

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

10.00am, Wednesday 25 February 2021

Present: Councillors Booth, Child, Osler, Rose and Ethan Young.

1. Appointment of Convener

Councillor Ethan Young was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 20 January 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 – 23 Minto Street Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the extension to first floor above existing extension to create additional family bedrooms with shower rooms at 23 Minto Street Edinburgh. Application no. 20/01975/FUL

Assessment

At the meeting on 25 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 - 07, Scheme 1, being the drawings shown under the application reference number 20/01975/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 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
- 3) Other Relevant policy guidance
The Blacket Conservation Area Character Appraisal
- 4) Relevant Government Guidance on Historic Environment.
The Historic Environment Policy for Scotland 2019
Managing Change in the Historic Environment: Extensions
- 5) The procedure used to determine the application.
- 6) 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 Planning Application and the Listed Building Application, and how each respective application could be considered differently during the appeal process i.e. the panel could overturn the planning application decision and grant consent, but the DPEA could still refuse the listed building application.
- The reasons for refusal for this appeal included the desirability of preserving the building or its setting and not adversely affect the special architectural and historic interest of the listed building.
- Many of the objections were in relation to residential amenity, which included overlooking and impact on neighbours, but these had been dismissed in the report of handling.
- Whether the footprint of the site included the building at the back of the property and if it was only part ownership of the property. Additionally, there were some concerns that the building might be used as a guest house.
- That the issue was not about potential use, but about the structure of the building and whether the proposed extension was acceptable. If the applicant

stated that the proposed use was for family accommodation, this had to be accepted.

- If overdevelopment was to be considered, the footprint of the entire site might affect the panel's judgement of this and if there was overdevelopment, it seemed logical to take in the extended areas.
- The applicant had ownership of the areas marked red and blue on the plans. However, the site shown in red was the site before the panel, to be considered.
- The applicant had drawn attention to a brick-built extension in one of the neighbouring properties as although this extension would use stone, the applicant was demonstrating that there were other large extensions in the vicinity in a variety of materials.
- Clarification was sought as to how the proposals were considered contrary to Edinburgh LDP Policy Env 4. It was explained that the report of handling referred to the proposed extension, obscuring a considerable amount of the rear elevation of the building and that this would impact on the integrity and setting of the building. Other extensions in the vicinity had tried to respect the setting by maintaining a single storey height. However, the new extension did not go entirely across the existing structure.
- The existing plans indicated there was a separation from the original building, and there was a courtyard element in the middle of the development. When the second floor was constructed it was pulled away from the original building. There would be a remaining gap between the original building and the proposed extension.
- Regarding key views of the original building from the west end of Mayfield Terrace, this street was immediately below this site, therefore, the view was to the left of the extension. So, the extension did not completely block the view from Mayfield Terrace to the original building.
- Householder guidance stated that for rear extensions, flat roofs were not permitted unless they were complementary, architecturally compatible, non-dominant, or alter the character of the area. However, it seemed that this extension would be dominant and inappropriate. Additionally, the previous extensions did not create a precedent.
- That the house next door had an extension, the use of stone would be an improvement and would fit in with the surrounding environs. It was not the case that there was any considerable deterioration of key views or the setting of the listed building. There already was a pitched roof extension and this extension would tie into that.
- When taking into account the improvement in accommodation, Edinburgh LDP Policy Env 4 was not particularly robust as a reason for refusal.

- There was value in improving the property, the site lines were not a significant issue and the work was mostly at the rear of the building.
- Edinburgh Design Guidance stated that overdevelopment had a negative impact on key views and on listed buildings. Some of the letters of objection were from significant local voices, including three residents' associations an amenity body and a local community council.

Having taken all the above matters into consideration, although some of the members were sympathetic to 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.

Motion

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

Reasons for Refusal:

- 1) The proposals would introduce an extension of an inappropriate size, position and design that enclosed the remaining original rear facade of the listed building with an incongruous mansard roofed extension which would adversely impact on the special architectural and historical interest of the listed building and its setting within the Blacket Conservation Area, the character or appearance of which it was desirable to preserve. The proposed works therefore failed to comply with sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as they did not preserve the special interest of the listed building or preserve or enhance the character and appearance of the conservation area.
2. The proposals were contrary to the Edinburgh Local Development Plan Policies Env 4 'Listed Buildings - Alterations and Extensions' and Env 6 'Conservation Areas - Development' as they did not have special regard to the desirability of preserving the building or its setting and adversely affected the special architectural and historic interest of the listed building. In addition, the proposals did not preserve the character and appearance of the conservation area.
 - Moved by Councillor Booth, seconded by Councillor Osler.

Amendment

To not uphold the decision by the Chief Planning Officer to grant planning permission for the reasons that:

- 1) The proposals would not introduce an extension of an inappropriate size, position and design which would adversely impact on the special architectural and historical interest of the listed building and its setting within the Blacket Conservation Area.
2. The proposals were not contrary to the Edinburgh Local Development Plan Policies Env 4 'Listed Buildings - Alterations and Extensions' and Env 6 'Conservation Areas - Development' as they had sufficient regard to the

desirability of preserving the building and its setting and did not adversely affected the special architectural and historic interest of the listed building. In addition, the proposals were not detrimental to the character and appearance of the conservation area.

- Moved by Councillor Rose, seconded by Councillor Child.

Voting

For the motion - 4 votes
For the amendment - 1 vote

(For the motion: Councillors Booth, Child, Osler and Ethan Young.)

(For the amendment: Councillor Rose.)

Decision

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

Reasons for Refusal:

- 1) The proposals would introduce an extension of an inappropriate size, position and design that enclosed the remaining original rear facade of the listed building with an incongruous mansard roofed extension which would adversely impact on the special architectural and historical interest of the listed building and its setting within the Blacket Conservation Area, the character or appearance of which it was desirable to preserve. The proposed works therefore failed to comply with sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as they did not preserve the special interest of the listed building or preserve or enhance the character and appearance of the conservation area.
2. The proposals were contrary to the Edinburgh Local Development Plan Policies Env 4 'Listed Buildings - Alterations and Extensions' and Env 6 'Conservation Areas - Development' as they did not have special regard to the desirability of preserving the building or its setting and adversely affected the special architectural and historic interest of the listed building. In addition, the proposals did not preserve the character and appearance of the conservation area.

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