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**Decision date: 1 May 2023**

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

Form 2-storey extension with workshop on ground floor and bedroom and en-suite shower room on first floor (AS AMENDED).  
At 1F2 4 Saughtonhall Avenue West Edinburgh EH12 5TJ

**Application No:** 23/00651/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 16 February 2023, 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;

**Reason for Refusal:-**

1. The proposal does not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area and would not be acceptable in terms of size and design.
2. The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area and would not be acceptable in terms of scale and form.

3. The proposal is contrary to the non-statutory Guidance for Householders as its scale, form, and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

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

Drawings 01, 02A, 03A, 04A, 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 works are considered to have due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the works are not compatible with the existing dwelling and surrounding neighbourhood character by virtue of scale, form, and positioning. The proposed works to the dwelling are not in accordance with the Development Plan and there are no material considerations for approving the application. Therefore, the proposal is unacceptable, and it is recommended that the application be refused.

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 Blair Burnett directly at [blair.burnett@edinburgh.gov.uk](mailto:blair.burnett@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](http://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](mailto: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

1F2 4 Saughtonhall Avenue West, Edinburgh, EH12 5TJ

**Proposal: Form 2-storey extension with workshop on ground floor and bedroom and en-suite shower room on first floor (AS AMENDED).**

## Item – Local Delegated Decision

Application Number – 23/00651/FUL

Ward – B06 - Corstorphine/Murrayfield

## Recommendation

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

## Summary

The works are considered to have due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the works are not compatible with the existing dwelling and surrounding neighbourhood character by virtue of scale, form, and positioning. The proposed works to the dwelling are not in accordance with the Development Plan and there are no material considerations for approving the application. Therefore, the proposal is unacceptable, and it is recommended that the application be refused.

## SECTION A – Application Background

### Site Description

The application refers to an upper flat located within a two storey, four in a block, flatted building, located in a residential area.

The building style is symmetrical and uniform to the other flatted blocks in the area. The building is located on a corner plot and features an angled orientation to the street creating a prominent side elevation with open garden ground surrounding. There is an established building line created by the properties on Balgreen Road and Saughtonhall Avenue West, and despite the angled orientation, the host building conforms to the established building line of the street.

### Description Of The Proposal

It is proposed to form a two storey side extension to the building with an enclosed path to the rear communal garden. The extension would be situated within private garden ground of the upper flat. On the ground floor is a workshop with a sole access door and the communal access pend leading to the rear garden and on the first floor, there is accommodation linked to the upper flat.

### Amendments

The proposal has been amended once by the agent. Scheme 1 included a single storey garage, scheme 2 has removed this aspect. As the change only removed an element, the revised scheme does not require further neighbourhood notification.

### **Relevant Site History**

20/00533/FUL

1F2 4 Saughtonhall Avenue West

Edinburgh

EH12 5TJ

Proposed new extension with ground floor garage / workshop and a new first floor master bedroom with an en-suite.

Refused

2 April 2020

### **Other Relevant Site History**

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 20 February 2023

**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 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Policy 1.
- NPF4 Policy 16g.
- LDP Design policy Des 12.

The non-statutory Guidance for Householders is a material consideration that is relevant when considering NPF4 policies 1 and 16g, and LDP policy Des 12.

#### Global climate and nature crisis

Policy 1 of the NPF4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The application addresses this through:

- Contributing to the circular economy by making productive use of existing residential properties and adapting them to meet the changing and diverse needs of the user.
- Further energy saving standards and carbon reduction measures will be considered during the building standards process

The proposals comply with NPF4 Policy 1.

#### Scale, Form, Design, and Neighbourhood Character

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

The property is an upper flat located within a two storey, four in a block building. The building style is highly symmetrical and uniform to the other flatted blocks in the area. The building is located on a corner plot and the Guidance for Householders notes that corner plots do present challenging constraints and that extensions which break the building line are not supported unless they are part of the street character. There is an established building line created by the properties on Balgreen Road and Saughtonhall Avenue West, and despite the angled orientation, the host building conforms to the building line of the street.

The addition of a two storey extension to the side elevation of the flatted block would protrude beyond the established building line of the properties on Balgreen Road. In this case, the spatial character is uniform and conforming to the building line, therefore, interrupting this building line would not be justified. Furthermore, due to the angled orientation of the building, a two storey extension would have a greater visual impact on the streetscape as well as impacting on the spatial character of the street.

Looking at the proposed extension in isolation, the design and scale would replicate the style of the existing building and remain subservient which follows the Guidance for Householders. Nevertheless, considering the context of the building and wider neighbourhood, the proposal would imbalance the symmetrical design and massing of the building. Alongside impacting the spatial pattern of the street, this design impact would harm the contribution the building has in the wider neighbourhood.

While there are examples of side extensions within the surrounding area, these are not identical in positioning or context and have been considered based on their own merit. The Guidance for Householders notes that examples granted permission in the past should not be taken as setting any form of precedent and should not be used as examples to follow. Considering the extension on its own merit, it is not considered acceptable in terms of its impact on the character of the area.

Overall, the proposal is not compatible with the host building in terms of scale, form and positioning. The addition would be obtrusive and disrupt the uniform design of the host building, thus having a detrimental impact on the visual and spatial character of the wider area. Subsequently the proposal is contrary to NPF 4 policy 16g)i), LDP Policy Des 12a) & c), and the Guidance for Householders.

### Neighbouring Amenity

With respect to privacy, overlooking, physical impact, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'.

With respect to daylight, the set back design will result in no impact to daylight.

With respect to sunlight, any additional overshadowing cast as a result of the extension would account for a minor area and the majority of the private and communal garden ground will not be affected.

With respect to privacy and overlooking, there are no concerns for any unreasonable impact.

The proposals will not result in any unreasonable loss to neighbouring amenity. The proposal complies with NPF 4 policy 16g)ii) and LDP Policy Des 12b) & c).

### **Conclusion in relation to the Development Plan**

The proposals have due regard to global climate and nature crisis and do not result in an unreasonable loss of neighbouring amenity. However, the proposals are not an acceptable scale, form, and design, and are not compatible with both the existing building and neighbourhood character. While this presents a conflicting assessment, the compliance with Policy 1 and no unreasonable impact to amenity would not justify a detrimental impact to the existing building and neighbourhood character. Therefore, the proposals do not comply with 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:

#### Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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 objections, summarised as:

#### *material considerations*

Impact to uniform character of building and street - addressed in section a) above.

Impact to daylight, sunlight and privacy - addressed in section a) above.

#### *non-material considerations*

Communal path width - This is a non-material planning consideration as these standards would be considered by Building Standards.

Noise impact from the ground level workshop - the inclusion of a garage/workshop would be considered ancillary to the existing domestic use. However, there are



statutory provisions to mitigate noise concerns under the Environmental Protection Act 1990.

### **Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

#### **Overall conclusion**

The works are considered to have due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the works are not compatible with the existing dwelling and surrounding neighbourhood character by virtue of scale, form, and positioning. The proposed works to the dwelling are not in accordance with the Development Plan and there are no material considerations for approving the application. Therefore, the proposal is unacceptable, and it is recommended that the application be refused.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

### **Reasons**

#### **Reason for Refusal**

1. The proposal does not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area and would not be acceptable in terms of size and design.
2. The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area and would not be acceptable in terms of scale and form.
3. The proposal is contrary to the non-statutory Guidance for Householders as its scale, form, and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

### **Background Reading/External References**

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

**Further Information** - [Local Development Plan](#)

**Date Registered: 16 February 2023**

**Drawing Numbers/Scheme**

01, 02A, 03A, 04A

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Blair Burnett, Assistant Planning Officer  
E-mail: [blair.burnett@edinburgh.gov.uk](mailto:blair.burnett@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.

# Comments for Planning Application 23/00651/FUL

## Application Summary

Application Number: 23/00651/FUL

Address: 1F2 4 Saughtonhall Avenue West Edinburgh EH12 5TJ

Proposal: Form 2-storey extension with small single storey part to side, comprising garage and workshop on ground floor and bedroom and en-suite shower room on first floor.

Case Officer: Householder Team

## Customer Details

Name: Mr William Joyce

Address: 2 Saughtonhall Avenue West Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is the same application that the council wisely rejected some time ago.

The plan proposed by Mr Hyslop would build over Flat 2's entryway to the communal garden. Even if pathway access was granted, the path itself is already very narrow, and would only be made narrower, making passage more difficult, especially when trying to move gardening tools like a lawnmower. Also if this passage was built as part of the proposed extension, it would create an echo chamber adjacent to Mr Hyslop's proposed ground floor workshop, increasing the noise pollution.

Additionally, as this planned build is on the south side of the building, extending far both east and west, the natural light into Flat 2 and both the front and rear gardens would be greatly reduced, which would increase electricity bills due to the need for artificial light, negatively impact the growth of plant life in the gardens, and lower the effectiveness of the communal drying area by reducing sunlight.

# Comments for Planning Application 23/00651/FUL

## Application Summary

Application Number: 23/00651/FUL

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Proposal: Form 2-storey extension with small single storey part to side, comprising garage and workshop on ground floor and bedroom and en-suite shower room on first floor.

Case Officer: Householder Team

## Customer Details

Name: Ms Sarah Unwin

Address: 2 SAUGHTONHALL AVENUE WEST EDINBURGH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this planning application as my property will be completely subsumed within the proposed new dwelling. The planning is completely out of keeping with the uniformity of the neighbourhood, currently all the properties look the same, this proposal will change the look of the neighbourhood. My property will be completely enclosed by this two storey extension, my access to the rear communal garden will be affected and my privacy will be reduced. The proposal sites a workshop adjacent to my living area which will be a noise nuisance. This massive two storey extension will reduce the sunlight in my garden and will overshadow my garden and the rear communal garden too. Allowing the upstairs flat to have a two storey extension that engulfs the downstairs flat will look ridiculous in an area where all the properties are blocks of four flats. In my opinion this proposed two storey extension, encroaching around the ground floor flat, will have the look of one of those historical spite properties, the sort that people now gawp at and wonder how they were allowed to get away with that. In short this application is totally out of keeping with the neighbourhood, will be a noise nuisance and negatively impact on the sunlight in my garden and the back communal garden by overshadowing them.