

# Minutes

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

**10.00 am, Wednesday 7 August 2019**

**Present:** Councillors Booth, Child, Munn, Osler and Rose.

### 1. Appointment of Convener

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Councillor Child was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (LRB Panel 2) of 15 May 2019 as a correct record.

### 3. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 15 Boswall Terrace, Edinburgh

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Details were submitted of a request for a review for the refusal of planning permission for the rear single storey extension and 2 new dormer windows front and rear at 15 Boswall Terrace, Edinburgh. Application No. 19/00014/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 7 August 2019.

#### Assessment

At the meeting on 7 August 2019, the LRB had been provided with copies of the notice of review, 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 numbered 01-03, Scheme 1, being the drawings shown under the application reference number 19/00014/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

- 2) Relevant Non-Statutory Guidelines.  
'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:

- Clarification was sought regarding which was the front dormer and the area of additional head room this would create in the attic space.
- In terms of householder guidance, it stated that the proportion of dormer to roof should be no more than one third, but the proposed front dormer was 45%.
- The proposals for the front dormer only exceeded the householder guidance by 12%.
- The Local Development Plan included provision for the enhancement of housing stock and the proposals complied with this.
- The front dormer did not comply with the guidelines and it was important not to create a precedent.
- The property was not in a conservation area. Whilst the dormer on the rear elevation was more acceptable, the dormer on the front elevation was not in accordance with the guidelines and destroyed the symmetry of the semi-detached properties, therefore a mixed decision might be appropriate.

Having taken all the above matters into consideration, although some of the members were sympathetic to the applicant, the LRB was of the opinion that only the proposed rear dormer was not contrary to the non-statutory Guidance for Householders as it would not represent a significantly dominant and bulky feature on the roof, which would upset the character and appearance of the dwelling house.

Additionally, the proposed rear dormer was not contrary to Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions. The proposal would not introduce an uncharacteristic feature to the street and surrounding area dormers.

It therefore overturned the decision of the Chief Planning Officer and granted a mixed decision.

## **Motion**

### **To issue a MIXED DECISION**

- A** To grant planning permission for the new rear dormer window only.

**The following informatives:**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of the consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must have been given in writing to the Council.

This determination did not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

**B** To uphold the decision by the Chief Planning Officer to refuse planning permission for the front dormer window.

**Reasons for Refusal:**

1. The proposed development was contrary to the non-statutory Guidance for Householders. The proposed front dormer, occupying 45% of the roof width, would represent a significantly dominant and bulky feature on the roof, upsetting the character and appearance of the dwelling house.
2. The proposed development was contrary to Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions. The proposal would introduce an uncharacteristic feature to the street and surrounding area which, on the whole, is not characterised by front elevation dormers.

**Note:**

The proposal included a single storey rear extension. This was permitted development under Class 1A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of its merits was required.

- moved by Councillor Osler, seconded by Councillor Booth.

**Amendment**

To not uphold the decision by the Chief Planning Officer and to grant planning permission for the reason that the proposed development was not contrary to:

1. The non-statutory guidance for Householders as it would not represent a significantly dominant and bulky feature on the roof, upsetting the character and appearance of the dwellinghouse.
2. Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions as it would not introduce an uncharacteristic feature to the street and

surrounding area which on the whole was characterised by front elevation dormers.

- moved by Councillor Rose, seconded by Councillor Child.

### **Voting**

For the motion - 3 votes

(Councillors Booth and Munn and Osler.)

For the amendment - 2 votes

(Councillors Child and Rose.)

### **Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

### **Decision**

#### **To issue a MIXED DECISION**

- A** To grant planning permission for the new rear dormer window only.

#### **The following informatives:**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of the consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must have been given in writing to the Council.

This determination did not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

- B** To uphold the decision by the Chief Planning Officer to refuse planning permission for the front dormer window.

#### **Reasons for Refusal:**

1. The proposed development was contrary to the non-statutory Guidance for Householders. The proposed front dormer, occupying 45% of the roof width, would represent a significantly dominant and bulky feature on the roof, upsetting the character and appearance of the dwellinghouse.
2. The proposed development was contrary to Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions. The proposal would introduce an uncharacteristic feature to the street and

surrounding area which, on the whole, is not characterised by front elevation dormers.

**Note:**

The proposal included a single storey rear extension. This was permitted development under Class 1A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of its merits was required.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted)

## **5. Request for Review – 7-9 Broomhouse Market, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for the change of use from shop to hot food takeaway at 7-9 Broomhouse Market, Edinburgh. Application No. 19/00633/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 7 August 2019.

### **Assessment**

At the meeting on 7 August 2019, the LRB had been provided with copies of the notice of review, 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 plan used to determine the application was numbered 01, Scheme 1, being the drawings shown under the application reference number 19/00633/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had insufficient information before it and agreed to visit the site before determining the review.

When they returned from the site visit, the LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
  - Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
  - Edinburgh Local Development Plan Policy RET 10 (Alternative Use of Shop Units in Other Locations)
  - Edinburgh Local Development Plan Policy RET 11 (Food and Drink Establishments)
  - Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
- 2) Relevant Non-Statutory Guidelines.
  - 'Guidance for Businesses'

- 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:

- There were residential properties near to the proposed hot food take-away with windows looking onto the public square.
- The hot food takeaway would probably have late opening hours and this would adversely affect the residents.
- Due to the proximity of residential properties, there would be issues with food odours and this might compromise the overwhelmingly residential character of this area.
- That hours of opening was not an issue for the Local Review Body and the re-use of this vacant unit would be useful.
- That there previously existed a public house in the vicinity, this was an ideal location for a takeaway and there were none others nearby.

Having taken all the above matters into consideration and, although there was some sympathy for the applicant, the LRB was 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:**

Given the proximity between the application site and nearby neighbouring dwellings, it was considered that the proposed change of use from a shop to a hot food takeaway would result in an unacceptable impact on the living conditions of nearby residents in terms of noise disturbance, on street activity or anti-social behaviour. The proposal was therefore contrary to Policies Ret 11 and Hou 7 of the Edinburgh Local Plan and the Council's non-statutory Guidance for Business.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted)

## **6. Request for Review – 34 Brunstane Road, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for the refusal of planning permission for a single storey flat roof extension to rear. New stair into existing attic. Extend attic with new flat roof dormer to rear at 34 Brunstane Road, Edinburgh. Application No. 19/01352/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 7 August 2019.

## Assessment

At the meeting on 7 August 2019, the LRB had been provided with copies of the notice of review, 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 numbered 07, 08, 11, 12, 13, Scheme 1, being the drawings shown under the application reference number 19/01352/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.  
'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:

- Whether the proposed development was in a conservation area.
- That rear dormers were not automatically classified as permitted development but had to comply with the criteria set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.
- This was a unique building and the proposed development did not seem to adversely affect the amenity of area.
- That the proposed dormer would enhance accommodation and should not be restricted.
- The guidelines specified what was acceptable in terms of the size of rear dormers and the proposed dormer significantly exceeded the guidelines and would dominate the building.
- That other considerations should be taken into account as well as the guidelines.

Having taken all the above matters into consideration and, although there was some sympathy for the applicant, the LRB was 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. This refusal related to the proposed rear dormer.
2. The proposed rear dormer did not comply with Policy Des 12 of the Edinburgh Local Development Plan because it was not compatible with the existing building and it would be detrimental to neighbourhood character and amenity.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted)

## **7. Request for Review – 6 Davidson Park, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for the alterations to the existing property and a new rear extension (as amended) at 6 Davidson Park, Edinburgh. Application No. 18/10505/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 7 August 2019.

## **Assessment**

At the meeting on 7 August 2019, the LRB had been provided with copies of the notice of review, 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 numbered 01, 02,03, 04, 05A, 06A, 07A, 08A, Scheme 2, being the drawings shown under the application reference number 18/10505/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.  
'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:

- Despite the apparent error in report regarding the footprint, the footprint was larger than original house.
- That the proposed development was excessively dominant in relation to the existing property.
- Although the proposed development might seem to be creating a separate building, it was connected, as the proposals represented an alteration and extension to the existing property.

Having taken all the above matters into consideration and the LRB was 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.

### **Decision**

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

### **Reasons for Refusal:**

The proposal was contrary to Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions, and also the non-statutory Guidance for Householders. The proposed development was overly dominant in both scale and footprint; would erode the character of the existing bungalow; and would be detrimental to neighbourhood character.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted)

## **8. Request for Review – 67 Lauriston Farm Road, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission to erect 2 (two) one and a half storey steading type semi-detached dwelling houses within the grounds of 67 Lauriston Farm Road, Edinburgh. Application No. 18/10471/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 7 August 2019.

### **Assessment**

At the meeting on 7 August 2019, the LRB had been provided with copies of the notice of review, 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 numbered 01A-05A, Scheme 1, being the drawings shown under the application reference number 19/10471/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
  - Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)
  - Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
  - Edinburgh Local Development Plan Policy ENV 10 (Development in the Green Belt and Countryside)
  - Edinburgh Local Development Plan Policy Env 11 (Special Landscape Areas)
  - Edinburgh Local Development Plan Policy Env 15 (Sites of Local Importance)
  - Edinburgh Local Development Plan Policy Env 16 (Species Protection)
  - Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
  - Edinburgh Local Development Plan Policy TRA 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
  - ‘Guidance for Householders’
  - ‘Development in the Countryside and Green Belt’
  - ‘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:

- A member of the Panel requested the application should be continued for clarification regarding the history of the Toby Carvery and why it was considered acceptable development in the Green Belt. The reasons for this development being allowed might influence the decision on the appeal. However, the continuation was not supported by all the Panel members.
- Confirmation that the Special Landscape Area designation was recently approved in the LDP.
- That there were sound reasons for this application to be refused as the proposed development was in breach of a number LDP policies and non-statutory guidelines.
- That there was exemption in the Green Belt Policy relating to the intensification of use.

- That LDP Policy Env 10 might not be a ground for refusal and it might be necessary to continue the application for more information.

Having taken all the above matters into consideration and, although there was some sympathy for the applicant by some of the members, the LRB was 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.

### **Motion**

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

### **Reasons for Refusal**

1. The proposal did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. The proposal was contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt; and is not acceptable in principle.
2. The proposal would have a significant adverse impact on the special character of the Special Landscape Area and would not have a positive impact on its surroundings, including the character of the wider townscape and landscape and was therefore contrary to policies Env11, Des1 and Des4 of the Edinburgh Local Development Plan.
3. The proposals would not provide a satisfactory level of amenity for the future occupiers of the dwellings or satisfactorily safeguard the amenity of the occupiers of the dwelling to the north of the site. The proposal was therefore contrary to policy Des 5 of the Edinburgh Local Development Plan.

- moved by Councillor Child, seconded by Councillor Booth.

### **Amendment**

To continue consideration of the application for clarification regarding the history of the Toby Carvery and why it was considered acceptable development in the Green Belt. The reasons for this development being allowed might influence the decision on the appeal.

- moved by Councillor Osler, seconded by Councillor Rose.

### **Voting**

For the motion - 3 votes

(Councillors Booth, Child and Munn.)

For the amendment - 2 votes

(Councillors Osler and Rose.)

### **Decision**

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

### **Reasons for Refusal**

1. The proposal did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. The proposal was contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt; and is not acceptable in principle.
2. The proposal would have a significant adverse impact on the special character of the Special Landscape Area and would not have a positive impact on its surroundings, including the character of the wider townscape and landscape and was therefore contrary to policies Env11, Des1 and Des4 of the Edinburgh Local Development Plan.
3. The proposals would not provide a satisfactory level of amenity for the future occupiers of the dwellings or satisfactorily safeguard the amenity of the occupiers of the dwelling to the north of the site. The proposal was therefore contrary to policy Des 5 of the Edinburgh Local Development Plan.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted)

## **9. 184-186 Queensferry Road, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for garage extension to industrial premises for vehicle and goods storage at 184 - 186 Queensferry Road, Edinburgh. 19/00541/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 7 August 2019.

### **Assessment**

At the meeting on 7 August 2019, the LRB had been provided with copies of the notice of review, 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 the drawings shown under the application reference number 19/00541/FUL on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)

Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)

Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)

- 2) The procedure used to determine the application.
- 3) 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:

- That the proposal was contrary to LDP Policies Des 1, Des 4, Des 5.
- Whether residents were entitled to a private view if a building was constructed next to them, or if consideration should be given primarily to the character and amenity of the area.
- Clarification regarding accessibility to the remaining garden areas.
- Whether the remaining garden areas would be completely overshadowed by the proposed development.
- That the proposed structure would be excessively dominant.

Having taken all the above matters into consideration, the LRB was 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 was contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the scale and design are wholly inappropriate to the street.
2. The proposal was contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as the scale and design of the proposal are inappropriate to the streetscape and setting of adjacent houses.
3. The proposal was contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as there would be a loss of visual amenity in terms of outlook to neighbouring houses and flats.
4. The proposal was contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as the scale and form will fully overshadow the adjacent garden ground to the east.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted)