

Ms Neivetha Thiruchelvam.
1 North Bughtlin Neuk
Edinburgh
EH12 8XG

Decision date: 18 November 2021

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Remove and replace the existing timber boundary fence on the front elevation with a new taller timber fence.

At 1 North Bughtlin Neuk Edinburgh EH12 8XG

Application No: 21/04625/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 21 September 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:-

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 will be detrimental to 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 would have a detrimental impact upon the character and appearance of the host property and the.

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:

The proposal is contrary to Policy Des 12 and the Guidance for Householders as it would create an unsympathetic boundary treatment which would have an adverse visual impact on the character and appearance of the existing house and would be detrimental to neighbourhood character.

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.



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.

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Report of Handling

**Application for Planning Permission
1 North Bughtlin Neuk, Edinburgh, EH12 8XG**

Proposal: Remove and replace the existing timber boundary fence on the front elevation with a new taller timber fence.

**Item – Local Delegated Decision
Application Number – 21/04625/FUL
Ward – B03 - Drum Brae/Gyle**

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal is contrary to Policy Des 12 and the Guidance for Householders as it would create an unsympathetic boundary treatment which would have an adverse visual impact on the character and appearance of the existing house and would be detrimental to neighbourhood character.

SECTION A – Application Background

Site Description

The application site is a detached property, located on North Bughtlin Neuk.

Description Of The Proposal

The application proposes to erect a 1.5 metre high fence to the front.

Relevant Site History

93/02275/FUL
Extension to dwelling house
Permitted Development
15 October 1993

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 23 September 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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?

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

In considering these proposals, the key issues are whether the timber fence is appropriate in relation to the application property and whether it is detrimental to neighbourhood character.

In terms of the application property, the current boundary treatment to the front garden is a dwarf timber fence of approximately less than 1 metre in height. This boundary treatment allows view to the application property front garden and creates a sense of openness in terms of the streetscape and between the neighbouring properties.

The installed 1.5 metre front garden solid timber gate and fence represent a departure from the Guidance for Householders which states that 'front walls and fences should not be more than 1 metre in height unless there is a prevailing size already established

in the neighbourhood'. The wall and gate form a visual boundary which undermines the previously open and more permeable character of the front garden and creates a solid barrier to the house.

Within the street, the boundary treatments are well established and there are no boundary fence to the front that are higher than 1 metre. They are all of a similar height and are all generally 1 metre or less. There are a number of hedges that are higher than 1 metre but these are not controlled in planning terms. They also present a softer green edge to the street as well as wider environmental benefits.

The boundary treatments are therefore either limited in height, permeable or create a green character to the streetscape. The installed 1.5 metre solid timber and solid gate are out of character with the surrounding boundary treatments and impact on the visual amenity of the area. They create an unsympathetic and imposing boundary treatment to the detriment of the character and appearance of the application property and the surrounding area.

The boundary treatment to the front garden is contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders and it will adversely impact on the character of the existing house and the neighbourhood character due to its height and materials.

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.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

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 will be detrimental to 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 would have a detrimental impact upon the character and appearance of the host property and the.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 21 September 2021

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
E-mail: veronika.myslowiecka@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.