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**Decision date: 15 February 2024**

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

Erect new single storey front and side extension and two storey rear extension.  
At 38 Thomson Drive Currie Edinburgh EH14 5EY

**Application No:** 23/07323/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 13 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 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; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.
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; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.

3. The proposal does not comply with the Guidance for Householders as the works would be overdevelopment by overwhelming the original form and appearance of the house; detract from the character of the wider neighbourhood area; and negatively impact neighbouring amenity.

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

Drawings 01 - 20, 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 combination of extensions and external alterations to the dwelling are not in accordance with the Development Plan. The works are not compatible with the character of the existing dwelling or the surrounding neighbourhood in their scale, form and design and 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 unacceptable, and it is recommended the proposal is 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  
38 Thomson Drive, Currie, Edinburgh**

**Proposal: Erect new single storey front and side extension and two storey rear extension.**

**Item – Local Delegated Decision  
Application Number – 23/07323/FUL  
Ward – B02 - Pentland Hills**

## **Recommendation**

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

## **Summary**

The proposed combination of extensions and external alterations to the dwelling are not in accordance with the Development Plan. The works are not compatible with the character of the existing dwelling or the surrounding neighbourhood in their scale, form and design and 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 unacceptable, and it is recommended the proposal is refused.

## **SECTION A – Application Background**

### **Site Description**

The application refers to a two storey, detached, residential dwelling. The property features a single storey front porch, rear conservatory, rear solar panels, and a detached rear garage. The garden to the front includes a small area of green landscaping with a hardstanding driveway to the front and side. The garden to the rear includes a small area of hardstanding, with green landscaping and foliage in the remaining rear curtilage.

The property is typical of the surrounding area which features a cohesive building style with a range of detached, semi-detached and bungalow properties. The host dwelling is a two storey, detached, pitched roof property with a front porch. Other examples within the area include semi-detached hipped roof style dwellings, and 1.5 storey semi-detached dwellings, of similar style.

Development within the area can primarily be characterised by single storey rear/side extensions, and two storey side extensions.

### **Description Of The Proposal**

It is proposed for the addition of a two storey rear extension with dormers and rooflights; single storey wrap around extension to the side and front; two primary elevation dormers; alterations to windows of the host property; internal alterations; and removal of the garage and rear conservatory.

### **Permitted Development**

The alterations to the windows on the host property are permitted development under Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No assessment of its merits are therefore required as part of this planning application.

### **Not Development**

Internal alterations and removal of the garage and rear conservatory do not materially affect the external appearance of the building when considering it as a whole and when considering it within the context of the wider neighbourhood. The works therefore do not constitute development under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). No assessment of its merits are therefore required as part of this planning application.

### **Supporting Information**

- Sunpath Analysis
- Sunlight plan at 1300 and 1545
- Daylight 45 degree line plan
- Supporting statement
- Site photographs

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

None

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

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

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 4

## **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. 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

Policy 16g) i) of National Planning Framework 4 states development will be supported where there is no detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design, and materials. Policy Des 12a) and c) of the Edinburgh Local Development Plan states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building; and will not be detrimental to neighbourhood character.

The non-statutory 'Guidance for Householders' outlines that extensions and alterations should be architecturally compatible in design, scale and materials with the original house and its surrounding area. Extensions should not overwhelm or dominate the original form or appearance of the house, or detract from the character of the area.

#### *Front and side extension*

It is proposed for a wrap around front and side extension. The Guidance states that modest porches may be acceptable where they do not detract from the design of the original building or the character of the street. The proposed wrap around front porch would be significantly larger than the existing porch and would not be compatible with the design of the surrounding neighbourhood. To the side, the guidance states that extensions should be set behind the front line of the existing dwelling to give a clear definition between the new design and the existing building. Although in some instances an infringement may be acceptable for a wrap around design, the scale of the primary elevation extension would be unsuitable and would overwhelm the original form and appearance of the dwellinghouse.

#### *Rear extension*

The Guidance notes that extensions should not overwhelm or dominate the original form or appearance of the house, or detract from the character of the area. The proposed rear extension is an overdevelopment of the property as it overwhelms the original form and appearance of the dwelling. There is no definition between the original property and new extension as the extension will match the height and width of the original property, thus dominating the rear elevation. The resultant structure creates a dominating physical impact on the built form, character, and appearance of the host dwelling. The incongruous addition to the property is an inappropriate scale, form, and design which is incompatible with the existing dwelling and neighbourhood character.

#### *Dormer windows*

Considering the dormers, the Guidance notes that on principal elevations the combined width of two dormers should be less than 50% of the average roof width. The Guidance also considers that the relationship between dormers and their surroundings are particularly important. Whilst the primary elevation dormers would be 50% of the average roof width, front dormers do not form a characteristic of the wider area. The introduction of two primary elevation dormers would be an incongruous feature which is incompatible with the wider neighbourhood character. The Guidance note that larger dormers may be acceptable to the rear and the proposed rear dormers would be acceptable in this instance.

Considering the proposal as a whole, the extensions and alterations are not of an acceptable scale, form and design and are not compatible with the existing dwelling or the surrounding area. They would increase the footprint of the house by approximately 100sqm, through a combination of single storey front and side extensions and a two storey rear extension. The overall scale, form, and design of the extensions would be an overdevelopment of the property and culminates in a detrimental impact to the existing dwelling and neighbourhood character. The proposal does not comply with NPF4 policy 16g)i), LDP Policy Des 12a), and on balance, the Guidance for Householders.

### Neighbouring Amenity

Policy 16g)i) of National Planning Framework 4 states development will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Policy Des 12b) and c) of the Edinburgh Local Development Plan states that planning permission will be granted for alterations and extensions to existing buildings which will not result in an unreasonable loss of privacy or natural light to neighbouring properties; and will not be detrimental to neighbourhood 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 potential loss of daylight, the proposal has been assessed against the 45 degree line test outlined in the guidance. The proposal complies with the 45 degree line test drawn from a plan drawing and will not result in an unreasonable daylight impact.

With respect to potential loss of sunlight, a sun path analysis has been provided detailing a two hourly sun path on the spring equinox, March 21st, showing both existing and proposed levels of overshadowing. The sunpath analysis denotes a rear extension at the north-east property of number 40, however, it is noted this extension has been removed as can be seen in site photos. Assessment of the sunpath analysis has considered this extension is no longer in situ.

For the north east neighbour at number 40, the existing impact to the patio area and garden ground would begin after 1400. The proposed impact would begin after 1200, and from this time there will be increased levels of overshadowing to the patio and rear garden ground. Although the garden is capable of receiving 3 hours of sunlight as outlined in the Guidance, consideration is also given to how the affected ground is used. In this instance, the increased levels of overshadowing will have a detrimental impact on a high amenity area of the neighbouring patio which would be an unacceptable impact on neighbouring amenity.

The analysis demonstrates for the south west neighbour at number 36, there will be a negligible difference in overshadowing from the existing situation.

With respect to privacy, there are no concerns affecting the internal privacy of neighbouring properties. Side windows proposed on the existing host building are permitted development. No side windows are proposed as part of the extensions and new windows will have a direct outlook over the applicant's own property. With respect



to overlooking, the proposal will maintain the same level of overlooking which currently exists from rear windows. Therefore, the proposal will not introduce any new privacy or overlooking concerns.

With respect to physical impact and immediate outlook from neighbouring sites, the proposal does not limit or restrict the outlook from neighbouring sites. Nonetheless, as assessed above the scale of the extension would overwhelm the property and would present an overshadowing issue. This in of itself would be a physical impact of the proposal and an unreasonable impact to neighbouring amenity.

Considering the facts of the case, the proposal will result in the unreasonable loss of neighbouring amenity due to the impact to neighbouring sunlight. The proposal does not comply 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, but the proposals are not an acceptable scale, form, and design, are not compatible with the existing building or the neighbourhood character, and will result in an unreasonable loss of neighbouring amenity. 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. The Human Rights Act 1998, Protocol 1, Article 1 states a person has the right to the peaceful enjoyment of all their possessions including home and other land; also, Article 8, stating a person has the substantive right to respect their private and family life. In this case, the implications of the proposals impact on neighbouring sites have been considered in the Neighbouring Amenity section above. Whilst a material consideration, the proposed extension would not have severe implications on human rights, and it would not outweigh other material considerations for this application.

##### Public representations

Four public representations have been received, including one from Planning Objections Scotland on behalf of a neighbour. Three objections and one neutral representation, summarised as:

*material considerations*

- Non-compliance with National Planning Framework 4 and Edinburgh's Local Development Plan policies - Determining issues have been outlined in section a) above.
- Overdevelopment of the property and the site - Addressed in section a) above.
- Incompatible with the host dwelling - Addressed in section a) above.
- Impact to the wider neighbourhood area - Addressed in section a) above.
- Impact on neighbouring amenity from sunlight, daylight, privacy, overlooking, and physical impact - Addressed in section a) above.
- Impact to human rights - Addressed in section b) above.

*non-material considerations*

- Misleading description and insufficient drawings in relation to HOPS guidance - The planning authority has considered the form and content of the application and consider this to be sufficient in relation to Regulation 9 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- Concern for boundary treatment between properties and any associated cost - This is a non-material planning consideration as it would be a civil legal matter between the relevant owners and is outwith the remit of planning.

**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 combination of extensions and external alterations to the dwelling are not in accordance with the Development Plan. The works are not compatible with the character of the existing dwelling or the surrounding neighbourhood in their scale, form and design and 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 unacceptable, and it is recommended the proposal is refused.

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

The recommendation is subject to the following;

## **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; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.
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; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.
3. The proposal does not comply with the Guidance for Householders as the works would be overdevelopment by overwhelming the original form and appearance of the house; detract from the character of the wider neighbourhood area; and negatively impact neighbouring amenity.

## **Background Reading/External References**

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

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

**Date Registered: 13 December 2023**

## **Drawing Numbers/Scheme**

01 - 20

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](mailto:blair.burnett@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

## **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: 15 February 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: 15 February 2024

# Comments for Planning Application 23/07323/FUL

## Application Summary

Application Number: 23/07323/FUL

Address: 38 Thomson Drive Currie Edinburgh EH14 5EY

Proposal: Erect new single storey front and side extension and two storey rear extension.

Case Officer: Blair Burnett

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live next door to the proposed development and I am commenting to strongly object to the development in its current design and ask that Edinburgh City Council refuse this application.

I fully understand, and appreciate, my neighbour's desire to extend their property but I am disappointed that no attempt was made to communicate or consult with ourselves before the plans were submitted especially given the scale of the impact on our home. The proposed works are significant, the site is being overdeveloped, the structure (especially to the rear) is overbearing and would have a detrimental impact on our residential amenity.

My objections are as follows:

1) Residential amenity - loss of sunlight / overshadowing / privacy

The proposed 3 levels of accommodation to the rear will result in the loss of significant sunlight and overshadow our patio area especially during the afternoon and early evening which is when the space is utilized most. With working lives and a school age family we have invested a significant amount of money in creating a space that makes the best advantage of the sunlight available to us and can be used and enjoyed by the whole family. The current proposals will have a significant impact on our immediate outlook, privacy and sunlight. The impact on our privacy is compounded by the additional windows in the side elevation which conflict directly with our existing side window.

The overshadowing will also affect our main indoor living space in the kitchen/diner by restricting light via our patio doors and also to our main living room via our windows.

I draw attention to the following Council Policy which is applicable to this development.

Edinburgh Local Development Plan (ELDP 2016)  
Policy Des 5 - Amenity (part a)

Planning permission will be granted for development where it is demonstrated that:

a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

2) The building will be visually dominant and overbearing

The proposed works constitute overdevelopment and are an inappropriate design for this well-established area of Currie. The proposed three level rear extension will result in a three storey blank wall to the rear patio/living space of 40 Thomson Drive and will have an overbearing and oppressive impact to our residential amenity and immediate outlook.

The single storey wrap around development to the front and side is also an example of overdevelopment. I understand the applicants desire to maximize space but the scale of the changes are beyond anything approved locally and mean that our home is impacted to the front as well as the rear.

I draw attention to the following Council Policy which is applicable to this development.

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Policy Des 12 - Alterations and Extensions

Planning permission will be granted for alterations and extensions to existing buildings which:

a) in their design and form, choice of materials and positioning are compatible with the character of the existing building

b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties

c) will not be detrimental to neighbourhood amenity and character

Every change to a building, street or space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

### 3) Application description is misleading and inaccurate

The application description is 'Erect new single storey front and side extension and two storey rear extension.' There is no reference to the installation of dormer windows to the front and rear. The description of the rear extension is also misleading as, when the dormers are included, the plans provide 3 levels of accommodation. I am concerned that many of the notified neighbours will be unaware of the scale of the plans based on this description.

#### Note:

I feel it appropriate to highlight that we are not objecting to the owners of 38 Thomson Road extending their property but to the current plans which are unacceptable for the reasons outlined above. There are examples locally of large alterations and extensions to similar properties that have been designed with local planning policy in mind and built with minimal, and sympathetic, impact on neighbouring properties.



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Proposal: Erect new single storey front and side extension and two storey rear extension.

Case Officer: Blair Burnett

## Customer Details

Name: Mrs Helen Galway

Address: 40 Thomson Drive Currie

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live next door to the proposed development and I am commenting to strongly object to the development in its current design and ask that Edinburgh City Council refuse this application.

I fully understand, and appreciate, my neighbour's desire to extend their property but I am disappointed that no attempt was made to communicate or consult with ourselves before the plans were submitted especially given the scale of the impact on our home. The proposed works are significant, the site is being overdeveloped, the structure (especially to the rear) is overbearing and would have a detrimental impact on our residential amenity.

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The overshadowing will also affect our main indoor living space in the kitchen/diner by restricting light via our patio doors and also to our main living room via our windows.

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2) The building will be visually dominant and overbearing

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The single storey wrap around development to the front and side is also an example of overdevelopment. I understand the applicants desire to maximize space but the scale of the changes are beyond anything approved locally and mean that our home is impacted to the front as well as the rear.

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#### Note:

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#### Note:

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Application Number: 23/07323/FUL

Address: 38 Thomson Drive Currie Edinburgh EH14 5EY

Proposal: Erect new single storey front and side extension and two storey rear extension.

Case Officer: Householder Team

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I have spoke to Mr Li regarding the demolition of the garage, that will be necessary for the planning application to go ahead. This garage forms part of the boundary wall between the properties of Mr Li and myself, to the side and rear of our properties. Mr Li assures me he will erect a new fence or wall. I only have his assurance for this and I'm not sure where I stand in regards of any liabilities involved with the construction of said fence. Perhaps understandably I do not wish to incur any expenses in regards to this construction.