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Decision date: 23 June 2022

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

Proposed single storey extension to rear of existing end terraced villa.
At 331 South Gyle Road Edinburgh EH12 9EE

Application No: 22/01608/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 30 March 2022, 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:-

Reason for Refusal:-

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it will result in unreasonable loss of neighbouring amenity in respect of daylight and sunlight.

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

Drawings 01-03, 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 contrary to the Development Plan. The works will result in an unreasonable further reduction in neighbouring amenity in terms of daylight and sunlight. They do not comply with the principles of Scottish Planning Policy as they will not protect the amenity of existing development. Therefore, planning permission should be refused. There are no further material considerations which outweigh this conclusion.

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 Ben Wilson directly at ben.wilson@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
331 South Gyle Road, Edinburgh, EH12 9EE

Proposal: Proposed single storey extension to rear of existing end terraced villa.

Item – Local Delegated Decision
Application Number – 22/01608/FUL
Ward – B03 - Drum Brae/Gyle

Recommendation

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

Summary

The proposed works to the dwelling are contrary to the Development Plan. The works will result in an unreasonable further reduction in neighbouring amenity in terms of daylight and sunlight. They do not comply with the principles of Scottish Planning Policy as they will not protect the amenity of existing development. Therefore, planning permission should be refused. There are no further material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is an end-terrace property in a courtyard setting on the south side of South Gyle Road. The properties in this area are off set from each other and the rear elevation of the neighbouring property sits slightly behind the application property. The overall area is mixed in terms of types of development including houses and flats.

Description Of The Proposal

The proposal is a single-storey rear extension which extends across the whole rear elevation of the boundary. It is 4 metres in length and sits on the boundary with 333 South Gyle Rod.

Relevant Site History

21/02226/FUL
331 South Gyle Road
Edinburgh
EH12 9EE
Proposed two storey extensions to both front and rear of property.
Refused
1 June 2021

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 23 June 2022

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 1

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

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 result in unreasonable loss of amenity in terms of daylight and sunlight in the property to the west. The neighbouring property is already affected in terms of the relevant criteria in the Guidance for Householders, due to development layout and nearby buildings and trees. The proposed extension would further reduce the levels of daylight reaching the interior of the neighbouring property. The proposal would also reduce the sunlight reaching the neighbouring garden - approximately 10% of the garden- and although the additional shadowed area is limited, it is in an area which likely to be well used, specifically with a patio and drying area. The Guidance for Householders states that 'how the affected area of the garden is used and its overall size will be taken into account'. In this situation, it is considered that the proposed extension will have a greater impact. The proposal would therefore result in an unreasonable further reduction in neighbouring amenity.

Conclusion in relation to the Development Plan

The proposals are compatible with both the existing building and neighbourhood character. The proposals will result in an unreasonable further reduction in neighbouring amenity. Therefore, the proposals do not comply with LDP policy Des 12 or 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 fails to comply with principle 13 of 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

One objection has been received, summarised as:

material considerations

Effect on sunlight to neighbouring garden.

non-material considerations

Noise impact of construction.

Conclusion in relation to identified material considerations

The proposals has been assessed in terms of its impact on neighbouring amenity and will have an unreasonable impact on neighbouring daylight and sunlight.

Overall conclusion

The proposed works to the dwelling are contrary to the Development Plan. The works will result in an unreasonable further reduction in neighbouring amenity in terms of daylight and sunlight. They do not comply with the principles of Scottish Planning Policy as they will not protect the amenity of existing development. Therefore, planning permission should be refused. There are no further material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it will result in unreasonable loss of neighbouring amenity in respect of daylight and sunlight.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 30 March 2022

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Ben Wilson, Team Manager
E-mail: ben.wilson@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/01608/FUL

Application Summary

Application Number: 22/01608/FUL

Address: 331 South Gyle Road Edinburgh EH12 9EE

Proposal: Proposed single storey extension to rear of existing end terraced villa.

Case Officer: Householder Team

Customer Details

Name: Mr Scott and Hope Christie/Murdoch

Address: 329/3 South Gyle Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed extension is a concern for our property. The extension would potentially limit the amount of sunlight our property would be exposed to. We currently get some sunlight but as the property is blocked by others it can sometimes be limited already. If the extension was too high we might lose sunlight. We understand this would be a single storey extension however the sunlight issue would need to be addressed.

We also have a 7 month old and the noise pollution for such a big project would also be something that may be a problem.