

Miss Peachey
239 Colinton Mains Drive
Edinburgh
EH13 9AY

Decision date: 8 January 2021

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

Move the existing wooden shed from back garden to front garden. Erect a wooden log cabin in the back garden.

At 239 Colinton Mains Drive Edinburgh EH13 9AY

Application No: 20/04909/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 10 November 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 proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have an adverse impact on the character of the property and the neighbouring area.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it is not compatible with the character of the existing building.

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

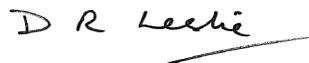
Drawings 01-08, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders. It is not compatible with the existing building and the character of the area. There are no material considerations which outweigh this conclusion.

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 Weronika Myslowiecka directly at veronika.myslowiecka@edinburgh.gov.uk.



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 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.

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.

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Report of Handling

Application for Planning Permission
239 Colinton Mains Drive, Edinburgh, EH13 9AY

Proposal: Move the existing wooden shed from back garden to front garden. Erect a wooden log cabin in the back garden.

Item – Local Delegated Decision
Application Number – 20/04909/FUL
Ward – B08 - Colinton/Fairmilehead

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

SECTION A – Application Background

Site Description

The application site is a ground floor flat within a four-in-a block property, located on the corner of Colinton Mains Drive and Colinton Mains Terrace.

Description Of The Proposal

The application is proposing to relocate garden shed from the back to the front garden. Also, the application is proposing to erect a garden log cabin in the back garden.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 18 November 2020

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

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?

Assessment

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

- a) the proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) any impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

a) Scale, form, design and neighbourhood character

Policy Des 12 of the Local Development Plan states that planning permission will only be granted for alteration and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building; and will not be to the detriment of neighbourhood character. Furthermore, Non-statutory 'Guidance for Householders' states that extensions that project beyond the principal elevation line are not allowed unless this fits in with the local character of the street.

In addition, corner plots are particularly important to the streetscape and the area as a whole. The Guidance states that 'where they contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground'.

In this instance, the proposed shed will be projecting beyond the principal elevation and it is located on the corner plot on the main road resulting in the shed being a prominent structure in the public view.

An inspection of the surrounding area revealed that whilst there are other sheds and structures fronting the road, these tend to be in side gardens or of a much smaller size.

The proposed shed is larger in scale and it is located on a corner plot of a main road, so it is visually more prominent than other gardens in the area. Whilst the development will be positioned behind the existing hedge, the proposal will be still visible from the public realm. The proposal, by virtue of its positioning and height represents an incongruous addition to the garden ground that will be to the detriment of the appearance and character of the locality and is therefore contrary to Policy Des 12 and Non-Statutory 'Guidance for Householders'.

With regards to the proposed log cabin, this will be located in the south side of the rear curtilage. It is of a design that will replace an existing shed and albeit the proposal is larger than the existing shed, it will sit comfortably within the curtilage of the host property. The proposal would leave less than 30 square meters of the useable garden space which is contrary to the non-statutory Guidance for Householders. However, the size of the front garden has been taken for consideration in assessing the wooden log cabin, therefore this minor departure from the guidance is acceptable. Overall, this element complies with the LDP Policy Des 12 and broadly with the non-statutory Guidance for Householders.

Given the unacceptability of the proposed shed in the front garden, the application is recommended for refusal.

b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

No comments were received.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have an adverse impact on the character of the property and the neighbouring area.

2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it is not compatible with the character of the existing building.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 10 November 2020

Drawing Numbers/Scheme

01-08

Scheme 1

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

Contact: Weronika Myslowiecka, Planning Officer
E-mail: veronika.myslowiecka@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

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 100349936-001

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

Applicant Details

Please enter Applicant details

Title:	Miss	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Natasha	Building Number:	239
Last Name: *	Peachey	Address 1 (Street): *	Colinton Mains Drive
Company/Organisation		Address 2:	
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH13 9AY
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:

239 COLINTON MAINS DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH13 9AY

Please identify/describe the location of the site or sites

Northing

669187

Easting

323060

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)

I would like to move my existing 8ft x 10ft wooden shed, use for storage, from my back garden to behind my hedge in my front garden. This is to allow space for me to erect a wooden log cabin at the back as I need more space to accommodate the increased paperwork and administrative duties associated with my work, due to Sars Covid 2, as well as space for hobbies.

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.

Please see Supporting Document.

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)

Appeal Statement

Application Details

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

20/04909/FUL

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

10/11/2020

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

06/01/2021

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

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: Miss Natasha Peachey

Declaration Date: 05/02/2021

Policy Des 12 Alterations and Extensions Planning permission will be granted for alterations and extensions to existing buildings which: a) in their design and form, choice of materials and positioning are compatible with the character of the existing building b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties c) will not be detrimental to neighbourhood amenity and character 168 Every change to a building, street or space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

Appeal Statement

I will respond to the Report of Handling document 4829264 in the order in which it is written, which are the reasons given for the refusal.

Section B – Assessment

Policy Des 12 of the Local Development Plan seems to relate to *the ‘alteration and extensions to existing buildings’* – I am neither altering nor extending the physical existing building of my property. It does not seem to mention anything about outbuildings buildings, which is the classification of a shed according to the Council documents: Guidance for Householders February 2019 Page 15:

<https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/06/city-edinburgh-council-planning-authority-core-documents/documents/guidance-for-householders/guidance-for-householders/govscot%3Adocument/Householder%2BGuidance.pdf>

If your wording of *‘alterations and extensions’* is meant to cover this, it is not clear, I believe, and open to interpretation when you are dealing with a shed, which for most properties (but not flats) is *‘permitted development’*.

Also a shed is not a fixed feature of the property and can easily be removed by a future householder or should the council ever insist on a general shed clearance in this area or more widely in Edinburgh.

Point a)

- i) *‘... not to be detrimental to neighbourhood character’* – if you feel that a simple wooden shed has a detrimental impact on my local neighbourhood character then please can you clarify as to why there is an abundance of them in the front, back and side gardens of the majority of nearby properties?
- ii) Corner plot – *‘where they contribute to the character of the area, their openness will be protected by resisting any significant intrusion of corner ground’* – as my corner plot of land is bordered on two sides by a hedge at 1750mm high, no one is able to currently see said plot ad all that would be visible of the proposed shed, which will only take up 12% of what is a large plot, is the upper part of the roof. Therefore I do not see how a shed, almost completely hidden behind the hedge is going to impact on the *‘openness’* of my corner plot. Of note when I purchased the property in 2006 the hedge was 18-24 inches wider and taking up half the width of the pavement. Appreciating the impact this was having on the locals one of my first jobs was to cut it back to the boundary line, exposing the full width of the pavement, and removing 40+ bags of rubbish.

- iii) *'... resulting in the shed being a prominent structure in the public view'* – I would appreciate clarification on how the proposed shed can be classified as a prominent structure, given the only visible part of it is part of the roof. You have undertaken a neighbour notification and of the 37 people asked no one expressed an objection to the proposal, which seems to suggest that it is the council's perception that it will be detrimental as opposed to the people actually living in the area.

In addition to all the pictures of sheds already sent, also of note is a row of 7 identical sheds situated at the east end of Redford Road – the rooves of which are visible from behind the perimeter fence, exactly as the roof of my proposed shed would be. I appreciate that these are in the back gardens of the properties, but they face the main road which is one of the reason being given for the refusal of my application.



- iv) *Positioning / Size / Visibility* – I note you have general 'guidance' - *buildings [not sheds] in front gardens will not USUSALLY be acceptable because of the damaging impact on the appearance*

of the street and surrounding area - again from page 15 from the above document. However, this is not categoric (like a conservation area). Therefore considering the fact that there are so many sheds of all sizes in front gardens and in front of the principal elevation of a building within my area (and I am sure many other areas of Edinburgh), it seems that the council have 'permitted these structures. 'Permitted' by default as most people in flatted properties have no idea that planning is required even for the simplest of shed and therefore erect them without seeking permission from the council. I was told that the council 'cannot set a precedent' by granting me planning permission for my legal application, but they have, by default, set a precedent by allowing all of these other sheds, which I do not believe have the requisite permission from the council, to remain in situ. I understand the council generally respond to public complaints about structures / fences / trees which are affecting a person's enjoyment of their property, so as the council have not intervened with all the existing sheds it would suggest that no complaints have been made. Therefore I would like clarification as to why the council has this rule about sheds in front gardens in place if they are only choosing to uphold it when a person takes the time to apply through the proper channels.

I feel it is both unfair and unjust to pin the appearance and character of a whole area (in this case Colinton Mains) on my one shed roof, which would be visible from behind a hedge, and yet this is what your document suggests. An area is more than just my property and the main road, and if sheds are so out of keeping with the appearance and character of this area, full of flatted properties, why are there so many sheds (potentially without the correct planning permission) everywhere?

Point b)

If I have understood this correctly you have agreed '...there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight' caused by my proposed shed, so on this point it complies with maintaining the neighbouring amenity.

Point c)

No impact was identified in terms of equalities and human rights. However, I would say that I feel adversely discriminated against in that by going down the legal and proper channels I am being refused the right to something that other properties have gained without going through this process.

Point d)

No public comments were received because everyone approached is happy with sheds in the locality.

SECTION C – CONDITIONS / REASONS / INFORMATIVES

To summarise:

- 1) It is a shed, not an extension, a temporary not a permanent structure.
- 2) If my one proposed wooden shed would have such an adverse impact on the character of the property and the neighbouring area:
 - a) why are there hundreds of sheds already in people's front, side and back gardens (most of which I assume have received no planning permission)?

- b) why have none of the 37 neighbours approached objected or feel that this shed is going to diminish their amenity or interrupt their quality of life?
- c) why is my corner plot considered so 'key' to the area when it is hidden behind a hedge?

If one of the sticking point is seeing the shed roof from the street, then I can grow my hedge a little higher to reduce this issue. I maintain my hedge and have it regularly cut so to maintain the aesthetics of neighbourhood.

- 3) 'Not compatible with the character of the existing building' – it is a wooden shed, exactly the same as hundreds if not thousands of people have, so this statement suggests, like I have already said, that if it is not compatible with my property then it is not compatible with most of the properties in the area, if not in Edinburgh as a whole.

MATERIAL CONSIDERATIONS

It states in the letter of refusal that *'there are no material considerations which outweigh this conclusion'*. However I believe the following is pertinent to the application:

The COVID-19 global pandemic which has changed everyone's lives, especially in respect of working from home and the need for more space to 'breathe'. I am unable move to another property at this time to gain the additional space I need, but this option of erecting a log cabin at the back and moving my garden shed seemed to be a simple and affordable solution to overcoming the lack of space for work and living. As I mentioned using an iron board as a desk is not conducive to good productivity, nor is feeling confined and surrounded by work good for mental health.

Proposal Details

Proposal Name	100349936
Proposal Description	Appeal to the planning decision regarding the erection of a shed in front garden.
Address	239 COLINTON MAINS DRIVE, EDINBURGH, EH13 9AY
Local Authority	City of Edinburgh Council
Application Online Reference	100349936-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Final Appeal Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0