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**Decision date: 3 April 2020**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Proposed additional storey to previously approved side extension at 30 Belmont Gardens, Edinburgh (14/04547/FUL) as varied (14/04547/VARY).  
At 30 Belmont Gardens Edinburgh EH12 6JH

**Application No: 20/00546/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 5 February 2020, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposed extension is contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and position would result in a dominant and incongruous addition which would adversely impact on the character and appearance of the existing buildings and neighbourhood character.
2. The proposed extension is contrary to the non-statutory Guidance for Householders as its scale, form and position would result in a dominant and

incongruous addition which would adversely impact on the character and appearance of the existing buildings and neighbourhood character.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02, 03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposed extension in scale, form and position would result in a dominant and incongruous addition which would have an adverse impact on the character and appearance of the existing buildings and neighbourhood character contrary to Edinburgh Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

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

Should you have a specific enquiry regarding this decision please contact Lewis McWilliam directly on 0131 469 3988.



**Chief Planning Officer  
PLACE  
The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission 20/00546/FUL  
At 30 Belmont Gardens, Edinburgh, EH12 6JH  
Proposed additional storey to previously approved side  
extension at 30 Belmont Gardens, Edinburgh (14/04547/FUL)  
as varied (14/04547/VARY).**

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	20/00546/FUL
<b>Wards</b>	B06 - Corstorphine/Murrayfield

## Summary

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The proposed extension in scale, form and position would result in a dominant and incongruous addition which would have an adverse impact on the character and appearance of the existing buildings and neighbourhood character contrary to Edinburgh Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

## Links

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<a href="#"><b>Policies and guidance for this application</b></a>	LDPP, LDES12, NSG, NSHOU,
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# Report of handling

## Recommendations

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**1.1** It is recommended that this application be Refused for the reasons below.

## Background

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### 2.1 Site description

The proposal relates to a detached property located on the northern side of Belmont Gardens within a primarily residential area

### 2.2 Site History

The site has the following planning history:

21 June 2019 - Enforcement enquiry regarding alleged non-compliance with approved drawings - No Further Action (Ref:19/00207/ENCOMP)

12 April 2019 - Proposed additional storey to previously consented side extension (14/04547/FUL) as varied (14/04547/VARY) - Refused (Ref:19/00701/FUL) (14 October 2019 - Upheld by Local Review Body at Appeal)

20 February 2019 - Non-material variation for change in fenestration to front/rear and installation of grey aluminium windows - Varied (Ref: 14/04547/VARY)

16 February 2015 - Proposed erection of sunroom extension - Granted (Ref:14/045471/FUL)

3 November 2011 - Re-build roof over existing single storey and installation of dormers - Granted (Ref:11/02908/FUL)

## Main report

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### 3.1 Description Of The Proposal

The application proposes the following works;

-Additional storey to existing two-storey side extension (14/04547/FUL as varied 14/04547/VARY).

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, it needs to be considered whether:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building and neighbourhood character
  - b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
  - c) any material comments have been addressed
- a) Scale, form, design and neighbourhood character

Local Plan Policy Des 12 seeks to ensure that alterations and extensions are compatible in design, form, and positioning with the character of the existing building and that of the streetscene. Further, the non-statutory guidance states that extensions should not overwhelm or dominate the original form or appearance of the house or detract from the character of the area.

The proposal is for an additional storey to a previously approved and constructed two storey extension to the side of the house. The addition would be flat-roofed, set back an initial 2m from the front of the extension, of a consistent width and positioned in proximity to the boundary with no.28.

Information has been submitted to support the application which highlights omissions made from the previous scheme and the level of visibility that the addition would occupy from the street. Whilst each application is assessed on its own merits the alterations from the previous scheme are noted. The materials would mirror those existing and rooflights would be installed on the front of a similar scale to existing fenestration on the roofscape. These alterations, in isolation, would be compatible with the finish and design of the existing house and raise no concerns from this perspective.

Having considered the information regarding the proposal's level of visibility, it is recognised that the addition would be partially masked from vantage points on Belmont Gardens to the west and east of the site.

However, notwithstanding this, the height of the addition at 2m would still occupy a visually prominent position from the street facing the site. As shown on the plans, the height of the addition above street level would be marginally in excess of the neighbour's chimney stack whilst its setback from the front elevation would be

comparable. This feature is visually prominent from the front and in this regard, the proposed addition would be too. Aligned to this, its mass and form would erode the spacing between the bay window features of the proposal site and neighbouring property appearing obtrusive and lacking subservience. In this regard the addition would visually compete with the form of these existing features and appear entirely incongruous in this context of the two properties. This would adversely impact on their existing character and the immediate streetscene.

Subsequently, the proposed development would have an adverse impact on the character and appearance of these existing buildings and the surrounding area. In scale, form and design the proposal would be contrary to Local Plan Policy Des 12 and the non-statutory Guidance.

b) Residential amenity

In regard to privacy, the non-statutory guidance recommends that windows should be positioned at least 9m from the facing boundary, and 18m from neighbouring windows to limit any unreasonable impacts upon neighbouring amenity.

The windows proposed are front and rear facing. Those to the front, are within 9m of the boundary. However, they look out onto the front garden of the house and the street and in this regard raise no privacy concerns. The windows to the rear are over 9m from the facing boundary and therefore comply with guidance and would result in no material loss of privacy in this regard.

The proposal complies with the non-statutory guidance in regard to the 45 degree criteria therefore would result no adverse impact on existing daylight to neighbouring property windows.

In terms of sunlight, non-statutory guidance states that in gable to gable situations no account of sunlight will be taken unless the space between the gables is of particular amenity value. In this instance the neighbouring property is built up to the shared boundary and therefore no sunlight issues arise.

Overall, the proposal will not have any unreasonable effect on neighbouring residential amenity and accords with Local Plan Policy Des 12 and the non-statutory guidance in this regard.

c) Public comments

One objection has been received summarised as the following:

- Character and appearance - taken account of in section 3.3 a)
- Terracing effect - taken account of in section 3.3 a )
- Subservience -assessed in section 3.3 a)
- Loss of privacy/ overlooking - addressed in section 3.3 b)
- Accessibility of roof - These comments are noted. Assessment is made on the proposed plans submitted.
- Drainage - This matter is controlled under separate legislation as is not material to the assessment of this planning application.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatics**

#### **Reasons:-**

1. The proposed extension is contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and position would result in a dominant and incongruous addition which would adversely impact on the character and appearance of the existing buildings and neighbourhood character.
2. The proposed extension is contrary to the non-statutory Guidance for Householders as its scale, form and position would result in a dominant and incongruous addition which would adversely impact on the character and appearance of the existing buildings and neighbourhood character.

## **Risk, Policy, compliance and governance impact**

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**4.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **5.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Consultation and engagement**

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### **6.1 Pre-Application Process**

There is no pre-application process history.

### **6.2 Publicity summary of representations and Community Council comments**

One representation has been received.

## **Background reading / external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

<b>Statutory Development Plan Provision</b>	Policies - Edinburgh Local Development Plan - Urban Area
<b>Date registered</b>	5 February 2020
<b>Drawing numbers/Scheme</b>	01, 02, 03, Scheme 1

David R. Leslie  
 Chief Planning Officer  
 PLACE  
 The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer  
 E-mail:[lewis.mcwilliam@edinburgh.gov.uk](mailto:lewis.mcwilliam@edinburgh.gov.uk) Tel:0131 469 3988

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

#### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

# Appendix 1

## Consultations

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No Consultations received.

END

# **Comments for Planning Application 20/00546/FUL**

## **Application Summary**

Application Number: 20/00546/FUL

Address: 30 Belmont Gardens Edinburgh EH12 6JH

Proposal: Proposed additional storey to previously approved side extension at 30 Belmont Gardens, Edinburgh (14/04547/FUL) as varied (14/04547/VARY).

Case Officer: Lewis McWilliam

## **Customer Details**

Name: Mr Alan Gardner

Address: 28 Belmont Gardens, Edinburgh EH12 6JH

## **Comment Details**

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Introduction

Section 2 contains our comments in respect of submission 20/00546/FULL. Many of these refer back to previous applications and for ease of reference, we include an appendix containing the list of our original objections made in respect of the original proposal 19/00701/FUL dated March 2019. We apologise for the inevitable duplication but maintain that these considerations are all relevant in respect of this latest submission. We have attempted to submit four photographs with our submission in section 4 but have not been able to put them through the portal. We will send these to the planning department separately.

### **2. Response to application 20/00546/FULL: 12 February 2020**

It is our view that the scale and volume of the proposals of application remain essentially unaltered from those contained, evaluated and refused in application 19/00701/FUL. For that reason, the extension must still be considered as not being subservient to the main building. That being the case the revisions have not addressed one of the main reasons for refusal of application 19/00701/FUL, also affirmed at appeal.

### **1. Character and Appearance**

#### **2.1.1**

Specifically, it is our view that the scale and volume, height and depth, of the proposals that were refused (again, having gone through the full appeal process) remain essentially unaltered. With reference to both the original extension proposal 04547 accepted in 2015 and the subsequent application 00701 refused and appealed over 2019, this proposal must still be considered as domineering and not subservient to the main building with a resultant terracing effect. The details of the original objection in the appendix highlights this issue in more detail. Figure 1 shows the

existing nature, following the completion of the 2-storey extension at 30 Belmont Gardens of the stepping down of houses in height down the steep hill of Belmont Gardens. We fail to see how the addition of a third level, stepping up an additional 2 metres right to the limit of the boundary, rising well above and practically touching the guttering/west roof of 28 Belmont Gardens, cannot do anything other than create a terracing effect, worsening the impact of the effect that has already been created.

#### 2.1.2

The resultant three-storey height of this extension creates a construction that cannot be subservient to the original main building. This was the explicit statement that was contained in the submission granted for the original 2 storey extension granted (reference 14/04547/FUL) We also respectfully suggest that taking a photo from the bottom of the driveway of 30 Belmont Gardens gives one view. The photos from Belmont Terrace or the rear of 28 Belmont Gardens, as produced in Figure 1, Figure 2 and Figure 3 give a completely different, more accurate and representative perspective. We would like to invite you to 28 Belmont Gardens to consider the impact of the proposed development from our rear garden.

#### 2.1.3

We noted that the latest submission states that the roof on the second storey of this extension would be 'inaccessible'. To us, this statement merely proves how the proposal cannot meet the established planning criteria, relating to design and privacy, affirmed in previous planning decisions. We fail to see how this can be enforced - a small change to a window and the roof is accessible - leading to the damaging precedent in terms of design and privacy being established throughout the area. We invite the relevant authorities to consider the realistic outcome of the precedent these proposals would produce.

#### 2.1.4

We also note that none of the photos produced by the applicants reflect situations where the structure on the higher side of a hill has been built to the absolute limit of the boundary line. The examples provided are therefore not relevant when addressing the fundamental challenges for this application and are an obvious attempt to misrepresent the true impact of the application.

#### 2.1.5

We would also invite the planning authorities to consider in detail the wider implications in permitting 2-or 3-storey extensions or buildings built to the maximum of any boundary line, on the higher side on steep hills, have in respect of drainage and Edinburgh's stated commitment to SUDS (sustainable urban drainage systems). We are sure the officers will be alive to these additional concerns given the importance of water issues in respect of Flood Risk and water conservation in the era of global climate change. The property at 30 Belmont Gardens, following the 2-storey extension as permitted in 14/04547/FUL is already, by far, the highest structure on the east (30 Belmont Gardens) ie higher side of the boundary in Belmont Gardens. The application

provides no drainage details. We must emphasise once again that 30 Belmont Gardens along with 28 and 26, are located on one of the steepest gradients in that street and wider surrounding area of Edinburgh. How can this submission, in isolation and of its impact on the existing structure be compatible with Edinburgh council delivering on the stated objectives of SUDS?

The ground level to the rear of the property at 30 Belmont Gardens has been significantly raised during the period of the works. The natural ground level has been adjusted by the addition of soil and rubble from excavation. What is presented as ground floor now, is in effect about first floor in relation to the neighbouring property. This has further issues in respect of drainage down the hill. We again invite you to view the proposed development from the perspective of the rear garden at 28 Belmont Gardens.

## 2. Overlooking/loss of privacy

### 2.2.1

Extending the structure of 30 Belmont Gardens to the absolute edge of the boundary at a height representing the absolute maximum height of the structure of 28 Belmont Gardens is in our view a clear breach of privacy in relation to the rear garden of 28 Belmont Gardens.

The response in the planning decision 19/00701/FUL application stated in the refusal that our objection relating to loss of overlooking/loss of privacy were more than 9 metres from the boundary. Could you please confirm how these figures were calculated?

### 2.2.2

As noted in 2.1.3, we also fail to see how the applicant can state that the flat roof to the front of the extension can be considered inaccessible. In its proposed form it can still be used by the occupant's which would again undermine our privacy in respect of our front garden.

## 3. Conclusion

For the reasons stated with particular reference to section 2, we remain firmly of the view that the proposals outlined in 20/00546/FULL must be refused, in accordance with previous rulings.

## 4. Photos

Figure 1. Existing terracing effect from 2 storey extension

Figure 2. Privacy issues from 2 storey extension

Figure 3. Height, terracing effect and privacy issues

Figure 4. Height, volume and terracing effect. Not subservient

Will send these on when we have an address to send them to.

## 5. Appendix

### Reasons for Objection to application (March 2019)19/00701/FUL

We have reviewed the planning officer's decision notice and planning report in relation to application 14/04547/FUL and for ease of reference have adopted the same considerations/general headings addressed there in support of our objection to the current application

#### 1. Character and Appearance

The application completely ignores the specific reasoning used to justify the acceptance of the application for the original extension in 2015, namely 'The proposal extends up to its eastern boundary. However, the subservient form of the extension, the stepping down of the houses in relation to the topography of the street and the bay window feature means that a 'terracing effect' will not occur'.

The extension of the house at 30 Belmont Gardens to the absolute maximum of the height of the structure at 28 Belmont Gardens in addition to extending to the extreme edge of the boundary has implications for the rights of residents in detached houses that are on the lower side of another structure on a hill. These relate, in the main, to loss of amenity, privacy and overshadowing.

Acceptance of this current proposal would ignore the planning officers previous comments in the 2014 planning report highlighted above by creating a terracing effect that impacts upon the whole street.

It is our view that the passing of this proposal would create a voluminous multi-storey extension and provide a damaging and irreversible precedent that would infringe the rights of residents in detached houses on the surrounding area.

This proposal would increase the material impact of the terracing effect from one to two storeys. No house in the street has the higher structure (in this case No 30) built up to the absolute maximum height of the lower structure( No 28 ) on the boundary. The suggestion in the supporting statement to the application that reducing the overall depth by a modest proportion somehow mitigates the terracing affect is incorrect. The volume of the proposal still constitutes, by far, the

vast majority of the depth of both structures. The impact of accepting this proposal would result in the elevated storeys of detached buildings being only centimetres apart, with no access between the two. We fail to see how this can be classed or viewed as anything other than a terracing effect.

Nowhere in Belmont Gardens at present is the lower structure directly bordered by a structure of more than one storey, most of such storeys being garages. The narrowing of the gap between two multi-storey detached properties is not only unprecedented in this street, but in the surrounding wider area. For this reason and others noted below we are acutely aware of the potential precedent being established.

#### Design, appearance and materials

We believe the proposed development is not keeping with the character of the street. There is no multi-storey structure on the boundary of any higher structure in Belmont Gardens nor are there any developments with multi-storey glass windows with such proposed coverage in the front elevation.

We draw attention to the material differences in the appearance of the front/south elevations between what was proposed and accepted in 14/04547/FUL compared to the current proposal as demonstrated by documents [http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14\\_04547\\_FUL-04A-PROPOSED\\_FLOORPLAN\\_\\_SOUTH\\_ELEVATION-3035573.pdf](http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14_04547_FUL-04A-PROPOSED_FLOORPLAN__SOUTH_ELEVATION-3035573.pdf) (2014) and [http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19\\_00701\\_FUL-03\\_-\\_PROPOSED\\_ELEVATIONS-4160381.pdf](http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19_00701_FUL-03_-_PROPOSED_ELEVATIONS-4160381.pdf) (2019).

## 2. Residential Amenity

### - Loss of light or overshadowing

The 14/04547/FUL planning report stated:

"The proposal is in a gable to gable situation with 28 Belmont Gardens and as such no account of daylighting or sunlight is taken in accordance with non-statutory guidance.'

The current application fails to address the obvious impact in terms of the loss of light or overshadowing on the rear garden at 28 Belmont Gardens.

The contour of the boundary between 28 and 30 renders the impact through overshadowing and the loss of light even greater on the rear garden of 28 Belmont Gardens

The location plan in <http://citydev-portal.edinburgh.gov.uk/idoxpa->

[web/files/A6A2067EAF067AEC122104D71792EAE3/pdf/19\\_00701\\_FUL-01\\_-LOCATION\\_PLAN-4160383.pdf](http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/A6A2067EAF067AEC122104D71792EAE3/pdf/19_00701_FUL-01_-LOCATION_PLAN-4160383.pdf) does not record the dimensions of the structure of 28 Belmont Gardens accurately.

- Overlooking/loss of privacy

The 14/04547/FUL planning report stated:

"In respect of privacy, the extension is set behind both the front and rear walls of the house and therefore there will be no adverse loss of privacy".

The implementation of the proposed plan would destroy this previous justification. We cannot envisage any way in which this application fulfils the same criteria given the height and windows contained in the design and the proximity to the rear garden.

Extending the structure of 30 Belmont Gardens to the absolute edge of the boundary at a height representing the absolute maximum height of the structure of 28 Belmont Gardens brings about a clear breach of privacy in relation to the rear garden of 28 Belmont Gardens.

The application 14/04547/FUL passed in February 2015 did not have any of these issues and we would refer specifically to the material difference between the rear (north) elevations detailed in documents [http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14\\_04547\\_FUL-04A-PROPOSED\\_FLOORPLAN\\_\\_SOUTH\\_ELEVATION-3035573.pdf](http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14_04547_FUL-04A-PROPOSED_FLOORPLAN__SOUTH_ELEVATION-3035573.pdf) (2014) and [http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19\\_00701\\_FUL-03\\_-PROPOSED\\_ELEVATIONS-4160381.pdf](http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19_00701_FUL-03_-PROPOSED_ELEVATIONS-4160381.pdf) (2019).

We also note that the design has allowances for two, we assume frosted, windows. Along with the overshadowing, this would create an invasion of our rights to privacy. The overshadowing issue and the feeling of a clear invasion of privacy would be maintained even if the glass windows were dropped from the design.

- Noise and disturbance resulting from use

The proposed construction of a multi-storey extension immediately next to existing wall. As with many detached houses, the upper floor of 28 Belmont Gardens has the principal use of bedrooms. The acceptance of this proposal would place a wall, in relation to a purportedly detached house, centimetres away from a child's bedroom.

- Hazardous materials

We are very concerned that the passing of this proposal would restrict access for future maintenance and repairs. Without proper maintenance it is conceivable an area between the structures that is restricted would invariably attract leaves/other combustible materials that would accumulate and create an obvious fire risk. This would represent practical consequences resulting from the terracing effect.

We are extremely concerned that the construction of what effectively constitutes a three storey building centimetres from our house also represents a fundamental fire risk. We consider an investigation/validation of these plans by the local fire services as part of the planning and building warrant process to be absolutely essential.

### 3 Previous planning decisions (including appeal decisions)

We note that this application is described as a single storey extension even as construction on the proposal accepted in 2015 commenced in recent months.

Single storey extensions normally reflect single storeys with no privacy issues given the scale of fences, etc. This is evidently not case in respect of this application as confirmed by the drawings and points already covered. This renders the request in the applicant's supporting statement that permission be granted as it 'reflected an additional storey to previously approved side extension' misleading.

We also note the material difference between the garage/single storey extension presented and passed in 2015 with the drawings presented in support of the current application which in our view undermines its veracity. We also note the timing of the application and how this ties in with the excavation and commencement of construction in late 2018. We are concerned that this manipulation of the process, allied to the lack of public or private consultation presents a risk to the end result and of a number of damaging precedents being established that the planning process is explicitly designed to prevent.

### Objection

For the reasons stated we can only conclude that the proposals outlined in 19/00701/FUL should be refused.

Extending the structure of 30 Belmont Gardens to the absolute edge of the boundary at a height representing the absolute maximum height of the structure of 28 Belmont Gardens is in our view a clear breach of privacy in relation to the rear garden of 28 Belmont Gardens.

We also fail to see how the applicant can state that the flat roof to the front of the extension can be considered inaccessible. In its proposed form it can still be used by the occupants which would again undermine our privacy.

## Loss of light or overshadowing

The current application fails to address the obvious impact in terms of the loss of light or overshadowing on the rear garden at 28 Belmont Gardens.

The contour of the boundary between 28 and 30 renders the impact through overshadowing and the loss of light even greater on the rear garden of 28 Belmont Gardens

## Noise and disturbance resulting from use

As with many detached houses, the upper floor of 28 Belmont Gardens has the principal use of bedrooms. The acceptance of this proposal would place a wall, in relation to a purportedly detached house, centimetres away from a child's bedroom.

# **Comments for Planning Application 20/00546/FUL**

## **Application Summary**

Application Number: 20/00546/FUL

Address: 30 Belmont Gardens Edinburgh EH12 6JH

Proposal: Proposed additional storey to previously approved side extension at 30 Belmont Gardens, Edinburgh (14/04547/FUL) as varied (14/04547/VARY).

Case Officer: Lewis McWilliam

## **Customer Details**

Name: Not Available

Address: Not Available

## **Comment Details**

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Introduction

Section 2 contains our comments in respect of submission 20/00546/FULL. Many of these refer back to previous applications and for ease of reference, we include an appendix containing the list of our original objections made in respect of the original proposal 19/00701/FUL dated March 2019. We apologise for the inevitable duplication but maintain that these considerations are all relevant in respect of this latest submission. We have attempted to submit four photographs with our submission in section 4 but have not been able to put them through the portal. We will send these to the planning department separately.

### **2. Response to application 20/00546/FULL: 12 February 2020**

It is our view that the scale and volume of the proposals of application remain essentially unaltered from those contained, evaluated and refused in application 19/00701/FUL. For that reason, the extension must still be considered as not being subservient to the main building. That being the case the revisions have not addressed one of the main reasons for refusal of application 19/00701/FUL, also affirmed at appeal.

### **1. Character and Appearance**

#### **2.1.1**

Specifically, it is our view that the scale and volume, height and depth, of the proposals that were refused (again, having gone through the full appeal process) remain essentially unaltered. With reference to both the original extension proposal 04547 accepted in 2015 and the subsequent application 00701 refused and appealed over 2019, this proposal must still be considered as domineering and not subservient to the main building with a resultant terracing effect. The details of the original objection in the appendix highlights this issue in more detail. Figure 1 shows the

existing nature, following the completion of the 2-storey extension at 30 Belmont Gardens of the stepping down of houses in height down the steep hill of Belmont Gardens. We fail to see how the addition of a third level, stepping up an additional 2 metres right to the limit of the boundary, rising well above and practically touching the guttering/west roof of 28 Belmont Gardens, cannot do anything other than create a terracing effect, worsening the impact of the effect that has already been created.

#### 2.1.2

The resultant three-storey height of this extension creates a construction that cannot be subservient to the original main building. This was the explicit statement that was contained in the submission granted for the original 2 storey extension granted (reference 14/04547/FUL) We also respectfully suggest that taking a photo from the bottom of the driveway of 30 Belmont Gardens gives one view. The photos from Belmont Terrace or the rear of 28 Belmont Gardens, as produced in Figure 1, Figure 2 and Figure 3 give a completely different, more accurate and representative perspective. We would like to invite you to 28 Belmont Gardens to consider the impact of the proposed development from our rear garden.

#### 2.1.3

We noted that the latest submission states that the roof on the second storey of this extension would be 'inaccessible'. To us, this statement merely proves how the proposal cannot meet the established planning criteria, relating to design and privacy, affirmed in previous planning decisions. We fail to see how this can be enforced - a small change to a window and the roof is accessible - leading to the damaging precedent in terms of design and privacy being established throughout the area. We invite the relevant authorities to consider the realistic outcome of the precedent these proposals would produce.

#### 2.1.4

We also note that none of the photos produced by the applicants reflect situations where the structure on the higher side of a hill has been built to the absolute limit of the boundary line. The examples provided are therefore not relevant when addressing the fundamental challenges for this application and are an obvious attempt to misrepresent the true impact of the application.

#### 2.1.5

We would also invite the planning authorities to consider in detail the wider implications in permitting 2-or 3-storey extensions or buildings built to the maximum of any boundary line, on the higher side on steep hills, have in respect of drainage and Edinburgh's stated commitment to SUDS (sustainable urban drainage systems). We are sure the officers will be alive to these additional concerns given the importance of water issues in respect of Flood Risk and water conservation in the era of global climate change. The property at 30 Belmont Gardens, following the 2-storey extension as permitted in 14/04547/FUL is already, by far, the highest structure on the east (30 Belmont Gardens) ie higher side of the boundary in Belmont Gardens. The application

provides no drainage details. We must emphasise once again that 30 Belmont Gardens along with 28 and 26, are located on one of the steepest gradients in that street and wider surrounding area of Edinburgh. How can this submission, in isolation and of its impact on the existing structure be compatible with Edinburgh council delivering on the stated objectives of SUDS?

The ground level to the rear of the property at 30 Belmont Gardens has been significantly raised during the period of the works. The natural ground level has been adjusted by the addition of soil and rubble from excavation. What is presented as ground floor now, is in effect about first floor in relation to the neighbouring property. This has further issues in respect of drainage down the hill. We again invite you to view the proposed development from the perspective of the rear garden at 28 Belmont Gardens.

## 2. Overlooking/loss of privacy

### 2.2.1

Extending the structure of 30 Belmont Gardens to the absolute edge of the boundary at a height representing the absolute maximum height of the structure of 28 Belmont Gardens is in our view a clear breach of privacy in relation to the rear garden of 28 Belmont Gardens.

The response in the planning decision 19/00701/FUL application stated in the refusal that our objection relating to loss of overlooking/loss of privacy were more than 9 metres from the boundary. Could you please confirm how these figures were calculated?

### 2.2.2

As noted in 2.1.3, we also fail to see how the applicant can state that the flat roof to the front of the extension can be considered inaccessible. In its proposed form it can still be used by the occupant's which would again undermine our privacy in respect of our front garden.

## 3. Conclusion

For the reasons stated with particular reference to section 2, we remain firmly of the view that the proposals outlined in 20/00546/FULL must be refused, in accordance with previous rulings.

## 4. Photos

Figure 1. Existing terracing effect from 2 storey extension

Figure 2. Privacy issues from 2 storey extension

Figure 3. Height, terracing effect and privacy issues

Figure 4. Height, volume and terracing effect. Not subservient

Will send these on when we have an address to send them to.

## 5. Appendix

### Reasons for Objection to application (March 2019)19/00701/FUL

We have reviewed the planning officer's decision notice and planning report in relation to application 14/04547/FUL and for ease of reference have adopted the same considerations/general headings addressed there in support of our objection to the current application

#### 1. Character and Appearance

The application completely ignores the specific reasoning used to justify the acceptance of the application for the original extension in 2015, namely 'The proposal extends up to its eastern boundary. However, the subservient form of the extension, the stepping down of the houses in relation to the topography of the street and the bay window feature means that a 'terracing effect' will not occur'.

The extension of the house at 30 Belmont Gardens to the absolute maximum of the height of the structure at 28 Belmont Gardens in addition to extending to the extreme edge of the boundary has implications for the rights of residents in detached houses that are on the lower side of another structure on a hill. These relate, in the main, to loss of amenity, privacy and overshadowing.

Acceptance of this current proposal would ignore the planning officers previous comments in the 2014 planning report highlighted above by creating a terracing effect that impacts upon the whole street.

It is our view that the passing of this proposal would create a voluminous multi-storey extension and provide a damaging and irreversible precedent that would infringe the rights of residents in detached houses on the surrounding area.

This proposal would increase the material impact of the terracing effect from one to two storeys. No house in the street has the higher structure (in this case No 30) built up to the absolute maximum height of the lower structure( No 28 ) on the boundary. The suggestion in the supporting statement to the application that reducing the overall depth by a modest proportion somehow mitigates the terracing affect is incorrect. The volume of the proposal still constitutes, by far, the

vast majority of the depth of both structures. The impact of accepting this proposal would result in the elevated storeys of detached buildings being only centimetres apart, with no access between the two. We fail to see how this can be classed or viewed as anything other than a terracing effect.

Nowhere in Belmont Gardens at present is the lower structure directly bordered by a structure of more than one storey, most of such storeys being garages. The narrowing of the gap between two multi-storey detached properties is not only unprecedented in this street, but in the surrounding wider area. For this reason and others noted below we are acutely aware of the potential precedent being established.

#### Design, appearance and materials

We believe the proposed development is not keeping with the character of the street. There is no multi-storey structure on the boundary of any higher structure in Belmont Gardens nor are there any developments with multi-storey glass windows with such proposed coverage in the front elevation.

We draw attention to the material differences in the appearance of the front/south elevations between what was proposed and accepted in 14/04547/FUL compared to the current proposal as demonstrated by documents [http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14\\_04547\\_FUL-04A-PROPOSED\\_FLOORPLAN\\_\\_SOUTH\\_ELEVATION-3035573.pdf](http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14_04547_FUL-04A-PROPOSED_FLOORPLAN__SOUTH_ELEVATION-3035573.pdf) (2014) and [http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19\\_00701\\_FUL-03\\_-PROPOSED\\_ELEVATIONS-4160381.pdf](http://citydev-portal.edinburgh.gov.uk/idoxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19_00701_FUL-03_-PROPOSED_ELEVATIONS-4160381.pdf) (2019).

#### 2. Residential Amenity

##### - Loss of light or overshadowing

The 14/04547/FUL planning report stated:

"The proposal is in a gable to gable situation with 28 Belmont Gardens and as such no account of daylighting or sunlight is taken in accordance with non-statutory guidance.'

The current application fails to address the obvious impact in terms of the loss of light or overshadowing on the rear garden at 28 Belmont Gardens.

The contour of the boundary between 28 and 30 renders the impact through overshadowing and the loss of light even greater on the rear garden of 28 Belmont Gardens

The location plan in <http://citydev-portal.edinburgh.gov.uk/idoxpa->

[web/files/A6A2067EAF067AEC122104D71792EAE3/pdf/19\\_00701\\_FUL-01\\_-LOCATION\\_PLAN-4160383.pdf](http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/A6A2067EAF067AEC122104D71792EAE3/pdf/19_00701_FUL-01_-LOCATION_PLAN-4160383.pdf) does not record the dimensions of the structure of 28 Belmont Gardens accurately.

- Overlooking/loss of privacy

The 14/04547/FUL planning report stated:

"In respect of privacy, the extension is set behind both the front and rear walls of the house and therefore there will be no adverse loss of privacy".

The implementation of the proposed plan would destroy this previous justification. We cannot envisage any way in which this application fulfils the same criteria given the height and windows contained in the design and the proximity to the rear garden.

Extending the structure of 30 Belmont Gardens to the absolute edge of the boundary at a height representing the absolute maximum height of the structure of 28 Belmont Gardens brings about a clear breach of privacy in relation to the rear garden of 28 Belmont Gardens.

The application 14/04547/FUL passed in February 2015 did not have any of these issues and we would refer specifically to the material difference between the rear (north) elevations detailed in documents [http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14\\_04547\\_FUL-04A-PROPOSED\\_FLOORPLAN\\_\\_SOUTH\\_ELEVATION-3035573.pdf](http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/D8C54F2049D8D3BBDA2ACAE78BA75E94/pdf/14_04547_FUL-04A-PROPOSED_FLOORPLAN__SOUTH_ELEVATION-3035573.pdf) (2014) and [http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19\\_00701\\_FUL-03\\_-PROPOSED\\_ELEVATIONS-4160381.pdf](http://citydev-portal.edinburgh.gov.uk/idxpa-web/files/A835E7D832DF37B8291FEA534CBF7875/pdf/19_00701_FUL-03_-PROPOSED_ELEVATIONS-4160381.pdf) (2019).

We also note that the design has allowances for two, we assume frosted, windows. Along with the overshadowing, this would create an invasion of our rights to privacy. The overshadowing issue and the feeling of a clear invasion of privacy would be maintained even if the glass windows were dropped from the design.

- Noise and disturbance resulting from use

The proposed construction of a multi-storey extension immediately next to existing wall. As with many detached houses, the upper floor of 28 Belmont Gardens has the principal use of bedrooms. The acceptance of this proposal would place a wall, in relation to a purportedly detached house, centimetres away from a child's bedroom.

- Hazardous materials

We are very concerned that the passing of this proposal would restrict access for future maintenance and repairs. Without proper maintenance it is conceivable an area between the structures that is restricted would invariably attract leaves/other combustible materials that would accumulate and create an obvious fire risk. This would represent practical consequences resulting from the terracing effect.

We are extremely concerned that the construction of what effectively constitutes a three storey building centimetres from our house also represents a fundamental fire risk. We consider an investigation/validation of these plans by the local fire services as part of the planning and building warrant process to be absolutely essential.

### 3 Previous planning decisions (including appeal decisions)

We note that this application is described as a single storey extension even as construction on the proposal accepted in 2015 commenced in recent months.

Single storey extensions normally reflect single storeys with no privacy issues given the scale of fences, etc. This is evidently not case in respect of this application as confirmed by the drawings and points already covered. This renders the request in the applicant's supporting statement that permission be granted as it 'reflected an additional storey to previously approved side extension' misleading.

We also note the material difference between the garage/single storey extension presented and passed in 2015 with the drawings presented in support of the current application which in our view undermines its veracity. We also note the timing of the application and how this ties in with the excavation and commencement of construction in late 2018. We are concerned that this manipulation of the process, allied to the lack of public or private consultation presents a risk to the end result and of a number of damaging precedents being established that the planning process is explicitly designed to prevent.

### Objection

For the reasons stated we can only conclude that the proposals outlined in 19/00701/FUL should be refused.

Extending the structure of 30 Belmont Gardens to the absolute edge of the boundary at a height representing the absolute maximum height of the structure of 28 Belmont Gardens is in our view a clear breach of privacy in relation to the rear garden of 28 Belmont Gardens.

We also fail to see how the applicant can state that the flat roof to the front of the extension can be considered inaccessible. In its proposed form it can still be used by the occupants which would again undermine our privacy.

## Loss of light or overshadowing

The current application fails to address the obvious impact in terms of the loss of light or overshadowing on the rear garden at 28 Belmont Gardens.

The contour of the boundary between 28 and 30 renders the impact through overshadowing and the loss of light even greater on the rear garden of 28 Belmont Gardens

## Noise and disturbance resulting from use

As with many detached houses, the upper floor of 28 Belmont Gardens has the principal use of bedrooms. The acceptance of this proposal would place a wall, in relation to a purportedly detached house, centimetres away from a child's bedroom.

# •EDINBURGH•

THE CITY OF EDINBURGH COUNCIL

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100153563-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Andrew Megginson Architecture		
Ref. Number:			You must enter a Building Name or Number, or both: *
First Name: *	Andrew	Building Name:	No. 1
Last Name: *	Megginson	Building Number:	
Telephone Number: *	[REDACTED]	Address 1 (Street): *	29 Jamaica Mews
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 6HL
Email Address: *	[REDACTED]		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *
Other Title:		Building Name:
First Name: *	Ronnie	Building Number:
Last Name: *	Hay	Address 1 (Street): *
Company/Organisation		Address 2:
Telephone Number: *		Town/City: *
Extension Number:		Country: *
Mobile Number:		Postcode: *
Fax Number:		
Email Address: *	[REDACTED]	

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:	30 BELMONT GARDENS
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH12 6JH

Please identify/describe the location of the site or sites

Northing	673256	Easting	321766
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Proposed additional storey to previously approved side extension at 30 Belmont Gardens, Edinburgh (14/04547/FUL) as varied (14/04547/VARY). At 30 Belmont Gardens Edinburgh EH12 6JH

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We believe that our justification for the proposal is firmly outlined within the supporting statement. There are many streetscape features including and not limited to flat roofed dormers, feature gable/ bay elements, stepping down, rooflights, slate, etc. all which sit at varying building lines to Belmont Gardens and we believe when the proposals are read as part of the whole streetscape, they are appropriate/ compatible with this and also the dwelling to which they adjoin to.

Have you raised any matters which were not before the appointed officer at the time the  
Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Proposal plans and elevations, supporting statement, planning application form, decision notice and report of handling.

## Application Details

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

20/00546/FUL

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

05/02/2020

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

03/04/2020

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To understand the proposals in the context of the whole streetscape.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To provide a verbal justification to the proposals.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## **Checklist – Application for Notice of Review**

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Andrew Megginson

Declaration Date: 17/04/2020



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100153563-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: \*

14/04547/FUL

Date (dd/mm/yyyy): \*

16/02/2015

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed additional storey to previously approved side extension at 30 Belmont Gardens, Edinburgh (14/04547/FUL) as varied (14/04547/VARY).

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Andrew Megginson Architecture		
Ref. Number:	You must enter a Building Name or Number, or both: *		
First Name: *	Andrew	Building Name:	No. 1
Last Name: *	Megginson	Building Number:	
Telephone Number: *	[REDACTED]	Address 1 (Street): *	29 Jamaica Mews
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 6HL
Email Address: *	[REDACTED]		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *
Other Title:		Building Name:
First Name: *	Ronnie	Building Number:
Last Name: *	Hay	Address 1 (Street): *
Company/Organisation		Address 2:
Telephone Number: *		Town/City: *
Extension Number:		Country: *
Mobile Number:		Postcode: *
Fax Number:		
Email Address: *	[REDACTED]	

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

30 BELMONT GARDENS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 6JH

Please identify/describe the location of the site or sites

Northing

673256

Easting

321766

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

585.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Residential

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Megginson

On behalf of: Mr Ronnie Hay

Date: 04/02/2020

Please tick here to certify this Certificate. \*

# Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. \*  Yes  N/A
- A Design Statement or Design and Access Statement. \*  Yes  N/A
- A Flood Risk Assessment. \*  Yes  N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*  Yes  N/A
- Drainage/SUDS layout. \*  Yes  N/A
- A Transport Assessment or Travel Plan  Yes  N/A
- Contaminated Land Assessment. \*  Yes  N/A
- Habitat Survey. \*  Yes  N/A
- A Processing Agreement. \*  Yes  N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Megginson

Declaration Date: 12/02/2019

## **Proposal Details**

Proposal Name	100153563
Proposal Description	Additional storey to already approved side extension.
Address	30 BELMONT GARDENS, EDINBURGH, EH12 6JH
Local Authority	City of Edinburgh Council
Application Online Reference	100153563-004

## **Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## **Attachment Details**

Notice of Review	System	A4
1027-PLA-03 A	Attached	A3
1027-PLA-04 A	Attached	A2
Supporting Statement	Attached	A4
Planning_Permission-2	Attached	A4
20_00546_FUL-DECISION_NOTICE-4557545	Attached	A4
20_00546_FUL-HANDLING_REPORT-4557546	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

**30 Belmont Gardens, Edinburgh EH12 6JH**

**Mr. Ronnie Hay**

Supporting Statement for Proposed Additional Storey to 30 Belmont Gardens,  
Edinburgh

Date: January 2020



Andrew Megginson Architecture

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## 1. Introduction

- 1.1 This supporting Statement has been prepared for Mr. Ronnie Hay in support of a planning application to form an additional storey to a previously approved side extension at 30 Belmont Gardens, Edinburgh.
- 1.2 The application is for a revised proposal to a former proposal which was previously refused under application reference 19/00701/FUL with the decision going to the Local Review Body (LRB) and being upheld by the LRB on a majority vote of three against and two for.
- 1.3 The planning application has been refused for the following reason:
  - *"The proposal by reason of its roof form and significant protrusion above the eaves line of the house and the neighbouring property is not subservient to the existing house and results in a dominant feature which is not compatible with the character of the existing buildings. Further, the contrasting materials do not match the main house Development Management report of handling – Page 5 of 7 19/00701/FUL and the roof terrace to the front of the property is an uncharacteristic addition to the front elevation of the house. Overall, the proposal is contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'."*
- 1.4 The conclusion for upholding the planning officer's decision at the LRB is as below;
  - *"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:  
-Where the glazed balustrade on the roof terrace would be positioned.  
-Whether the proposed extension would be above the eaves line of the house and neighbouring property.  
-That the proposed extension was not subservient to the existing house.  
-That the proposals would be improving the dwelling house.  
-That the glazed balustrade at the front of the dwelling might cause reflection.  
Having taken all the above matters into consideration and although some members were 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."*
- 1.5 This supporting statement has been prepared by Andrew Megginson Architecture (AMA) on behalf of Mr. Ronnie Hay (hereafter referred to as the 'applicant'). The application site comprises the building and curtilage at 30 Belmont Gardens, Edinburgh (hereafter referred to as either the 'application site', 'site' or 'property'). This document is structured as follows;
  - Section 2 describes the site and context,
  - Section 3 provides a summary of the proposals and appraises material considerations against which the proposals should be judged.
  - Section 4 discusses precedents used in the design and which from part of the justification the proposals.
  - Section 5 reaches conclusions in relation to the acceptability of the planning application in the context of material considerations.



## 2. The Site and Context



Figure 2.1 – Location plan with context indicated.

- 2.1 The property is a two-storey detached dwelling, on the North side of Corstorphine Road up Belmont Gardens. The building is not listed and is not located within a Conservation Area, the nearest conservation area is Northwards of the site (West Murrayfield). It should be noted that the planning officer in their site description in application 19/00701/FUL stated that the house is “*predominantly single storey with two storey bay with hipped roof on East side*” and that the “*application site is located within the West Murrayfield Conservation Area*”, as can be seen by the existing plans and figure 4.1, the property is fully two storey and not located in the said conservation area.
- 2.2 The character of the area in which the property lies can be described as built up on either side by detached or semi-detached dwellings predominantly of a two-storey nature, positioned along a road that when travelled from Ellersly Road ascends where from the street level the houses to the North side sit at a higher level than that of the street itself generally behind planting to the street. There is no dominant architectural style along the street with the buildings being individually designed and influenced by styles of the time they were built. The dwellings all have defined front and rear gardens and all follow a similar building line. The main building line of the applicant’s property to the centre of the street is approximately 12 meters.
- 2.3 Below in figure 2.2, photos express some of the different styles and forms of properties along Belmont Gardens (note these are from before the side extension as approved under 14/04547/VARY was constructed).





1



2



3



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Figure 2.2 – Photos showing various styles of buildings and features in the area of the property.



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### 3. The Proposed Works

3.1 The planning application seeks consent for an additional storey on top of a previously consented two-storey sun room extension to the side of the existing house. The planner's justification for approval of the two storey extension was as follows;

- *"The proposal is for an extension of a two storey scale. The design of the extension is contemporary in nature and whilst the expanse of glazing facing the street is not characteristic of the surrounding area, its use of materials, positioning next to the two storey bay window feature and set back ensures that it is subservient to the house and its visual impact on the street is minimal. The proposal extends up to its Eastern boundary. However, the subservient form of the extension, the stepping down of the houses in relation to the topography of the street and bay window feature means that a 'terracing effect' will not occur.*

*The proposal will not have an adverse effect on the character and appearance of the house or street." It is then concluded that "The proposal will not adversely affect the character and appearance of the house or street or neighbouring residential amenity. The proposal is acceptable. There are no material considerations which outweigh this conclusion."*

3.2 The main principles of the development include;

- Setting back the additional storey 2.2 meters from the front of the approved side extension so that it will be marginally visible from the street, will keep the overall extension subservient to the existing house and will not form a terracing effect. Note that we have pulled back the extension by a further 200mm from the front of the extension since the previous application 19/00701/FUL,
- Keeping the roof level of the additional storey below the eaves line of the main vertical element to maintain the step down feature seen within the street (see elevation drawings for example of this). By using a flat roof the additional storey takes on a form similar to that of the dormers on the existing house, neighbouring property and other properties in the area. Note that we have angled the front facade, to a similar angle of the neighbouring property 1<sup>st</sup> floor roof, where the said façade of the additional storey is vertical to a height of 800mm from the finished roof level of the extension below then angles off towards the rear. This is to further reduce any visibility from the street and also allow the additional storey to look more like a pitched roof seen on the existing and neighbouring dwellings so that it blends more into the surrounding area when marginally seen,
- Using materials which match in with the existing streetscape. Previously proposed to be dark metal the new materiality of the front façade is proposed to be slate, this would mitigate the planner's comment on the materials contrasting with the existing house. The general aesthetic of masonry topped with a dark roofing material, which is seen to the existing and neighbouring property, is then replicated, although the slate roofing material of the proposed additional storey in this instance will be marginally visible due to the step back and house sitting at an elevated level from the street. It will also allow the main vertical Eastern masonry element containing the bays to remain prominent. The trees behind the additional storey also provide a backdrop to which the additional storey blends into,



- The balcony to the front and associated glass balustrading of application 19/00701/FUL has since been removed from these proposals. The area in front of the additional storey is now simply an inaccessible flat roof. The glazing to the front of the proposed additional storey has been amended to now become three Velux windows similar to what is seen on the existing and neighbouring property. This further lets the proposal of the additional storey merge in with the surrounding look.
- 3.3 To evaluate the proposals against the planner's reasons for refusal photomontages of how we believe the proposals will look have been produced to understand the impact to the street, see below figures 3.1, 3.2 and 3.3.





Figure 3.1 – The above shows the additional storey viewed from the East. No visual impact here with the additional storey being unseen.





Figure 3.2 – The above shows the additional storey viewed straight on. This has a very minimal impact with the proposals looking to be part of a roofing element, seen elsewhere in the streetscape and also blending into the backdrop of the trees behind.





Figure 3.3 – The above shows the additional storey viewed from the West. No visual impact here with the additional storey being unseen.



- 3.4 As can be seen from the above images the proposed additional storey does not have an adverse effect on the character of the house or the street overall. When viewed as one is coming up the street from the East or going down the street from the West the view of the additional storey will not be apparent. Getting closer to being directly in front of the extension, existing natural and built elements (the hedge to the front of the applicant's property and the protruding bay of the neighbour's property) continue to screen the additional storey and development overall. Only until one is directly in front of the development do they get a sense of the additional storey but due to the stepped back nature only a small amount of it is seen. Furthermore, to this the use of slate, the trees behind providing a positive backdrop for the development and the general form, the additional storey will be blurred into the existing street form that the context provides.
- 3.5 Specifically evaluating the planner's reasons for refusal against the proposal in the previous application, it is stated that the "*roof form and significant protrusion above the eaves line of the house and the neighbouring property is not subservient to the existing house and results in a dominant feature which is not compatible with the character of the existing buildings.*". Firstly, the roof will not protrude above the eaves of the existing house it sits below those to which the proposals are immediately joined to. The roof form is informed by features seen on the applicant's property and on neighbouring properties in the area, namely the pitched roofs with Velux windows and flat roofed dormers. The set back, angled nature and use of slate allows the additional storey to be subservient to the existing house and also take on a similar form to the existing streetscape.
- 3.6 It was stated that the "*roof terrace to the front of the property is an uncharacteristic addition to the front elevation of the house.*". The roof terrace and associated balcony have been removed in this recent application.



## 4. Precedents



Figure 4.1 – The above shows the Murrayfield West Conservation Area hatched and outlined in green. The site is located out with this but is adjacent to it.

4.1 Although it was noted above that the application site lies out with the Murrayfield West Conservation Area and only adjacent to it, it is worth discussing some of the policies within the appraisal and a recent development that has been completed in the area, as the proposals will have been partly evaluated against it and can be compared to the said development. The character appraisal notes that there is ‘no dominant architectural style’ in the conservation area, and that ‘buildings are individually designed and influenced by popular styles of the time or period.’ This is same for the area in which the application site lies. A recent development worth noting as a precedent is the Ellersly Road housing development. The reason that this should be used as a precedent is that it is located within the aforementioned conservation area where the contemporary style contrasts other older properties in the area and thus shows the typology of development that Edinburgh City Council are happy to see in these types of situations. The stone and façade layout are similar to the proposals and there is a top storey set back from the main façade. This shows that this specific typology of development is acceptable in the conservation area alongside the more traditional properties which is same as the proposals in which this document relates.





Figure 4.2 – The above shows part of the Ellersly Road development where a lot of similarities can be seen in regard to the application.



Figure 4.3 – The above shows the front elevation of 13 Osborne Terrace.



4.2 Another precedent which is of a very similar nature to the applicant's proposals is that of a conversion of an existing kindergarten into 2 flats at 13 Osbourne Terrace, where a side extension similar to the proposals we are discussing has been approved. The side extension at 13 Osborne Terrace is a masonry GFL storey which then has a metal clad set back second storey. The height of the development is just under the eaves line of the existing building and the street form, with the row of detached properties, is also similar. We feel this is an important precedent as it shows a very similar development which has been accepted by Edinburgh City Council, it is especially more important as this development is within the Colbridge and Wester Coates Conservation Area and is much more visible to the much busier street to which it faces. It should be noted that the planner in this instance referred to the proposals as subservient to the existing property.



## 5. Conclusion

5.1 Planning consent is sought by Mr. Ronnie Hay for an additional storey to a previously approved side extension to the property at 30 Belmont Gardens, Edinburgh.

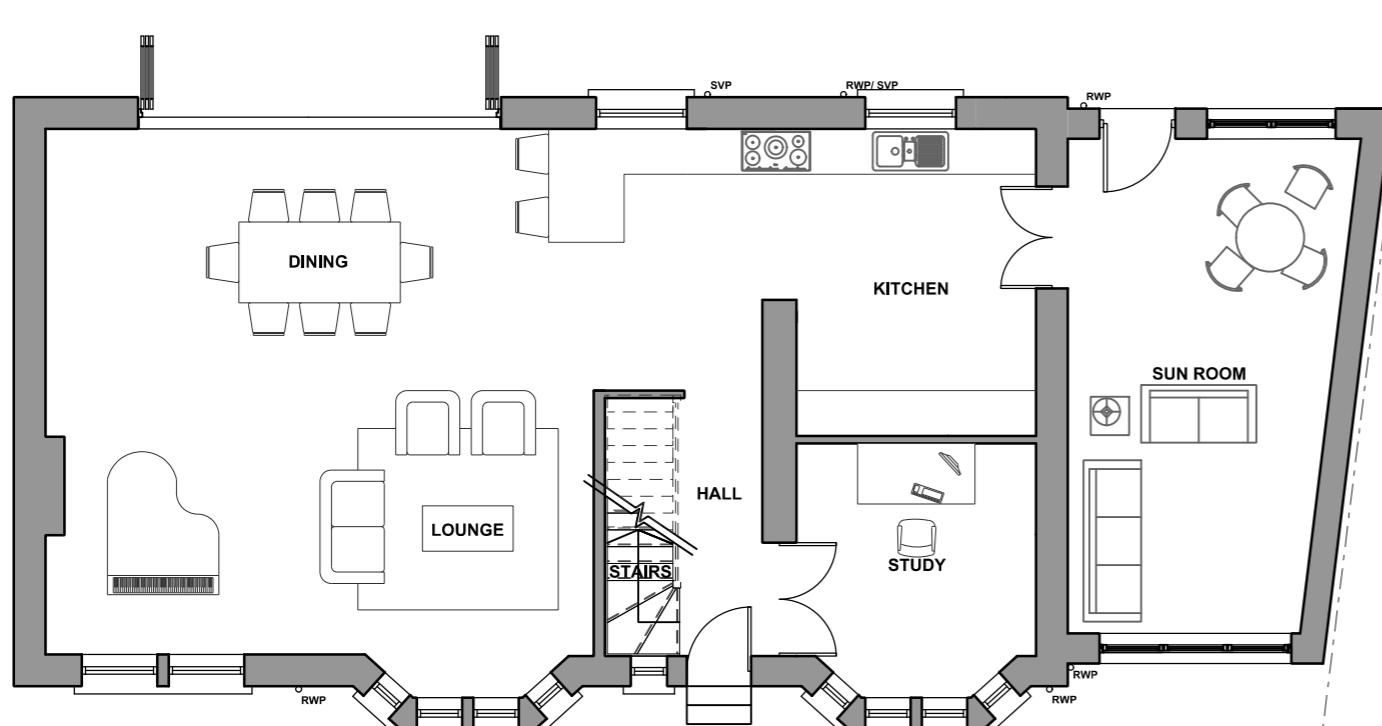
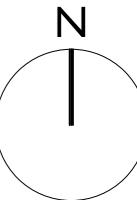
5.2 Planning permission has been refused previously for the following reason;

- *"The proposal by reason of its roof form and significant protrusion above the eaves line of the house and the neighbouring property is not subservient to the existing house and results in a dominant feature which is not compatible with the character of the existing buildings. Further, the contrasting materials do not match the main house Development Management report of handling – Page 5 of 7 19/00701/FUL and the roof terrace to the front of the property is an uncharacteristic addition to the front elevation of the house. Overall, the proposal is contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'."*
- As above within this document, it has been proven that the proposed additional storey will have a minimal visual impact to the street and will in fact respond to the existing streetscape sympathetically. The proposal uses in keeping materiality for the additional storey which ties in with the existing street materiality

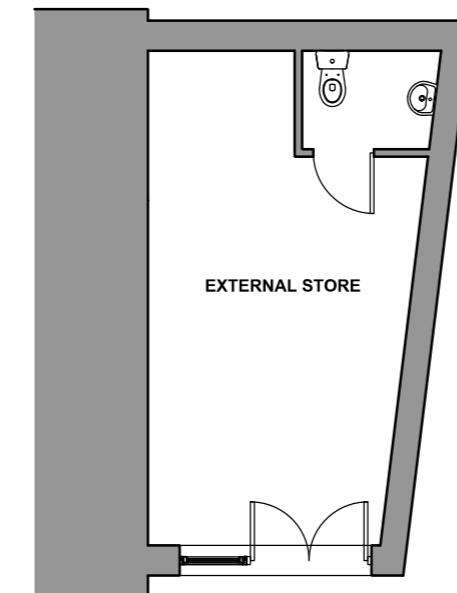
5.3 The newly proposed scheme will still adhere to the approved architectural elements of the previous two storey scheme in that it will still maintain a minimal visual impact to the street. The set back nature of the additional storey and proposed materiality will maintain the aesthetic of the previously approved, with no effect of terracing keeping the extension subservient to the house.

5.4 The applicant therefore respectfully requests that planning consent is granted for the reasons stated above.

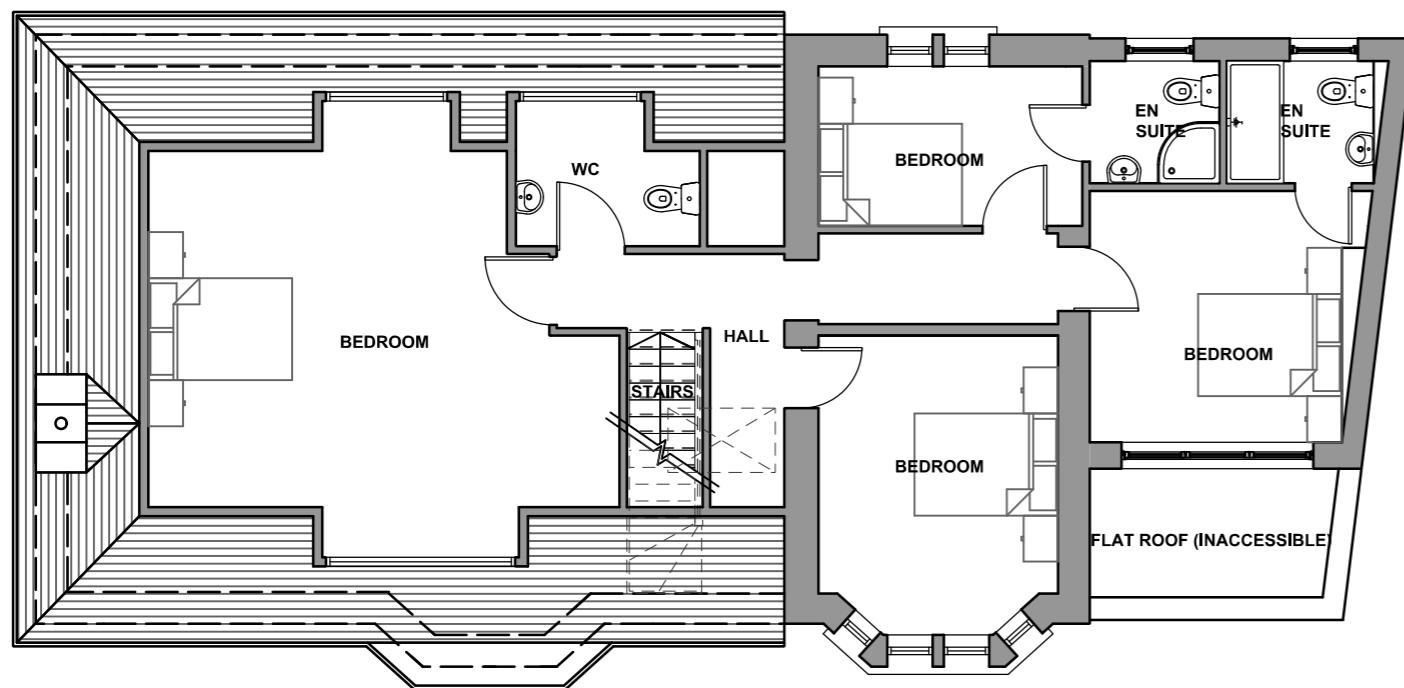




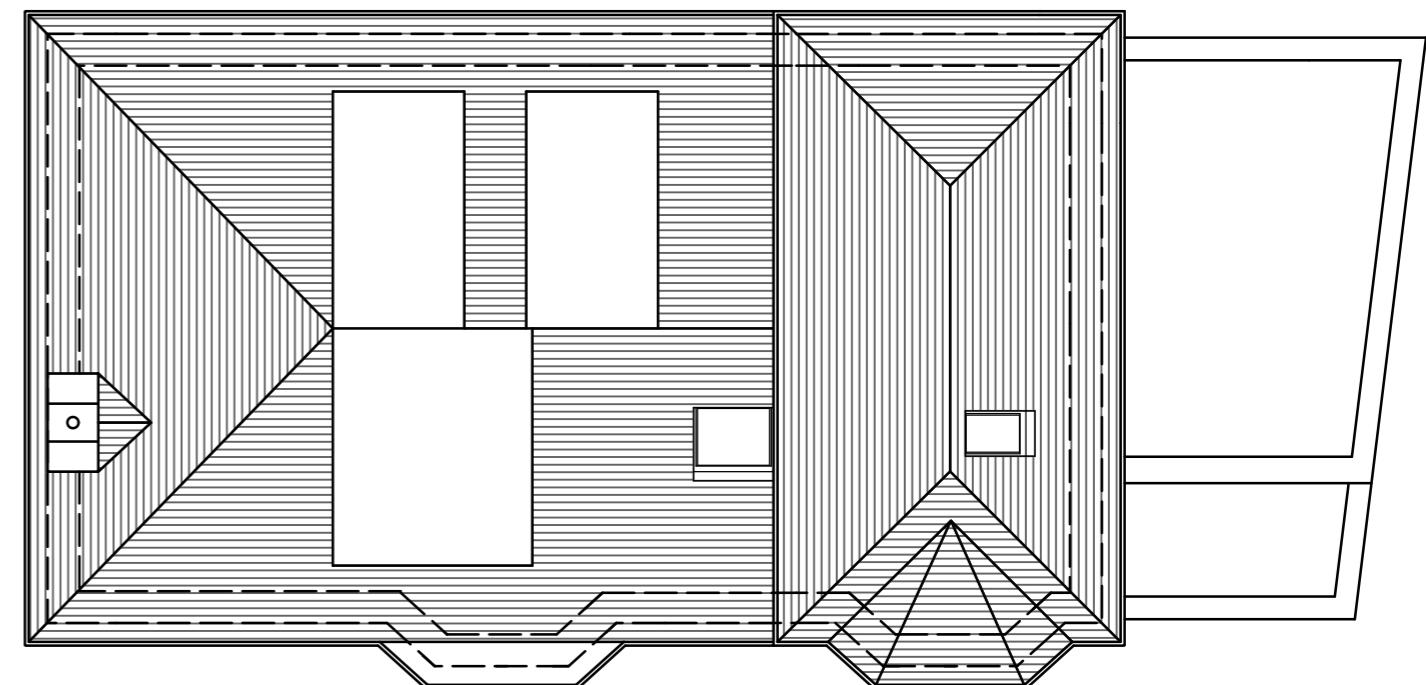
Proposed Ground Floor Plan



Proposed Lower Ground Floor Plan



Proposed First Floor Plan



Proposed Roof Plan

**CLIENT** Mr R Hay  
**PROJECT** Proposed Extension to House at 30 Belmont Gardens, Edinburgh  
**DRAWING** Proposed Plans  
**STATUS** PLANNING

DRAWN AM DATE JAN 19 DRG NO 1027-PLA-03 JOB 1027 REV A SCALE 1:100 @ A3  
 Do not scale from this drawing

No. 1  
 29 Jamaica Mews  
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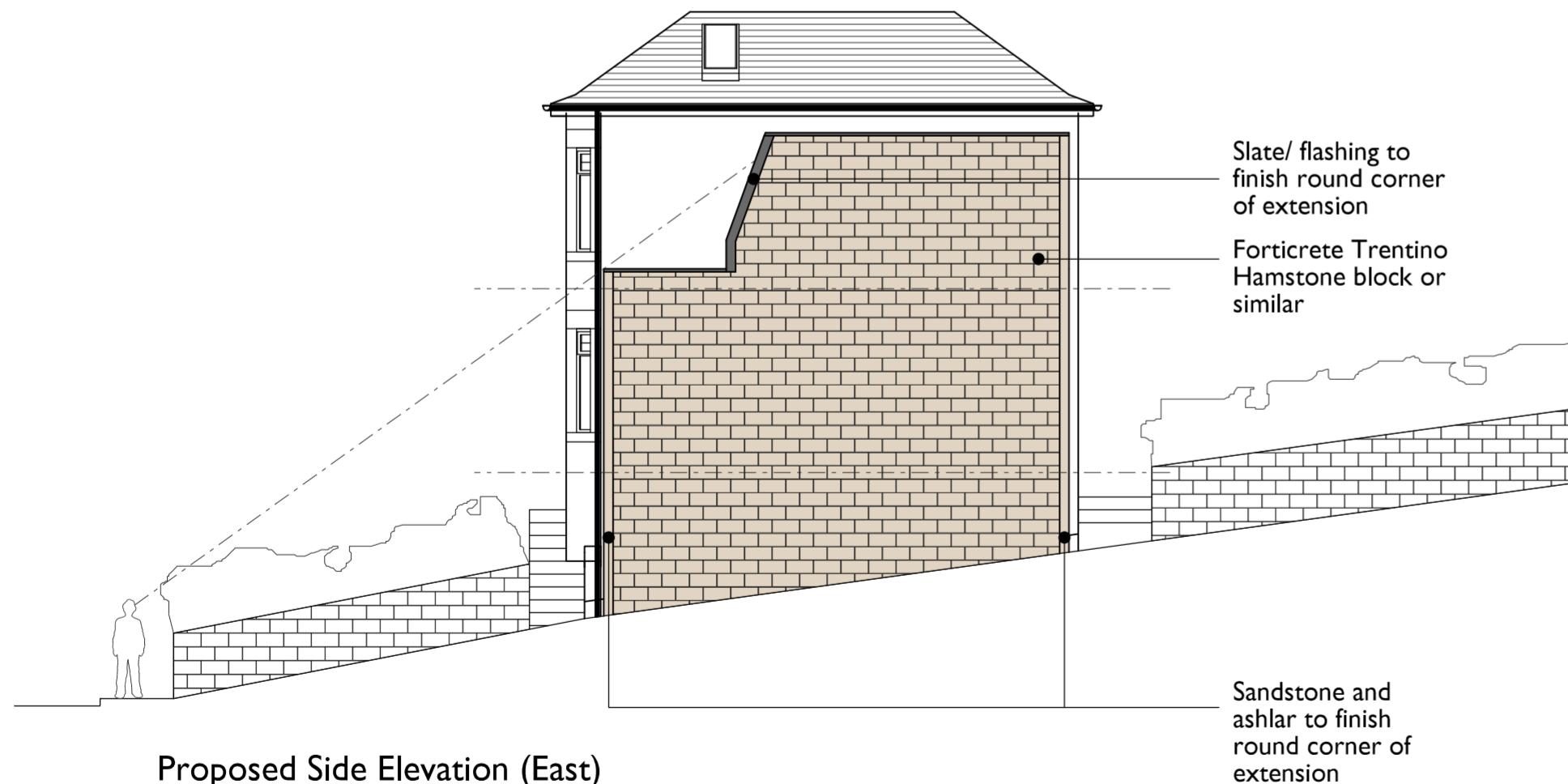
NOTE: Although the proposed additional storey can take on the look of being large in the elevation drawings, this is simply due to the elevations being a true vertical 2D view. Please see images within supporting statement for true reflection of proposals to front as viewed normally.



Proposed Front Elevation (South)



Proposed Rear Elevation (North)



Proposed Side Elevation (East)

Rev A	AM	22/1/20	Additional storey length reduced by 200mm, front elevation now angled with balcony to front removed and Velux windows proposed to angle
Rev	Drawn	Date	

CLIENT	Mr R Hay		
PROJECT	Proposed Extension to House at 30 Belmont Gardens, Edinburgh		
DRAWING	Proposed Elevations		
STATUS	PLANNING		
DRAWN	AM	DATE	JAN 19
		DRG NO	1027-PLA-04
		JOB	1027
		REV	A
		SCALE	1:100 @ A2 Do not scale from this drawing

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