

The City of Edinburgh Planning Local Review Body (Panel 2)

09.30am, Wednesday 19 March 2025

Present: Councillors Mattos Coelho, McNeese-Mechan, Mowat, Parker and Thornley.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 19 February 2025 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 33 Coillesdene Crescent, Joppa Edinburgh

Details were submitted for a request for review for construction of a new sunroom as at 33 Coillesdene Crescent, Joppa Edinburgh. Application No. 24/03765/FUL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-04 Scheme 1, the drawings shown under the application reference number 24/03765/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 16 (Quality Homes)
 - City Plan 2030 Policy Env 5 (Alterations, Extensions and Domestic Outbuildings)
- 2) Relevant Non-Statutory Guideline.
 - Guidance for Householders
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel discussed the specific site of the property, the corner plot that it occupies, the building line and prior extensions.
- The panel noted that corner plots do not strictly follow the established buildingline.
- The panel acknowledged the submitted image of a similar sunroom in the area.
- The panel acknowledged that there had been no objections from neighbours and the health needs cited in the supporting statement.
- The Panel noted that the property was already extended beyond the buildingline and imbalanced, but the proposed design was sympathetic to the character of the bungalow and would allow the occupants to remain in their home adapting to the changing circumstances of their lives.

Having taken all the above matters into consideration the LRB were of the opinion that decision of the Chief Planning Officer be reversed and granted planning permission for the following reasons:

- 1) The proposal complies with NPF4 Policy 16g as the works would not have a detrimental effect on the character of the home and surrounding area; would be acceptable in terms of size, design, and materials; and would not have a detrimental effect on neighbouring properties.
- 2) The proposal complies with LDP policy Env 5 as the works would be in keeping with the existing building and character of the wider area; would be acceptable in terms of scale, form, design; and would not have an unacceptable impact on neighbouring amenity.

Decision

To **REVERSE** the decision by the Chief Planning Officer and to **GRANT** planning permission, subject to the following conditions:

Condition(s):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reason(s):

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

5. Request for Review – 9 Dewar Place Lane, Edinburgh

Details were submitted for a request for review for use of dwelling (Class 9) for short let use (Sui Generis) for 4-6 months and dwelling (Class 9) in retrospect for 6-8 months per year at 9 Dewar Place Lane Edinburgh at 9 Dewar Place Lane, Edinburgh.
Application No: 24/03892/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents and holding one or more hearing sessions. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/03892/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)

- 2) Relevant Non-Statutory Guideline.
Listed Buildings and Conservation Areas
Guidance for Businesses (2024)
Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel considered all information submitted as part of the appeal.
- The panel noted that it was not in their power to defer the application back to planning officers.
- The panel noted that the property would be used at some times within the year as a primary residence.
- The panel discussed the enforceability of the proposal.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to National Planning Framework 4 Policy 30(e) (ii) in respect of Loss of Residential Accommodation, as the loss of a residential property has not been justified.

(References – Decision Notice, Report of Handling, Notice of Review, and supporting documents, submitted).

6. Request for Review – 4 Eastfield, Edinburgh

Details were submitted for a request for change of use from residential to a short term let (in retrospect) at 4 Eastfield, Edinburgh. Application no: 24/03634/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/03634/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Guidance for Businesses (2024)
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel considered that the property had been used as a short-term let.
- The panel discussed the previous alterations to the front of the property and the extension to the rear.
- The panel acknowledged the loss of residential accommodation.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to City Plan 2030 Policy Hou 6 in respect of Inappropriate Uses in Residential Areas, as the use of this property 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 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

7. Request for Review – Flat 8, 11 James' Court, Edinburgh

Details were submitted for a request for review for retrospective change of use application for short term let as used for 8 years at Flat 8 11 James' Court, Edinburgh
Application no: 24/03736/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/03736/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel noted correspondence from neighbouring property owners in support of the application.
- The panel discussed the location of the property in relation to both tourism and the residential neighbouring properties.
- The panel noted that planning permission goes with the property and that ownership may change in the future.
- The panel noted the loss of residential accommodation and the impact on residential amenity.
- The panel decided to add the following reason for refusal as noted above: The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to Local Development Plan Policy Hou6 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 unacceptable impact on local amenity and the loss of a residential property has not been justified.
3. The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

8. Request for Review – 3F 332 Lawnmarket, Edinburgh

Details were submitted for a request for review for change of use to short term letting - retrospective at 3F 332 Lawnmarket, Edinburgh. Application no: 23/05712/FULSTL.

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01 Scheme 1, the drawings shown under the application reference number 23/05712/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Businesses (2024)
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel discussed the demand for properties of this size for residential use and the loss of a residential property.
- The panel noted the housing emergency.
- The panel noted that if the property were sold, the management of the short-term let may change.

- The panel agreed to add the following reason for refusal: The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to City Plan 2030 Policy Hou 6 in respect of Inappropriate Uses in Residential Areas, as the use of this property 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 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.
3. The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

9. Request for Review – 1F1 23 Lutton Place, Edinburgh

Details were submitted for a request for review for use of flat for short-term let use (Sui Generis) and residential flat (in retrospect). This property is available for letting all year at 1F1 23 Lutton Place, Edinburgh. Application no: 24/04579/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/04579/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel noted there would be a loss of residential property and noted concerns regarding loss of amenity.
- The panel noted the objections received.
- The panel noted the impact of the short-term let on neighbouring properties in relation is noise and disturbance.
- The panel noted that if ownership of the property changed management arrangements for the short-term let were likely to change too.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to Local Development Plan Policy Hou 6 in respect of Inappropriate Uses in Residential Areas, as the use of this property 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 4 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 unacceptable impact on local amenity and the loss of a residential property has not been justified.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

10. Request for Review – GF2 9 Pilrig Cottages Pilrig, Edinburgh

Details were submitted for a request for review for retrospective COU from residential to short-term let visitor accommodation (sui generis) at GF2 9 Pilrig Cottages, Edinburgh. Application no: 24/03649/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents, a site inspection and holding one or more hearing sessions on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/03649/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.

- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel discussed that the proposal did not comply with National Planning Framework 4 Policy 30(e).
- The panel noted that the property would also be used as a second home.
- The panel noted the reassurance offered in terms of property management, however, planning permission goes with the property.
- The panel discussed that any future change to ownership of the property may lead to a change in management of the short-term let.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to City Plan 2030 Policy Hou 6 in respect of Inappropriate Uses in Residential Areas, as the use of this property 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 4 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 unacceptable impact on local amenity and the loss of a residential property has not been justified.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

11. Request for Review – 40 Polwarth Crescent, Edinburgh

Details were submitted for a request for review for change of use to short term let from June to August each calendar year at 40 Polwarth Crescent, Edinburgh. Application no: 23/05367/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 23/05367/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Guidance for Businesses (2024)
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel noted that the property was operating as a House in Multiple Occupation and was intended to be used as a short-term let during three months of the year only.
- The panel discussed licencing matters and noted that these were not a matter to be considered by the Local Review Body.
- The panel discussed the loss of residential accommodation and the impact on residential amenity.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to Local Development Plan Policy Hou6 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, as the use of this dwelling as a short term let will result in an adverse impact on local amenity.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

12. Request for Review – 38 Ravelston Dykes, Edinburgh

Details were submitted for a request for review for installation of a balcony at 38 Ravelston Dykes, Edinburgh. Application no: 24/01313/FUL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-05 Scheme 1, the drawings shown under the application reference number 24/01313/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 16 (Quality Homes)
 - City Plan 2030 Policy Env 5 (Alterations, Extensions and Domestic Outbuildings)
- 2) Relevant Non-Statutory Guideline.
 - Guidance for Householders
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel discussed the site location plan and potential overlooking to properties to the rear of the site at Belford Avenue.
- The panel considered that the balcony would not protrude further forward than the existing rear elevation of the property, it would be at the same level as existing windows and there would be no additional overlooking.
- The panel discussed the benefits of allowing residents to use their properties flexibly.
- The panel noted that in relation to reason for refusal 1.) regarding character, this was an area of highly individualised properties which have been changed.
- The panel discussed that there was no impact on green space.
- The panel agreed that the following condition be applied:

Prior to the completion of development, the 1.8m high metal privacy screen shown on the following drawings to be erected and shall remain in perpetuity: Drawing no. 682_P_340 titled “Proposed Elevations”, dated 12.03.24.

Having taken all the above matters into consideration the LRB were of the opinion that decision of the Chief Planning Officer be reversed and granted planning permission for the following reasons:

- 1) The proposal complies with NPF4 Policy 16g as the proposed balcony would not have a detrimental effect on the character of the home and surrounding area; would be acceptable in terms of size and design; and would not have a detrimental effect on neighbouring properties.
- 2) The proposal complies with LDP policy Env 5 as the proposed balcony would be acceptable in terms of scale, form, design; and would not have an unacceptable impact on neighbouring amenity.
- 3) The proposal does comply with the Guidance for Householders as the height and positioning of the balcony would not introduce significant overlooking to neighbouring gardens and would therefore would not have an adverse impact on the privacy of the neighbouring properties.

Decision

To **REVERSE** the decision by the Chief Planning Officer and to **GRANT** planning permission for the following reasons:

- 1) The proposal complies with NPF4 Policy 16g as the proposed balcony would not have a detrimental effect on the character of the home and surrounding area; would be acceptable in terms of size and design; and would not have a detrimental effect on neighbouring properties.
- 2) The proposal complies with policy Env 5 of the adopted City Plan 2030 as the proposed balcony would be acceptable in terms of scale, form, design; and would not have an unacceptable impact on neighbouring amenity.

- 3) The proposal does comply with the Guidance for Householders as the height and positioning of the balcony would not introduce significant overlooking to neighbouring gardens and would therefore not have an adverse impact on the privacy of the neighbouring properties.

Conditions:-

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- 2) Prior to the completion of development, the 1.8m high metal privacy screen shown on the following drawings to be erected and shall remain in perpetuity:
Drawing no. 682_P_340 titled “Proposed Elevations”, dated 12.03.24.

Reasons:-

- 1) To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2) In order to protect the privacy of adjoining neighbours.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

13. Request for Review – 4 Reid’s Court 95 Canongate, Edinburgh

To note this application was withdrawn.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

14. Request for Review – 14 Tron Square, Edinburgh

Details were submitted for review for change of use from a private dwelling to short-term let property for a maximum of five months in each calendar year (mid-May to mid-September and mid- December to mid- January) (in retrospect) at 14 Tron Square, Edinburgh. Application no: 24/04358/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/04358/FULSTL on the Council’s Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel noted that the location of the property is within the Old Town Conservation Area and is part of a residential area.
- The panel noted that the properties in the area had been built to be affordable homes and should remain as residential accommodation.
- The panel agreed the following additional reason for refusal: The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to Local Development Plan Policy Hou 6 in respect of Inappropriate Uses in Residential Areas, as the use of this property 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 4 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 unacceptable impact on local amenity and the loss of a residential property has not been justified.
3. The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).

15. Request for Review – 3F1 1 Upper Bow, Edinburgh

Details were submitted for a request for review for retrospective change of use from dwelling to STL at 3F1 1 Upper Bow, Edinburgh. Application no: 23/05713/FULSTL

Assessment

At the meeting on 19 March 2025, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 23/05713/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and City Plan 2030, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Businesses (2024)

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The panel noted that the property was in a residential area within the Old Town.
- The panel noted the amenity concerns outlined.
- The panel noted that the applicant owns a business locally and their interest in the management of the short-term let.
- The panel agreed the following additional reason for refusal: The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

1. The proposal is contrary to City Plan 2030 Policy Hou 6 in respect of Inappropriate Uses in Residential Areas, as the use of this property 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 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.
3. The proposal is contrary to National Planning Framework 4 Policy 7 in respect of historic assets and places as the use of the property as a Short Term Let will not seek to preserve the character of the Conservation Area in respect of the presence of a residential community.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents submitted).