

Mr Douglas Seath.
22 Meggetland Terrace
Edinburgh
EH14 1AR

Decision date: 29 January 2024

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

To create a driveway in the side garden adjacent to the property to facilitate off street parking and charging of electric vehicle. The car cannot be parked outside on the street to allow charging at present due to the double yellow lines on the road.
At 22 Meggetland Terrace Firrhill Edinburgh EH14 1AR

Application No: 23/06527/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 4 December 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 proposed works do 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, design, and materials.
2. The proposed works do 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; would not be acceptable in terms of scale, form, design.

3. The proposed works do not comply with the Access and Parking design requirements of the non-statutory Guidance for Householders and would present a road safety risk to pedestrians and road users.

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

Drawings 01 - 06, 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 considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the works are not of an acceptable scale, form, and design, present a road safety risk, and are not compatible with the existing building or neighbourhood character. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is unacceptable and it is recommended the proposal should 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.



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.

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Report of Handling

**Application for Planning Permission
22 Meggetland Terrace, Firrhill, Edinburgh**

Proposal: To create a driveway in the side garden adjacent to the property to facilitate off street parking and charging of electric vehicle. The car cannot be parked outside on the street to allow charging at present due to the double yellow lines on the road.

**Item – Local Delegated Decision
Application Number – 23/06527/FUL
Ward – B09 - Fountainbridge/Craiglockhart**

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 considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the works are not of an acceptable scale, form, and design, present a road safety risk, and are not compatible with the existing building or neighbourhood character. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is unacceptable and it is recommended the proposal should be refused.

SECTION A – Application Background

Site Description

The application refers to a main door flatted dwelling located on the end terrace of a two storey block. The property features private garden ground and is adjacent to a 90 degree bend on Meggetland Terrace.

To the front the garden features some hard landscaping and mixed foliage. The garden is delineated by a low boundary wall with a pedestrian gate to the front. The wall is partially curved following the bend of Meggetland Terrace.

Description Of The Proposal

It is proposed to create a driveway by removing the front gate and curved portion of the wall to create an opening 5.8m wide; lay edging stones; and lay gravel hardstanding.

Supporting Information

- Photographs

Relevant Site History

No relevant site history.

Other Relevant Site History

Four driveway applications since the adoption of the Edinburgh Local Development Plan in 2016

Two approvals, exceeding current Guidance for Householders but no road safety concern

16/06190/FUL

21 Meggetland Terrace Edinburgh EH14 1AP

Form a driveway for one car in part of front garden. Take down 3m section of low boundary wall, take up existing concrete front path and step from street to allow ground to be graded. Resurface in a combination of block paving and gravel over compacted hard core base. Drop adjacent whinstone kerb with permit.

Granted

Fri 17 Mar 2017

17/00213/FUL

14 Meggetland Terrace Edinburgh EH14 1AR

Form run-in for a car in the front garden by taking down 2.2m section of low boundary wall, removing gate, taking up concrete path, grading the area and resurfacing with SUDs porous block paving over permeable sub-base. (Planning permission for similar proposal granted in 2008 but lapsed 08/00132/FUL).

Granted

Fri 17 Mar 2017

One application refused for impact to the character

17/05210/FUL

29 Meggetland Terrace Edinburgh EH14 1AP

Take down 2.75m section of low boundary wall, remove step at gate, re-use pier + make good concrete coping. Grade area to form parking space in permeable block paving with screened bin area set into new boundary hedge.

Refused

Mon 15 Jan 2018

One application determined as Permitted Development

20/01178/FUL

29 Meggetland Terrace Edinburgh EH14 1AP

Form single parking space and install electric charging point in part of front garden. Take down 3m section of low boundary wall, regrade area and surface in SuDS compliant block paving over permeable subbase. Block paving to tone with stonework of property. Plant new hedge on 27/29 boundary and revamp planting in retained garden area.

Permitted Development

Fri 08 May 2020

Consultation Engagement

Transport Planning

Publicity and Public Engagement

Date of Neighbour Notification: 29 January 2024

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 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 NPF4 prioritises the climate and nature crisis in all decisions. It has been applied together with other policies in NPF4 and the overall intended outcome of NPF4.

It is indicated in the application form that the driveway will be used for the charging of an electric vehicle. This would have the potential to indirectly contribute towards climate mitigation to reduce the emissions of greenhouse gases. However, the planning authority can only control land use and development, it cannot control or guarantee the use of an electric vehicle, nor the form, type or size of vehicle that uses any parking space.

Therefore, any potential benefit would be negligible and the proposal will have a neutral impact on sustainability and the environment. On balance, the proposed development does not conflict with the intended outcomes of NPF4 and thus, complies with NPF4 Policy 1.

Scale, Form, Design, and Neighbourhood Character

The proposals are not an acceptable scale, form or design; are not compatible with the existing dwelling and the surrounding area; and present a road safety risk.

The area of Meggetland Terrace is characterised by similar build types and front gardens delineated by low boundary walls, a number of which have been altered in the past to form driveways. It is acknowledged that driveways form a key characteristic of the surrounding area, and several historic reports highlighted Transport Planning's support at the time. However, these examples are not identical in positioning, size, or policy context. In addition, the current Guidance for Householders notes that development granted permission in the past which does not comply with current guidelines should not be taken as setting any form of precedent and should not be used as examples to follow.

The creation of a driveway is currently guided by the non-statutory Guidance for Householders (November 2021). This guidance sets out design requirements for driveways, stating these should be at least 6 metres deep; the access should not be wider than 3 metres; the paving must be porous; and the first 2 metres from the road should be paved to avoid loose chippings spilling out. These requirements seek to consider road safety and protect the integrity of street boundaries by minimising the disruption of too many or too large openings.

In this instance, although the parking area is indicated to be 4.3m wide, the removal of the curved boundary wall and pedestrian gate create a total opening width of 5.8 meters. This would create an incongruous feature which harms the character of the wider area by creating an overly dominant opening within the boundary wall and fails to comply with the guidance.

The depth of the driveway from the edge of the front boundary would be 7.6 meters, however, the curved site boundary presents a challenge. Only a driveway depth of 5.4 meters is achievable without presenting a road safety risk of a car overhanging the curved footway. The planning authority cannot control the angle of parking or size of vehicle using the space, and as such, the proposal has the potential to become a hazard to pedestrians and road users.

The gravel materials would be porous and suitable in providing water management. However, the edging stones do not provide a suitable paved distance from the road to prevent loose gravel spilling out. Although the gravel mat may partially mitigate this, it will not entirely prevent it.

The Guidance for Householders notes that for road safety reasons, driveways should not be formed within 15m of a junction. The site is situated on a 90 degree bend in Meggetland Terrace, although this is not a junction, a bend in the road would present similar road safety considerations and the proposal would present a hazard to the safety of pedestrians and road users.

A consultation with Transport Planning recommended the application should be refused as the proposal is contrary to the Guidance for Householders.

The proposals are not an acceptable scale, form or design; are not compatible with the existing dwelling and the surrounding area; and present a road safety risk.

The proposal does not comply with NPF 4 policy 16g)i), LDP Policy Des 12a), and the non-statutory 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'. 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) and 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 of an acceptable scale, form, and design, present a road safety risk, and are not compatible with the existing building or 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 on the Proposed City Plan 2030 and its supporting documents. These documents have now been submitted 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 City Plan 2030 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, summarised as follows:

material considerations

Unsuitable location on a tight corner - Addressed in section a) above.

Concern for road safety - Addressed in section a) above.

non-material considerations

Impact to other on street parking - This is a non-material planning consideration as there are no parking standards for residential applications.

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 considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the works are not of an acceptable scale, form, and design, present a road safety risk, and are not compatible with the existing building or neighbourhood character. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is unacceptable and it is recommended the proposal should be refused.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposed works do 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, design, and materials.
2. The proposed works do 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; would not be acceptable in terms of scale, form, design.
3. The proposed works do not comply with the Access and Parking design requirements of the non-statutory Guidance for Householders and would present a road safety risk to pedestrians and road users.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 4 December 2023

Drawing Numbers/Scheme

01 - 06

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Blair Burnett, Assistant Planning Officer
E-mail: blair.burnett@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Transport Planning

COMMENT: The application should be refused.

DATE: 5 January 2024

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

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Blair Burnett

Date: 29 January 2024

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Lynne McMenemy

Date: 29 January 2024

Comments for Planning Application 23/06527/FUL

Application Summary

Application Number: 23/06527/FUL

Address: 22 Meggetland Terrace Firrhill Edinburgh EH14 1AR

Proposal: To create a driveway in the side garden adjacent to the property to facilitate off street parking and charging of electric vehicle. The car cannot be parked outside on the street to allow charging at present due to the double yellow lines on the road.

Case Officer: Householder Team

Customer Details

Name: Mrs Eve Dickinson

Address: 19 Wedderburn terrace, Inveresk, EH21 7TJ Inveresk, Musselburgh

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed entrance for this access is not suitable as it is on a tight blind corner. The applicant has access to garden ground further away from the corner at the rear of their garden and adjacent to another drive in that would be safer. My 90 year old mother is registered disabled using mobility aids and a Blue badge holder. Her home is directly opposite the proposed corner access at no 22. She lives at 53 Meggetland Terrace. The family need to be able to park opposite the proposed access directly in front of her home to transport her to medical appointments etc due to her very limited mobility. The proposed location is also a danger to traffic turning the corner due to a lack of visibility.

MEMORANDUM

To: Planning Officer
Blair Burnett

From: Transport
Matthew Simpson

Our Ref: 23/06527/FUL

**23/06527/FUL
22 MEGGETLAND TERRACE
FIRRHILL
EDINBURGH
EH14 1AR**

TRANSPORT CONSULTATION RESPONSE

Summary Response

The application should be refused for the reasons given.

Full Response

The application should be refused.

Reasons:

The proposed space is considered to be contrary to the Council's Guidance for Householders dated 2021 (see <https://www.edinburgh.gov.uk/downloads/file/27026/for-householders>). In particular the proposed space is greater than the maximum 3m permitted and is within 15m of a junction.

Matthew Simpson

**TRANSPORT
Matthew Simpson
Senior Transport Officer**