5km from the Firth of Forth and there are no watercourses in the vicinity. These matters therefore pose no risk.
- 4.8 Regarding pluvial flood risk HH confirm that the SEPA flood map indicates that a small area within the site boundary and a larger area to the north-west extending from Meadowhouse Road to Tyler's Acre Road, and properties in between, appears to have a medium likelihood of surface water flooding equivalent to a 0.5% chance of flooding each year.
- 4.9 The flood map is available on the SEPA website, but unfortunately cannot be reproduced due to copyright
- 4.10 HH comment that the identified water flow appears to have been caused by a slight low point on Tyler's Acre Road which may then transmit down the driveway into the garden of the adjacent property (no. 50). From their assessment of the SEPA map HH conclude that:
- 'the flooding .... would be contained within the rear garden of the proposed house, therefore the development would have negligible impact on any existing flooding issues.'*
- 4.11 They have addressed the need to protect properties downstream of the development and consider that as long as the proposed house and its garden ground is designed to accommodate rainfall for a 1 in 200 year event plus 40% allowance for climate change it will ensure no increased risk to properties downstream.
- 4.12 Regarding overland flood routes, HH have identified the routes travelled by surface water near the site and propose that all surface water flows should be directed away from the building or enabled to flow through the rear part of the garden, as is currently the case.
- 4.13 However with regard to groundwater flooding HH point out that the 200 year SEPA groundwater map identifies no risk to the site, and no action is required.

4.14 **Surface Water Drainage** - HH have calculated the surface water flow rates generated by stormwater and confirm this can be accommodated by inclusion of a filter drain to the appropriate standard.

4.15 **Conclusion** - Harley Haddow's overall conclusion is:

*'Following review of all available information at time of writing, this report concludes that the proposed construction of a single house would not adversely affect the local flooding issues. Furthermore, it would have no impact on the existing flood route as noted on the SEPA map as this would appear to be contained to the rear garden of the proposed property.'*

4.16 NPF4 Policy 22 'Flood Risk and Water Management' require applicants to demonstrate:

- *all risks of flooding are understood and addressed;*
- *there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;*
- *the development remains safe and operational during floods;*
- *flood resistant and resilient materials and construction methods are used; and*
- *future adaptations can be made to accommodate the effects of climate change.*

4.17 Based on the Harley Haddow study the LRB is asked to agree that the matters in NPF4 Policy 22 are satisfied. There will be no discernible flood risk from the construction of the proposed house, which can be found acceptable in terms of NPF4 Policy 22 and LDP Policy Env21.

## **SECTION 5      EXTERNAL AMENITY SPACE**

5.1 The second reason for refusal is:

***'2. The proposal would diminish the level of external amenity space enjoyed by occupiers of the existing dwelling to an unacceptable degree. This is contrary to NPF Policy 14 and LDP Policies Hou 4.'***

5.2 The decision notice also includes the observation that:

***'In addition, it would result in a low quality of amenity for the occupiers of the existing property, through the loss of garden ground and resultant overshadowing of the remaining garden.'***

5.3 **Size of Garden** - The reason for refusal relates specifically to the physical size of the garden for the existing apartment at No14 and considers the reduction in size is unacceptable.

5.4 The existing garden is 330sqm which will be reduced to 67sqm. This is 20% of its current area. While this is a substantial proportional reduction, the existing garden is very large and can be regarded as an over-provision for a flatted apartment. So we suggest the relevant question should only be whether the new garden will be of sufficient size for a flatted apartment, as it is meaningless to simply consider the reduction in area.

5.5 The reason for refusal refers to NPF4 Policy 14 and LDP Hou4 but neither of these include specific parameters by which to make this assessment, and we question why they have been referenced in the refusal.

- NPF4 Policy 14 'Design, Quality & Place' sets a general requirement for all development to satisfy the six qualities of successful places by being '*healthy, pleasant, connected, distinctive, sustainable and adaptable*', but does not give any specific reference to amenity space.
- LDP Policy Hou4 'Housing Density' sets a general ambition '*to create an attractive residential environment...*' but is silent on minimum size thresholds for gardens.

5.6 Two other references are also unhelpful:

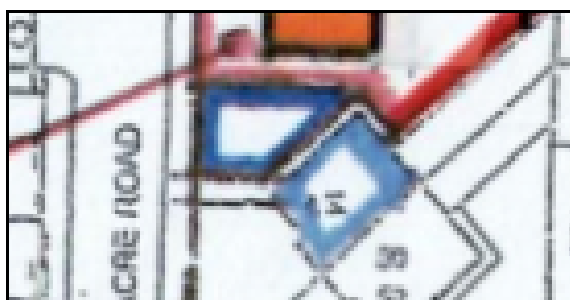
- LDP Policy Hou3 'Private Green Space in Housing Development' requires housing development to '*make adequate provision for green space to meet the needs of future residents*' but does not define what this should be for flats with private gardens.
- The Edinburgh Design Guidance section 3.3 'Private Open Space' requires proposals to '*provide well defined, functional, good quality private gardens to all houses and ground floor flats*' but omits any requirement for upper floor flats such as No14.

5.7 However there is one specific parameter in the Council's Guidance for Householders (page 10). This refers to house extensions and states that '*there should be enough private garden space left after extensions to avoid over-development - normally a total of 30sqm, depending on the spatial pattern of the neighbourhood*'.

5.8 While the proposal is not for a house extension, this provides a clear guide to appropriate garden size. By using the threshold of 30sqm as the minimum size for a private garden, it is evident that the proposal to provide 67sqm for No14 is more than double that amount.

5.9 LDP Hou3 also states that '*in flatted developments with communal (green space) provision, this will be based on a standard of 10sqm per flat (and) a minimum of 20% of total site area should be useable greenspace*'. Again this is not directly applicable to No14. However the 20% threshold suggests it is relevant to compare the size of the garden relative to the plot size.

5.10 The extract at Fig 7 shows that the proposed garden for No14 will be of similar size to the footprint of the flat itself (both outlined in blue). In our view this suggests the garden will be of significant comparative size.



**Fig 7 - size of the proposed garden for No14 will be similar to the footprint of the apartment (both in blue outline)**

5.11 From this assessment we consider the proposed garden of 67sqm will be of ample size for the apartment at No14 based on the parameters within planning guidance. The reason for refusal only refers to the reduction in size relative to the existing garden, but this takes no account of whether the proposed garden will be fit for purpose.

- 5.12 **Quality of the Garden Ground** - it is suggested in the supporting text of the decision notice and the report of handling that the proposed garden for No14 will provide inadequate amenity for its occupants because it will be:

*'to the front of the property and would be subject to considerable overshadowing due to the presence of the new building'.*

- 5.13 This conclusion is not accepted. The proposed garden offers significant benefits. It will provide a substantive area of amenity space, more than double the minimum threshold size. It will be located immediately adjacent to the entrance door to the flat, with easy access for its occupants. It is shown sub-divided on the site layout plan with a square shaped front section and a triangular back section. They are separated by a fence to give the latter greater privacy and also provide a contrast in character.
- 5.14 The planning officer considers the garden will be 'considerably overshadowed' by the new house. It is accepted that this may affect the rear garden area to an extent, however the larger part of the garden is to the front which stands forward of the building line and will be relatively unaffected by overshadowing from the new house. This section alone is large enough at 43sqm to easily exceed the minimum size threshold for a garden.
- 5.15 Most houses in the area have front gardens facing the street and with separate back gardens to the rear. The arrangement for No14 is different by providing a single garden area to the side of the property located mainly towards the front, and there is no stated opposition to this in the decision notice or report of handling.
- 5.16 However for the avoidance of doubt, we point out that it is not uncommon for many houses in the area to have substantial front gardens and for these to provide high quality amenity spaces and which residents can enjoy by sitting out, gardening, etc. Two examples are the immediately adjacent gardens for the flats in the same block which have mature trees/hedges facing the road to provide a level of sanctuary.
- 5.17 A garden which faces the street has a different character to a back garden with greater privacy to the rear. But there is no reason why front gardens should be regarded inferior. In any case the proposed sub-division of the garden into front and rear sections is a 'nod' to that standard format.
- 5.18 The character of this plot is different from other houses in the area due to its orientation on a corner plot and this provides opportunity for an original site layout.

## **SECTION 6 COMPATABILITY WITH STREETScape AND AREA CHARACTER**

- 6.1 The third reason for refusal is:

***'3. The proposal would constitute an unsympathetic and incongruous addition to the surrounding area, failing to respect the built form and spaces between buildings. This is contrary to NPF 4 Policy 14, NPF 4 Policy 16 and LDP Policies Hou 1, Hou 4, Des 1 and Des 4.'***

- 6.2 The decision notice also includes the observation that:

***'The proposal would fail to create an acceptable development within the area. It would fail to respect the existing streetscape character and would result in a cramped and low-quality addition, to the detriment of visual amenity.'***

- 6.3 These matters can be summarised as addressing the compatibility of the proposed house with i) the surrounding area and ii) the streetscape and immediate neighbours.
- 6.4 It seems the refusal is entirely dependent on the subjective judgement of the Council's planning officials. However in our view their detrimental assessment set out in the Report of Handling is not supported by full consideration of the proposal and its true context.
- 6.5 The officers make no mention of criteria in the Council's Design Guidance which the proposal fails to satisfy. By contrast there are several which it does satisfy.
- 6.6 We have already set out in the preceding sections of this appeal statement (sections 3-5) a justification relative to several of the technical design and site criteria, including those within the first two reasons for refusal.
- 6.7 We would again highlight the need to recognise the housing crisis in the city declared by the Council. This means should there be any dubiety regarding design and setting, a balanced judgement must favour the grant of planning permission and the delivery of a new house to an established residential area.
- 6.8 Against that background we now assess the criteria inherent within the third reason for refusal.

#### **Compatibility of the proposed house with the surrounding area**

- 6.9 The proposed house is a one and a half / two storey detached house with pitched roof that will infill a space between two adjacent dwellings. The decision notice claims that such a house would be uncharacteristic of the surrounding area, but we respectfully disagree.
- 6.10 Surrounding streets comprise predominantly two storey houses with pitched roofs. These are generally semi-detached or in short terraces. However there is a greater mix of dwelling types and designs than may at first seem apparent.
- 6.11 The houses include whole townhouses as well as some divided into upper/lower villas. There are occasional two storey 'four-in-a-block' premises such as the subject property at No14/16 Lampacre Road.
- 6.12 The area also has a significant number of bungalows and detached houses with examples at 4 Lampacre Road; 4, 6, 9, 11, 28 & 46 Tyler's Acre Road; 15A Broomburn Grove and several detached bungalows on Meadowhouse Road.
- 6.13 While detached houses are not the predominant type of dwelling in the neighbourhood, there are sufficient for the proposed house to complement the existing housing mix.



**Compatibility of the proposed house with the streetscape and immediate neighbours.**

- 6.14 The apartment block of which No14 forms part is of different character in its design, appearance and siting to its neighbours. It also has additional accommodation in the attic space including a dormer extension facing the garden.
- 6.15 The block is positioned at a 45-degree angle, facing the junction of Lampacre Road with Tyler's Acre Road, and thereby comprising a 'corner plot'. Its siting provides an irregular relationship with the immediately adjacent residential properties on each road, which stand parallel with their respective road frontages. It is thereby out of character with the predominant layout in surrounding streets.
- 6.16 This unusual relationship with neighbouring property results in the garden ground at the side of No14 having an irregular shape. It is also of considerable size, sufficient to offer a development plot.
- 6.17 The report of handling considers the proposed house would disrupt the established pattern of built development and that the infilling of the space between buildings would prejudice this particular characteristic of the area.
- 6.18 However this fails to recognise that the subject site is inherently non-conforming with the predominant character of the area, or the street, due to its orientation and the different design style of the host block at No14/16.
- 6.19 The established pattern is of buildings aligned to the street with standard, uniform layouts and only fleeting glimpses available between the houses of any gardens behind. The open aspect provided by the existing garden is not uniform and its irregular nature merits an individual approach.
- 6.20 The proposed house would still enable glimpsed views between buildings and its development could even be regarded as achieving greater conformity with the predominant streetscape.
- 6.21 The architect recognised the prevailing appearance of houses in the area and has sought to blend the house with its neighbours by the proposed use of pitched roof and similar external materials of white render, grey roof tiles, windows, etc.
- 6.22 The initial proposal was for a three storey house to provide a blend between the two storey neighbour at No18 with the flatted host block at No14/16 which has greater height and massing.
- 6.23 This was refused consent and the current proposal has been scaled down in height, footprint and massing to present a house which is subservient to those on each side. The criticism that the house will be '*crammed in*' is misplaced. It has been reduced in scale from previous schemes and now demonstrably complies with CEC design standards.
- 6.24 Regarding built form and design, the decision notice states that the proposed house 'fails to respect the built form of neighbouring houses and will be a low-quality addition to the detriment of visual amenity'.

- 6.25 This is again challenged. Not only is this conclusion misplaced, it is also inconsistent with the opinion given by the planning officer in the report of handling in which he says the design will provide visual connection with the existing building and constitutes an acceptable design. This directly contradicts the decision notice and should be adopted as the correct position.
- 6.26 The appellant's case is that the new house will be different to both immediate neighbours, providing both an appropriate contrast but compatible with the streetscape and with 'nods' to the prevailing style in overall appearance and use of materials.
- 6.27 Policies Hou4, Des1 and Des4 all require development to have regard to the character and appearance of the local area. We agree the locality is a pleasant residential area but it is not of such special character or appearance that merits particular protection. It is not a conservation area. There are no listed buildings.
- 6.28 Both the site and the locality should therefore be regarded as having capacity to absorb change that is generally in conformity with the established residential environment. The proposed house achieves this and will not be detrimental to character, appearance or amenity.

#### **Comparative Cases**

- 6.29 There are several examples in the surrounding area of planning permission being granted by the Council for new houses either on corner plots or infilling between existing dwellings. Every case must be considered on its merits. But these demonstrate that approval for the proposed house by development of the garden ground site at 14 Lampacre Road would not be out of conformity with established planning practice.
- 1A Eltringham Grove (application 15/04828/FUL). New two storey house in garden of existing dwelling. Granted 7 April 2016
  - 62A Ford's Road (application 17/02500/FUL). New two storey house in garden ground of existing dwelling. Granted by LRB 16 October 2017.
  - 4 Eltringham Grove (application 17/05381/FUL). New one and a half storey house on corner plot comprising garden ground adjacent to existing dwelling, replacing existing garage. Granted 19 January 2018.
  - Land at No2 Allan Park Crescent (application 20/02743/FUL). New three-bedroom house on land adjacent to existing dwelling, replacing garages. Granted 1 December 2020
  - 132 Balgreen Road (application 21/01037/FUL). Two new dwellings in garden ground adjacent to existing house. Granted 1 November 2021
  - 16 Broomburn Grove (application 21/06259/FUL). Two storey detached dwelling replacing a garage in garden of existing house. Granted 25 May 2022

**SECTION 7      CONCLUSION**

- 7.1      We respectfully request the Local Review Body to reverse the refusal of planning permission issued by the Council's planning officials for the proposed four-bedroom one-and-a-half storey detached house on land adjacent to 14 Lampacre Road for all of the foregoing reasons.