

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 100381087-003

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

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Carl"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="McWilliam"/>	Building Number:	<input type="text" value="36"/>
Telephone Number: *	<input type="text" value="07739874565"/>	Address 1 (Street): *	<input type="text" value="YORK ROAD"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="EDINBURGH"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="EH5 3EQ"/>
Email Address: *	<input type="text" value="carl@rugbytots.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Carl"/>	Building Number:	<input type="text" value="36"/>
Last Name: *	<input type="text" value="McWilliam"/>	Address 1 (Street): *	<input type="text" value="YORK ROAD"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="07739874565"/>	Town/City: *	<input type="text" value="EDINBURGH"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH5 3EQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="carl@rugbytots.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="36 YORK ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH5 3EQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676917"/>	Easting	<input type="text" value="325022"/>
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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)

BUILD NEW EXTENSION TO THE FRONT OF THE PROPERTY.

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 REFER TO THE SUPPORTING DOCUMENT "SUPPORTING INFORMATION FOR LOCAL REVIEW BODY"

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)

SUPPORTING INFORMATION FOR LOCAL REVIEW, SP1 - STREET PLAN, LP1 - LOCATION PLAN, S1 - EXISTING FLOOR PLANS EXISTING ELEVATIONS, P1 - PROPOSED FLOOR PLANS PROPOSED ELEVATIONS,

Application Details

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

21/06475/FUL

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

09/12/2021

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

25/02/2022

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

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: Mr Carl McWilliam

Declaration Date: 14/03/2022

SUPPORTING INFORMATION FOR LOCAL REVIEW BODY:

LOCATION: 36 YORK ROAD, EDINBURGH, EH5 3EQ

PLANNING REFERENCE NUMBER: 21/06475/FUL

To whom it may concern,

I applied for Planning Consent at the above address to extend the existing house. The existing house is relatively modern, but was poorly built, and has a layout that does not suit modern living. It sits on a substantial plot which is made up of numerous trees and wild garden. We bought this house, and saw the potential of turning it into a great family home.

It was refused on 25th February 2002. The basis of the refusal was that the proposed works were deemed to fail to preserve or enhance the character and appearance of the conservation area in which the property is located.

The planning officer made his assessment and refused the application based on certain criteria. I would like to highlight this criteria (as per the handling report), and give rebuttal to this criteria. I hope that you see that I have made a good case for the refused application to be overturned.

Please keep in mind during the making of your assessment, that my house is subservient to the streetscape, as it sits behind a large stone front boundary wall which is as high as 4m in some places, and has a line of trees along the boundary wall. This wall and tree line ensures that the entire house is subservient to the street. (see below photos taken from the street above, to the side, and below 36 York Road)



Assessment criteria 1:

Do the proposals harm the character or appearance of the conservation area?

The planning officer has concluded that “*the proposed works fail to preserve or enhance the character and appearance of the conservation area*”

Reason given:

The proposed extension will result in the finished building being closer to the front boundary wall, and will therefore upset the set back character of the properties along York Road.

My rebuttal:

The extension will be built closer to the front boundary wall but it will not be detrimental to the streetscape. I enclose a drawing (**SP1 - Street Plan**) and photographic evidence to prove that the proposed extension will not have a negative impact on the street or wider conservation area.

On drawing SP1 – Street Plan, I have measured the finished distance between the proposed extension and front boundary. I have created a block of this distance, and then it has been copied and placed in front of other properties on York Road. This was done to prove that there are 13 other properties on York Road that have a similar distance between the building and the front boundary of their property.

The planning officer’s report referred to the fact my proposed extension will finish too close to the front boundary and upset the spatial pattern of the road. This street plan clearly shows that the proposed extension will be no different than over half the properties on York Road. The following photo gives an example of some buildings which are positioned approximately 4-5m from the front boundary – my extension will finish approx 5m from the front boundary.

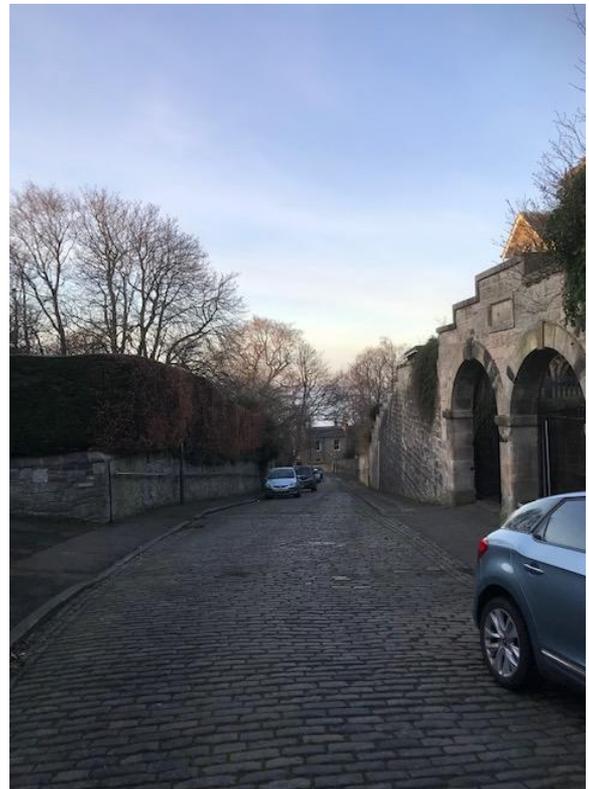


On drawing SP1 – Street Plan, you will see that I have drawn a green line, and a blue line along York Road. This is for the purpose of referencing the following text and photos. I refer to the green line as being upper York Road, and the blue line as being lower York Road

The planning officer was concerned about my extension upsetting the “streetscape” of York Road. You will see from the below photo on the left (which is viewed from the start of York Road, where it intersects with East Trinity Road) that York Road has a long flat top section of road. I will refer to this as upper York Road – indicated by the green line on the Street Map. Upper York Road is flat and has a streetscape that is more uniform than lower York Road. The buildings on lower York Road – indicated by the blue line, do not have any consistent spatial pattern – you can clearly see this on the Street Plan.

York Road in general has varied types of residential buildings, from traditional houses to relatively modern houses, with a range of cladding materials.

You cannot see my house on 36 York Road from any point along the flat section of upper York Road. So I would argue that it doesn't really contribute to that particular streetscape.



Lower York Road (see photo above right which has been taken from the bend in the road where the Road drops towards the sea), has a totally different streetscape to upper York Road (see above photo on the left)

My house is located further along at the other end of York Road, around a slight corner and down hill towards the sea.



Please refer to the above photo which has been taken from approximately half way down the sloping part of York Road looking down towards the sea – it shows the front boundary wall with my house behind it. Even from an elevated position looking down on the house, you can barely see it. The proposed extension's hipped roof will be much lower than the existing house roof, so will not be seen from the street. There is also a row of trees along the front boundary wall which help preserve the streetscape from any work that may happen to the existing house.

I think it is fair to say that there are two streetscapes within York Road. However, the lower part of York road has a much varied range of buildings and spatial patterns than the upper York road. The lower part of York Road also includes a 3 storey flat development, modern and traditional houses, and one house being built right up to the street. All of these have varied spatial patterns.



The above photos (viewed coming down the hill on lower part of York Road) show the 3 level flatted development which is located directly opposite my property. Again this gives validity to the varied types of buildings and spatial patterns on this Road.



The above photo on the left (viewed from the bottom of York Road looking up the hill) shows the house (47 York Road) being built right up to the street – This is also directly opposite my property. This adds further validity that are varied spatial patterns (distance between buildings and road) shown at different properties along York Road – especially at the lower part of York Road. Please also note that you can barely see my house - viewed from the bottom of York Road.

In fact you can be standing outside 36 York Road and you cannot see the house due to the boundary wall. And if you cross the road, only then will you see the top of the gable roof peering over the wall (see below photo taken from the opposite side of the street)



The existing house and proposed extension can really only be seen from one view point which is the bottom of York Road looking back up the hill. But as you can from the above photos, the house is relatively blocked by the stone wall and tree line to the front of the property.

Please note – these photos have been taken in Winter, with no foliage on the trees. In summer time, when the trees are in bloom, you cannot see the house at all from the bottom of York Road.

Assessment criteria 2

Do the proposals comply with the development plan?

The planning officer has concluded that “ *the proposals are not of an acceptable scale, form, design and fail to preserve or enhance the character and appearance of the conservation area*”

Reasons given:

Scale, Form, Design, and Neighbourhood character - This was again mainly down to the fact of the proximity of the proposed extension and that it could upset the spatial pattern of the street.

Trees - The council has made the decision that the proposed extension will have a negative impact on the trees along the front boundary wall.

My rebuttal:

The scale form and design of the proposed extension was all about being sympathetic and preserving the existing house and not having a negative impact on the character of the conservation area. The design of the hipped roof and the lowered floor level of the proposed extension helps to keep it subservient from the existing house, and the streetscape. The finished extension will have little impact on the streetscape as it will only be seen in the winter from the bottom of York Road, when the trees have no foliage. Here is an extract out of a document produced by the Edinburgh Council titled: Trinity conservation Area Character Appraisal:

“Alterations and Extensions

Proposals for the alteration or extension of properties in the Conservation Area will normally be acceptable where they are **sensitive** to the existing building, and do not prejudice the **amenities** of adjacent properties. “

The existing house is a relatively modern building. The proposed extension is modern in design. Therefore I am preserving the character of what already exists on the property. This proposed extension will give the house a consistent modern look – hence preserving the existing look of the house.

The planning officer has conceded that the proposals **will not** have any negative impact on neighbouring amenity.

Trees - As part of the application we engaged the services of a qualified, well respected Arborist – ROAVR Environmental - who visited the property and undertook an extensive survey and inspection of existing trees. On the basis of this work it was assessed that the proposed extension would not affect the existing trees. A tree survey and tree protection plan was submitted to the council as they had requested this information. The information submitted clearly states that the trees in question will not be affected by the works. This information was requested by the planning department and has been totally neglected. **Please note that the council’s own tree experts did not come to the property to inspect the trees, note the existing hard landscaping (which has a major influence on how the existing trees spread their routes) or even engage in any correspondence with myself about the trees.**

SUMMARY

In summary, the ongoing theme for the refusal seems to be the proximity of the proposed extension to the front boundary wall.

The submitted drawing **SP1 Street Plan** clearly proves that the finished extension will be of similar proximity to the boundary wall as many other properties on the street. So it is not out of character for the street. And more positively 36 York Road has a 3-4m high front boundary wall and tree line that obscures the house from the street.

The photos also give credence to the fact that at the lower end of York Road, there are varied building types, and there is no consistent spatial pattern in terms of each building's proximity to the front boundary.

The photos also do well to demonstrate that my house is largely blocked from view due to the height of its boundary wall. The proposed extension's hipped roof will sit lower than the existing gable roof that faces the front boundary wall. This means proposed works will not have a negative impact on the streetscape, but preserves what already exists.

The scale of the extension and height of the roof keeps it subservient to the existing house, and the design and choice of materials keep it in keeping the existing house.

The tree survey and tree protection plan that were submitted as part of the application, confirm that the proposed work will not affect/ or have a negative impact on the tree line along the front boundary wall. We love those trees and do not want them to be harmed in any way.

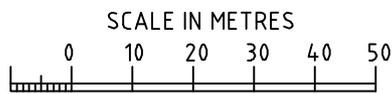
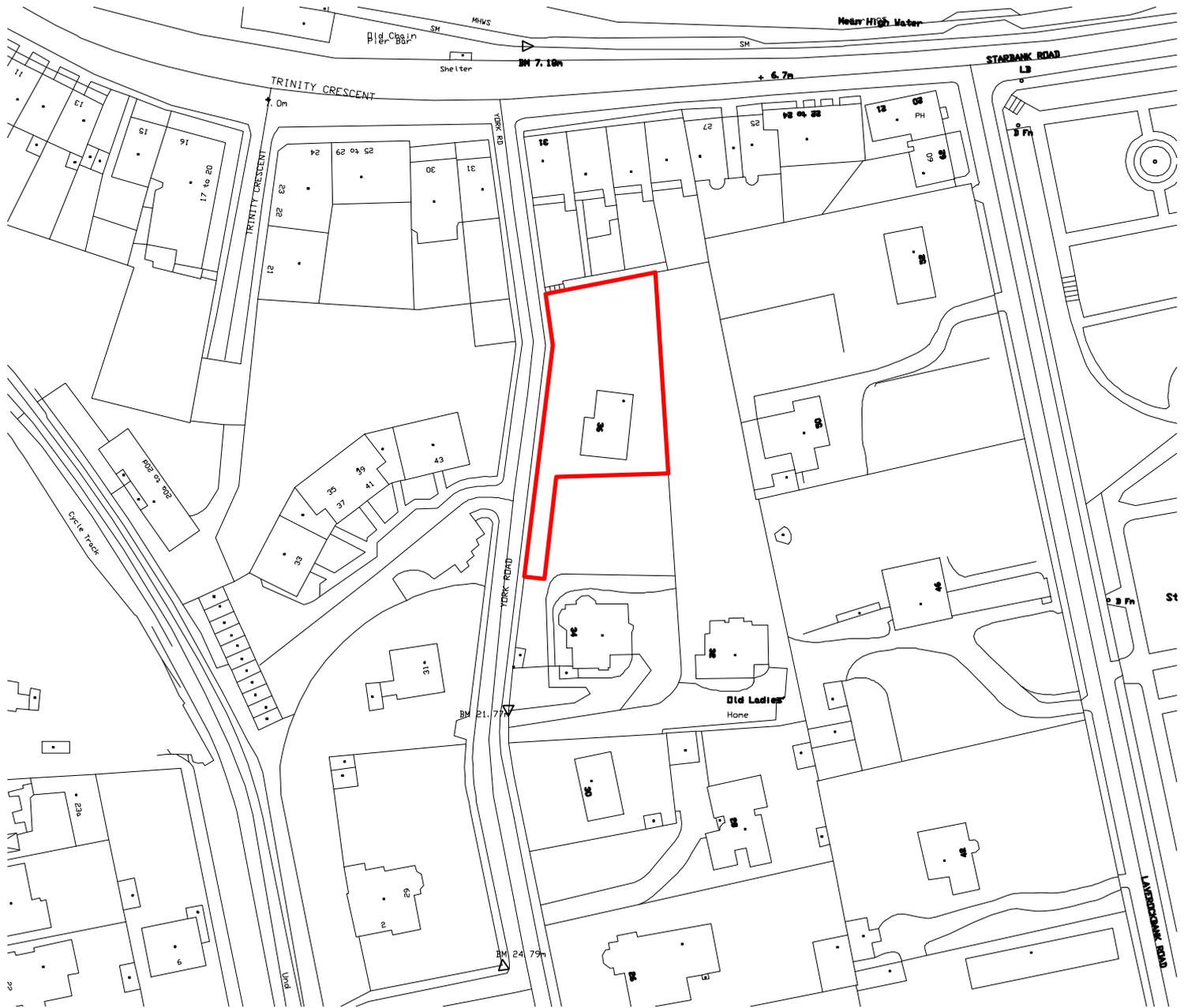
I believe that I have demonstrated good design and that I have made every effort to ensure the extension is going to "enhance" or at least "preserve" the character of the conservation area.

The planning officer concluded that the proposed extension would have no impact on neighbouring amenity. There were no objections to our application from any neighbours. In fact we have had many compliments regarding the design.

I hope that you conclude, from the above information, that I have made a very good case for the refusal to be overturned. Fingers crossed by everyone at 36 York Road.

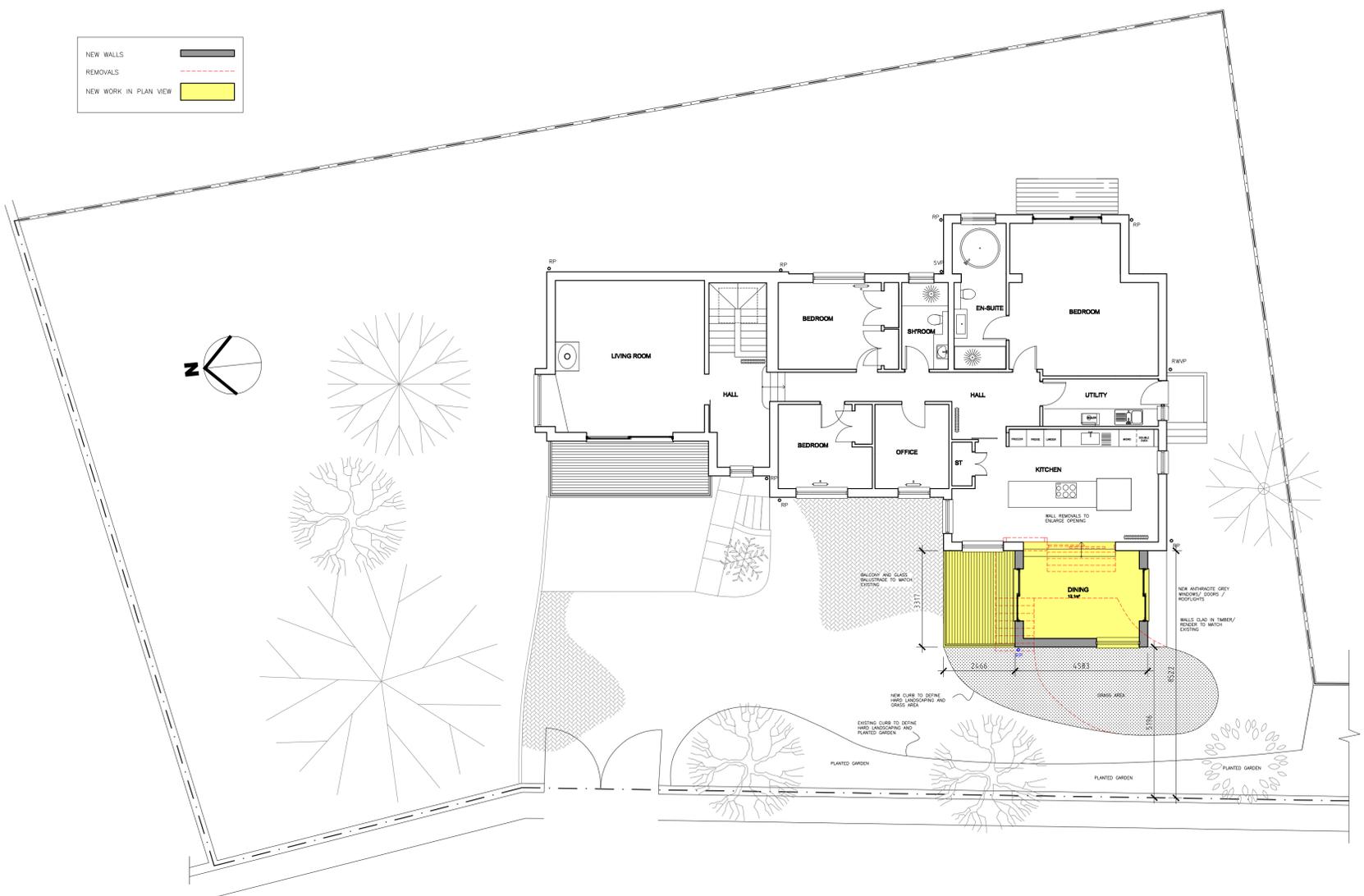
Yours sincerely

Carl McWilliam
(Property owner & Architectural Technician)

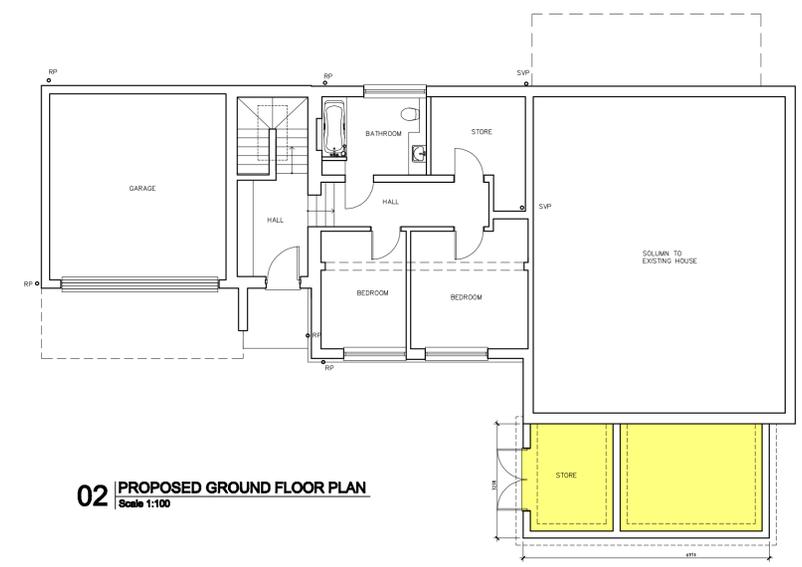


Project 36 YORK ROAD, EDINBURGH	Drawing Category: SURVEY		
	Job No 000	Drawing no LP1	Rev -
Drawing LOCATION PLAN	Scale 1:1250	Date FEB2021	By CM

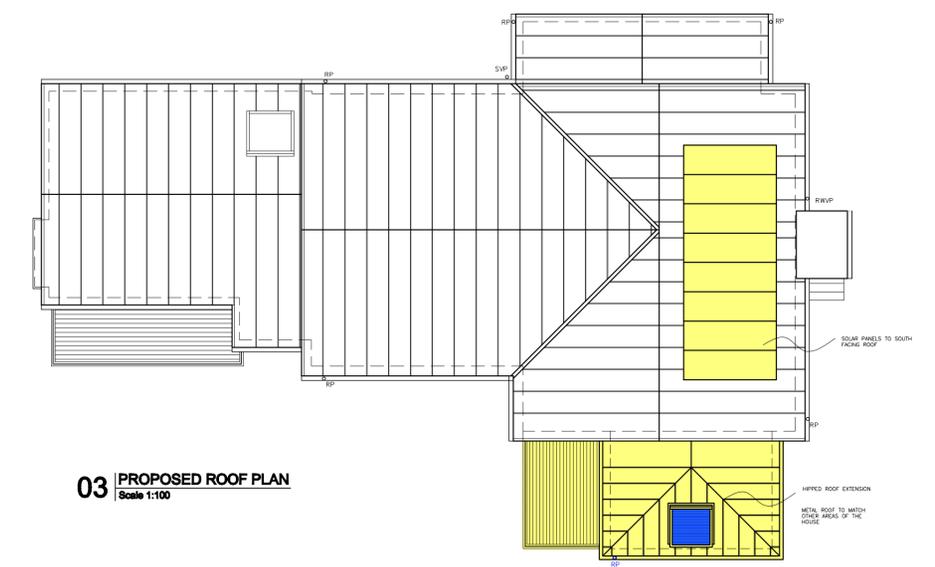
NEW WALLS
 REMOVALS
 NEW WORK IN PLAN VIEW



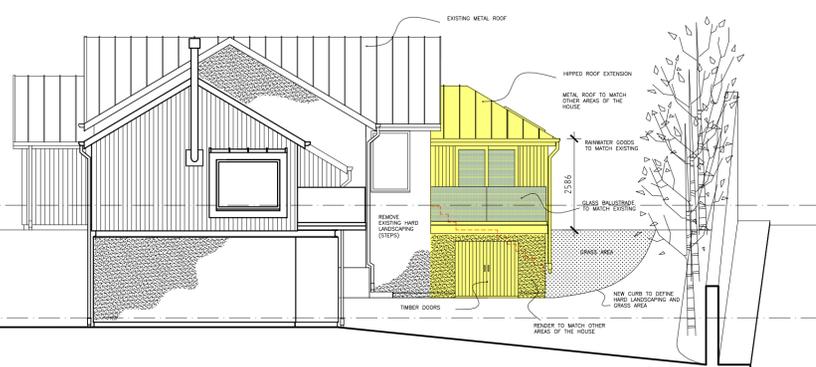
01 PROPOSED UPPER LEVEL FLOOR PLAN/ SITE PLAN
 Scale 1:100



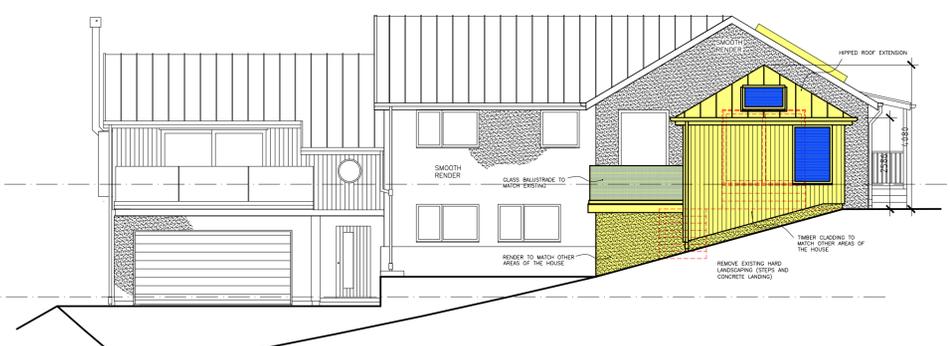
02 PROPOSED GROUND FLOOR PLAN
 Scale 1:100



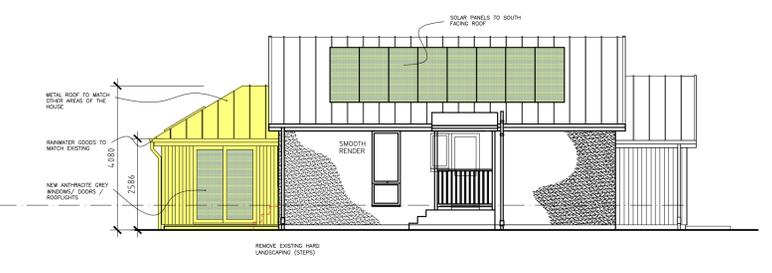
03 PROPOSED ROOF PLAN
 Scale 1:100



04 PROPOSED NORTH ELEVATION
 Scale 1:100

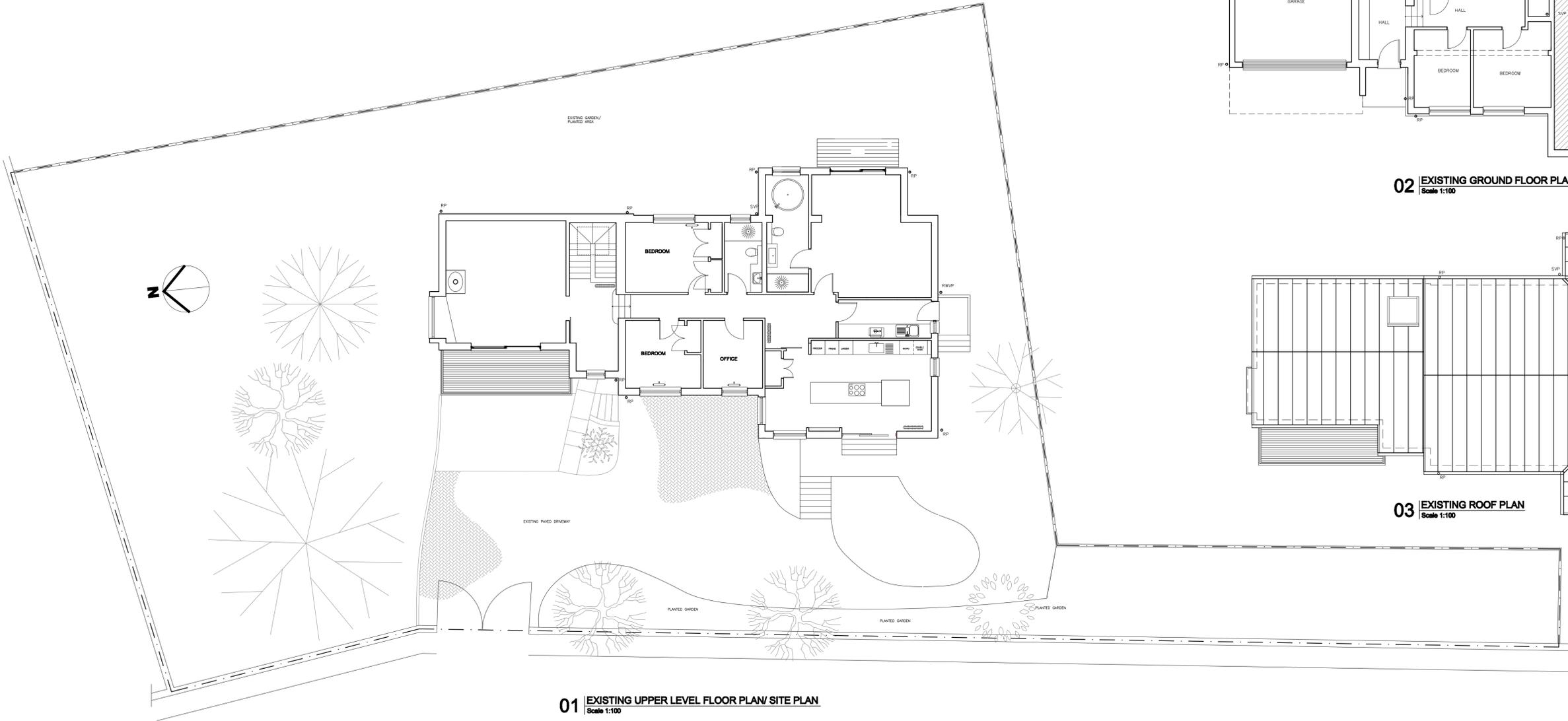


05 PROPOSED WEST ELVATION
 Scale 1:100

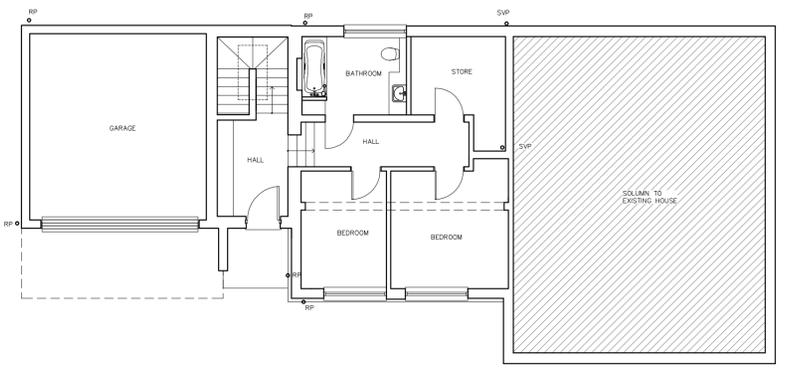


06 PROPOSED SOUTH ELVATION
 Scale 1:100

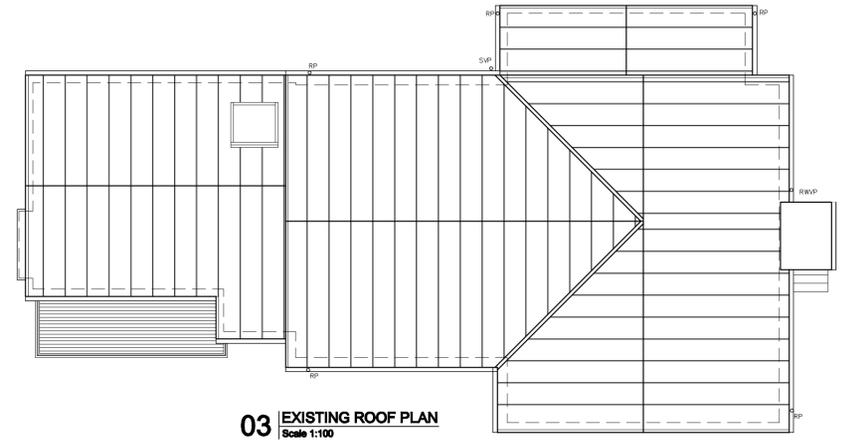
Project 36 YORK ROAD, EDINBURGH		
Drawing PROPOSED FLOOR PLANS PROPOSED ELEVATIONS		
Drawing Category: PLANNING		
Job No 000	Drawing no P1	Rev -
Scale 1:100	Date NOV2021	By CM



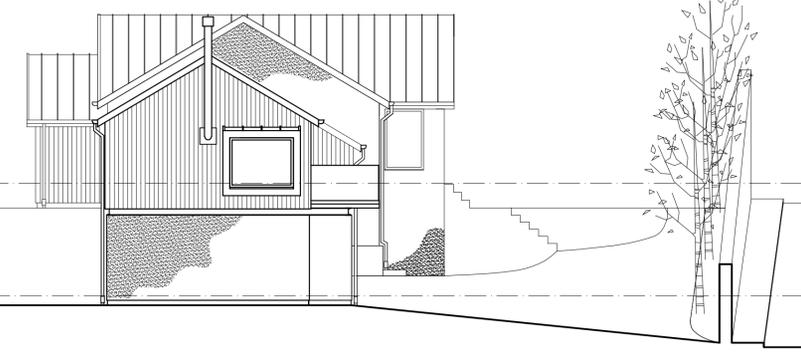
01 EXISTING UPPER LEVEL FLOOR PLAN/ SITE PLAN
Scale 1:100



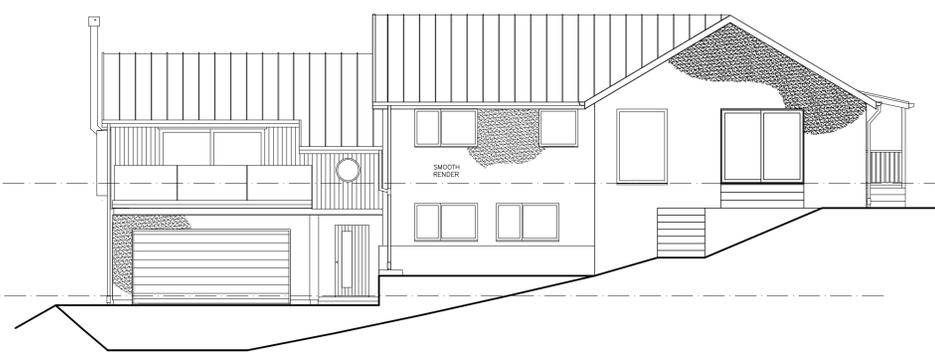
02 EXISTING GROUND FLOOR PLAN
Scale 1:100



03 EXISTING ROOF PLAN
Scale 1:100



04 EXISTING NORTH ELEVATION
Scale 1:100

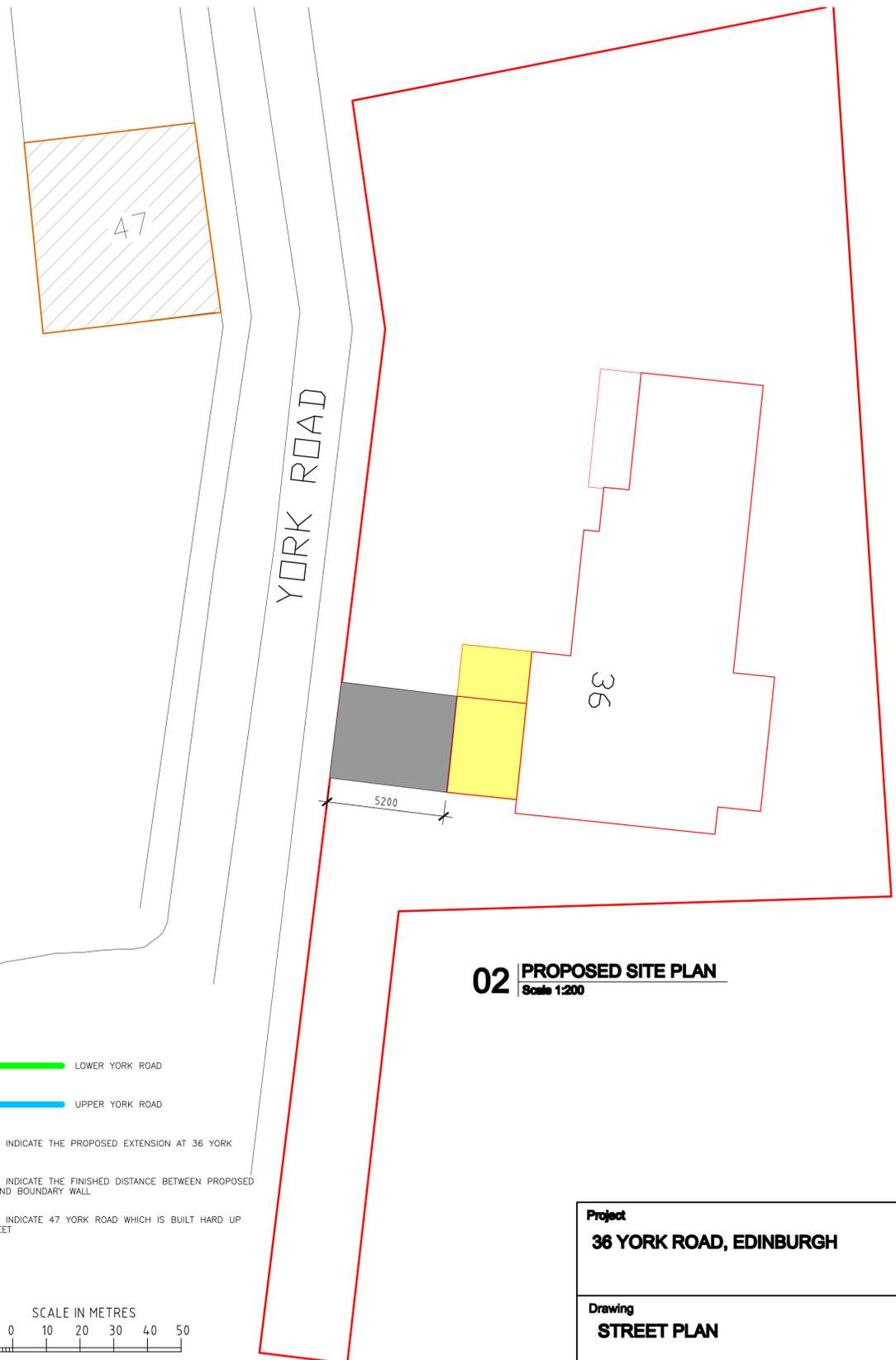
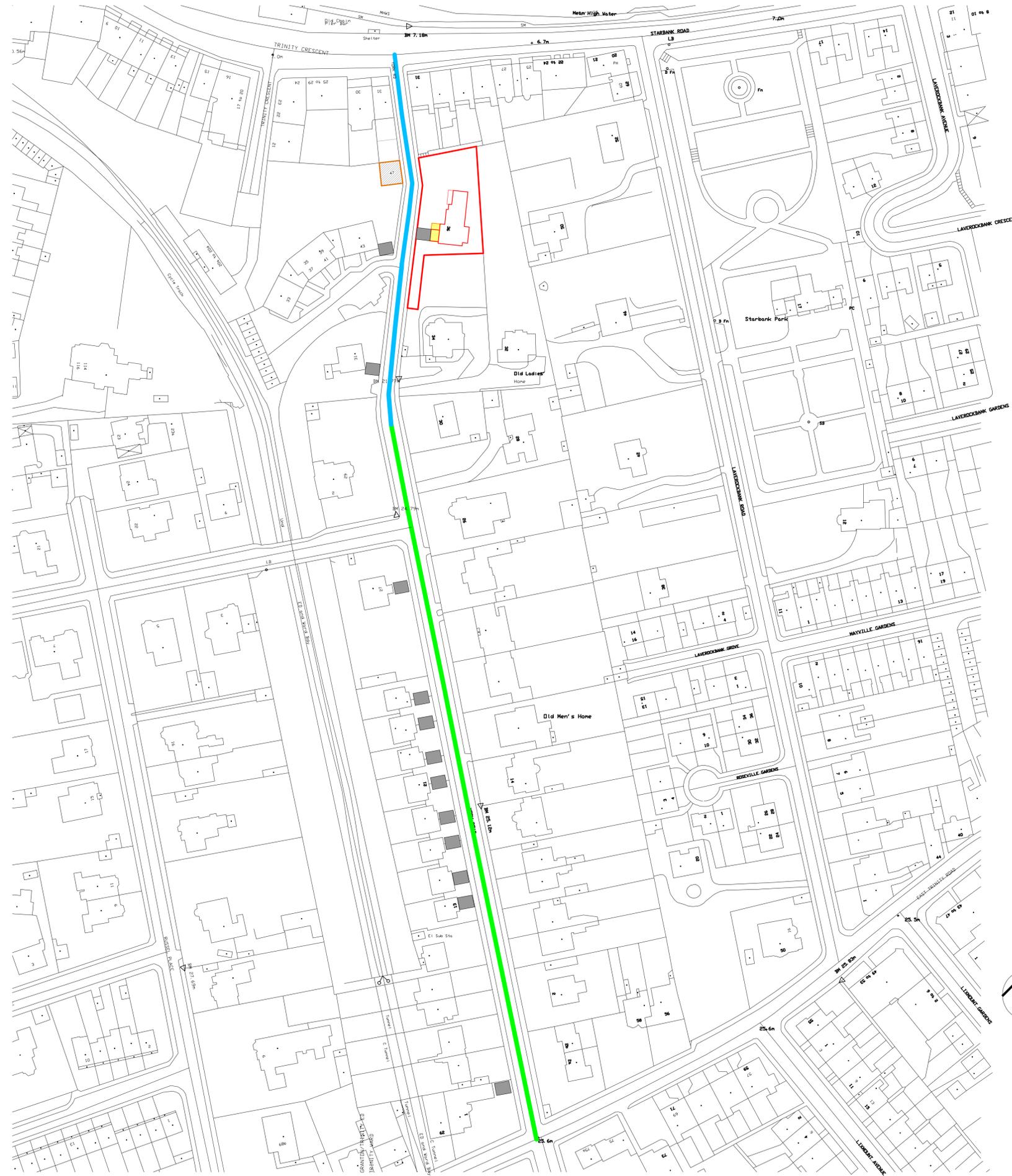


05 EXISTING WEST ELEVATION
Scale 1:100

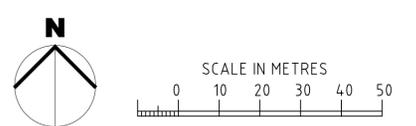


06 EXISTING SOUTH ELEVATION
Scale 1:100

Project 36 YORK ROAD, EDINBURGH		
Drawing EXISTING FLOOR PLANS EXISTING ELEVATIONS		
Drawing Category: SURVEY		
Job No 000	Drawing no S1	Rev -
Scale 1:100	Date NOV2021	By CM



-  LOWER YORK ROAD
-  UPPER YORK ROAD
-  HATCHING TO INDICATE THE PROPOSED EXTENSION AT 36 YORK ROAD
-  HATCHING TO INDICATE THE FINISHED DISTANCE BETWEEN PROPOSED EXTENSION AND BOUNDARY WALL
-  HATCHING TO INDICATE 47 YORK ROAD WHICH IS BUILT HARD UP TO THE STREET



 HATCHING TO INDICATE THE FINISHED DISTANCE BETWEEN PROPOSED EXTENSION AND BOUNDARY WALL.

THIS BLOCK HAS BEEN COPIED AND PLACED IN FRONT OF OTHER PROPERTIES TO TO PROVE THAT THERE ARE 13 OTHER PROPERTIES ON YORK ROAD THAT HAVE A SIMILAR DISTANCE BETWEEN THE BUILDING AND THE FRONT BOUNDARY OF THEIR PROPERTY.

PLEASE NOTE THAT 36 YORK ROAD HAS A 3-4m BOUNDARY WALL TO THE FRONT OF THE PROPERTY. THIS MEANS THAT YOU CAN NOT EVEN SEE THE BUILDING ON 36 YORK ROAD WHEN YOU ARE MOVING FROM THE TOP END OF YORK ROAD TOWARDS THE SEA.

PLEASE NOTE THAT 47 YORK ROAD IS ACTUALLY BUILT HARD UP AGAINST THE STREET SIDE.

Project 36 YORK ROAD, EDINBURGH		
Drawing STREET PLAN		
Drawing Category: PLANNING		
Job No 000	Drawing no SP1	Rev -
Scale 1:1250 1:200	Date FEB2022	By CM