

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

10.00am, Wednesday 11 August 2021

Present: Councillors Cameron, Gordon, Mitchell Rose and Staniforth.

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 26 May 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 – 4 (2F4) Coates Gardens, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for the change of use of 4 (2F4) Coates Gardens for hotel use in association with the use of the remaining parts of No. 2 / 8 Coates Gardens as a hotel. Application No. 21/00934/FUL.

Assessment

At the meeting on 11 August 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 the Transport Consultation Response.

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 being the drawings shown under the application reference number 21/00934/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 5 (Development Design - Amenity)
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy Del 1 (Developer Contributions and Infrastructure Delivery)
Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
Edinburgh Local Development Plan Policy Emp 10 (Principle of the Change of Use Hotel developments within the Urban Area but outwith the City Centre)
Edinburgh Local Development Plan Policy Hou 7 (Impact on Neighbourhood Amenity and Character)
- 2) Relevant Non-Statutory Guidelines.
- 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:

- This was a straightforward application.
- In considering the request from Transport for the provision of 2 covered and secure cycle parking stands for the proposed additional rooms, it might be difficult to accommodate these given that there was no access to the rear of the hotel other than through the hotel itself.
- Was there scope for the basement to be used for the cycle racks and should this be a condition or an informative?
- There were a set of steps and a traditional Georgian basement light well to the terrace. There might be some scope for cycle storage, however, these were listed buildings and there might be a need for more information.
- There should be an informative included as a minimal requirement.

- It might be necessary to approve the application without the condition recommended by the transport division, because of the difficulty of installing the cycle racks through the back of the building.
- That the Panel was content that the proposal complied with LDP Policies Emp 10, as the principle of hotel use was acceptable and the site had good public transport access, that developer contributions did not apply as the proposed number of bedrooms was below the threshold in compliance with Del 1 and there was no negative impact on the listed building or on neighbourhood amenity in compliance with Env 4 & 6 and Hou 7.

Having taken all the above matters into consideration, the LRB decided to agree to the appeal against non-determination and to grant the application subject to an informative requesting that the applicant provide 2 cycle parking stands for the proposed additional rooms, in a secure and undercover location.

Decision

To agree to the appeal against non-determination and to grant planning permission.

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.
- (d) The applicant to consider providing 2 cycle parking stands for the proposed additional rooms, in a secure and undercover location.

Reasons

- a) The proposal complied with LDP policy Emp 10 - Principle of the Change of Use Hotel developments within the Urban Area but outwith the City Centre – as the additional hotel bedrooms were in a suitable location that benefits from good public transport access.
- b) The proposal complied with LDP policy Del 1 - Developer Contributions and Infrastructure Delivery - as the proposed number of bedrooms was below the contributions threshold.
- c) The proposals complied with LDP policies Env 4 & Env 6 - Impact on the Listed Building and Conservation Area – as the change of use would have no material impact on the character and appearance of the conservation area and the integrity of the listed building.

- d) The proposal complied with LDP policy Hou 7 - Impact on Neighbourhood Amenity and Character – as the character of Coates Gardens was mixed and hotels and guest houses sat alongside residential developments. The change of use was compatible with character of the street and it would not have an adverse effect on neighbourhood amenity given that the proposed additional rooms were contained within the envelope of the existing hotel.

(References – Decision Notice, Report of Handling, Notice of Review and Transport Consultation Response. submitted)

5. Request for Review – 4-8 Coates Garden, Edinburgh

Details were submitted of a request for a review for proposed lower ground floor extension to hotel at No's 6 and 8, felling of trees and associated works including screening to services at 4 - 8 Coates Gardens, Edinburgh. Application No. 21/00935/FUL.

Assessment

At the meeting on 11 August 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 the Transport Consultation Response.

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 being the drawings shown under the application reference number 21/00935/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 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
 - Edinburgh Local Development Plan Policy Del 1 (Developer Contributions and Infrastructure)
 - 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)

Edinburgh Local Development Plan Policy Env 12 (Trees)

- 2) Relevant Non-Statutory Guidelines.
Listed Buildings and Conservation Areas
New Town Conservation Area Character Appraisal
- 3 Historic Environment Policy for Scotland
Historic Environment Policy for Scotland Policies HEP1, HEP2 and HEP4.
- 4) The procedure used to determine the application.
- 5) 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:

- It was confirmed that none of the trees in the rear garden area were subject to Tree Preservation Orders, but as the trees were in a Conservation Area, they were afforded a degree of protection and any pruning or removal required to be notified to the council.
- The submitted tree survey report indicated that the trees were mainly self-seeded and not worthy of retention.
- There had been a number of applications for this property and there was some confusion as to why there was reference to a 2-storey extension.
- That the proposals were for a single storey extension, which was confirmed by the images displayed.
- Confirmation was sought regarding the percentage of the rear elevation that the extension would cover. It was advised that the extension would occupy a large extent of the rear gardens of no 6 and 8 Coates Gardens. However, as the planning unit now spanned 4 feus this may be considered acceptable.
- With regard to the size of the extension, the DPEA report suggested that it was a separate unit because it had glazed link. The extension would be connected to the existing hotel via a glazed link at an existing rear door of no 6 Coates Gardens. It was still possible to see the wall to indicate the position of the original feu line between the townhouses.

- Confirmation was sought regarding the retention of the original boundary walls between the feus. The drawings indicated that the boundary wall had been removed in some sections, partially retained in other sections, and retained in its entirety in other sections.
- That there was no access to the site from the rear of the building as the rear boundary wall was complete.
- The proposals were not acceptable as they damaged the setting of the listed building and the character of the conservation area and were in breach of LDP Policies Des 4 and Env 6.
- The proposals represented overdevelopment and, although they were not highly visible from outwith the site, they damaged the integrity of the conservation area.
- That the Listed Building Consent had been granted, additionally, the proposals would not be detrimental to the character of the conservation area. Although the proposal was large, it was not excessively so and the design had been well thought out.
- Whether to accept the additional condition from the Transport for the provision of 2 cycle spaces.
- That there should be an additional informative for the provision of 2 cycle spaces, rather than a condition.
- It was accepted that the proposals were not detrimental to the character and integrity of the listed building.

Having taken all the above matters into consideration, although two of the members were in disagreement, the LRB decided to agree to the appeal against non-determination and to grant the application subject to an informative requesting that the applicant provided 2 cycle parking stands for the proposed additional rooms, in a secure and undercover location.

Motion

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

Reasons for Refusal:

- 1) The proposals were not acceptable as they damaged the setting of the listed building and character of the conservation area and were in breach of des Edinburgh LDP Polices Des 4 and Env 6.
 - 2) The proposals represented overdevelopment and damaged the integrity of the conservation area.
- Moved by Councillor Staniforth, seconded by Councillor Gordon.

Amendment

To agree to the appeal against non-determination and to grant planning permission.

- Moved by Councillor Mitchell, seconded by Councillor Cameron.

Voting

For the motion - 2 votes

For the amendment - 3 votes

(For the motion: Councillors Gordon and Staniforth.)

(For the amendment: Councillors Cameron, Mitchell and Rose.)

Decision:

To agree to the appeal against non-determination and to grant planning permission.

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.
- (d) The applicant to consider providing 2 cycle parking stands for the proposed additional rooms, in a secure and undercover location.

Reasons

- a) The proposal complied with LDP policy Del 1 - Developer Contributions and Infrastructure - as the proposed number of bedrooms is below the contributions threshold.
- b) The proposals complied with LDP policies Env 3, Env 4 & Env 6 - Impact on the Listed Building and Conservation Area – as the proposed extension was not highly visible and would have no material impact on the character and appearance of the conservation area or the setting of the listed building.
- c) The proposal complied with LDP policy Des 1, Des 4 and Des 5 – Development Design – as the proposal had been well designed to incorporate existing features and was not detrimental to the appearance of the area.
- d) The proposal complied with policy LDP policy Env 12 – trees – as the existing trees were not worthy of retention and their removal was considered acceptable.

(References – Decision Notice, Report of Handling, Notice of Review and Transport Consultation Response submitted).

6. Request for Review – 187 Dalkeith Road, Edinburgh

Details were submitted of a request for a review to create an off-road parking space at 187 Dalkeith Road Edinburgh. The surface was and would be porous paving; no water would run off the property. This was dealt with by the Chief Planning Officer under delegated powers. Application No. 21/02339/FUL.

Assessment

At the meeting on 11 August 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, the report of handling and a further letter of representation.

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 1,2 Scheme 1, being the drawings shown under the application reference number 21/02339/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 Tra 4 (Design of Off-Street Car and Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
- 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:

- This application seemed quite straightforward. There was some sympathy for applicant as the space was outside a clinic and was intended for occasional use only and mainly for people with mobility issues.
- The issue of road safety to pedestrians and other road users, which had been raised by the Roads Authority, was a major consideration.
- The grounds for refusal were solid.

- Precedence was not a material consideration in planning. Every application should be considered on its own merits.
- The officer's report should be upheld, on the basis of road safety.

Having taken all the above matters into consideration and 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:

The proposal was contrary to the Local Development Plan Policy Tra 4 in respect of Design of Off-Street Car and Cycle Parking, as the proposed space raises issues of road safety to pedestrians and other road users.

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

7. Request for Review – 44 Kirkhill Drive, Edinburgh

Details were submitted of a request for a review of application for material variation to omit approved Juliet Balcony and introduce glazed balustrade roof terrace at 44 Kirkhill Drive, Edinburgh. This was dealt with by the Chief Planning Officer under delegated powers. Application No. 21/01629/FUL.

Assessment

At the meeting on 11 August 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 01-03, Scheme 1, being the drawings shown under the application reference number 21/01629/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:

- The key issue was the distance of approximately 30 m from the proposed roof terrace and the nearest facing window on Priestfield Crescent. The proposals did not involve substantial change, the new roof terrace would not be any closer to the neighbouring windows than the approved scheme and the neighbours were supportive.
- There was a material difference between the proposed glazed balustrade roof terrace and a Juliet balcony. This would heighten the issue of privacy and would be contrary to LDP Policy Des 12.
- There was a significant privacy issue. A glazed balustrade roof terrace would encourage people to sit there and look out. Some objectors thought that they would not use their gardens for private gatherings if the proposals went ahead. Therefore, it would have a negative impact on neighbourhood amenity.
- The actual distances involved from the proposed terrace were 12.9 m to the rear boundary and 31.6 m to the windows in Priestfield Crescent, which represented substantial distances.
- The issue was finally balanced, but the panel should accept the appeal on the basis that it did not represent significant change, from what was previously approved. The principal concern was noise rather than the proposed balustrade roof terrace overlooking neighbouring properties.

Having taken all the above matters into consideration, although two of the members were in disagreement, the LRB determined that the material change was not significantly different from the previous application. Therefore, any potential overlooking of neighbouring properties would be of limited nature and was not therefore contrary to LDP Policy Des 12 in respect of Alterations and Extensions, as it would not have a detrimental impact on the character of the area or neighbouring amenity.

Motion

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

- Moved by Councillor Gordon, seconded by Councillor Staniforth.

Amendment

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

- Moved by Councillor Rose, seconded by Councillor Cameron.

Voting

For the motion - 2 votes
For the amendment - 3 votes

(For the motion: Councillors Gordon and Staniforth.)

(For the amendment: Councillors Cameron, Mitchell and Rose.)

Decision:

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

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 – 8 Northfield Farm Road, Edinburgh

Details were submitted of a request for a review of application, for the erection of garden hut and fencing and vehicle run-in, the work for which had been carried out at 8 Northfield Farm Road Edinburgh. The proposal to include the replacement of lounge window with French doors, which was dealt with by the Chief Planning Officer under delegated powers. Application No. 21/02255/FUL.

Assessment

At the meeting on 11 August 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 21/02255/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:

- That the driveway exceeded the recommended access width of 3 metres and provided more than one car parking space. However, the applicant was suggesting that they could reduce the size of the parking area.
- Whether the applicant would reduce the car parking space and if it was possible to condition that undertaking.
- The aim of the review was to discuss the proposals which had been presented. If the panel were to apply a condition requiring removal of the parking space, this was significantly different to the originally refused application and should be considered through the submission of a new application.
- There should be support for refusing some aspects of the application, but it might be beneficial to have a mixed response. The report of handling stated that the shed in front garden was not a common feature in the area, but the photos indicated that there were other sheds in the area and this was therefore not detrimental to the character of the area. However, the driveway and fence were not acceptable and should be refused on the basis of LDP Policy Des 12.
- That overprovision of parking was the main issue.
- It would be possible to consider a mixed decision to grant the application for the shed and refuse the rest of the application.
- It was hoped to deal with the application at the present meeting, therefore, the panel should accept a compromise and reduce the parking area and the size of the fence.
- This application was retrospective and the panel would require surety of what would be done to reduce the parking area.
- The issue was the height of all the fencing on the south and east elevation, which was 1.8 m high and was therefore, unacceptable.

Having taken all the above matters into consideration, the LRB determined that the the hut was not contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would not have an adverse impact on the character of the property and the area. However, the LRB did not determine that there was any reason not to refuse planning permission for the fencing and vehicle run-in.

It therefore overturned the decision of the Chief Planning Officer and granted a mixed decision.

Decision:

To not uphold the decision by the Chief Planning Officer and to issue a mixed decision.

- 1) To **grant** planning permission for the erection of the garden hut.

Reason

The hut was not contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would not have an adverse impact on the character of the property and the surrounding 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' 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.
- 2) To **refuse** planning permission for the fencing and vehicle run-in.

Reasons

1. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it was not compatible with the existing dwelling house or the character of the surrounding area.
2. The proposal was 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 surrounding area.

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

9. Request for Review – 20 Regent Street, Edinburgh

Details were submitted of a request for a review of application, for the erection of dwelling house and replace existing access door to front at 20 Regent Street,

Edinburgh, which was dealt with by the Chief Planning Officer under delegated powers. Application No. 20/05719/FUL.

Assessment

At the meeting on 11 August 2021, the LRB had been provided with copies of the notice of review, including a request that the review proceed based on an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice, the report of handling and a further letter of representation.

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 01-17, Scheme 1, being the drawings shown under the application reference number 20/05719/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 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)

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

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

Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy Env 4 (Listed Buildings – Alterations and Extensions)

Local Development Plan Policy Env 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

Edinburgh Local Development Plan Policy Tra 4 (Design of Off-Street Car and Cycle Parking)

- 2) Relevant Non-Statutory Guidelines
Edinburgh Design Guidance.
Listed Buildings and Conservation Areas
The Portobello Conservation Area Character Appraisal
- 3) Relevant Government Guidance on Historic Environment.
Managing Change in the Historic Environment: Setting
Managing Change in the Historic Environment: Doorways:
- 4) The procedure used to determine the application.
- 5) 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 might have been necessary to have a site visit, but it was agreed that there was sufficient information to proceed.
- This was a complex application with several interesting aspects.
- There was inadequate provision of garden space, however, there was greenspace within 10 minutes from the site, as well as the site being in close proximity to the beach, as indicated by the photos provided.
- The officer had made the correct decision to refuse the application. There were numerous issues involved, including housing and environmental issues. Also, the application site was located within the Portobello Conservation Area and amenity was non-existent.
- One of the biggest issues was amenity for subsequent occupiers as the proposal would not result in a satisfactory living environment for them. The proposed development would make good use of the vacant plot and it was not the case that the neighbouring properties would be negatively affected or that the proposed dwelling house would not fit into the surrounding environment. This was an ingenious solution and it was beneficial to create a variety of housing throughout city.
- This application should be refused, with LDP Policy Env 6 being the most significant policy in this case, with the height, form and position of the building in relations to its surroundings being a consideration.
- This was a difficult issue. It was the case that there were a number of policies with which the proposals were non-compliant, but it was questionable if the officers had made the correct decisions. This was in fact a clever use of a backyard and did not have a detrimental impact on the area.

- Regarding the issue of density, Portobello was already a fairly densely populated area. The design might be slightly incongruous, but it was not particularly visible and this was a good use of land. If a subsequent user did not want to buy the house, then they would not. Additionally, regarding the inadequate provision of greenspace, not all potential residents would want to be responsible for a garden.
- That the Panel should only accept reason 5 as the reason for refusal, which was LDP Policy Des 5 (Development Design - Amenity) in relation to the provision of adequate levels of daylight and sunlight for future occupiers.
- Something could be built on this plot, but a different design was required.

Having taken all the above matters into consideration and although there was some sympathy for the proposals from two of the members, 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 and 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 3 as an inadequate provision of garden space would be provided for future occupiers of the application site.
3. The proposal was contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the scale, form and position of the building would have an unacceptable impact on the spatial character and density of the area.
4. The proposal was contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form and position of the building is an incongruous addition in its surroundings that would have an unacceptable impact on the established character of the townscape.
5. The proposal was contrary to Edinburgh Local Development Plan Policy Des 5 - Amenity as an unacceptable level of outlook would be provided for future occupiers of the application site and insufficient information had been submitted to demonstrate adequate levels of daylight and sunlight would be achieved.
6. The proposal was contrary to Edinburgh Local Development Plan Policy Env 6 - Conservation Area - Development, as the height, form and position of the building would be an incongruous addition in its surroundings that would have a detrimental impact on the spatial character of the conservation area and the immediate garden settings. The proposal would therefore fail to preserve or enhance the character of the conservation area.

- Moved by Councillor Gordon, seconded by Councillor Staniforth.

Amendment

To refuse planning permission only for the reason that the proposal was contrary to Edinburgh Local Development Plan Policy Des 5 - Amenity as an unacceptable level of outlook would be provided for future occupiers of the application site and insufficient information had been submitted to demonstrate adequate levels of daylight and sunlight would be achieved.

- Moved by Councillor Rose, seconded by Councillor Mitchell.

Voting

For the motion - 3 votes
For the amendment - 2 votes

(For the motion: Councillors Gordon, Cameron and Staniforth.)

(For the amendment: Councillors Mitchell and Rose.)

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 3 as an inadequate provision of garden space would be provided for future occupiers of the application site.
3. The proposal was contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as the scale, form and position of the building would have an unacceptable impact on the spatial character and density of the area.
4. The proposal was contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the height, form and position of the building is an incongruous addition in its surroundings that would have an unacceptable impact on the established character of the townscape.
5. The proposal was contrary to Edinburgh Local Development Plan Policy Des 5 - Amenity as an unacceptable level of outlook would be provided for future occupiers of the application site and insufficient information had been submitted to demonstrate adequate levels of daylight and sunlight would be achieved.
6. The proposal was contrary to Edinburgh Local Development Plan Policy Env 6 - Conservation Area - Development, as the height, form and position of the building would be an incongruous addition in its surroundings that would have a detrimental impact on the spatial character of the conservation area and the immediate garden settings. The proposal would therefore fail to preserve or enhance the character of the conservation area.

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

