

Tom McDonald Design.
Fao. Tom McDonald.
138 Lanark Road West
Edinburgh
EH14 5NY

Mr Joe Knopps.
27 Saughtonhall Drive
Edinburgh
EH12 5TP

Decision date: 1 March 2022

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

Extend current kitchen into outside infill space, remove walls section of existing kitchen to allow new living-dining area. Move kitchen to existing dining room, convert loft space to create a master bedroom/en-suite + balcony area to rear.
At 27 Saughtonhall Drive Edinburgh EH12 5TP

Application No: 21/06209/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 24 November 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:-

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

Drawings 01-02, 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 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 veronika.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.

Report of Handling

**Application for Planning Permission
27 Saughtonhall Drive, Edinburgh, EH12 5TP**

Proposal: Extend current kitchen into outside infill space, remove walls section of existing kitchen to allow new living-dining area. Move kitchen to existing dining room, convert loft space to create a master bedroom/en-suite + balcony area to rear.

**Item – Local Delegated Decision
Application Number – 21/06209/FUL
Ward – B06 - Corstorphine/Murrayfield**

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 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 mid-terraced dwelling situated on Saughtonhall Road. The surrounding area is residential in nature.

Description Of The Proposal

The application proposes single storey rear extension and to create a full width dormer with roof terrace.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 30 November 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 4

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 rear extension is of an acceptable scale, form and design and are compatible with the existing dwelling and the surrounding area.

In terms of the dormer, the roof alterations are common in the area and this proposal will not have negative impact on the existing property or the neighbouring area and it would be acceptable.

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling.

Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will not result in any unreasonable loss to 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 Guidance for Householders states that 'permission for roof terraces and balconies will not be granted where there is significant overlooking into neighbouring property due to positioning and height or if the terracing results in loss of privacy to neighbouring properties'.

The main issue is whether the proposals impact on the privacy of neighbours.

The roof terrace will cover the whole roof and the balustrade and whilst there are obscure views to the sides, the rear glass barrier is only 1m high and would allow overlooking to the neighbouring gardens of properties across in Riversdale Road and Saughtonhall Crescent and as such, there would be an unreasonable loss of privacy.

The use of the roof terrace is not a planning issue as this is ancillary to the residential use. However, the open design of the roof terrace means there is a breach in terms of privacy and overlooking which is sufficient to merit refusal.

In addition, proposed velux window on the rear extension could potentially reduce daylight to the neighbouring property. However, since the roof top is not acceptable and applicant does not wish to make amendments, it was unreasonable to request additional drawings to clarify the impact.

The proposals do not comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

Conclusion in relation to the Development Plan

The proposals are not compatible with both the existing building and neighbourhood character and do result in an unreasonable loss of neighbouring amenity. Therefore, the proposals 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

material considerations

- Loss of privacy, overlooking - assessed in section (a)
- Detrimental to the character of the neighbouring area - assessed in section (a)

non-material considerations

- Increase of parking - there is no change to the parking arrangements
- Damage to the boundary wall - this is a civil matter

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 will 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 policy Des 12 as it will be detrimental to neighbouring amenity in terms of privacy and overlooking.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 24 November 2021

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 21/06209/FUL

Application Summary

Application Number: 21/06209/FUL

Address: 27 Saughtonhall Drive Edinburgh EH12 5TP

Proposal: Extend current kitchen into outside infill space reflective of neighbouring properties, remove walls section of existing kitchen to allow new living-dining area. Move kitchen to existing dining room, convert loft space to create a master bedroom/en-suite + balcony area to rear.

Case Officer: Householder Team

Customer Details

Name: Mr Peter McCourt

Address: 2 Riversdale Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Application No. 21/06209/FUL

27 Saughtonhall Drive Edinburgh EH12 5TP

We strongly object to the proposed balcony

1. It will be intrusive and lead to substantial loss of our privacy.

It will directly overlook our entire back garden, the west side of our house and a large part of our front garden.

If adjacent properties were to follow suit, we would have 5 balconies all directly overlooking our gardens, resulting in loss of privacy and creating extensive intrusion.

2. The roof extension and balcony will spoil the appearance of a substantial Edwardian terrace. The development is not a sympathetic extension to the building ie. no better than a box.

3. The proposed roof extension will be of further detriment to the character of the neighbourhood. and will be visible from Riversdale Road.

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Case Officer: Householder Team

Customer Details

Name: Mr Alan Forsythe

Address: 23 Saughtonhall Drive Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Ref: 21/06209/FUL

Site Address: 27 Saughtonhall Drive

Sender Name: Alan Forsythe

Sender Address: 23 Saughtonhall Drive EH12 5TP

Application Ref Number: 21/06209/FUL

I have the following reasons for wishing to object to this proposed work.

1. Privacy. We are fortunate to have a very private garden at the back of our house which we use a lot throughout the year to sit in and to eat in. It is not overlooked. This proposed extension includes a balcony at roof level at the back of the house which will afford anyone using it a direct view into our garden completely removing the privacy we enjoy. Please note that the previous extensions that have been approved are sufficiently far along the terrace that our privacy is not impacted.
2. This is a very attractive typical Edwardian Edinburgh terrace. Allowing this proposed balcony to go ahead will detract hugely from the look and character of the terrace to the rear. Although the previous 2 balconies have gone ahead this is very different in that it is sufficiently near the end of the terrace that the balcony will be in clear line of sight to anyone walking along Riversdale Road. I therefore think that this detracts from the character of the terrace and the immediate area.
3. While plans have been approved and two balcony extensions completed already around the middle of the terrace approving this application I suggest will mean that it will extremely difficult to refuse any further similar proposals from other houses in the terrace. Over time this will likely result in the whole character of the rear of the terrace being changed as well as to a lesser extent

that of the front where an increasing number of velux widows will be on show. This is the opportunity for Council planning to call a halt to these invasive top floor balcony extensions and I would respectfully urge you to do this.

Finally an engineering concern for noting only. Being at the end of the terrace means that I have the foul waste pit for the terrace under my driveway. I have had to call out professionals to unblock this twice since I have been here at my own expense and would be concerned that approval for further toilets etc would increase the risk of reoccurrence.

Comments for Planning Application 21/06209/FUL

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Case Officer: Householder Team

Customer Details

Name: Ms Lucy Jenkinson

Address: 31 Saughtonhall Drive Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The balcony will overlook the gardens to the rear, encroaching on the privacy of neighbouring residents, who feel increasingly overlooked.

2. These developments spoil the character of this traditional Edwardian terrace (e.g. addition of skylights and balconies).

3. The ensuite will increase the pressure on the terrace's drainage which was not designed to deal with properties with multiple bathrooms.

4. The addition of further bedrooms to these terraces will in due course put further pressure on local parking.

Comments for Planning Application 21/06209/FUL

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Case Officer: Householder Team

Customer Details

Name: Dr JULIE KERR

Address: 25 Saughtonhall Drive EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed plans will impact me considerably as the neighbouring terrace that adjoins the applicant's house and shares the boundary wall to which the extension would abut. I'm also concerned more generally about the harm to the appearance and character of the area. I'd like to draw attention to s.25 of the Town and Country Planning (Scotland) Act 1997 whereby all planning applications must be determined in accordance with the development plan unless there are very good reasons to the contrary.

Light and outlook: the proposed extension to the kitchen / dining area will have a significant impact on the light in both my dining room, an attractive and habitable room, and the kitchen, where I spend a lot of my time. These are currently bright rooms that enjoy considerable light and direct sun. The proposed extension would overshadow both of these rooms and make this a darker, colder and gloomier space; and one that is less energy efficient. The plans provide inadequate information regarding the potential impact on solar light in my property. I'd request that a sun path analysis is undertaken at the applicant's expense to obtain this information and that a decision be deferred until these facts are available.

The extension would also harm the outlook in my dining room - a view of trees from the dining room window would be replaced by an oppressive wall. This is the only window in that room. The kitchen would be similarly overshadowed. The side window and kitchen door would look out and open out onto an oppressive wall several feet away.

Whilst a similar extension has been built further along the terrace the layout of my house is quite different and the impact will be much more significant.

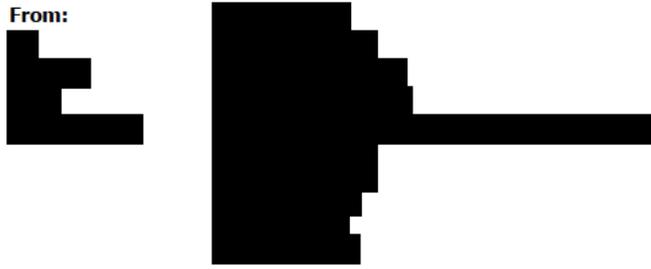
Rendering and maintenance of the external wall; and its appearance: the current plans show the proposed extension running to the current boundary wall with no apparent room left for access to render the new wall, or to paint and maintain it from the applicant's own garden. Should this be left

unfinished I shall be looking out at an eyesore that is not in keeping with the current style of the terrace. I am also concerned about the potential damage to the integrity of the boundary wall.

Privacy: the attic conversion with its proposed balcony would overlook my garden - and that of several neighbours. One area in my garden is currently completely private and is where I choose to sit most of the time. I would lose this privacy.

The architectural integrity of the terrace: this is an important concern. The attic conversion with its balcony is harmful to the character of the rear elevation and to the area in general. It detracts from the original character. This would be more conspicuous than the two attic conversions further along the terrace. I hope that the council would feel an obligation to preserve the architectural integrity of these Edwardian terraces.

From:



Local Review No. 21/06209/FUL

Reference No. 22/00067/REVREF

31 May 2022

Please find attached our further submission and relevant photographs regarding the above review.

Marion and Peter McCourt

2 Riversdale Road

Edinburgh

From:
To:
Subject:
Date:
Attachments:



Local Review No. 21/06209/FUL

Reference No. 22/00067/REVREF

31 May 2022

Please find attached our further submission and relevant photographs regarding the above review.

Marion and Peter McCourt

2 Riversdale Road

Edinburgh

From:
To:
Cc:
Subject:
Date:



Dear Sir, Madam,

I was very disappointed to see that this review had been granted however I understand there is a process and that it should be followed. I wish to use this opportunity to strongly reaffirm my objections to this application going ahead as per my original comments, in particular:

1. The direct impact on our privacy from the proposed works to the roof which include a balcony
2. The detrimental impact to the rear view and character of what is a beautiful Edwardian terrace

The rationale for the Council's unanimous decision following consideration was very clear i.e. that the proposed works are not in accordance with the Development Plan; that the works are not compatible with the existing dwelling and surrounding neighbourhood character and will result in an unreasonable loss of neighbouring amenity; and that there are no material considerations which indicate that the proposal should be granted.

I would urge the review committee to reconfirm the original decision.

Regards

Alan Forsythe

23 Saughtonhall Drive

EH12 5TP

From: [REDACTED]
To: [Local Review Body](#)
Subject: Objection to planning application: 21/06209/FUL review
Date: 01 June 2022 22:13:51
Attachments: [257461459_6524143317660724_2493020622671553692_n\(1\).jpg](#)
[257747457_640297537131801_1027165874508554986_n\(1\).jpg](#)
[282707535_1088389968555190_8048060835849745454_n.jpg](#)
[285456996_341565158031455_7523259855385790466_n.jpg](#)

I wish to reiterate all that I said in my first objection, namely, to stress the detrimental impact that the proposed building work would have on the appearance and integrity of the terrace; the wider consequences for the terrace and the area if this establishes a precedent; the impact of the attic conversion and balcony on the privacy of neighbouring properties; and, for me, the huge impact that the side extension would have on my property, especially with regard to light and overshadowing.

I would ask that a site visit be conducted to understand and appreciate these concerns fully, in particular the impact on light in my dining room and kitchen, as this was dismissed in the initial assessment. A site visit will show just how intrusive and damaging the proposed extension will be for me and my property.

I am perplexed as to why a review has been granted. According to the initial report in February the applicant was asked for further diagrams to assess accurately the impact that the proposed Velux window on the side extension might have on my light. The applicant chose not to provide these diagrams, suggesting that he had effectively withdrawn. The application was duly refused. Having dropped out of the race how can he now ask for a rerun? This feels unfair and also a waste of the council's time and resources.

The plans do not allow for the erection, completion and maintenance of the two walls either adjoining or abutting my property to be carried out entirely from the applicant's own property. No access to any part of my property will be permitted for any of the construction or maintenance of these buildings. For the council this will be a civil matter. But it is surely something that the applicant should consider.

I would ask the council to preserve the appearance and integrity of this Edwardian terrace, and to protect the privacy and character of neighbouring properties.

I attach several photographs of my dining room and kitchen that will be most affected by the side extension

Julie Kerr
25 Saughtonhall Drive
EH12 5TP

From:
To:
Cc:
Subject:
Date:



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