

## The City of Edinburgh Planning Local Review Body (Panel 1)

10.00am, Wednesday 26 February 2020

**Present:** Councillors Booth, Gordon, Mitchell and Mowat.

### 1. Appointment of Convener

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Councillor Mitchell was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 15 January 2020 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 – 10 Glenlockhart Bank, Edinburgh

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Details were submitted of a request for a review for the refusal of planning permission for the erection of a new private dwelling house at 10 Glenlockhart Bank, Edinburgh. Application No. 19/02444/PPP

#### Assessment

At the meeting on 26 February 2020, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only and further written submission of 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 numbered 01-02, Scheme 1, being the drawings shown under the application reference number 19/02444/PPP 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)

LDP Policy Des 1 (Design Quality and Context)

LDP Policy Des 4 (Development Design - Impact on Setting)

LDP Policy Des 5 (Development Design - Amenity)

LDP Policy Hou 1 (Housing Development)

LDP Policy Hou 4 (Housing Density)

LDP Policy Tra 2 (Private Car Parking)

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking)

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery)

LDP Policy Env 12 (Trees)

LDP Policy Env 21 (Flood Protection)

2) Relevant Non-Statutory Guidelines.

‘Edinburgh Design Guidance’

‘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:

- That the applicant had not supplied sufficient information regarding design and positioning of the proposed house to make a proper judgement on the acceptability of the proposals, and therefore the application should be refused.
- The principle of development had been established, but the proposals should conform to LDP Plan policies and be suitable for this area.
- Whether this would be in keeping with the spatial pattern of the area and could conditions be imposed.
- The proposed location would be problematic, due to potential issues relating to the proximity of the adjacent trees, and the distance between the development and neighbouring houses.

Having taken all the above matters into consideration, and although one of the members was in favour of the application, 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 adopted Edinburgh Local Development Plan policy Des 1 as it does not draw upon the positive characteristics of the area and would be damaging to the character and appearance of the area around it.
2. The proposal did not comply with Adopted Edinburgh Local Development Plan Policy Des 4 as it will not have a positive impact upon its surroundings in terms of its positioning
3. The proposal was contrary to adopted Edinburgh Local Development Plan policy Hou 1, as the proposal was not compatible with other policies in the plan.
4. The proposal was contrary to the Edinburgh Design Guidance as it would be backland development which would disrupt the spatial character of the area.

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

## 5. Request for Review – 12 Hutchison Crossway Edinburgh

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Details were submitted of a request for a review for the refusal of planning permission for the formation of new two vehicle driveway in part of front garden using slabs and gravel with access via sliding metal gate formed within existing steel fence at 12 Hutchison Crossway Edinburgh. Application No. 19/04379/FUL.

### Assessment

At the meeting on 26 February 2020, the LRB had been provided with copies of the notice of review submitted by you 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 1A and 2A, Scheme 1, being the drawings shown under the application reference number 19/04379/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)  
Edinburgh Local Development Plan Policy Env 12 (Trees)
- 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 this was a main door flat with access to the driveway and what were the dimensions for a disability parking space.
- That the neighbouring property had a driveway, but it was much bigger garden area and therefore the dimensions complied with policies.
- The lack of double yellow lines in front of the proposed driveway could result in issues with access.
- If residents were denied access from their driveway, then this would be in breach of parking regulations.
- Whether there would be a net gain for the individual due to a private parking space and a net loss to the public due to the loss of on-street parking.
- If the issue was maintaining disabled access, then the applicant could apply for a disabled parking bay.
- Other disabled users might park in the space.
- The proposals didn't comply with policy due to the loss of garden ground.

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:**

The proposal would not accord with neighbourhood character and would be detrimental to the amenity of the area.

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

## **6. Request for Review – 22 Inverleith Place, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for the erection of a timber fence and trellis, (in retrospect) at 22 Inverleith Place, Edinburgh. Application No. 19/03313/FUL.

### **Assessment**

At the meeting on 26 February 2020, the LRB had been provided with copies of the notice of review submitted by you 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 01-04, Scheme 1, being the drawings shown under the application reference number 19/03313/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 Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.  
'Guidance for Householders'  
'Listed Buildings and Conservation Areas'  
'The Inverleith Conservation Area Character Appraisal'
- 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:

- That the proposed trellis was higher than the hedge.
- Whether the trellis would create a leafy structure and was only temporarily supporting the trees.
- That the trellis would require permission because of its height, even if it was not in a conservation area.
- That the structure was excessively high.
- This proposal was fairly novel, but should be seen as a landscaping trend and was within the characteristics of the conservation area, and therefore was not contrary to LDP Plan policy.
- That the proposal did not comply with the characteristics of the conservation area or guidance.
- LDP Plan policies could be interpreted differently and there were other examples of this type of development in this area.

Having taken all these matters into consideration and although some of the members were in favour of refusing the application, the LRB determined that the erection of a timber fence and trellis:

1. Was in keeping with the positive characteristics of the surrounding area and was not contrary to LDP Policy Des 1.
2. Would not damage the character and appearance of the conservation area and was not contrary to LDP Policy Env 6.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

### **Motion**

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 it did not draw from the positive characteristics of the surrounding area.
  - 2) The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would damage the character and appearance of the conservation area.
- moved by Councillor Gordon, seconded by Councillor Booth.

### **Amendment**

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

### **The following informatives:**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this 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 be given in writing to the Council.
- moved by Councillor Mowat, seconded by Councillor Mitchell.

### **Voting**

For the motion - 2 votes

(Councillors Booth and Gordon.)

For the amendment - 2 votes

(Councillors Mitchell and Mowat.)

### **Decision**

In the division, 2 members having voted for the motion and 2 members for the amendment the Convener gave his casting vote for the motion and the Local Review Body resolved as follows:

### **Decision**

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

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

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this 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 be given in writing to the Council.

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

## **7. Request for Review – 70 Salvesen Gardens 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 the formation of a roof dormer to rear of dwelling house at 70 Salvesen Gardens Edinburgh. Application No. 19/04483/FUL.

### **Assessment**

At the meeting on 26 February 2020, the LRB had been provided with copies of the notice of review submitted by you 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 01-02, Scheme 1, being the drawings shown under the application reference number 19/04483/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:

- Confirmation regarding existing consents on the site were sought.
- The proposals represented overdevelopment and would be detrimental to the streetscape, contrary to policy.
- Rear dormers were usually acceptable, but the scale in relation to the roofscape and the issue of privacy meant that this proposal was not appropriate.
- The proposed dormer was excessively dominant in relation to the back of the building.

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 12 in respect of Alterations and Extensions, as it impacted on the character and appearance of the existing building and the street scene; and neighbouring amenity.
2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they impacted on the character and appearance of the existing building and the street scene; and neighbouring amenity.

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

## **8. Request for Review – 14 York Place (Flat 6), Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission to replace existing kitchen roof lights with cat slip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights at York Place (Flat 6), Edinburgh. Application No. 19/03581/FUL.

## **Decision**

To continue consideration of the matter to the next meeting of the LRB (Panel 1) to permit the appeal decision from the Scottish Government, for the Listed Building Consent, to be circulated to all interested parties.

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

## **Declaration of Interest**

Councillor Booth declared a non-financial interest in the above item as he knew the agent of the applicant, left the room and took no part in the deliberations of this item.