

DECISION NOTICE AND REPORT OF HANDLING

Application address - 1 Baird Gardens Edinburgh EH12 5RS

Application Ref. No - 21/03745/FUL

Review Ref No - 21/00105/REVREF

Review Lodged Date 14.10.2021

COPY

Shona Mackay
Format Design
146 Duddingston Road West
Edinburgh
Scotland
EH16 4AP

Mr Daryl Hardy.
1 Baird Gardens
Edinburgh
EH12 5RS

Date: **13 September 2021**,

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2013**

Increase existing attic accommodation by constructing gable ends to existing hipped roof.

At 1 Baird Gardens Edinburgh EH12 5RS

Application No: 21/03745/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 9 July 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-**Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it is not compatible with the character of the existing building and the neighbourhood character.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they are not compatible with the character of the existing building and will affect the neighbourhood character..

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

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Weronika Myslowiecka directly at weronika.myslowiecka@edinburgh.gov.uk.

D R Leslie

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

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 21/03745/FUL

At 1 Baird Gardens, Edinburgh, EH12 5RS

Increase existing attic accommodation by constructing gable ends to existing hipped roof.

Item	Local Delegated Decision
Application number	21/03745/FUL
Wards	B06 - Corstorphine/Murrayfield

Summary

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSG, NSHOU,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below..

Background

2.1 Site description

2.2 Site History

Main report

3.1 Description Of The Proposal

Site Description

The application site is a detached bungalow, located on the corner of Baird Gardens and Baird Avenue.

Description Of The Proposal

The application proposes to change the format of the roof from a hipped roof to a gable roof. Also, it has been proposed to increase the size of the rear dormer and relocate the rooflights.

The proposed rooflight on the rear elevation of the dwelling house is permitted development. No further assessment is required of this element of the works.

3.2 Determining Issues

3.3 Assessment

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

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

a) Scale, form, design and neighbourhood character

Edinburgh Local Development Plan (LDP) policy Des 12 (alterations and extensions) states that permission will be granted for alterations and extensions that in design, form, materials and positioning are compatible with the character of the existing building and will not be detrimental to the neighbourhood character.

The Guidance for Householders states that in general the pitch and form of an extension roof should match that of the existing and 'the hipped roof character of the host building should be respected. gable end extensions will generally not be allowed unless this fits in with the character of the area, and is of a high quality innovative design'.

The particular area is characterised by hipped roofs and it is the predominant roofscape, forming part of the neighbourhood character. The application property was recently extended and the proposals retained the hipped roof character as part of that scheme.

The proposed roof extension by virtue of changing the hipped roof to a gable roof alters the original form of the roofscape. This is unacceptable in this location, as it will be disruptive to the surrounding bungalow style properties. Given its location within the street, it would appear as a disjointed and incongruous addition that fails to respect the original uniform character of the whole building.

Hip to gable enlargements are not characteristic on any bungalow style properties in the immediate area. It is recognised that there is range in the scale, form and design of properties nearby. However, the vast majority of the properties are bungalows with hipped roofs. This proposal would result in a conspicuous intervention that fails to respect the established form of these property types in the area. It is therefore an incompatible addition that would be detrimental to the existing house and the neighbourhood character contrary to LDP policy Des 12 and the non-statutory guidance.

The rear dormer would be centrally positioned over the windows on the lower levels, and it would retain roof expanse on all four sides of the altered roof form. It is a large addition, however, it would not appear overly dominant in relation to the proportions of the property or surrounding area where dormers are evident. Further, the materials would match the replacement roof which is appropriate. In light of the above this element of the scheme is acceptable.

A discussion took place with the agent to amend the scheme in order to achieve a reasonable solution without the change to the roofscape but it was requested to determine the application.

The proposal does not comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

b) Neighbouring amenity

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

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

c) Equalities and human rights

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

d) Public comments

No comments were received.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

Consultation and engagement

6.1 Pre-Application Process

6.2 Publicity summary of representations and Community Council comments

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

David R. Leslie

**Statutory Development
Plan Provision**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Date registered 9 July 2021

Drawing numbers/Scheme 01-03

Scheme 1

Acting Head of Planning and Building Standards

Contact: Weronika Myslowiecka, Planning Officer
E-mail: weronika.myslowiecka@edinburgh.gov.uk Tel: 0131 529 3903

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

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Appendix 1

Consultations

END

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Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100482706-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Hardie"/>	Address 1 (Street): *	<input type="text" value="Baird Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH12 5RS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

1 BAIRD GARDENS

Address 2:

SAUGHTONHALL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 5RS

Please identify/describe the location of the site or sites

Northing

672564

Easting

322051

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Increase existing attic accommodation by constructing gable ends to existing hipped roof

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached applicant's appeal statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal statement and photos

Application Details

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

21/03745/FUL

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

09/07/2021

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

13/09/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To allow the Local Review Body to view the application site and surrounding area

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Shona Mackay

Declaration Date: 11/10/2021

Appeal against the refusal of planning permission to extend roof accommodation at

1 Baird Gardens Edinburgh EH12 5RS - 21/03745/FUL

We wish to appeal against this refusal of planning permission, as we as a family are obviously extremely disappointed. This is our family home, my daughter is recovering from a serious operation, and fortunately she is now doing well, but we would like to give her additional space in her bedroom as she is a growing teenager.

There are already dormer windows to the front and rear of the building, and in our eyes another dormer to the end elevations is not an option here. We felt that creating the gable ends would give us the floor space, without having to actually extend the building, this would simply be improving the ceiling heights within the attic bedrooms. Our bedroom and our daughter's bedroom are on the same floor for easy access.

We would like to bring to your attention that our bungalow is on the corner, and it is a bungalow that has been extended, which my father-in-law, who previously owned the house, carried out in 2006. My father-in-law is a master slater, and the slates are Burlington slates, see photo attached, and the bungalow does have fish scale slates as banding. If our application was approved we intended reusing the timbers and slates and continue the fish scale banding to the proposed gable.

We have taken advice from our Agent, who has explained the position with regard to the *Planning Policies* and we outline below the reasons for refusal for ease of reference.

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it is not compatible with the character of the existing building and the neighbourhood character.

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

We do find it difficult to understand why the Local Development Plan in respect of Alterations and Extensions advises that our proposal is not compatible with the neighbourhood character, (we attach a selection of photos from our surrounding area for reference).

We also have difficulty understanding how our proposal is not compatible with the Householder's Guidance, which again states that the proposal is not compatible with the neighbourhood character. This would indicate that our application was refused as we proposed a traditional gable roof design in an area dominated by hipped roofs.

We do not see why being different on this corner site should be a bad thing. The house, as explained above, had already been extended at ground level, and the rear to this extension is a glazed gable, which was approved in 2006, the proposed gables will reflect this rear gable (I attach a photo of the rear gable).

We feel that as this is a corner site and is not positioned in a row of bungalows, it could be treated differently. The Planning Policy was perhaps designed for bungalows being of a similar style in streets, where if they are hipped they may want to keep them hipped, and perhaps it would not be appropriate for gables in such a situation. We are on a corner and feel that there is the opportunity to have an innovative design, which would face on to Baird Gardens.

Our house is well screened by mature trees and these would be retained, photos are attached of our house viewed from the street.

We are adjacent to a four in a block, which is completely different from our bungalow. The bungalow opposite us, while still retains its hips also has large dormers. You will see from the photographs that there are lots of bungalows in the area, but they are all different styles. There are also a variety of dormer windows, and we feel that our bungalow with the gable wall will not in fact look out of place at all and would enhance the street scape. There will be no loss of amenity to neighbours from our proposal and there have been no objections to the application.

The officer's report refers to the "**Guidance for Householders**" which advises that "*In **general** the pitch and form of an extension roof*". The pitch that we are proposing is identical to the existing pitch and the ridge is the same height. We will also be able to reuse the timbers that are coming from the hip of the proposal, therefore assisting sustainability by reusing existing materials.

Under the heading "**Bungalow Extensions**" the guidelines state "*Gable end extensions will **generally** not be allowed unless this fits in with the character of the area and is of a high-quality innovative design.*" We think that our proposal will be of a high quality and innovative design as the roof will be integrated into the gable in such a way that the Burlington slates with the fish scale banding will give this a high quality standard of finish, as well as an innovative design.

The word "**generally**" would also imply not all of the time. In this instance, our house will remain in keeping with the scale and form (generally) of the surrounding buildings. It sits at an angle across the corner and so is different in character to other intermediate dwellings. It also has an existing gable styled rear extension, as mentioned above, and the new gables to the roof will match this. We naturally dispute that the property will look alien or out of place once completed. It may have differences but it will be generally in keeping with the area. It will not look piecemeal as has been seen in and around the area, this will look like a building as if it was designed originally in this form.

To conclude, we hope that under the circumstances, our family position and our daughter's requirements for additional space, and us as parents also requiring a bit more room in the roof space, that you can consider the proposal to be acceptable and an innovative design. It will also add a bit of interest to the streetscape of the road adjacent at Baird Avenue, therefore making a positive addition. We hope that you will be in a position to overturn the refusal and grant planning approval.

Thank you for taking the time to consider this appeal and we hope that the Committee can overturn the refusal and grant planning permission.

Mr & Mrs Hardy

1 Baird Gardens

Edinburgh

EH12 5RS

Photographs of our house and variety of house types in surrounding area & sketch:



Our house on the corner



Houses on Baird Avenue opposite our house



Our house looking along Baird Avenue



**Our house with the existing end elevation
screened by a mature tree**



Our next door neighbour's house – Baird Avenue



Our house gable seen between our neighbour's house and the tree – Baird Gardens



House types in our area



House types in our area – gable extension attached to hip roof



House types in our area



House types in our area



House types in our area



Our corner house showing the existing rear gable



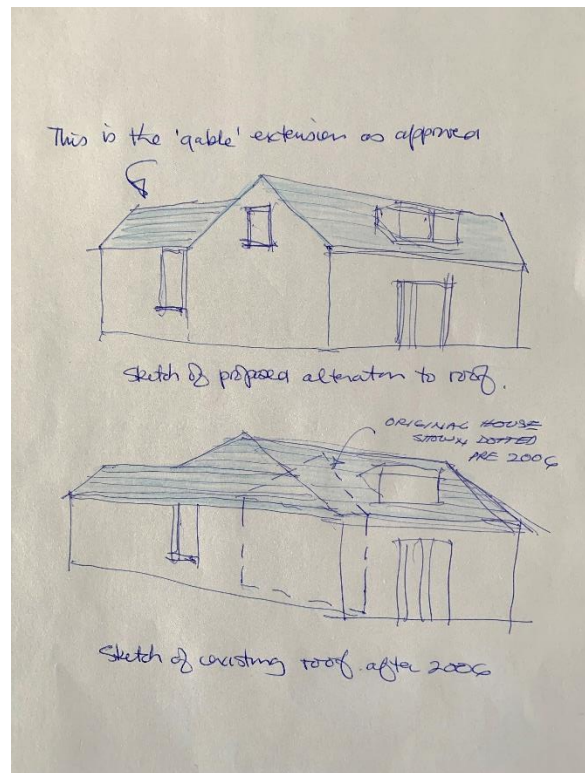
Our end elevation showing the band of fish scale slates



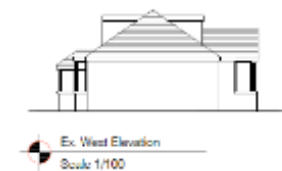
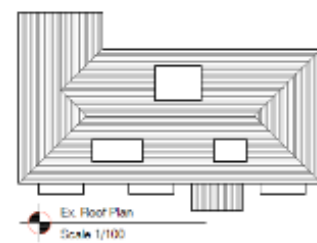
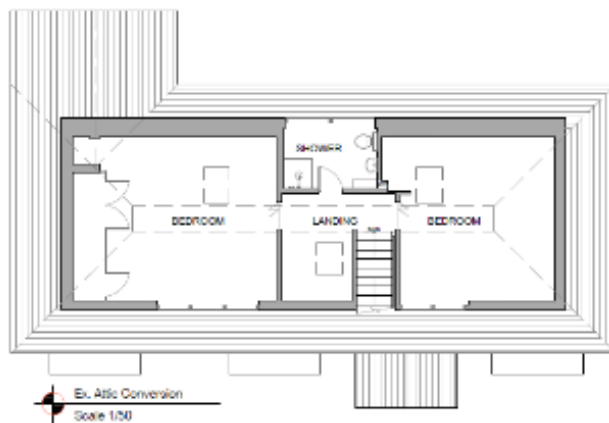
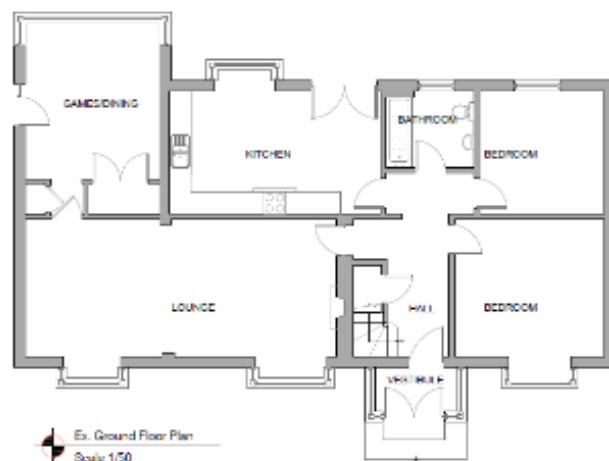
Our gable extension



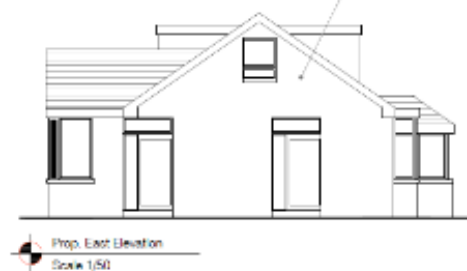
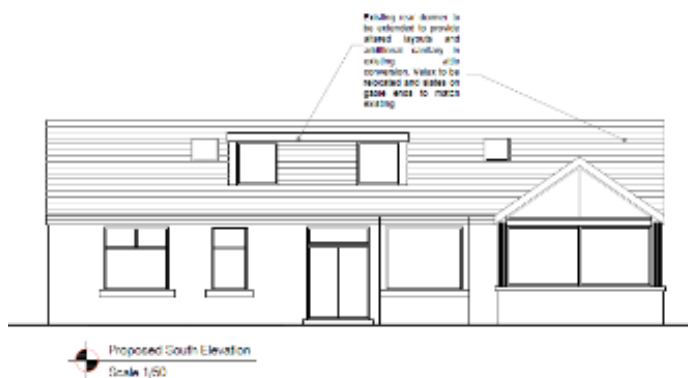
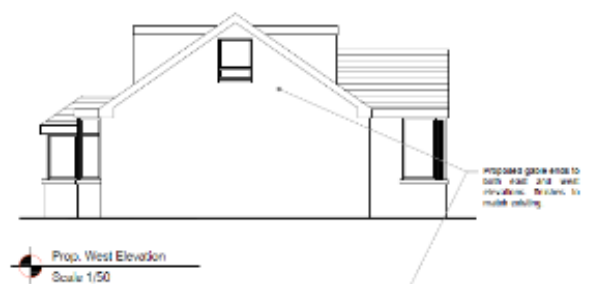
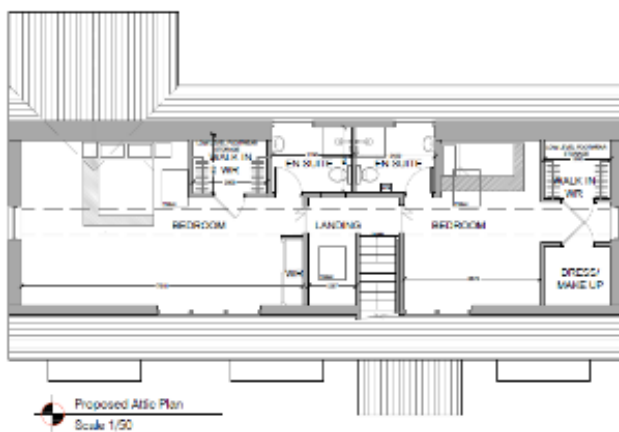
Our 2006 gable extension



Sketch of existing house and proposed gable



EXISTING



PROPOSED