

Appeals and Reviews 2014/15

September 2015

Context

The Directorate of Planning and Environmental Appeals (DPEA) is the body responsible for determining appeals against the refusal of all planning application types other than local developments determined under delegated powers. In 2014-15, this planning authority received 52 appeal decisions. The Planning Local Review Body (LRB) is responsible for determining reviews against the refusal of local developments by planning officers. In 2014-15, there were 71 review decisions. Performance in appeals and reviews can indicate whether local plan policies are robust in defending decisions.

Appeal Performance

Of the 52 appeals, 32 were dismissed, 18 were allowed and two were partially allowed. This represents a success rate of 62% for the City of Edinburgh Council.

- There were 17 appeals relating to applications for listed building consent. Of those decisions nine appeals were allowed, two were partially allowed and six were dismissed.
- In relation to appeals against the refusal of planning permission, four appeals were allowed and six were dismissed.
- In relation to appeals against enforcement notices, two appeals were allowed and fourteen were dismissed.
- There were six appeals relating to advertisement consent. Two appeals were allowed and four were dismissed.
- There were three cases relating to applications to revise planning obligations (legal agreements) put in place in connection with planning permissions. One was allowed and two were dismissed.

Local Review Performance

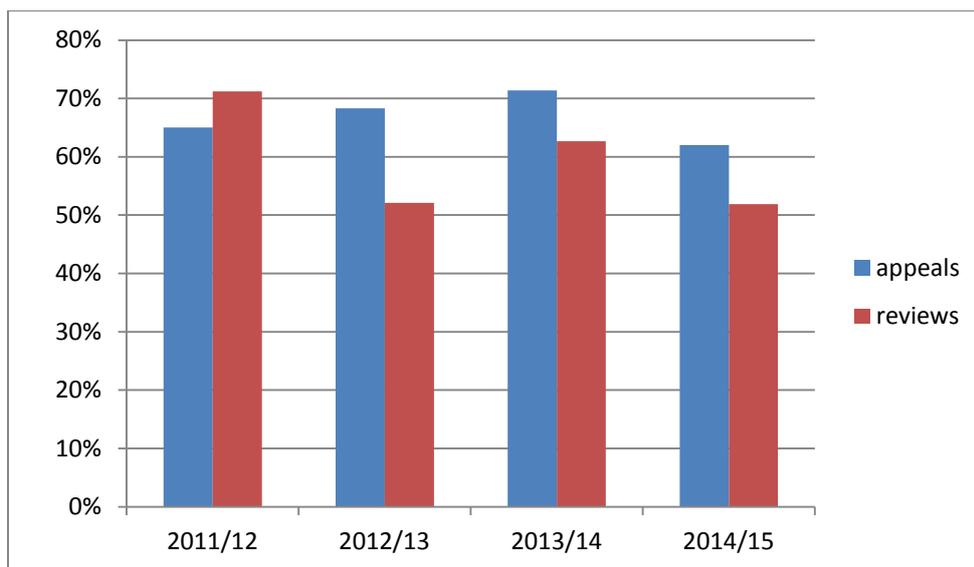
Of the 71 local reviews, 37 were upheld. This means that 51.9% of officers' decisions were supported by members on the LRB and the applications were refused.

Allowed or Overturned Cases - general themes

- Those listed building cases allowed related to internal alterations including slappings between principal rooms and kitchens in principal rooms. In some cases, the Reporter felt the conservation gains outweighed any harm being done to the listed building.

- Two of the four planning permissions allowed related to housing developments and two related to change of use.
- Of the two enforcement cases allowed, one related to a digital advert and one to a fence. The success defending enforcement notices indicates our decisions to enforce are robust.
- The two advert consent appeals allowed related to digital adverts.
- In terms of reviews, 12 of the overturned refusals related to house extensions and alterations. Generally, rear extensions and dormers, even large ones, are overturned if not visible from street and not in conservation areas.
- Seven of the overturned cases related to change of use indicating members are flexible about new uses.
- UPVC windows are generally not supported unless to rear and not visible from public roads.

Appeal and Review Performance



The above chart shows how performance has fluctuated over the last 4 years. Appeal success has reduced and reviews are now hovering around 50% being upheld.

Conclusions

The poor success rate in terms of listed building appeals is a concern and Reporters are giving more weight to the economic use of our historic environment estate. This will have to be taken into account in future decisions. However, it is clear the planning authority is taking a proportionate approach to enforcement.

Contact

For further information, please contact
 Nancy Jamieson 0131 529 3916 nancy.jamieson@edinburgh.gov.uk