

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

10.00am, Wednesday 15 September 2021

**Present:** Councillors Cameron, Gordon, Mitchell, Mowat, and Staniforth.

### 1. Appointment of Convener

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Councillor Staniforth was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 11 August 2021 as a correct record.

### 3. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 10 Belmont Drive, Edinburgh

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Details were submitted of a request for a review for a new garage with office above to be erected in the grounds. Application no 21/02367/FUL.

#### Assessment

At the meeting on 15 September 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 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 21/02367/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 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy Env 12 (Trees)

- 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 as there was no report of handling and that the appeal was brought forward on the basis on non-determination, more information was required.
- There was conflict between the Council Tree Officer's assessment of the trees and the appellant's arboriculturalist's assessment of the trees and clarification was required to make a determination.
- That it was asked whether there was any further information regarding the trees, particularly in respect of the ivy and the categorisation of the trees and it was highlighted that there were a series of emails between the Planning Case Officer and the Council Tree Officer alongside statements made by the appellant's agent, which provided context.
- That the image of these the trees were shared.
- That the grouping of trees according to the Council Tree Officer formed part of the wider amenity, and that the tree which the appellant had indicated required to be removed as it was situated in the location of the proposed garage, had no reason for removal and a life expectancy of 10-20 years.
- That the root system of trees in close proximity to the proposed garage would sustain damage as part of the proposed garage development and were proposed for removal by the appellant however these were considered category A trees by the Council's Tree Officer, due to the group function of the trees for landscaping qualities, with a projected life span of 30-40 years.
- That the applicant's arboriculturalist had assessed the trees which were proposed for removal, in proximity to the garage as category C, due to the appearance of the tree's trunk.
- That the Council's Tree Officer was concerned that the applicant's arboriculturalist had assessed the trees individually rather than as a collective, when concluding on the tree category.
- That the application had to be assessed at face value for a garage with an office over. If it became another planning unit, a change of use would be required.

- That the accommodation was self-contained, and it was understood that the appellant may wish to create a standalone, working from home office space.
- That the value of the trees collectively contributing to the landscape had to be assessed as part of a site visit, due to the difference of opinion between the Council's Tree Officer and the arboriculturalist's report submitted by the appellant.

Having taken all the above matters into consideration the LRB felt that they had insufficient information before it and agreed to continue consideration of the matter in order to allow for a site visit before determining the review, to resolve the difference of opinion between the applicant's tree report and the Tree Officers report from the Council.

### **Decision**

To continue consideration of the request for review in order to:

1. Allow for a site visit to be conducted safely under social distancing measures.
2. Provide the Panel with the opportunity to view the site and the surrounding area.
3. Confirm the impact of the proposed loss of trees.

The request for review would be further considered by the LRB at a future meeting, once the information requested has been made available and the appropriate arrangements for a site visit have been cleared by the Chief Planning Officer in order to ensure the Council was are fully compliant with the Scottish Government's recommendation of social distancing.

(References –Notice of Review and Supporting documents, submitted)

## **5. Request for Review – 63 (2F1) Montgomery Street, Edinburgh**

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Details were submitted of a request for a review for replacement of existing single glazed sash and case windows by energy efficient uPVC sash and case windows replicating the design and appearance of the existing windows at 63 (2F1) Montgomery Street, Edinburgh. Application No. 21/02854/FUL.

### **Assessment**

At the meeting on 15 September 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents 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 21/02854/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 image of replacement uPVC windows in conservation areas and whether this was the primary concern. It was confirmed that the proportion and dimensions of uPVC window frames differs from the original timber frames and that this has an impact on the uniformity of the window pattern, particularly where the uniformity of the terrace is important to the character and appearance of the conservation area.
- It is possible to reduce heat loss and energy efficiency through replacing the windows with timber framed windows or through repairing and refurbishing the existing windows.
- Edinburgh World Heritage carried out research on this issue and concluded that shutters and thick curtains can assist in the reduction in heat loss, during non-day light hours.
- That there was sympathy for the applicant in seeking to make energy savings, but that other measures could be explored which did not contravene the planning guidance.
- The use of uPVC in conservation areas is contrary to policy and other options are available. The other application where uPVC windows were approved was referred to but this presented different circumstances and was not considered to set a precedent.
- To ask that the applicant was directed to the [Energy Savings Trust](#) for further information on measures to save energy.

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.

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

## 6. Request for Review – 26 Netherby Road, Edinburgh

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Details were submitted of a request for or replacement windows at 26 Netherby Road, Edinburgh. This was dealt with by the Chief Planning Officer under delegated powers. Application No. 21/02692/FUL

### Assessment

At the meeting on 15 September 2021, the LRB had been provided with copies of the notice of review submitted 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 21/02692/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:

- That this case raised similar issues to the previous case considered by the Panel on 15 September 2021 (Replacement uPVC windows at 63 (2F1) Montgomery Street 21/02854/FUL).
- Clarification was sought as to whether discussions had taken place with the applicant before taking a decision. It was confirmed that the papers

contained evidence that the applicant had been advised that the proposals were contrary to policy.

- That the removal of the astragals and replacement by one large pane would alter the overall appearance of the windows.
- In some of the windows the structure of the windows were changing.
- That planners had determined that uPVC windows were not acceptable in conservation areas.
- That the applicant should be directed to the [Energy Savings Trust](#) for more information on energy saving.

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:**

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