

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

10.00am, Wednesday 24 March, 2021

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

1. Appointment of Convener

Councillor Rose was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 25 February 2021 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 – 2 Allan Park Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the conversion of an existing freestanding garage to a dog grooming studio (Class 2 - professional services). Replacement of existing roof structure with new inner leaf structure and finishes, and existing openings with new doors, glazing and infill at 2 Allan Park Road Edinburgh. Application No. 20/03878/FUL.

Assessment

At the meeting on 24 March 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 1-7, Scheme 1, being the drawings shown under the application reference number 20/03878/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)
Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
- 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:

- That it was difficult and unreasonable to condition the number of dogs in attendance per day. Similarly, it was difficult to condition the hours of operation as some clients might arrive late.
- Whether the size of the garage would limit the number of people that could work at the same time - the garage was subdivided, as some of the space was for storage and some for the dog grooming business.
- Regarding possible issues with increased parking, this depended on whether clients arrived by car. There had been no objections from transport but there might be a loss of amenity due to the increased activity caused by the additional pedestrian/vehicle movement.
- It was noted that the proposed structure was an improvement on the existing structure.
- To address the issue of dog barking, it was difficult to condition sound insulation, because it was not known if this would be feasible within the proposed building structure.
- Whether it was reasonable for the Panel to request this level of alterations to the premises, as the applicant had indicated that they had already put in noise insulation measures.
- Whether it would be possible for the Panel to ask the applicant to install additional insulation, to the satisfaction of Head of Planning and then to the satisfaction of Environmental Protection.

- That under Permitted Development Rights, there was the potential to build a structure in the garden without planning permission. However, this would depend on height, size, location and purpose of the structure.
- There would not be any problem if there were only three appointments per day and no significant parking issues, but in the future the business may develop and there might be more clients.
- This was reasonable application and the appellant had made a good case.
- The Panel could ask the appellant to notify the Head of Planning of proposals for sound insulation to a meet with their approval.
- It was advised that it was necessary to avoid a situation where the Panel approved the application with a condition on sound insulation, then Environmental Protection stated that, in their opinion, the proposals were unsatisfactory.
- The Panel had three options which were, to grant consent, refuse consent, or to continue consideration of the matter for Environmental Protection to comment on the application.
- Whether it was of merit to grant the application, as it was not possible to control what would happen if the business developed.
- It might be more feasible to continue the application until Environmental Protection had considered it.

Having taken all the above matters into consideration and although it was sympathetic to the proposals, the LRB was unable to make a final decision and determined to continue consideration of the matter to address concerns about sound insulation.

Decision

To continue consideration of the matter, noting that the Panel was minded to grant planning permission, subject to the approval of Environmental Protection on satisfactory levels of noise insulation.

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

5. Request for Review – 5 Bath Street Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the ground floor single storey extension and internal alterations including conversion of 2 flats into 1 house at 5 Bath Street Edinburgh. Application No. 20/02308/FUL.

Assessment

At the meeting on 24 March 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 20/02308/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)
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.
Planning Advice Note 71 on Conservation Area Management
Managing Change in the Historic Environment
The Portobello Conservation Area Character Appraisal
- 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 new information regarding the DPEA outcome of the Listed Building application appeal was accepted by the Panel.
- The DPEA decision on the listed building application, had an influence on the decision before the Panel.
- Clarification was sought on the guidance that stated that the additional extension should not be more than 50% of the rear of the property. It was confirmed that this was contained in the Guidance on Listed Buildings and Conservation Areas.
- The DPEA had made a clear judgement on the listed building consent.
- One of the neighbours had said that the proposed alteration was an improvement.

Having taken all the above matters into consideration, the LRB determined that:

1. The proposals were not contrary to Edinburgh Local Development Plan Policies:
 - (a) Env 4 as they would not result in the diminution of the special interest of the listed building.
 - (b) Env 6 as they would not have an adverse effect on the character of the conservation area.
2. The DPEA had allowed an appeal against the non-determination of the corresponding application for listed building consent (reference 20/02309/LBC).

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)

Declaration of Interest

Councillor Child declared a non-financial interest in the above item, as she knew some of the parties involved.

6. Request for Review – 2F3, 134 Brunton Gardens, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission to replace the existing timber windows with pvc double glazed windows at 2F3 134 Brunton Gardens, Edinburgh. Application No. 20/04652/FUL.

Assessment

At the meeting on 24 March 2021, the LRB had been provided with copies of the notice 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 20/04652/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 6 (Conservation Areas - Development)
- 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 new information provided by the applicant.
- There had been similar works on some neighbouring properties, but precedent could not be used to justify granting consent.
- Each application should be taken on its own merits, taking into account aspects such as locality, or it being a listed building or in a conservation area.
- Whether the UPVC double glazed windows highlighted in the photographs provided by the applicant were actually made of that material.
- It was only possible to consider the information provided by the applicant, and it could not be categorically confirmed that the images showed UPVC windows. It was also unknown as to whether the work might have even been carried out before the current policies were in place, or if they had consent.
- It was possible to certify that some of the neighbouring properties had UPVC windows.
- There was sympathy with residents wanting to increase their energy efficiency, but there were alternatives to UPVC windows and grant funding might be

available for this from other organisations. The windows were visible from the street and the policy should be applied.

- There were policies in place and the Panel should not allow an unsatisfactory situation to be exacerbated. There were alternatives to UPVC windows and the applicant should use wood framed windows.
- There was sympathy for residents wanting to heat their home and save money, but the LDP policy on this should be upheld.
- Although it might be an imperfect policy and UPVC windows had been granted in the past, the panel should uphold the LDP policy in relation to this case.

Having taken all the above matters into consideration, although there was some sympathy for the applicant, 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 proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposed windows did not match the originals in terms of appearance, materials and opening method.
2. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals would be detrimental to the character and appearance of the conservation area.

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

7. Request for Review – 239 Colinton Mains Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission to 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. Application No. 20/04909/FUL.

Assessment

At the meeting on 24 March 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 01-08, Scheme 1, being the drawings shown under the application reference number 20/04909/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:

Clarification was sought on the size of the log cabin and the proposed position of the shed. It was advised that the log cabin would be larger than the shed. It was also advised that there were currently no structures located in the front garden, but there was a shed in the back garden. The shed was being relocated to the front garden and the new log cabin was being constructed in the rear garden.

- Whether LDP Policy Des 12 applied to this application.
- In this case, Des 12 was somewhat tenuous as a reason for refusal, given that it related primarily to the alteration and extension of existing buildings.
- The shed was only 2.45 m high to the ridge line, however, the existing hedge was 1.75 m high, therefore it would only be slightly above the level of the hedge. Additionally, the Scottish Government was bringing in new regulations for Permitted Development Rights on 1st April, what were the specifications for that in relation to size of structures.
- It was not known what the exact specifications of the new regulations would be. Also, the new regulations were not applicable until 1st April and these would take into consideration a range of issues.
- That it was difficult to ascertain the length and width of the shed.
- The development in the back garden was considered acceptable by the case officer, and the primary issue was the relocation of the shed to the front garden.
- Clarification was sought as to why the refusal was for the entire application and was it not possible to have a mixed decision? And was there any space in the back garden for both the shed and the log cabin?

- It was advised that there was unlikely to be sufficient space in the rear garden for both the shed and the log cabin and, if both structures were to be built in the rear garden, the proximity to existing windows in the flat might impact on daylighting.
- Was it possible for the shed to be located somewhere else?
- The Panel were advised that they had to consider what was presented in the application.
- The hedge meant that only the top of the structure was visible.
- That the shed was not particularly visible now, but to relocate it might make it so.
- The building was located on the corner of the street and these sites were quite significant, the shed would be visible above the hedge and that part of the application should be refused.
- The shed was barely visible above the hedge in its existing location and it was not the case that it would dominate the front garden or was detrimental to the character of the wider area.
- There had been no objections from neighbours and LDP Policy Des 12 did not apply.

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

1. Edinburgh Local Development Plan Policy Des 12 as the proposals would not have an adverse impact on the character of the property and the neighbouring area or contravene amenity.
2. Development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the proposals were compatible with the character of the existing building and not detrimental to the 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)

8. Request for Review – 18 Craigleith Hill Green, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed extension to existing dwelling to enlarge kitchen/dining/ lounge and utility room, enlarge master bedroom and en-suite. Extend flat roof and form new pitched roof to rear. Remove existing chimney stacks and pitched roof over front section of property and create new pitched/flat roof over incorporating 2 no. additional bedrooms and shower room at 18 Craigleith Hill Green, Edinburgh. Application No. 20/04094/FUL

Assessment

At the meeting on 24 March 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 01-04, Scheme 1, being the drawings shown under the application reference number 20/04094/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)
- 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:

- The case officer had indicated there was already a large extension to the rear which projected out into the large rear garden. The proposed extension to the rear was acceptable, however, the roof extension was contrary to the non-statutory Guidance for Householders.
- The three reasons for refusal related to the same issue.
- That the panel should allow the re-fashioning of the accommodation. It was difficult to make the case that the roof was out of character as there were other roof forms with dormers in the area of a similar type.
- That the sloping of the hipped roof was different to a pitched roof, which had the full gable end and the roof only sloped from front to back.
- The hipped roof character of the building should be respected.
- The property next to the property in question did not have a hipped roof, therefore this issue was not of major consideration.
- Members understood the desire to improve the property for family living and given the variety of roof forms in the area, the proposals were considered acceptable.

Having taken all the above matters into consideration and although one of the members was in disagreement, the LRB determined that:

1. The proposals were not contrary to the Edinburgh Local Development Plan Policy Des 1, as the design drew upon the established character of the area, which has a variety of roof forms.
2. The proposals were not contrary to Edinburgh Local Development Plan policy Des 12 on extensions and alterations as they would not have a significant impact on the roofscape of the property and the streetscape of wider 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 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 Booth requested that his dissent be recorded in respect of the above item.

9. Request for Review – 12 Firhill Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the change of use of open land east side of 12 Firhill drive to private garden; Extend the wooden boundary fence and erect a summerhouse/garden shed at land adjacent to 12 Firhill Drive, Edinburgh. Application No. 20/04021/FUL.

Assessment

At the meeting on 24 March 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 1-5, Scheme 1, being the drawings shown under the application reference number 20/04021/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)
Edinburgh Local Development Plan Policy Env 18 (Open Space Protection)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Householders
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 required on the additional information supplied as was this not provided by the applicant in the original submission.
- The additional photographs supplied by the applicant were not submitted with the original submission.
- About 60% the triangular piece of open space being considered had been sold.
- The family would get better living conditions and more open space.
- The amenity ground was not really usable space for the public and the extension of garden ground for the householder would improve biodiversity and did not obstruct people walking in the wider area.
- Whether a site notice had been posted as there were had been no objections from neighbours.
- There would be no posting of site notices in this case, as according to planning regulations, this was not necessary as the proposals were not significantly contrary to the Local Development Plan. In addition, due to Coronavirus, legislation had been amended to temporarily suspend the posting of site notices.
- There was a two-year consultation period, but this might be related to the sale of the land.
- Regarding the process of selling Council land, the consultation might be between the Council and the applicant.
- LBP Policy Env 18 was important, however, it was difficult to justify that there was negative impact on amenity. Additionally, there could be benefit for the householder and good use of space (for the applicant).

Having taken all the above matters into consideration, the LRB determined that:

1. The proposals were not contrary to the Edinburgh Local Development Plan Policy Env 18 in respect of Open Space Protection, as they would not have a significant adverse impact on the quality and character of the local environment.
2. There were no objections from neighbours, public land was in close proximity, the proposals would improve the area and only a very small portion of open space would become private garden ground.

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' has 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).