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**Decision date: 3 May 2022**

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

2 storey extension to the side of the property, 1 storey extension to the rear (as amended).

At 14 Longstone Gardens Edinburgh EH14 2AW

**Application No:** 21/06334/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 1 December 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:-**

**Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it is not of an acceptable scale, form or design and is detrimental to the amenity of the neighbouring property.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01, 02, 03A, 04, 05, 06A, 07A, 08A,09,10B,11A, 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 proposed works to the dwelling are not in accordance with the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character and will potentially result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is not acceptable.

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](mailto: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](http://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](mailto: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.

# Report of Handling

**Application for Planning Permission**  
**14 Longstone Gardens, Edinburgh, EH14 2AW**

**Proposal: 2 storey extension to the side of the property, 1 storey extension to the rear (as amended).**

**Item – Local Delegated Decision**  
**Application Number – 21/06334/FUL**  
**Ward – B07 - Sighthill/Gorgie**

## **Recommendation**

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

## **Summary**

The proposed works to the dwelling are not in accordance with the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character and will potentially result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is not acceptable.

## **SECTION A – Application Background**

### **Site Description**

The application site is a semi-detached property, located on Longstone Gardens.

### **Description Of The Proposal**

The application proposes a two-storey side extension and a single storey extension to the rear.

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 7 December 2021

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies Des 12.

The non-statutory Householder Guidance is a material consideration that is relevant when considering policy Des 12.

#### Scale, form, design and neighbourhood character

The proposed extension is subordinate in scale and floor area to the main dwellinghouses. The proposed design is appropriate and will not have a detrimental impact on the character and appearance of the surrounding area. However, it has a negative impact on the neighbouring amenity which is assessed below.

#### Neighbouring Amenity

The proposal was revised in order to comply with the 45-degree rule in terms of daylighting.

Part of the two-storey extension gable wall will be sited close to the boundary line with the neighbouring property at No.12. The rear section of the extension gable wall varies in distance from the boundary line from approximately 1.3 metres to 2.8m.

The two properties are not aligned gable to gable. Given the positioning of the application property in relation to its neighbour, the proposed two storey extension would potentially overshadow a substantial area of the neighbouring garden.

The extension as a whole would result in approximately 7 to 8 square metres of the neighbouring garden ground being directly overshadowed. The neighbouring garden has a total area of 140 square metres and therefore around 6% of the garden would be affected. Whilst some of this overshadowing would fall on an area between the neighbouring gable and the boundary line which has limited amenity value, some overshadowing would also fall directly onto the main rear garden which is considered to have high amenity value, and this would be to the detriment of neighbouring amenity. In light of this, the proposal contravenes the Council's guidance.

The proposal would have a detrimental impact on the amenity of neighbouring property and is contrary to section (b) of LDP policy Des 12.

### **Conclusion in relation to the Development Plan**

The proposals are not compatible with both the existing building and neighbourhood character and would result in a loss of neighbouring amenity. Therefore, the proposals do not comply LDP policy Des 12 and the overall objectives of the Development Plan.

### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

## Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

## Public representations

No comments have been received.

## **Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

## **Overall conclusion**

The proposed works to the dwelling are not in accordance with the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character and would result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is not acceptable.

## **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 of an acceptable scale, form or design and is detrimental to the amenity of the neighbouring property.

### **Background Reading/External References**

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

**Further Information** - [Local Development Plan](#)

**Date Registered:** 1 December 2021

**Drawing Numbers/Scheme**

01, 02, 03A, 04, 05, 06A, 07A, 08A,09,10B,11A

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Weronika Myslowiecka, Planning Officer  
E-mail:[veronika.myslowiecka@edinburgh.gov.uk](mailto:veronika.myslowiecka@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.