

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

10.00 am, Wednesday 10 August 2022

**Present:** Councillors Gardiner, Jones, O'Neil and Osler.

### 1. Appointment of Convener

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Councillor Gardiner was appointed as Convener.

### 2. Minutes

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- 2.1 To approve the minute of the Local Review Body (LRB Panel 1) of 27 April 2022 as a correct record.

**Note:** The Panel was content to approve this minute on the basis that the members of the previous Panel who attended the meeting on 27 April had approved the minute.

- 2.2 To approve the minute of the Local Review Body (LRB Panel 1) of 22 June 2022 as a correct record.

### 3. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 25 Gillespie Crescent (3F1), Edinburgh

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Details were submitted of a request for a review for alterations to existing dormer windows to rear of property, along with creation of inset balcony, new roof windows, and associated internal alterations at 3F1 25 Gillespie Crescent Edinburgh. Application no. 21/06715/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

#### Assessment

At the meeting on 10 August 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 01-07, Scheme 1 being the drawings shown under the application reference number 21/06715/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 to determine the review.

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, principally:
  - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance for Householders
  - Listed Buildings and Conservation Areas
  - The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal
  - Statute: Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 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 the roof terrace/balcony would extend to the dormer. From the side elevation, it was possible to view the glass balustrade.
- The proposals for two dormer windows on the rear elevation would be replacing the two existing dormers.
- Although there was sympathy for the applicant, there were issues with the proposed roof terrace/balcony. A roof terrace/balcony was not required for this property and it would cause harm to the character and appearance of the conservation area. As a mixed decision was inappropriate in this case and the proposals should be considered in their entirety, this application should be refused.

- That the proposed roof terrace/balcony was small in nature, there would be a minimal level of disruption for neighbours and only a slight impact on the character and appearance of conservation area. Therefore, the panel should approve this application.

Having taken all the above matters into consideration and although one of the members was in disagreement, 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 proposed works were not compatible with the existing dwelling nor surrounding neighbourhood character and due to the cumulative impact of the dormers and roof/terrace balcony would harm the special character of this prominent roofscape and crescent building and the wider character and appearance of the Conservation area. The proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. The proposed works due to their size, height, shape and the inclusion of the balcony/roof terrace were also contrary to LDP policy Env 6 and Des 12.
3. The proposals would result in an unreasonable loss to neighbouring amenity and were contrary to Des 5.

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

## **5. Request for Review – 14 Longstone Gardens, Edinburgh**

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Details were submitted of a request for a review for a 2-storey extension to the side of the property, 1 storey extension to the rear (as amended) at 14 Longstone Gardens, Edinburgh. Application No. 21/06334/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 June 2022.

### **Assessment**

At the meeting on 10 August 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, 02, 03A, 04, 05, 06A, 07A, 08A,09,10B,11A, Scheme 2 being the drawings shown under the application reference

number 21/06334/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 to determine the review.

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, principally:  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) The procedure used to determine the application.
- 3) 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 adviser's presentation for this application had clarified matters. The issue with this application was whether it was contrary to LDP Policy Des 12 and detrimental to the amenity of the neighbouring property. It was noted there were no objections from neighbours and the negative impact, which had been referred to, affected a relatively small section of the neighbouring garden.
- It was confirmed that the proposed two-storey side extension and a single storey extension to the rear would cause some overshadowing to the neighbouring rear garden area.
- As there had been no objections from neighbours, in terms of procedure, was there a requirement by the planning office to invite comments from neighbours?
- The neighbours would have been notified as this was a statutory requirement. It was then the responsibility of the neighbours to respond or not.
- In terms of the planning process, it seemed remiss for the development to overshadow the rear neighbouring garden. As the issue seemed to be the height of the roof, might it be possible to construct a hipped roof rather than a gabled roof to reduce overshadowing? If so, the applicant could submit a revised scheme as the current one could render part of the neighbouring garden unusable. This current application should be refused and a new application be brought forward.
- Regarding the extent of the overshadowing, it was confirmed that the report of handling stated there would be 7 to 8 square metres of overshadowing at certain times of the day in the context of a garden of 140 square metres.
- Although the garden was large, it was not useful for recreation. Furthermore, some overshadowing would also fall directly onto the main rear garden which was considered to have high amenity value. It was that section of the garden that was most used which would be most affected.

- It was thought that as there were no objections from residents and that there was not major overshadowing of the neighbouring rear garden, this application should be approved.
- The Panel had previously granted permission for various types of applications. It was not the case that residents had a total right to all unshaded garden space and if there were concerns, the neighbour most affected would have raised them. But in this instance, the applicant was trying to improve their amenity and there were no objections from the community. If the Panel refused this application, then it sent out the wrong message.
- The proposals would impact on the best section of the neighbouring garden and would cause unnecessary overshadowing. It was not just the quantity but the quality of the garden space which should be considered.
- There had been no objections from the neighbours on both sides of the property and the overshadowing was not significant.
- It would accord with LDP Policy Des 12, which would permit setting aside the reason for refusal.

Having taken all the above matters into consideration and although one of the members was in disagreement, the LRB determined that the extent of the overshadowing caused by the proposed two-storey side extension would not have a significantly negative impact on the amenity of the neighbouring garden. Therefore, the proposals were not contrary to Local Development Plan Policy Des 12 in respect of Alterations and Extensions.

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 and to grant planning permission.

**Reasons**

The extent of the overshadowing caused by the proposed two-storey side extension would not have a significantly negative impact on the amenity of the neighbouring garden. Therefore, the proposals were not contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions.

**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 was 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).

## **6. Request for Review – 27 Saughtonhall Drive, Edinburgh**

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Details were submitted of a request for a review to 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. Application No. 21/06209/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

### **Assessment**

At the meeting on 10 August 2022, the LRB had been provided with copies of the notice of review submitted by you 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 01-02, Scheme 1 being the drawings shown under the application reference number 21/06209/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 to determine the review.

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, principally:  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) The procedure used to determine the application.
- 3) 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:

- There were concerns that the Report of Handling contained inconsistencies and had come to the Panel in this form.
- The Report of Handling was in the public domain.

- That it might not be possible to make a decision with such inconsistencies in the report.
- It was not possible to change the Report of Handling at this stage and the papers had been published. There were inconsistencies in the report and it would be necessary to ask the Chief Planning Officer to consider the process. There was reference to information from the applicant that was not attached. It was not clear if that information had been provided by the applicant. Would it be possible to request this information from the applicant?
- There was agreement that it was not necessary to have a site visit.
- There was conformity with the roofs in the area. From photographs supplied, the application seemed to be in contravention to LDP Policy Des 12. The Report of Handling was as presented. The applicants deserved to have a decision made at this meeting of the Panel.
- It was explained that the Report of Handling was drafted by the officer. However, the Panel could determine the application if they felt they understood the scheme drawings and the planning policy landscape; the fact that the report contained unhelpful inconsistencies did not affect their ability to do this.
- That there was one inaccuracy in one part of the report regarding the address of the property.
- Regarding the missing information from the applicant, it was not clear why this was not included in the papers and neither was it apparent if that information would be relevant.
- The omission could be a mistake by the applicant or by the Authority. Enquiries had been made, regarding the omission, but nothing had been found.
- There was sufficient information to consider the application, but it remained unclear why the report came to the Panel in this form.
- The inconsistencies in the report did not make it void. The Panel were making a decision, as if for the first time, and if they thought they had sufficient information, then they could make a decision.
- Regarding the issue if the missing information would have been regarded as additional information, it was confirmed that this was the case and the Panel would not automatically have to accept this information for consideration.
- Whether the objections were mostly concerned with the roof terrace element which would cover the entire roof, and the balustrade. This would allow overlooking of the neighbouring gardens and, as such, this would result in an unreasonable loss of privacy.
- The proposed terrace was quite large and would probably be well-used by the owners of the property. Regarding residential amenity, the rear extension was not visible from the street and would be formed of good building materials,

therefore, it was of less concern. The ground floor development was acceptable and the building at the back of the property did not impact significantly on residential amenity. The proposed terrace was the main issue.

- It was not the balcony that was the only issue, but also the roofscape and the lack of conformity with the rest of the street. It was not possible to support significant change of this nature. The Panel should not give the impression to the applicant that by changing the balcony, this would make the proposal acceptable.

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 was contrary to Policy Des 12 as it would be detrimental to neighbouring amenity in terms of privacy and overlooking.

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

## **7. Request for Review – 1A West Harbour Road (At Proposed Telecoms Apparatus 43 Metres Northeast Of), Edinburgh**

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Details were submitted of a request for a review for a new 20m high 'slim line' street pole with built-in cabinet and 3 No. separate equipment cabinets (colour Grey RAL7035) are to be positioned on a pavement within an industrial area at 1A West Harbour Road (At Proposed Telecoms Apparatus 43 Metres Northeast Of), Edinburgh. Application No. 21/06399/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

#### **Assessment**

At the meeting on 10 August 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 01-07, Scheme 1 being the drawings shown under the application reference number 21/06399/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 to determine the review.

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, principally:  
Edinburgh Local Development Plan Policy Tra 7 (Public Transport Proposals and Safeguards)  
Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)
- 2) Relevant Non-Statutory Guidelines.  
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:

- In procedural terms, this application should have come through the prior approval route, as it met the tests to be considered permitted development. But it had been submitted as a planning application and the Council had no powers to withdraw or refuse to determine it, this being the case, the Panel were advised to determine it as they would a normal planning application.
- It was agreed that this was an unusual application. If the Panel refused this application, what would be the next stage in the process?
- The applicant could re-submit as an application via the prior approval route. If it was determined that prior approval was required, the criteria used are narrower than for a planning proposal.
- That the officer's report and decision should be upheld on its merits. There were strong grounds for refusal, principally the location of the equipment on a cycle path and within the limits of deviation of the tram extension.
- The applicant's supporting material referred only to English policies and national planning framework, but these do not have force in Scotland.

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 Scottish Planning Policy (SPP) 269-291 as it would have a detrimental impact on the Council's ability to facilitate travel by public transport.

2. The proposal was contrary to policy Tra 7 of the adopted Edinburgh Local Development Plan as it would prejudice the implementation of a public transport proposal.
3. The proposal was contrary to policy Tra 9 of the adopted Edinburgh Local Development Plan as it would be detrimental to a path which forms part of the core paths network.

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

## **8. Request for Review – 7 (3F1) West Montgomery Place. Edinburgh**

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Details were submitted of a request for a review for attic conversion with dormer to the rear elevation & alterations to existing flat at 7 (3F1) West Montgomery Place, Edinburgh. Application No. 21/06506/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 10 August 2022.

### **Assessment**

At the meeting on 10 August 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, 02, Scheme 1 being the drawings shown under the application reference number 21/06506/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 to determine the review.

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, principally:  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.  
Guidance for Householders  
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:

- This application could be approved, as the proposed development would not be visible from the street; the grounds for refusal were not strong and it generally complied with Edinburgh LDP policies.
- The traditional roofscape in the area was of a uniform nature and this application would be incompatible with the tenemental character of the area. It also had undue prominence, was in a conservation area and UPVC materials would be used.
- The Panel had turned down a similar application at the previous meeting and the proposals would be detrimental to the uniformity of the area.

Having taken all the above matters into consideration and although one of the members was in disagreement, 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 proposals were not compatible with both the existing building and neighbourhood character. Whilst they did not result in an unreasonable loss of neighbouring amenity, overall, the proposals did not comply with LDP policy Des 12 and the overall objectives of the Development Plan.

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