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Lothianburn
Edinburgh
EH10 7DZ

Mrs Bringhurst
15 Greenhill Gardens
Edinburgh
EH10 4BN

Decision date: 14 June 2022

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

Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house. (As amended)
At 10 Glenlockhart Bank Edinburgh EH14 1BL

Application No: 21/06240/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 25 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:-

Reasons:-

1. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Design Quality and Context, as the development shall negatively impact the character and appearance of the area around it.
2. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Development Design- Impact on Setting, as the street has a settled townscape character, and the proposal does not have similar characteristics to the surrounding buildings and urban grain.

3. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Housing Development as the proposal is not compatible with other policies in the plan.

4. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Housing Density, as the proposal could not respect the established density and layout of the area.

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

Drawings 01a-02a,03-11, 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 proposal does not comply with adopted Edinburgh Local Development Plan policy Hou 1, Hou 4, Des 1 or Des 4. The proposal therefore does not comply with Paragraph 29 of SPP. There are no material considerations that 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 Adam Gloser directly at adam.gloser@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
10 Glenlockhart Bank, Edinburgh, EH14 1BL**

Proposal: Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house. (As amended)

**Item – Local Delegated Decision
Application Number – 21/06240/FUL
Ward – B09 - Fountainbridge/Craiglockhart**

Recommendation

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

Summary

The proposal does not comply with adopted Edinburgh Local Development Plan policy Hou 1, Hou 4, Des 1 or Des 4. The proposal therefore does not comply with Paragraph 29 of SPP. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site relates to the swimming pool building to the rear of No. 10 Glenlockhart Bank. The application site is comprised of a detached property within a large garden area. The site is located at the end of a cul de sac on Glenlockhart Bank and the area is typified by residential dwellings located within private garden grounds.

Description Of The Proposal

The application is for the subdivision of the application site to form two separate sites each containing a residential dwelling. The proposals seek to refurbish the rear swimming pool house to form a private residential dwelling and the formation of a private vehicle access.

Amendment:

- Vehicle parking reduced to one car
- Hardstanding to be porous in nature

Relevant Site History

19/02444/PPP
10 Glenlockhart Bank
Edinburgh
EH14 1BL
Erection of a new private dwelling house.
Refused
27 September 2019

Other Relevant Site History

Consultation Engagement

Roads Authority

Publicity and Public Engagement

Date of Neighbour Notification: 9 December 2021

Date of Advertisement: 10 December 2021

Date of Site Notice: 10 December 2021

Number of Contributors: 7

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 Policies Hou 1, Hou 4 and Hou 5
- LDP Policies Des 1, Des 4, Des 5 and Des 12
- LDP Policies Tra 2 and Tra 3
- LDP Policies Env 21

The non-statutory Householder Guidance is a material consideration that is relevant when considering policies Hou 5, Des 5 and Des 12.

Principle

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail below.

The proposed one dwelling house will not make a substantial contribution to any housing land supply and little weight can be placed on this consideration.

As the proposal does not comply with other policies contained within the LDP, the proposal does not comply with LDP policy Hou 1.

Scale Form and Design

The Edinburgh Design Guidance states that where back-land development would disrupt the spatial character of an area, it must be avoided.

The area surrounding the site is primarily residential in nature, characterised by large, detached dwellings. The houses have private front and rear gardens which can be quite substantial. The nearby dwellings are characterised by their low-density layout and a good degree of separation. The application site is located directly behind the existing property, set within the garden grounds of no. 10. While it is acknowledged that the site is comprised of a large, detached swimming pool building, this structure is ancillary to the main use of the dwelling house and is part of the larger garden grounds.

While the design and positioning of the property has ensured that the dwelling would not immediately impact on neighbouring privacy and outlook, the established position of the site and its limited size compared to other plots on the street, a dwelling house could not be constructed on this site that respects the established built form of the street in terms of density and layout.

The proposed dwelling would be back-land development which would have a detrimental impact on the spatial character and appearance of the surrounding area.

The proposal is contrary to LDP policies Des 1, Des 4, Hou 4 and the Edinburgh Design Guidance.

Amenity

The proposal has been designed to limit any outlook from the dwelling by virtue of window positioning and the use of natural screening around the perimeter of the site. Windows on the north elevation have been positioned to face the private 'Chinese garden', thereby limiting the potential outlook to the north. The windows on the south elevation shall face existing vegetation ensuring there is limited outlook to the south. The design and positioning of the proposals shall have no material impact on neighbour's privacy.

The proposal will not have any unreasonable impact on neighbouring amenity therefore complies with LDP policies Des 5 and Des 12.

Future occupiers

The Edinburgh Design Guidance (EDG) states that three-bedroom dwellings should have a minimal internal floor area of 91 m².

The proposed dwelling exceeds the minimum space standards.

All habitable rooms will achieve acceptable levels of outlook and daylight by virtue of the size and positioning of windows facing outwards or into private courtyards.

Sufficient private open space is proposed which will include outdoor seating and recreational garden grounds. The use of natural screening shall promote the biodiversity of the area and shall provide an appropriate level of separation between neighbouring gardens.

In addition, two courtyards shall provide some amenity space for future occupiers.

The proposal will result in the creation of a satisfactory residential environment and complies with LDP policies Hou 5, Des 5 and Des 12.

Transport

Properties in this area should have maximum parking provision of 1 space per dwelling. The application, as amended, complies with the Council's standards.

The Roads Authority has been consulted on this scheme and offers no objection to the proposals.

There is adequate space within the internal layout of the dwelling to accommodate the required cycle provision.

A departure from the cycle standards and LDP policy Tra 3 is appropriate as the proposal can accommodate internal cycle provision within the footprint of the building.

The proposal is in accordance with LDP policy Tra 2 and Tra 3.

Flooding

The Scottish Environmental Protection Agency (SEPA) flood maps show that there is no risk of surface water flooding within the radius of the site.

The application complies with LDP policy Env 21.

Conclusion in relation to the Development Plan

Overall, the proposals comply with 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 will be overdevelopment of the site.

The proposal therefore does not comply 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

The application has received nine letters of representation objecting to the scheme. It is noted that one letter has been received three times as a duplicate. The number of representations received is therefore six.

A summary of the representations is provided below:

material considerations

Proposal represents overdevelopment; Addressed in section (a) - through principle and amenity

Negative design; Addressed in section (a) - Scale, form, and design

Impact on Amenity of neighbours; Addressed in section (a) - Amenity

Impact on parking and Traffic; Addressed in section (a) - Transport

Impact on flooding; Addressed in section (a) - Flooding

non-material considerations

- Maintenance of private access
- Land not in sole ownership of applicant
- Notification of proposals sent twice

Overall Conclusion

The proposal does not comply with adopted Edinburgh Local Development Plan policy Hou 1, Hou 4, Des 1 or Des 4. The proposal therefore does not comply with Paragraph 29 of SPP. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Design Quality and Context, as the development shall negatively impact the character and appearance of the area around it.
2. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Development Design- Impact on Setting, as the street has a settled townscape character, and the proposal does not have similar characteristics to the surrounding buildings and urban grain.
3. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Housing Development as the proposal is not compatible with other policies in the plan.
4. The proposal is contrary to the relevant adopted Local Development Plan Policies in respect of Housing Density, as the proposal could not respect the established density and layout of the area.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 25 November 2021

Drawing Numbers/Scheme

01a-02a,03-11

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Roads Authority

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 2 December 2021

The full consultation response can be viewed on the Planning & Building Standards Portal.

Comments for Planning Application 21/06240/FUL

Application Summary

Application Number: 21/06240/FUL

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house.

Case Officer: Local1 Team

Customer Details

Name: Mr Alan Collins

Address: 6. Glenlockhart Bank, Glenlockhart, Glenlockhart Glenlockhart EDINBURGH

Comment Details

Commenter Type: Residents Association

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application was originally rejected and for the same reason we would object to another house being built in this small community. The road is private and maintained by the residents. It's very narrow and is already under stress. The drainage and sewage system are old and struggle. In heavy rain we have heavy flooding which is well documented. There are only 5 storm drains onto a 100mm outlet. More hard landscaping will just make it worse. Some residents experienced raw sewage in their gardens as again drains are ancient. I can furnish photographs and documented correspondence with water board and drainage depts

This proposed house is being shoe horned into a tight sight with common driveway. If the other owner were to divide the driveway access to the property would be difficult.

One last point on system pressure. Many of the existing houses have now got young families and extended houses so it's added to the problems. Alan Collins

Comments for Planning Application 21/06240/FUL

Application Summary

Application Number: 21/06240/FUL

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house.

Case Officer: Local1 Team

Customer Details

Name: Mr Gary Fossett

Address: 8 Glenlockhart Bank Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objecting on the grounds that:

- 1) The drains on Glenlockhart Bank are old and overloaded. We already experience flooding when there is heavy rainfall and they could not cope with the additional load of sewage from a new property.
- 2) The narrow private road has only limited space for parking and only been recently repaired following building works elsewhere in the street. The addition of further cars related to a new house would cause more traffic on the road (which already struggles with existing usage) and increase the dangers to small children playing in the road.

Comments for Planning Application 21/06240/FUL

Application Summary

Application Number: 21/06240/FUL

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house.

Case Officer: Local1 Team

Customer Details

Name: Mrs Fiona Jennings

Address: 1b Glenlockhart Bank Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Proposed access road of Glenlockhart Bank is already under heavy load from hard landscaped areas with insufficient drainage and regular flooding at certain points . Occasions where ancient drainage system has also caused problems with raw sewage . Already greater number of houses built than originally intended with no corresponding update/upgrading of said drainage facilities . Another dwelling house would cause increase in traffic detrimental to the present residents . Access to proposed new house looks problematic to immediate neighbours . Construction of said house would bring access issues, unacceptable traffic congestion & worsening of present road condition

Comments for Planning Application 21/06240/FUL

Application Summary

Application Number: 21/06240/FUL

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house.

Case Officer: Local1 Team

Customer Details

Name: Mr Stewart Brown

Address: 12 Glenlockhart Bank Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My wife and I are the owners of the property in closest proximity to the proposed site - the swimming pool building is a matter of inches from our back boundary. We are therefore very familiar with the site and have examined the proposed application and supporting documents via this portal. While we understand the need and pressure to increase housing stock generally, we strongly object to the planning application. There are a number of reasons for this which are set out below.

Firstly, as happened with the outline planning permission application for this project which was applied for and rejected in 2019, the site delineated in the application as belonging solely to number 10 still includes land which we, not number 10, own. This would affect the access to the proposed property. The Land Ownership Certificate section of the application form signed by the architect (in which it is sworn that all of the land to which the application relates is solely owned by the applicant) is therefore incorrect. I am somewhat alarmed that, despite having pointed this out during the outline planning permission application, the architect has wrongly certified this once again. Although I am a solicitor myself, if matters proceed, we will have to obtain specialist legal advice on the matter.

Secondly, there are a number of reasons that we object to the application itself:

Privacy/overlooking - as I say above, the swimming pool building is a matter of inches from our back boundary. You can see our house clearly in the photographs labelled "North Elevation" and "Gluelam Frame Looking West" in the Structural Engineer's Report (these angles have been omitted, for fairly obvious reasons, from the Design Statement and other documents). Conversion to a dwelling would greatly reduce our privacy (changing from an unoccupied outbuilding with one

window facing us (unused because it's unoccupied) to an occupied house overlooking us). Our lounge, dining hall, toilet, bathroom and multiple bedrooms (including children's) would be overshadowed/overlooked by the new (occupied vs. unoccupied) building. Although there is a reference to removing the current window and replacing it with an internal "lightwell/Chinese garden", it seems from the plans that there would still be a window with the same/a similar view overlooking us directly from the kitchen/living area of the new dwelling.

Noise/disturbance/appearance - an occupied dwelling would clearly result in greater noise and disturbance to us than at present. This would be from the general use of the property itself but also in particular from the increased vehicular activity (more vehicles than at present and the vehicles being brought into closer proximity with our house than at present through the creation of a large parking area directly in front of our west facing windows). The creation of this large monoblocked parking area would also detract from the appearance of the immediate area as it is currently part of number 10's garden and planted up. (See also the comments relating to the size of this parking area and the likely impact on the number of cars in the section below - the more cars, the more noise and disturbance.)

Traffic and parking - the street is a small private road (more or less single carriageway) with limited space for parking. The road was not long ago repaired following building works undertaken elsewhere in the street. The tenants living at number 10 for the past 5/6 years have had up to six vehicles (there being four adult children), some of which they park on our land without our permission and some of which are currently parked directly in front of the place where it is now proposed to create the two additional parking spaces. The addition of further cars related to a new dwelling behind number 10 would a) cause more traffic to be using the road and driveway putting further pressure on the road (which already struggles with the current levels of use) and b) increase the danger to the children playing in the road. Although it's not directly my lookout, I'm also not sure where number 10 would be able to park all their vehicles if some of the area which they currently use was being used for a new property or needed to remain accessible/unblocked. I fear this would result in vehicles being parked in the street (not really wide enough) or (more likely) in the turning circle in Glenlockhart Bank with negative implications for a) general access and b) access and manoeuvrability of council refuse/recycling vehicles and/or emergency vehicles. Additionally, number 10 (and this will be the case for the new house too) access their property by using their and also our monoblock driveways. These steep driveways will not support further traffic and will certainly not cope with building vehicles using them. Access is also likely to be impeded to our property during any building works. Further, it can clearly be seen from the scale used for the illustrative vehicles on the plan (unless they are larger than any car I've ever seen) that the area marked for the creation of the "two additional spaces" is actually quite large and may well result in far more than two vehicles at the property (and therefore using the road, exacerbating things even more).

Drainage/run-off/sewage - currently, some run-off from the proposed site diverts through our property via a drainage system which is broken and floods. This system certainly couldn't take any

additional load and also could not take any sewage from the new property (if the intention is to run the sewage down to Glenlockhart Valley and not into Glenlockhart Bank itself). I understand that there are also issues with the sewage/drainage in Glenlockhart Bank which were identified during the recent road/related repairs. I have been advised that the sewage/drainage is "at capacity". Apart from the sewage issue, in heavy rains, the road floods and the houses down the slope from number 10 are reportedly deluged. The addition of a further dwelling (with further hard landscaping/run off) would only exacerbate this. This is particularly relevant given the size of the proposed monoblock parking area which is currently soft landscaped (grass/garden area). At the very least, I'd have thought consideration would need to be given to lifting the road and upgrading the sewage/drainage system as a condition of any planning permission.

I am again somewhat disappointed that the owner did not contact us to discuss matters and, whilst no doubt permitted by the rules/regulations, chose the run up to the Christmas holidays (when people are otherwise extremely busy and during a pandemic no less) to make the neighbour notifications.

On a purely procedural note, we have been served two seemingly identical notifications - one dated 2 December and one dated 9 December, both saying that we have 21 days to respond from the date of each. I do not know why this is but if others have been similarly served, it may result in some confusion about the response date. I suggest the later date be applied.

I'd be happy to discuss things with you or, if the matter is to be decided by councillors, with them. I'd also be happy to meet at the site if that would be of assistance.

Comments for Planning Application 21/06240/FUL

Application Summary

Application Number: 21/06240/FUL

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house.

Case Officer: Local1 Team

Customer Details

Name: Mr ALAN COLLINS

Address: 6 glenlockhart bank Craiglockhart Edinburgh

Comment Details

Commenter Type: Residents Association

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have already objected to further development but would add the following. This street regularly floods because the drainage systems can't handle heavy rain. Also some houses have sewage backing up in their gardens. A few years ago in conjunction with the water and drainage people we had a survey done with cameras etc. It confirmed that the drains were old 100mm serving serving this now expanded area. At the time they cleared several blockages but said that with the usage it will happen again. Hard landscaping, increased occupancy etc have caught up with the old system and any increase will be a problem, I have photographs available of the flooding there will be records of the investigation on the system

Comments for Planning Application 21/06240/FUL

Application Summary

Application Number: 21/06240/FUL

Address: 10 Glenlockhart Bank Edinburgh EH14 1BL

Proposal: Convert existing redundant swimming pool building into a separate private family dwelling house within the curtilage of an existing house.

Case Officer: Local1 Team

Customer Details

Name: Mrs Sarah Johnson

Address: 5 Glenlockhart Bank Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As residents of Glenlockhart Bank we are increasingly aware that this very small culdesac would not cope with additional housing from both a drainage and road usage perspective. The last time we had a heavy storm the road flooded and a river of water entirely covered the pavements and poured down our drives. Our neighbours had to erect a wooden barrier to protect their property. The private road is already costly to up keep and cannot take more traffic without incurring great expense to current residents. We are also confused how such a property could be built given access to the site would be up a shared drive with the owners of number 10 only owning a slim access.

Comments for Planning Application 21/06229/FUL

Application Summary

Application Number: 21/06229/FUL

Address: 16 Glenlockhart Road Edinburgh EH14 1BN

Proposal: Alterations and rear extension

Case Officer: Local1 Team

Customer Details

Name: Mr Allan McDougall

Address: 1a Glenlockhart Bank Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is now the second application following one that was originally rejected so cannot understand why it is being applied again but more disturbingly only one neighbor was informed suggesting short cuts are being applied!

The application is for another house being built at the rear of an existing house in 10 Glenlockhart Bank which is currently a run down swimming pool being used to further the finances of the property's owner and nothing else. This is adjacent to a conservation area and not fitting with the locality and should be rejected on that point alone. Our street has a local community built on a road which is private and maintained by the residents. It is very narrow and already has its difficulties and in need of repair our our expense, we have already made complaints about the drainage but this had gone unheard and cite this as another reason to reject this application. I cannot understand how the proposed house can be accessed as there is already 2 houses sharing the entrance.

Allan McDougall