

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

10.00am, Wednesday 3 November 2021

Present: Councillors Child, Dixon, Osler and Rose.

1. Appointment of Convener

Councillor Dixon was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 30 September 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 – 1 Baird Gardens, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to increase existing attic accommodation by constructing gable ends to existing hipped roof at 1 Baird Gardens, Edinburgh. Application number no 21/03745/FUL.

Assessment

At the meeting on 3 November 2021, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceeded on the basis of an assessment of the review documents and a request for a site visit.

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 the drawings shown under the application reference number 21/03745/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 there was a request for a site visit, but that the LRB did not feel it was required.
- That a member required clarification to understand how the house would look, if the development proceeded.
- That the roof was being extended, and the main point of difference would be to the front where the roof took a linear form and on the east elevation, there would be a gable end onto the roof form and this would join with an extension, with an enlarged dormer to the rear.
- That there were doors or windows onto the side elevation onto Baird Avenue, and this made the gable less foreboding in appearance.
- That the applicant had made it clear the building was within its own grounds and that a member did not feel it was in violation of LDP policy des 12.
- That another member noted that there were no public objections and that it was not in a conservation area.
- That the proposal provided more space, improved the quality of the accommodation which was a significant consideration against the design arguments within the report of handling.
- That a member felt the site could be treated differently because of the corner nature of the site.
- That a member disagreed that the officer's recommendation should be overturned.
- That the applicant wished for the application to be determined by appeal.
- That another member was concerned about the principle view, which could be viewed from a distance, and while there was sympathy for the proposals, it was an application which they could not support.

Having taken all the above matters into consideration, although two of the members were in disagreement, the LRB determined that, the proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) as the design and form, the choice of materials and positioning were compatible with the

character of the existing building, it would not result in an unreasonable loss of privacy or natural light to neighbouring properties, would not be detrimental to neighbourhood amenity and character and any detriment to the quality of the design was marginal and was outweighed by the quality and the improvement in the functionality of the accommodation.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

Motion

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

Reasons for Refusal:

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

Moved by Councillor Osler, seconded by Councillor Main.

Amendment

To overturn the decision of the Chief Planning Officer and grant permission for the reason that:

The proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) as the design and form, the choice of materials and positioning were compatible with the character of the existing building, it would not result in an unreasonable loss of privacy or natural light to neighbouring properties, would not be detrimental to neighbourhood amenity and character and any detriment to the quality of the design was marginal and was outweighed by the quality and the improvement in the functionality of the accommodation.

- Moved by Councillor Rose, seconded by Councillor Dixon.

Voting

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

For the Motion: Councillors Osler and Main.

(For the Amendment: Councillors Rose and Dixon.

There being no overall majority, and 2 members having voted for the Amendment and 2 members for the Motion, the Convenor gave his casting vote to keep the Amendment. The motion therefore fell.

Decision:

To overturn the decision of the Chief Planning Officer and to grant permission.

Reasons for Approval:

The proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions) as the design and form, the choice of materials and positioning were compatible with the character of the existing building, it would not result in an unreasonable loss of privacy or natural light to neighbouring properties, would not be detrimental to neighbourhood amenity and character and any detriment to the quality of the design was marginal and was outweighed by the quality and the improvement in the functionality of the accommodation.

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

5. Request for Review – 42 Broomhouse Bank, Edinburgh

Details were submitted of a request to convert part of the front garden into a monoblock driveway. Providing off-road parking and access to potential future electric vehicle charge point on the property at 42 Broomhouse Bank, Edinburgh. Application no. 21/04120/FUL.

Assessment

At the meeting on 3 November 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 01-03, Scheme 1 being the drawings shown under the application reference number 21/04120/FUL on the Council's Planning and Building Standards Online Services.

The LRB agreed to accept the new information submitted on garden dimensions. 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 plan indicated a public footpath and were there any road safety issues associated with the proposal.
- That the Monoblock did not impact on the public footpath.
- That the application site was not in a cul-de-sac.
- That there was a 78% figure shared for the area of the garden the proposed parking space occupied of the outside space and that there was also a 59% figure for the space the proposed parking space occupied. It was questioned how these figures related to the front garden and overall garden space.
- Clarification was sought on the percentages referred to in the report of handling relating to the area of garden ground that the monoblock would cover.
- That the monoblock area appeared to be more than 59% of the front garden.
- That the new information relating to the depth and width of the parking area, and the presentation photograph, alleviated concerns on the dimensions.
- That there was no consultation response from Transport.
- That the depth of the parking space was between 6.5 metres and 7.5 to the widest depth.
- That the proposals would remove the gate and fence to the garden.
- That there was only a marginal compliance with the proposals and that the Officer's judgement for refusal should be accepted and further to that there were concerns about the safety elements to the proposal.
- That concreting over a green space was not considered acceptable.
- That there was sympathy with the proposal, although there did appear to be sufficient space for parking on the street. The small area of trees and areas of pebbles which would remain would not provide adequate soak away for flooding purposes.
- That clarity was sought on crossing the footpath.
- That if there was not a 6-metre depth for the length of the proposed parking space this could interfere with pedestrians using the pavement as it may cause a vehicle to overhang or protrude onto the pavement, but this was not a concern as the dimensions of the proposed space were in excess of 6 metres.
- That the issue of the green space was not detailed in the report of handling as a reason for refusal.
- That the LRB were reviewing the appeal could give alternate reasons for refusal.
- That clarification was sought on the guidance to householders for loss of garden space, and that this could impact the character of the area.
- That the proposal was detrimental to the character of the area.
- That drive ins were not uncommon in the area, so it was questionable to refuse it on these grounds.
- That page 19 of the householder guidance for a parking space set out a threshold that maximum area requirements as 21 square metres or 25% of the total front garden, whichever was greater and this was a justifiable reason for refusal as the proposals exceeded this threshold.
- That the safety element was not something for which there could be a planning response and there was a recognition of potential conflict for this proposed parking space between pedestrians and motorists.

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:

1. The proposal was contrary to policy Des 1 as it did not draw on the positive characteristics of the area. It represented overdevelopment of the site and failed to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on local views and its relationship with the wider surroundings.
2. The height and form of the proposal would not integrate well with its surroundings, was inappropriate in its context and would adversely impact on local views, contrary to policy Des 4 Development Design - Impact on Setting.
3. The provision of green space within the development did not meet requirements of policy Env Hou 3 Private Green Space in Housing Developments or the Edinburgh Design Guidance in terms of amount and quality of space provided for end users.

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

6. Request for Review – 15 Minto Street, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to form new hotel bedrooms in the rear grounds of 14 Minto Street. Application No. – 21/03281/FUL.

Assessment

At the meeting on 3 November 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 and a request for a site visit.

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 21/03281/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.

- LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.
- LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.
- LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.
- LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.
- LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.
- LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.
- LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.
- LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.
- LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.
- LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.
- LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.
- LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.
- LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.
- LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.
- LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

2) Relevant Non-Statutory Guidelines.

Guidance for Businesses

Listed Buildings and conservation Areas

Edinburgh design Guidance

- 3) The Blacket Conservation Area Character Appraisal
- 4) Managing Change in the Historic Environment: Boundaries
- 5) The procedure used to determine the application.
- 6) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- That clarification on the dimensions of the consented scheme as at on 23 April 2021 and the scheme which was presented for review.
- That this clarified that on this scheme, presented for review, this would be 1.4 metres higher than the previously granted scheme.
- That the proposals would involve digging into, and that there would be archaeological findings on site.
- Clarification was sought on the proximity to the existing hotel, and that this was considered a marginal change.
- That it was noted that transport wished for additional information relating to coach parking.
- That how ingress and egress of coaches onto the site would be managed was what transport were seeking clarify on, to ascertain whether the development would present a road safety issue.
- That the proposed extension would give 15 additional bedrooms.
- That the extension projected onto Blacket Avenue.
- That there were a number of violations in relation to the Local Development Plan, associated with the site.
- That there were no significant overlooking issues with the site.
- That clarification was sought on how prominent the development would be with the revised roofline.
- That there were good business reasons for permitting the scheme.
- That the proposals were within a conservation area.
- That there were places to locate coaches, however the issues associated with passenger drop off were temporary, relating to the temporary traffic restriction order.
- The increase in height in a conservation area was the biggest issue, and the approval in April 2021 was marginal.
- That there were 17 objections associated with the application and it was considered an intrusion too far into the conservation area.
- That the proprietors had a scheme with planning permission granted since April 2021.
- That the new proposed scheme was marginally closer to the hotel but this was not a significant matter.
- That the previously granted consent, was a borderline case.

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 would detract from the special architectural and historic interest of the listed building and harm its setting. It did not comply with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997, LDP policy Env 4 Listed Buildings (Alterations and Extensions), LDP Policy Env 3 (Listed Buildings - Setting). The proposal would not preserve the character of the conservation area and would not contribute positively to the character of the surrounding area. It was not of an appropriate scale, form and design by way of its scale and height. The proposal did not comply with policies Des 1 and Des 4 and did not conform with the relevant parts of the Edinburgh Design Guidance.