

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MISS	Ref No.	
Forename	JANE	Forename	STEPHEN
Surname	NOBLE	Surname	LOTHIAN
Company Name		Company Name	LOTHIAN PLANS
Building No./Name	89	Building No./Name	18
Address Line 1	CHARTERHALL GROVE	Address Line 1	LAIDLAW GARDENS
Address Line 2		Address Line 2	
Town/City	EDINBURGH	Town/City	TRANENT
Postcode	EH9 3HT	Postcode	EH33 2QH
Telephone		Telephone	
Mobile		Mobile	07960 366 691
Fax		Fax	
Email		Email	Natalie@lothianplans.com

3. Application Details	
Planning authority	THE CITY OF EDINBURGH COUNCIL
Planning authority's application reference number	21/03155/FUL
Site address	89 CHARTERHALL GROVE EDINBURGH EH9 3HT
Description of proposed development	FRONT PORCH AMENDMENT AND REAR GARDEN AMENDMENT / ADDITIONS (AS AMENDED AND IN PART RETROSPECT)

Date of application

08/06/2021

Date of decision (if any)

25/11/2021

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. 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.

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

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

Can the site be viewed entirely from public land?

☐

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

☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please find attached documents stating the reasons for our notice of review.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

- 2 Photos of garden before work was done
- 1 Photo of 3.2m fence on our side of property
- 1 Photo of proposed fence
- 1 Plan of side elevation

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: [REDACTED] Name: JANE NOBLE Date: 01/02/2022

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

With regard to the refusal of planning in respect of 89 Charterhall Grove on the grounds that 'The development does not comply with LPD Policy Des 12 or the non-statutory Guidance for Householders as it would result in an unreasonable loss of privacy to neighbouring properties'
We respectfully request a review of the above.

We would like to make the following points regarding the refusal.

The raised decking in the neighbours garden was granted with no provision for privacy between the gardens. The decking gives an elevated view into our garden and is imposing from our garden.

The existing screen (mentioned in the report) is on the decking which gives privacy between the windows at the rear of the property but not between the gardens. In addition the said screen is 3.2m high from ground level on our side which was imposing and overshadowing. This was also granted (before we had our decking erected and one of the reasons why we decided on a decking).

The report states that a typical screen fence would have a height of 1.8m above finished floor level and in this situation this would result in a height of approx 2.7m to the neighbouring property. A fence this height would not be acceptable in this location. However a fence of 3.2 m was deemed acceptable on our side.

We made no objections to any of these plans but this does not negate the facts and we feel the same consideration be given to us regarding the fence which would be 2.1m on the neighbour's side only at the bottom of the garden.

The neighbour was concerned about the fence being too high ie 3m but we are not proposing such a height.

We originally wished to erect railings between the gardens thus giving light to both gardens. However this was not acceptable due to lack of privacy. We added a wooden fence. We feel the height 1.2m would be sufficient to obscure any line of vision into the neighbours garden without taking too much light away from either garden.

In addition our access path to the garden is on the garage side, opposite the neighbours garden as is our seating area so we would have no direct view into their garden. We feel therefore that the proposed fence would provide adequate privacy for both parties.

The reason we made changes to the garden was for ease of access and to provide a pleasant place to sit where previously there had been none. As I have recently retired I have more leisure time

The topography of the garden changed over the 48 years I have resided in the property. Over the years my father altered the garden for sloping downwards (as in the neighbours) to 3 levels. The first level was for ease of access for washing etc. The second level was originally to plant a few vegetables. The bottom level was of little amenity value. It was narrow with a compost heap behind the garage and a few pots and a chair at the opposite end.

My father erected the 6 foot panel at the bottom of the garden (mentioned in the report) for his own personal benefit and long before any amenity area was thought of in the neighbours garden. However this did not give complete privacy as when walking further up views into each other's gardens were possible.

My father also erected the trellis fence between the gardens to grow clematis on.

There was never any history of privacy fences between the gardens only the existing small boundary fence. It is difficult to have total privacy in a terraced street such as this.

We appreciate your time in reviewing our planning application.

Photo taken
in 2011
but had been like this
for at least 30 years

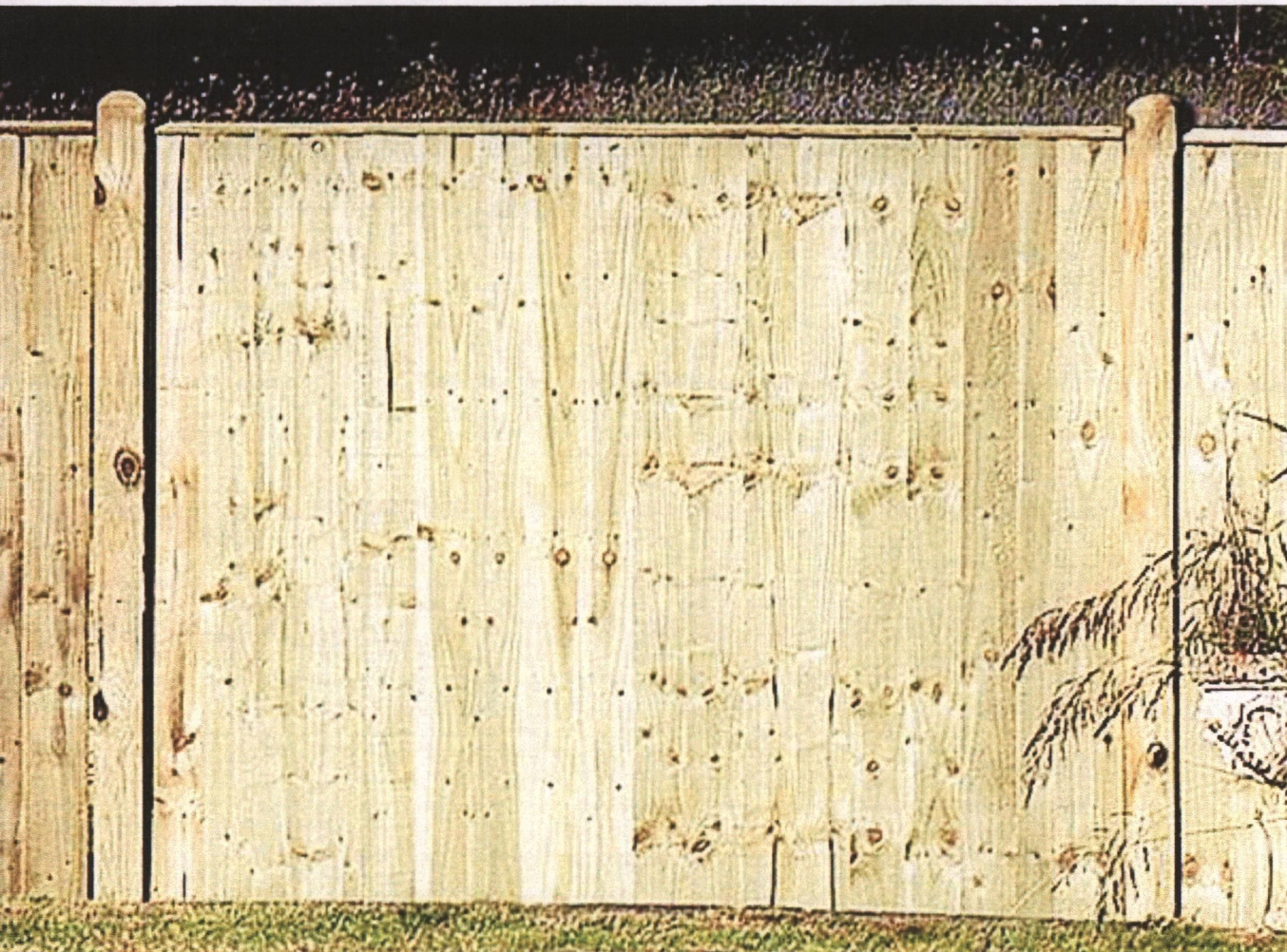




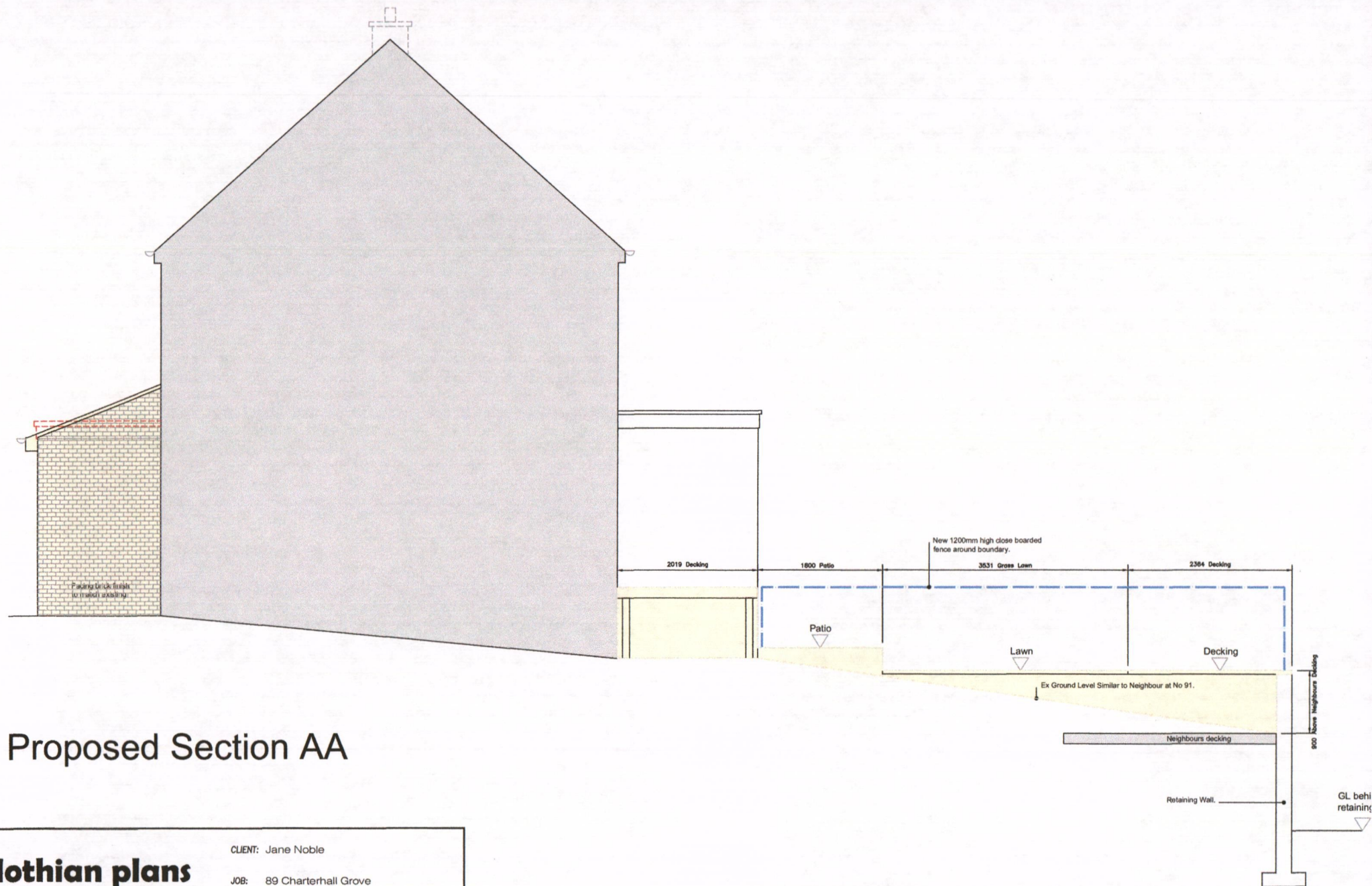
Taken in
2011



3.2m fence Council approved before
we erected the decking



Proposed Fence



lothian plans

CLIENT: Jane Noble

JOB: 89 Charterhall Grove
Edinburgh

TITLE: Section AA

NUMBER:	REVISION	SCALE	1:50	A3
89CG-BW8	A	DRAWN	SL	
		CHECK	SL	
		DATE	May 2021	