

David Hewitt Architects.
Wellsprings
71 Whitehill Street
Musselburgh
EH21 8QZ

Mr Rupert Ward.
42 Macdowall Road
Edinburgh
EH9 3EF

Decision date: 1 July 2022

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

Two storey extension to replace existing porch of upper villa plus new driveway.
At 42 Macdowall Road Edinburgh EH9 3EF

Application No: 22/00461/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 2 February 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:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as The works will result in an unreasonable loss of neighbouring amenity.
2. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the works are not compatible with the existing dwelling and surrounding neighbourhood character.

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

Drawings 1-9, 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. The works 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 Karen Robertson directly at karen.robertson@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
42 Macdowall Road, Edinburgh, EH9 3EF

Proposal: Two storey extension to replace existing porch of upper villa plus new driveway.

Item – Local Delegated Decision
Application Number – 22/00461/FUL
Ward – B15 - Southside/Newington

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. The works 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

Semi detached flatted property on south side of Macdowall Road which lies at junction with Saville Place. The application site comprises the upper flat and associated garden ground. The property has a mixture of harled and sandstone walls and a slate roof. Small porch addition to side which gives access to upper flat/application site. Two storey protusion to the rear. This is mirrored with the neighbouring property to the east. There is a single storey addition at the property on the opposite side of the road from the gable elevation.

Proposed development

The proposal is the demolish the existing porch to the side of the property and build a ground floor entrance/sun porch and bedroom at first floor level above. The existing connifer tree would be removed. The extension would measure: 4.86m by 4.4m and would have a height of 6.5m.

The extension would have a flat roof.

Materials: Single ply membrane to roof, sandstone and rendered walls and cedar panels in grey.

New vehicular access from Saville Place with a single car parking space and timber gates. The car parking space would measure 5.7m by 3m and would have an electric car charging point.

A Design Statement has been submitted with the application.

Relevant Site History

17/02749/FUL

42 Macdowall Road

Edinburgh

EH9 3EF

Two storey side extension comprising entry/sun room at ground level and first floor double bedroom.

withdrawn

17 August 2017

16/06386/FUL

42 Macdowall Road

Edinburgh

EH9 3EF

Replace existing side porch with 1.5 storey pitched roof side extension.

withdrawn

2 March 2017

04/04355/FUL

42 Macdowall Road

Edinburgh

EH9 3EF

Erect second floor roof room

Granted

31 January 2005

04/02568/FUL

42 Macdowall Road

Edinburgh

EH9 3EF

Erect second floor roof room

withdrawn

27 August 2004

Other Relevant Site History

Consultation Engagement

Publicity and Public Engagement

Date of Neighbour Notification: 1 July 2022

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 2

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 two storey extension would be in a prominent location at the junction of Macdowall Road and Saville Place. The proposed introduction of a two storey, flat roofed extension which is angled (with the aim of reducing impact on neighbouring property) would, due to its design and form and positioning, not be compatible with the

character of the existing building or the street scene. It would be contrary to LDP policy Des12.

The Guidance for Householders states that proposed side extension roofs 'should normally be pitched to match the house. Otherwise flat and mansard roofs on extensions will not normally be allowed unless these are complementary to the existing roof, or in the case of flat roofs they are part of a high quality, contemporary design.' The design of the two storey extension would not comply with the Guidance for Householders.

The proposed parking space is less than 6m long being 5.75m. This is a minor infringement of the Guidance for Householders and would not have an adverse impact on highway safety. The proposed gates open inwards which is acceptable. Material for the driveway can be covered by condition.

The proposals are not of an acceptable scale, form and design and are not compatible with the existing dwelling and the surrounding area.

Neighbouring Amenity

The Guidance for Householders states that adequate daylight will be maintained to the neighbouring property if 45 degree lines drawn from the plan or section of the new extension do not enclose the centre of the neighbour's window.

The two storey extension would result in loss of daylight to the existing ground floor window of the lower flat to an unacceptable degree. Overshadowing of the garden area would fall on land within the garden area of the applicants.

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 to neighbouring amenity.

Conclusion in relation to the Development Plan

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

Two letters of representation have been received. One objection from the Grange/ Prestonfield Community Council and one letter in support.

material considerations

- Design is incompatible with the building and would dominate the street; proposal does not comply with LDP design policies.

non-material considerations

- comment about size of vehicle to fit into car parking space.

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. The works 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 the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as The works will result in an unreasonable loss of neighbouring amenity.
2. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the works are not compatible with the existing dwelling and surrounding neighbourhood character.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 2 February 2022

Drawing Numbers/Scheme

1-9

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer
E-mail:karen.robertson@edinburgh.gov.uk

Appendix 1

Consultations

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

MEMORANDUM

To: Planning Officer
Karen Robertson

From: Transport
Matthew Simpson

Our Ref: 22/00461/FUL

22/00461/FUL
42 MACDOWALL ROAD
EDINBURGH
EH9 3EF

TRANSPORT CONSULTATION RESPONSE

Summary Response

No objections subject to appropriate conditions and informatives.

Full Response

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The off-street parking space should comply with the Council's Guidance for Householders dated 2021 (see <https://www.edinburgh.gov.uk/downloads/file/27026/for-householders> including:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous;
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

Matthew Simpson

TRANSPORT
Matthew Simpson
Senior Transport Officer

Comments for Planning Application 22/00461/FUL

Application Summary

Application Number: 22/00461/FUL

Address: 42 Macdowall Road Edinburgh EH9 3EF

Proposal: Two storey extension to replace existing porch of upper villa plus new driveway.

Case Officer: Householder Team

Customer Details

Name: Mr Maurice Allan

Address: 44 MacDowall Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I support this application

Comments for Planning Application 22/00461/FUL

Application Summary

Application Number: 22/00461/FUL

Address: 42 Macdowall Road Edinburgh EH9 3EF

Proposal: Two storey extension to replace existing porch of upper villa plus new driveway.

Case Officer: Householder Team

Customer Details

Name: Mr Tony Harris (Grange/Prestonfield Community Council)

Address: 21 Mentone Terrace Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This site is on the corner with Savile Place and the application is to form a two storey extension on this corner, extending to the flank boundary of Savile Place, together with a driveway off Savile Place at the end of the back garden. 42 Macdowall Road is the upper flat of this building with number 40 at ground floor level and adjoining a similar arrangement of two flats to the east, under a single "four in a block" hipped roof building fronting onto Macdowall Road. The proposal is to replace the existing side porch of 42, with the two storey extension offering at ground level a new entrance and sun porch and additional bedroom above.

2. Grange/Prestonfield Community Council (GPCC) considers that the proposed flat-roofed extension in its form and treatment would be incompatible with the existing hipped roof building and would dominate this building and the streetscape, from both the main frontage of Macdowall Road and the flank frontage of Savile Place. This scheme is very similar to 17/02749/FUL withdrawn on 17th August 2017 and we consider this new proposal is not sufficiently different to justify any greater acceptance now than then. We note that an earlier different 2016 scheme was also withdrawn. GPCC is of the view that the current scheme would conflict with policies in the Local Development Plan, specifically Des1, Des4 and Des12.

3. GPCC has no objection in principle to the driveway at the end of the garden, but points out that the limited length available and the inward opening gates proposed could affect the size of car to be parked and this could constrain the interests of future occupants of the dwelling.

4. In summary therefore GPCC objects to this application and asks that it be refused.