

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

10.00am, Wednesday 5 August 2020

Present: Councillors Booth, Child, Osler and Rose.

1. Appointment of Convener

Councillor Child was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 27 May 2020 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 30 Belmont Gardens, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the 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. Application no 20/00546/FUL.

Assessment

At the meeting on 5 August 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01, 02, 03, Scheme 1, being the drawings shown under the application reference number 20/00546/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding the examples provided by the appellant of other developments with set back upper storeys

which had been approved. The LRB decided to accept the new information and considered this as part of their deliberations.

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

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- Clarification was sought on which part of the Guidance for Householders was being breached by the proposal. The Planning Adviser advised that the Report of Handling referred to the extension being visually prominent and not being subservient to the existing property.
- Whether further visualisation could be given to the mock-ups provided which demonstrated the property with and without the proposed extension. The only visuals available were those provided in the meeting papers.
- Doubt was expressed that the proposal would not be subservient to the property or that it would have a significant visual impact.
- That the photograph provided by the appellant was taken from the edge of the pavement which did not give the same perspective as the officer presentation.
- That there was some confusion regarding the photograph and the drawing provided which appeared to depict differences in how set back the proposal would be.
- Whether the balcony area had been removed and confirmation that there had been plans for a terrace with glass balustrade in a previous application which had been removed from this application.
- That the grounds for refusal were not sufficient to uphold the decision by the Chief Planning Officer.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to LDP Policies Des 12 or the Guidance for Householders as it would not result in a sufficiently dominant or incongruous addition.

Decision

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

The following informatives:

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

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

5. Request for Review – 3 Fingal Place, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission to convert the existing roof to create a decking area with a sun room attached at 3 Fingal Place, Edinburgh. Application no 20/00099/FUL.

Assessment

At the meeting 5 August 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-03, Scheme 1, being the drawings shown under the application reference number 20/00099/FUL on the Council's Planning and Building Standards Online Services.

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

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

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

Edinburgh Local Development Plan Policy ENV 4 (Listed Buildings - Alterations and Extensions)

Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.

'Guidance for Householders'

'Listed Buildings and Conservation Areas'

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

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

- Further information was requested on the appeal which had been submitted to the Scottish Government through the DPEA. The Planning Adviser confirmed that the corresponding Listed Building application had been appealed to the DPEA, and that this appeal was still in progress.
- Whether there would be a uniformity of the roofline across the terrace. It was confirmed that the roofline would not be consistent as the proposal would partially raise the rear roofline of the application site.
- Further information was requested on the materials that would be used if the roofline was altered. Although there were no materials listed on the drawing itself, it was assumed that slate would be used to match the existing roof.
- It was confirmed that the category listing for the listed building was Category B.
- Confirmation of the orientation of the proposal was requested which was demonstrated by the Planning Adviser using the drawings.
- Whether there would be a loss of privacy into neighbouring gardens to the rear as the parapet appeared to be below head height. The report of handling determined that there would not be any loss of privacy but it was felt that there were grounds for concern, as had been raised by the objector. The open decking area at the rear did have a lower wall which could potentially provide visibility from above.
- Whether there was no Environmental Assessment due to the application being refused and confirmation that this was the case. The report of handling determined there would be no issue for residential amenity in this regard.
- Further information was sought on whether it would only be the sun room section of the roof which would be extended. From the plans it appeared that the roof remained low in the decking area. The LRB would have to determine whether they felt there was an infringement on neighbouring privacy.
- Disagreement with the reasons for refusal was expressed as it was felt that the change was primarily visible from an aerial view and so would not impact the character or appearance of the listed building. It was felt that the primary issue in this case was regarding the amenity for the gardens to the rear.
- Another point of view was that the proposal was not consistent with the character of the listed building and that it would damage the historic structure, therefore the reasons for refusal should be upheld.

- However, there was sympathy for the applicant as the LRB understood the desire for outdoor space given the impact of lockdown due to Covid-19 on wellbeing.

Conclusion

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

Decision

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

Reasons for Refusal:

1. The proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as it impacted on the character and appearance of the existing listed building.
2. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposed decking and sunroom negatively impact on the character and appearance of the conservation area.

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

Dissent

In accordance with Standing Order 19.13, Councillor Rose requested that his dissent to the above decision be recorded.

6. Request for Review – 20 Regent Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for a small glass extension at ground level with spa in basement courtyard and outhouse at 20 Regent Terrace Place, Edinburgh. Application no 18/08379/FUL.

Assessment

At the meeting 5 August 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 1-6, Scheme 1, being the drawings shown under the application reference number 18/08379/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information provided by the appellant regarding examples of other developments to the rear of the properties on the street. The LRB decided to accept the new information and considered this as part of their deliberations.

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

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)
Edinburgh Local Development Plan Policy ENV 4 (Listed Buildings - Alterations and Extensions)
Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
'Listed Buildings and Conservation Areas'
'The New Town Conservation Area Character Appraisal'
'Managing Change in the Historic Environment: Extensions'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- Further information on the appeal for Listed Building Consent was requested. The Planning Adviser advised that the case officer would have written the report for both applications concurrently. The Listed Building Consent had not been determined at that point but was refused on 27 February 2020, at the same time that the application for planning consent was refused. There was no record of an appeal for Listed Building Consent. Therefore, if the application was not successful they would still require Listed Building Consent.
- Clarification was requested on the grounds for refusal which were confirmed to be on LDP Policies Env 3 and Env 4. The report of handling determined that Env 6 would not apply as the proposed extension would be to the rear of the property and was not public so would impact on the listed building rather than the conservation area.
- Confirmation was sought on whether part of the original listed building would be removed and to what extent. An original window and part of the stone work beneath it would be removed to become a door into the extension.
- It was confirmed that the category listing for the listed building was Category A.
- Whether a mixed decision would be possible in order to allow the spa at the lower level. It was felt this would not be feasible without granting the rest of the application.

- Whether the proposal would also require an alteration to the lower part of the building for the lower level spa and confirmation that the basement well would be developed and covered over to create the spa..
- Whether the rear extensions to other properties on the street would have involved adjustments to the structure of the buildings. The Planning Adviser could not confirm but felt that minor adjustments were likely. However, these extensions were added before the buildings had become listed.

Conclusion

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

Decision

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

Reasons for Refusal:

The proposal was contrary to the Local Development Plan Policy Env 4 and Env 3 and HES guidance in respect of Extensions - as the proposals did not have special regard to the desirability of preserving the building and its setting and would adversely impact on its special architectural and historic interest.

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

7. Request for Review – 8 Saughton Road North, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed change of use from Class 4 (business / light industrial) to Class 9 (private residential) with the formation of four new residential flats at 8 Saughton Road North, Edinburgh. Application no 19/05935/FUL.

Assessment

At the meeting 5 August 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-05, Scheme 1, being the drawings shown under the application reference number 19/05935/FUL on the Council's Planning and Building Standards Online Services.

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

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

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

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

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

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

Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy HOU 1 (Housing Development)

Edinburgh Local Development Plan Policy HOU 4 (Housing Density)

2) Relevant Non-Statutory Guidelines.

‘The Corstorphine Conservation Area Character Appraisal’

‘Edinburgh Design Guidance’

‘Listed Buildings and Conservation Areas’

3) The procedure used to determine the application.

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

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

- It was felt that there was a significant discrepancy between the floor plans indicated by the appellant and those indicated by the presentation and clarification was sought on this issue. The Planning Adviser advised that she had contacted the case officer for this application. The case officer explained that her calculations had removed the non-habitable areas. The Planning Adviser stated that the Edinburgh Design Guidance gives overall space standards, but does not require non-habitable spaces to be removed. However, no further clarification was possible in this instance to explain the discrepancy in sizes between the appellant’s and the case officer’s floor area calculations.
- Clarification was sought on whether the proposal was requesting a change of use within this application as this had already been granted in a previous application. It was confirmed that change of use had been granted in 2018 but had not been implemented and so the change of use was still required.
- Confirmation was sought that the application was to be assessed on its own merits independent of the previous decision. The Planning Adviser confirmed this was the case.
- It was felt that ground 3 under the reasons for refusal as outlined in the report of handling would not be appropriate given that the LRB did not have enough information to take a position on this. However, reasons 1, 2 and 4 would be applicable and there was enough information on the whole to uphold the decision by the Chief Planning Officer on these three grounds.

Conclusion

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

Decision

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

Reasons for Refusal:

1. The proposal was contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal failed to draw on the positive qualities of the area and would be damaging to the character and appearance of the surrounding area.
2. The proposal was contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as the proposed scale, form and design by virtue of being unsympathetic to the neighbouring building which it would adjoin would not have a positive impact on its surroundings.
3. The proposal was contrary to Local Development Plan Policy Env 6 in respect of the detrimental impact on the character and appearance of the conservation area by introducing an incongruous intervention in the street and to the conservation area.

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