

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

10.00am, Wednesday 3 February 2021

Present: Councillors Mary Campbell, Griffiths, Mitchell, Mowat and Frank Ross (substituting for Councillor Gordon).

1. Appointment of Convener

Councillor Mary Campbell was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 16 September 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 – 40 Corslet Road, Currie.

Details were submitted of a request for a review for the refusal of planning permission for a first-floor extension to existing one and a half storey semi-detached dwelling at 40 Corslet Road, Currie. Application No. 20/04166/FUL.

Assessment

At the meeting on 3 February 2021, 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 01-13, Scheme 1, being the drawings shown under the application reference number 20/04166/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 deliberations on the matter, considered the following:

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

Conclusion

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

- Whether there were any other similar dwellings in the vicinity.
- There seemed to be a similar property on the junction with Muirwood Road, which would be within the area.
- That on this occasion LDP Policy Des 12 had been correctly applied, although there was some sympathy with the applicant.
- Although the proposed extension might improve the appearance of the building, this was insufficient to overturn decision by the Chief Planning Officer.

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

Decision

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

Reasons for Refusal:

- 1) The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to neighbourhood amenity and the character of the property.
- 2) The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it would be detrimental to neighbourhood amenity and the character of the property.
- 3) The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact upon the character and appearance of the host property.

- 4) The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they would impact on the existing building, neighbouring amenity and the neighbourhood character.

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

5. Request for Review – 12 Earliston Place, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the change of use from shop to 2 residential units at 12 Earliston Place, Edinburgh. Application No. 20/00760/FUL.

Assessment

At the meeting on 3 February 2021, 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 1-3, Scheme 1, being the drawings shown under the application reference number 20/00760/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 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 LDP Policy Env 4 (Listed Buildings - Alterations and Extensions)
Edinburgh Local Development Plan Policy LDP Policy Hou 1 (Housing Development)
Edinburgh Local Development Plan Policy LDP Policy Hou 5 (Conversion to Housing)
- 2) Relevant Non-Statutory Guidelines.
'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.

Conclusion

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

Clarification was sought regarding the reasons for refusal and it was confirmed that the decision letter referred to two grounds for refusal; the listed building issue as well as the daylighting.

Clarification was sought regarding what was visible when looking through the westerly window on the front elevation. It was confirmed that the plans appeared to show a gap between the windows and the stairwell, the windows would probably open on to stairwell and the applicant might have “borrowed” light, from the stairwell into the lower ground floor flat. Therefore, there would probably not be an obstruction.

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 Hou 5 in respect of Conversion to Housing, as the proposed basement level was unsuitable for residential use due to limited access to daylight.
- 2) The proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed windows would adversely affect the character of the listed building.

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

6. Request for Review – 39 Hutchison Medway, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed 1 1/2 storey 3-bedroom house at 39 Hutchison Medway Edinburgh. Application No. 20/03877/FUL

Assessment

At the meeting on 3 February 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01, 02, 03, 04, 05, 06, 07, Scheme 1, being the drawings shown under the application reference number 20/03877/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 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 4 (Development Design - Impact on Setting)
Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
Edinburgh Local Development Plan Policy Hou 1 (Housing Development)
Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)
Edinburgh Local Development Plan Policy Hou 4 (Housing Density)
Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
'Edinburgh Design Guidance'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- Clarification was sought regarding the height of the proposed building in comparison with the 2-storey building next door. It was advised that as the proposed building was one and a half storey, it would sit at a lower level.
- The applicant referred to three other applications for similar properties in the area. It was advised that although the applicant had included the addresses of the properties in the area, in a contextual sense, it was necessary to consider all applications on their own merits, taking into account the surrounding area.
- The application for 62 Fords Road was approved by the Panel in October 2017, 3 Eltringham Grove was approved in August 2020 and 2 Allan Park Crescent was approved by the Development Management Sub-Committee on 25.11 2020. However, the Eltringham Grove site was quite different to this application.
- The applicant owned the adjoining property, therefore, clarification was sought as to whether moving the boundaries could provide an acceptable garden area for both properties.
- Regarding the garden ground, it was difficult to know if moving buildings would work, it was necessary to consider what was being proposed. The Panel had to base their decision on the information available.

- It was possible that the garden space could be changed, but the proposals did not comply with LRB Policy Des 4.
- Some of the properties, with which comparisons were being made, were quite a distance away. The proposals represented an unacceptable impact on open space in this context.

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 LDP policy Hou 1 as it was not a suitable site in the urban area for a new house.
- 2) The proposal was contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the position of the building on this side garden had an unacceptable impact on the spatial character and density of the area.
- 3) The proposal was contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form, position and spacing of the building was an incongruous addition in its surroundings that would have an unacceptable impact on the established character of the townscape.
- 4) The proposal was contrary to Edinburgh Local Development Plan Policy Des 5 as an insufficient amount of garden space would be provided for the amenity of 39 Hutchison Medway, which would unacceptably compromise the living conditions for occupiers of this existing property on the application site.

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

7. Request for Review – 59 North Gyle Loan, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed 1 1/2 storey extension to the side, new dormers to 1st floor, single storey flat roof extension to the rear and re-tile existing roof in dark grey to match extension at 59 North Gyle Loan Edinburgh. Application No. 20/04212/FUL

Assessment

At the meeting on 3 February 2021, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01, 02, 03, 04, 05, 06, Scheme 1, being the drawings shown under the application reference number 20/04212/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 deliberations on the matter, considered the following:

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

Conclusion

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

- There was large hedge, encompassing the back garden and might conceal the rear part of the extension, but not the side part of the extension.
- This seemed to be a hedge along the rear boundary, but there was a solid line on the plans indicating a proposed 1.8m timber fence.
- Clarification was sought on whether the proposed 1.8 m boundary fence encompassed the entire property.
- It was confirmed that at the rear of the property, there would be 1.8 m high timber fence, reducing in height towards the front. The existing hedge was proposed to be removed.
- One of the reasons for refusal was that the proposed scale was discordant with the street. However, the north side of North Gyle Loan was composed of flats. It was necessary to determine the context of the street, as there seems to be mixture of types of properties in the surrounding area.
- The officer was referring to North Gyle Loan as the context of the street.
- Apparently, the proposals were harmful to character of the area, but this area was of a diverse nature and it was not obvious how its character was being disrupted.
- The proposals had no impact on the neighbours and there was sympathy for a resident wanting to increase the size of the property and to make the best use for their house for their family.

- The only concern was about the back of the building and it might be necessary to impose a condition to retain the hedge.
- According to permitted development rights, the fence could only be 1.0 m in height adjacent to a road, and should the applicant want a higher fence, an application for planning permission would be required. A condition to retain the existing hedge could be added.
- The appeal should be refused as the proposed extension would be very dominant and would represent a large increase in scale.

Having taken all the above matters into consideration, although one of the members thought the appeal should be refused, the LRB determined that the proposals were not contrary to Local Development Policy Des 12 (Alterations and Extensions) and the non-statutory guidelines on Guidance for Householders. The proposal in scale, form and position was not a particularly dominant addition, harmful to its character and appearance, additionally, the proposed scale was not discordant in the context of the street or harmful to the existing neighbourhood character.

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

Decision

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

Conditions:

The proposed new 1.8m boundary fence with gate for rear garden access, identified as item 6 on drawing number 04 (your ref 2040-(PL)03), was not approved. The existing boundary hedge shown on drawing 02 (your ref 2040-(PL)01) should be retained.

Reasons:

In the interests of visual amenity for the area.

Informatives:

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

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

Dissent

Councillor Mary Campbell requested that her dissent be recorded in respect of the above item.

8. Request for Review – 1 Sighthill Avenue, Edinburgh

Details were submitted of a request for a review submitted on behalf of Mr Chaudry for the refusal of planning permission for attic conversion incorporating dormer windows to front and side of property at 1 Sighthill Avenue Edinburgh, which was dealt with by the Chief Planning Officer under delegated powers. Application No. 20/03600/FUL

Assessment

At the meeting on 3 February 2021, 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 numbers 01, 02, 03, 04, 05, 06, 07, Scheme 1, being the drawings shown under the application reference number 20/03600/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 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.

Conclusions

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

- Clarification was sought regarding a statement in the Report of Handling. The report also referred to the non-statutory Guidance for Householders, which was the primary document against which the proposals should be assessed, and it was clear that the statement referred to was a typing error.

- The applicant would have referred to the correct guidance and the non statutory guidance was very clear, the proposed side dormer was contrary to non statutory guidance.
- Clarification was sought as to whether the property's outlook over a dual carriageway would have an impact on how the panel considered the appeal.
- The main consideration was that a proposal was subservient to the building and the impact it had on the building, not the outlook of the property.
- Whether there had been discussions between the planners and applicant about only one of the dormers being problematical.
- The proposed attic conversion represented not a subtle intervention, but quite substantial alterations with a large amount of building activity on the top of the building.
- There were four properties in the block, therefore, permitted development rights did not apply and the proposed works would impact on neighbours and the block as a whole.
- The proposed front dormer was acceptable, but the scale, form and position of the side dormer was unacceptable.

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 scale, form and position of the side dormer failed to respect the established form of the existing property harmful to its character and appearance. It was an incompatible and incongruous addition on the street scene detrimental to the existing neighbourhood character. The proposal was therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance.

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

9. Request for Review – 20 Wester Coates Gardens

Details were submitted of a request for a review for the refusal of planning permission for alterations with conversion of attic and associated roof windows and dormer balcony at 20 Wester Coates Gardens. Application No. 20/04417/FUL

Assessment

At the meeting on 3 February 2021, 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 numbers 01 - 17, Scheme 1, being the drawings shown under the application reference number 20/04417/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 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 12 (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.

Conclusion

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

- The property was in a conservation area, but not listed, therefore no listed building consent was required. The proposed dormer roof terrace was not so much a terrace as a large balcony.
- Regarding the privacy aspect, the other buildings seemed to be at some distance away, such as the property on Wester Coates Gardens which was 45 metres away.
- Whether privacy would be and an issue, especially when the trees were in full bloom.

- The distance was 11.5 metres from the balcony to the boundary, the property looked on to woodland, not other buildings, therefore, there were no major privacy issues.
- Clarification was sought as to whether the property immediately to the south, 19 Wester Coates Gardens, which was a multi- storey building with a significant roof terrace, was in the conservation area. It was confirmed that it was in the Conservation Area.
- The modern adjacent building in question had a wrap round balcony area, which was probably higher than the property being considered.
- The adjacent building also had considerable alterations and was located in a conservation area, and this should be taken into account when considering the character of the conservation area.
- The impact of the proposed works on the conservation area would be minimal, the small balcony would be screened, there would not be a privacy issue and it would not be detrimental to the character of the conservation area.
- The issue in question was about the quality of design for the area, rather than particular style of design. There has been large properties in the vicinity, which had been sub-divided.
- This was well-designed, was of sufficient quality of design and was not detrimental to the wider area. The only reservation was the use of glass for the balustrade.
- There were some concerns about compliance with non-statutory guidance, in relation to Listed Buildings and Conservation Areas, however, this was not a listed building, was only a small part of a conservation area and was on the corner of the street.

Having taken all the above matters into consideration, the LRB determined that the proposals were not contrary to the Local Development Plan Policies:

- 1) Des 12 in respect of Alterations and Extensions, as the proposal was compatible with the character of the property or the surrounding area.
- 2) Env 6 in respect of Conservation Areas - Development, as it could not be stated that the proposal failed to preserve or enhance the special character of the conservation area.

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

Decision

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

Informatives:

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

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