

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

10.00 am, Wednesday 27 April 2022

Present: Councillors Mitchell, Mowat, and Staniforth.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 15 December 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 – 288 Colinton Mains Road, Edinburgh

Details were submitted of a request for a review for the proposed extension to rear of ground floor flat at 288 Colinton Mains Road, Edinburgh.

Application no. 21/05490/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 27 April 2022.

Assessment

At the meeting on 27 April 2022, the LRB had been provided with copies of the notice of review, 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 01-05, Scheme 1 being the drawings shown under the application reference number 21/05490/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)
The Relevant Scottish Planning Policy – Sustainable Development Principles
- 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:

- It was confirmed that there was information in the report about the applicant intending to purchase the upper flat and the potential loss of sunlight issue.
- There was some ambiguity if there would be loss of sunlight to the neighbouring property, given the garden appeared to be south facing.
- The report stated that there would be an unacceptable loss of sunlight to the neighbouring garden ground.
- It was confirmed that the sun path analysis would track from east to south to west and that any overshadowing would not last for the entire day, the concern was more on the basis that it was a small garden and therefore the impact may be greater.
- The applicant indicated that they intended to purchase the upper flat, but at this present time the flat remained in different ownership. Presently the extension would be unacceptably close to neighbouring residents' gardens and there would be serious amenity issue for neighbours.
- The overshadowing issue was not considered to be a reason for refusal, there would be some overshadowing in the morning only. However, the proximity of the extension to the neighbour's garden ground was an issue. The proposals were not in accordance with the relevant Edinburgh LDP policies.

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.

The LRB believed that the proposals failed to comply with the non-statutory Guidance for Householders in terms of privacy and overdevelopment of the garden area, as the extension would be located less than 9 metres from a garden boundary, being located only 1.75m from the garden boundary.

However, the LRB also believed that the proposals would not result in a significant loss of sunlight to neighbouring garden ground and requested that this be removed as a grounds for refusal.

Decision

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

Reasons for Refusal:

The proposals failed to comply with Local Development Plan Policy Des 12 and failed to comply with the non-statutory Guidance for Householders in terms of privacy and overdevelopment of the garden area, as the extension would be located less than 9 metres from a garden boundary, being located only 1.75m from the garden boundary.

The Panel believed the proposals would not result in a significant loss of sunlight to neighbouring garden ground.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

5. Request for Review – 4 Glenorchy Terrace, Edinburgh

Details were submitted of a request for a review to replace existing bathroom timber sash and case window with UPVC at 4 Glenorchy Terrace, Edinburgh.

Application No. 21/06280/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 27 April 2022.

Assessment

At the meeting on 27 April 2022, the LRB had been provided with copies of the notice of review, 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 01-04, Scheme 1 being the drawings shown under the application reference number 21/06280/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)
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)

- The Relevant Scottish Planning Policy – Sustainable Development Principles
- 2) Relevant Non-Statutory Guidelines.
Listed Buildings and Conservation Areas
The Craigmillar Park Conservation Area Character Appraisal
 - 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 this was a straightforward case where the proposal was contrary to policy, and the officer's decision should be upheld.
- The proposal was clearly visible on the side elevation.
- There was some sympathy with this application as the proposed UPVC replacement for the timber sash and case window was small scale and it was at the side of the building. However, there were suitable alternatives to installing UPVC units that were more appropriate in a conservation area. (it was suggested that the applicant visited energysavingtrust.org.uk for details).

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 proposed UPVC windows introduced a material which was not characteristic of the conservation area. As it was on a publicly visible elevation it would fail to preserve either the character or appearance of the conservation area and was contrary to Local Development Plan Policies Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

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

6. Request for Review –12 House O'Hill Road, Edinburgh

Details were submitted of a request for a review for a rear extension including a side dormer at 12 House O'hill Road, Edinburgh. Application No. 21/06308/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 27 April 2022.

Assessment

At the meeting on 27 April 2022, 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 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 01-02, Scheme 1 being the drawings shown under the application reference number 21/06308/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)
The Relevant Scottish Planning Policy – Sustainable Development Principles
- 2) Relevant Non-Statutory Guidelines.
The 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:

- Clarification was given that this was not a conservation area, nor was the building listed, and consideration of the proposal was in relation to the impact on the character and appearance of the existing bungalow and the surrounding area.
- In support of the proposals, the applicant had submitted photos of properties near the proposal site. These examples evidenced a range of property types and extensions. It was not then clear that the officer's recommendations should be upheld as this proposal was not particularly damaging to area and particularly given that this type of extension was not uncommon in this area.
- The policy was open to interpretation, this was a fairly common design for the area and the work would be carried out quite sensitively.
- The frontage of the property was the important feature and the applicant had no intention to alter it. The proposals were quite attractive and there seemed to be an attempt to improve the property, rationalise it and make it more coherent.

Additionally, the proposals were not out of keeping with the area, preserved parts of the building and improved space.

- It was not the case that proposed development was unsuitable for the area.

Having taken all the above matters into consideration, the LRB determined that the proposal was not contrary to Local Development Plan policy Des 12 as it respected the established form of the existing bungalow property and was not harmful to its character and appearance. It was not an incompatible and dominant addition on the street scene, nor was it detrimental to the existing neighbourhood character.

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

Decision:

To not uphold the decision by the Chief Planning Officer to grant planning permission.

Reason

Having taken all the above matters into consideration, the LRB determined that the proposal was not contrary to Local Development Plan policy Des 12 as it respected the established form of the existing bungalow property, remained subservient and was not harmful to its character and appearance. It was not an incompatible and dominant addition on the street scene, nor was it detrimental to the existing neighbourhood character.

Informatives

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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

7. Request for Review – 13 Jordan Lane, Edinburgh

Details were submitted of request for a review to refurbish windows with slim double glazing, repair rotten timber and add brush draught strips. Create safe disabled access to house from Jordan Lane, add electric car charging point, planted areas and SUDS paving. Reuse existing gate and railings where possible, and where necessary match existing finials and railings for new. Enhance welcoming aspect of house onto Jordan Lane, at 13 Jordan Lane, Edinburgh. Application No. 21/03213/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 27 April 2022.

Assessment

At the meeting on 27 April 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. 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 01-04, Scheme 1 being the drawings shown under the application reference number 21/03213/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had insufficient information before it and agreed to continue the review.

The LRB in their deliberations on the matter, considered the following:

Edinburgh Local Development Plan Policy Des 7 (Private Parking)

Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)

The Relevant Scottish Planning Policy – Sustainable Development Principles

2) Relevant Non-Statutory Guidelines.

Guidance for Listed Buildings and Conservation Areas

Guidance for Householders

Historic Environment Scotland - Managing Change in the Historic Environment: Boundaries

Other Relevant policy guidance

The Morningside Conservation Area Character Appraisal

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:

- The Panel determined that there was insufficient information to make a decision on this application. It felt that it would be appropriate to defer consideration to a subsequent meeting, following the Council elections.
- The case would need to be considered as a new item due to the likelihood that the same elected members may not be on the Panel. The Panel also requested that the Listed Building appeal decision should form part of the papers for the new Panel to consider.
- For the reasons stated, this application should be continued and considered by the next meeting of LRB Panel 1, in the new administration.

Having taken all the above matters into consideration, the LRB determined to continue consideration of matter to the next meeting of the Local Review Body (Panel 1) of the new Council Administration, on the basis that there was insufficient information to allow determination of the Review. The Panel would like to see the DPEA decision on the associated listed building application appeal.

Decision:

To **CONTINUE** consideration of matter to the next meeting of the Local Review Body (Panel 1) of the new Council Administration, on the basis that there was insufficient information to allow determination of the Review. The Panel would like to see the DPEA decision on the associated listed building application appeal.

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

8. Request for Review – 94 Lasswade Road, Edinburgh

Details were submitted of a request for a review to remove entire existing roof, form rear extension and new attic accommodation over new and existing form single storey side extensions at 94 Lasswade Road, Edinburgh. Application No. 21/05409/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 27 April 2022.

Assessment

At the meeting on 27 April 2022, the LRB had been provided with copies of the notice of review, 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 01-05, Scheme 1 being the drawings shown under the application reference number 21/05409/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)
The Relevant Scottish Planning Policy – Sustainable Development Principles
- 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:

- The main issue was one of privacy to neighbouring properties. The proposed rooflights on the side elevations and the proposed balcony to the rear would allow for new direct views over neighbouring properties and garden ground.
- It was confirmed that the velux windows were in a combination of bedrooms and bathrooms. It was noted that the balcony was not the same as a dormer, as it would allow for useable outdoor space at high level, and overlooking neighbouring gardens.
- It was commented that this was practically a rebuilding of the property and if it was a new building which was being considered, it would not be approved.

Having taken all the above matters into consideration, 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 for the erection of an extension to the dwelling was not in accordance with the Edinburgh Local Development Plan with respect to policy Des 12 and non-statutory Guidance for Householders. Furthermore, the proposal did not comply with the Paragraph 29 of SPP - sustainable development principles - notably in relation to good design and avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

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

9. Request for Review – The Old Dairy House, Dundas Home Farm (At Land 20 Metres East Of), South Queensferry, Edinburgh

Details were submitted of a request for a review for the erection of 4-5 bedroom house. The erection of a detached 2 car garage at land 20 metres east of the Old Dairy House, Dundas Home Farm, South Queensferry. Application No. 21/04768/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 27 April 2022.

Assessment

At the meeting on 27 April 2022, the LRB had been provided with copies of the notice of review, 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, 02a, 03a, 04a, 05, 06, Scheme 1 being the drawings shown under the application reference number 21/04768/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 1 (Design Quality and Context)
Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)
Edinburgh Local Development Plan Policy Env 10 (Development in the Green Belt and Countryside)
Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
- 2) Relevant Non-Statutory Guidelines.
Development in the Countryside and Green Belt
The Relevant Scottish Planning Policy – Sustainable Development Principles
- 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:

- The proposed development was in clear breach of greenbelt policy and did not represent sustainable development.
- There was no reason to overturn the decision of the officer and the application should be refused.

Having taken all the above matters into consideration, 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 Env 10 of the Edinburgh Local Development Plan (LDP) in that it did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.
2. The proposal was contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling had been established; it did not relate to meeting the needs of one or more workers employed in agriculture; it was not related to a rural activity or business, and it was not a brownfield site or a gap site.
3. The proposal was contrary to LDP policy Des 1 as the proposal would be damaging to the character and appearance of the area around it.
4. The application site was not sustainable and the proposal was overdevelopment of the existing garden grounds. It did not comply with the 13 SPP principles.
5. Inadequate information had been submitted to prove that the development would not increase a flood risk or be at risk of flooding itself. The proposal did not comply with LDP Policy Env 21.
6. The proposal was contrary to LDP policy Des 4 as the proposal would not have a positive impact on its surroundings.

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

