

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100655678-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Craig	Building Number:	7
Last Name: *	Douglas	Address 1 (Street): *	Newbattle Road
Company/Organisation	Eskbank Design Studio Ltd	Address 2:	Eskbank
Telephone Number: *	[REDACTED]	Town/City: *	Dalkeith
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH22 3DA
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

20 REGENT STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PORTOBELLO EAST

Post Code:

EDINBURGH

Please identify/describe the location of the site or sites

Northing

673884

Easting

330625

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed holiday accommodation

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to separate appeal document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

20 Regent Street - LRB Appeal

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01301/FULSTL

What date was the application submitted to the planning authority? *

24/03/2023

What date was the decision issued by the planning authority? *

13/10/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The entrance door, to the site, is locked. The applicant would need to be present to allow access, or arrangements made on day of any proposed visit.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Craig Douglas

Declaration Date: 20/12/2023

Land at 20 Regent Street, Portobello, Edinburgh. EH15 2AX.

Appeal in relation to: Erection of holiday accommodation and replace existing access door to front.

Application No: 23/01301/FULSTL

Introduction

Outlined below are reasons to support an appeal for the decision to refuse a planning application in relation to 20 Regent Street, Portobello, Edinburgh. EH15 2AX.

The arguments for appeal are listed against the four reasons for refusal below:

- 1. The proposal is contrary to NPF 4 Policy 7 and LDP Policy Env 6 as the proposal would not preserve the special character or appearance of the conservation area.*

The building is carefully designed, within its secluded location, to nestle discretely into the site making it almost invisible from view (single storey with a sloping sedum roof). Natural good quality, energy efficient, sustainable materials used in an imaginative way is what has guided the design.

The proposed building is at the far end of the rear of the listed buildings on Regent Street and cannot be seen from any public space. There is no immediate overlooking of the site from neighbouring properties. It is overgrown and any development, especially one of this quality would be a significant improvement. This development would have no detrimental impact on the wider Conservation Area or the more immediate townscape. If anything this would represent an enhancement of this specific part of the rear ground. The end of the rear gardens to numbers 12 to 14 and 22 onwards Regent Street have a number of mature self-sown trees and overgrown shrubs that screen any potential views towards the application site from the upper floor windows of 16 and 18. No.22 is single storey. There are no rear elevation window openings from the Bath Street Lane workshops and storage buildings; their rear elevation is essentially a high, solid stone wall.

It would be unusual for development to the rear of the property to cause concern when there are no public views of the site. This is a low development, surrounded by high walls with the relatively unattractive buildings on Bath Street Lane providing further context to the rear.

The site is fully enclosed physically and visually by the high stone walls to the north, east and south. These form the boundary walls to the gardens of the neighbouring properties at 14, 16-18 and 22 Regent Street. The walls range from 1.8m to 3.5m in height. The western boundary of the site is formed by the rear elevation of the workshops and garages in Bath Street Lane. The stone wall on this side is up to 4m in height. The proposed building sits unobtrusively in the site.

Neighbouring properties have garden rooms in their rear gardens, which isn't dissimilar to this proposal.

- 2. The proposal is contrary to NPF 4 Policy 14 and LDP Policy Des 4 as it would have an unacceptable impact on the established townscape character.*

The character of this part of the conservation area consists of dense, tight streets, lines of houses and flats situated parallel to the road, buildings of various heights; streets sloping down towards the north, on street parking, backland plots accessed by vennels and lanes; vistas terminated to the north by Straiton Place tenements and to the south by Portobello High Street.

3. *The proposal is contrary to NPF 4 Policy 30(b) (part ii) as it would be incompatible with surrounding areas in terms of the proposed use.*

The applicant is aware of the wider context with regards to planning applications for STL's across Edinburgh and East Lothian (and other authorities). In this instance, there is no shared stair or entrance and no shared amenity ground. There is a very small patio area outside the entrance to the proposed property which could accommodate a small table and chairs. To suggest this is incompatible with surrounding areas or would have a detrimental impact on living conditions or amenity of nearby residents does not account for these favourable characteristics.

There is a chance that a STL guest could sit outside the property and make some noise which may disturb residents, but that relies on favourable weather, the specific guest being that way inclined and the noise being of such a level to cause nuisance (from an enclosed patio 13m minimum to the rear of the properties on Regent Street). The approach also infers that all STL guests are incompatible with residential use (and therefore all cause nuisance) and also that all permanent residents are all perfectly behaved and don't ever cause nuisance. Neither assumption could possibly be true.

The demographic that would be likely to use this small holiday studio would be a young couple with one/two children or an elderly couple (could have mobility issues as the property would be DDA compliant). It is not suitable for large groups. Portobello isn't a destination for stag or hen parties. Airbnb and other holiday accommodation websites offer profiling of potential guests, giving the opportunity to screen who might stay.

Portobello is an attractive holiday destination and there is currently a lack of suitable accommodation.

The permanent resident may themselves be students or key workers with varying shift patterns, young children and babies, while contributing to a vibrant neighbourhood, will also contribute to diverse patterns of ambient background noise.

Details are not provided of what the ambient background noise that residents might reasonably expect would consist of and no studies are quoted to support a claim of significantly different ambient noise created by short term let visitors. The property is near Portobello High Street which has a diverse pattern of background noise from traffic, shops, pubs etc. The site backs onto light industrial units.

No evidence is provided to establish a material dissimilarity between the arrivals and stays of short term visitors and permanent residents. Shift workers, students, extended families, fast food (and other) deliveries etc. Short term visitors in this size of property will be unlikely to be entertaining and will be more likely to spend time out of the property using local restaurants attending events and entertainments.

The applicant did want to build a house for himself and his wife, on this site, as they know Portobello is an attractive and vibrant place to stay. This was narrowly refused at LRB. Holiday accommodation is an attempt to address the reasons for the house refusal. The panel inherently acknowledged that the site could accommodate development. The applicant is looking to build and manage this as a retirement project and it would not be in his or any future owners' interest to let to people who are inappropriate.

For the avoidance of doubt, the property has its own private access and outdoor space. The proposal to upgrade the non-original door – the only change visible to the public – is supported by the planners. The proposed courtyard area is a minimum of 13m from the rear

of Regent Street properties Nos. 16, 18 and 20 and is bounded by high stone walls. It is backed on to by light industrial units. No neighbours are being overlooked by the property.

4. *The proposal is contrary to LDP Policy Hou 7 as the use of the property for holiday accommodation will have a materially detrimental effect on the living conditions and amenity of nearby residents.*

See comments above for reason No.3.

In summary - As a small studio property, which has its own dedicated main door access, stands well back from the rear of Regent Street and does not overlook any residential properties, the impact will be comparable with that of a residential use and therefore will cause no greater adverse harm to neighbours. This is a case where balance can be applied. This STL would provide a valuable service for Portobello and the city – There is a lack of holiday accommodation in Portobello with a handful of Guest houses, B+B's, STLs and few hotel rooms. It is not taking valuable residential property out of the market. It is the applicant's contention that this property will provide a sustainable function going forward that can contribute to Portobello/Edinburgh's important tourist economy. It provides sustainable tourism with an innovative, attractive design making use of a brownfield site. It can accommodate wheelchair/ambulant users. The applicant understood the approach taken with regards to common areas, and is positive about this site given its characteristics and the innovative and high quality design being proposed. It is an ingenious approach to the site to create an interesting STL property in a great location for visitors to the area not to mention the positive impact the STL guests have in using local services and attractions.