

TABLED ITEM

Gordon McGregor
21 Craigmount Gardens
Edinburgh
EH12 8EB

Our Ref: GM/00078/02

8 March 2004

ITEM NO. 7

Mr Trevor Davies
Chair of Planning Committee
City of Edinburgh Council
City Chambers
High Street
Edinburgh
EH1 1YJ

Dear Mr Davies

Application 04/00078/FUL – Development Quality Sub-Committee of the Planning Committee Meeting 10th March, 2004

I write to request the opportunity to address the Development Quality Sub-Committee of the Planning Committee meeting to be held on 10th March, 2004 in reference to the above application 04/00078/FUL.

I have raised an objection to the planning application during the formal notice period and have recently reviewed the City Development report to the Development Quality Sub-Committee of the Planning Committee. I have been shocked and surprised that their recommendation should be that the application be granted and I find this recommendation unacceptable for the following reasons:

(a) Incomplete reporting of my representations:

The principal reason for my representations in respect of the construction of the side dormer at 19 Craigmount Gardens is that it represents a significant loss of amenity as it looks directly in to our bathroom from a location opposite. Reference to this fact has been excluded altogether from the report to the Sub-Committee.

(b) Breaches of Council Policy and Planning Guidelines

In addition to the above key point that the side dormer has a significant detrimental affect on our property in terms of loss of amenity as it looks directly in to our bathroom, the report to the Sub-Committee concludes that there have been a number of breaches of both Council Policy and Planning Guidelines. The report accepts a technical breach of Policy H4, Policy DQ11, the Non Statutory Guidelines on Daylighting, Privacy and Sunlighting and the Non Statutory Guidelines on House Extensions. I therefore strongly disagree with the view of the Head of Planning and Strategy in his acquiescence of these breaches and wish to make representations to your Committee in this respect.

Each breach of Policy and Planning Guidelines is significant in itself but taken together and in consideration of the loss of amenity of our most personal of living spaces, the cumulative affect represents a gross invasion of our privacy. To illustrate the detrimental affect on our day to day living, I have attached a photograph taken from within our bathroom. You will see a direct line of sight from the side dormer window in to our bathroom.

Given the number of breaches of both Council Policy and Planning Guidelines plus the loss of amenity we have suffered, I find it wholly unacceptable that the City Development department can put forward a recommendation to grant a retrospective approval for such a construction, hence my request to make my own representations.

(c) Lack of consultation

No consultations have been undertaken to date. I don't believe any approval could be granted without such consultation in a situation where a significant loss of amenity would be suffered by the adjacent property.

(d) Precedence

From undertaking a comprehensive search on applications via the City Development office, to my knowledge no single side dormer has been approved by the Council within the Corstorphine area within the last ten years. This is in line with the due process as set out in your Policy and Planning Guidance, a process which I have to date placed a great deal of reliance on in terms of its integrity. I note that the Council even has a policy that states a presumption against the construction of side dormers, per se.

My concern here is that the retrospective nature of this application appears to have had a significant bearing on the recommendation set out in the Sub-Committee's report. If so, this would concern me greatly given the precedence such retrospective action could create should the Council's current policy and planning Guidelines, not be seen to be upheld as intended.

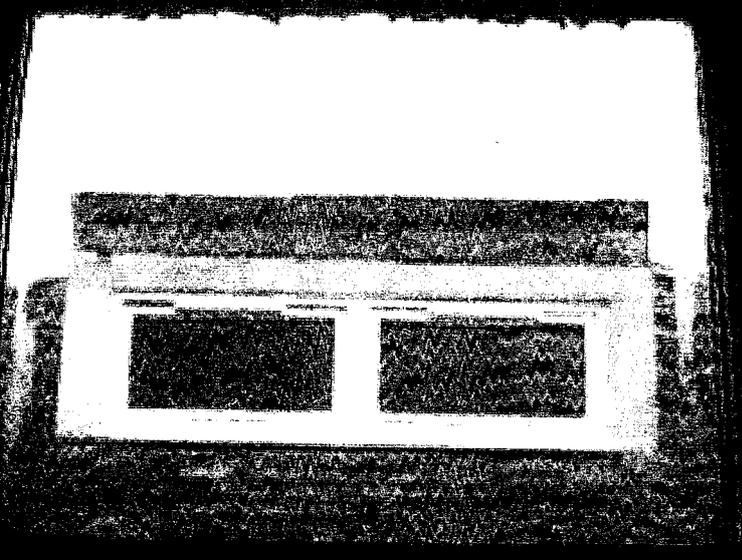
I have attached for your information, my initial letter of objection to the planning application together with the photograph mentioned above.

I would be grateful if you could advise me asap on what process I require to follow in terms of attending the meeting of the Development Quality Sub-Committee of the Planning Committee to be held on 10 March in order to make my representations heard ?

I look forward to hearing from you.

Yours sincerely,

Gordon McGregor



Morris Smith

From: "Maureen Child" <maureen.child@edinburgh.gov.uk>
To: "Ken Scott" <ken.scott@edinburgh.gov.uk>
Cc: "Morris Smith" <morris.smith@edinburgh.gov.uk>
Sent: 09 March 2004 09:16
Subject: Fw: REPRESENTATION IN RESPECT OF PLANNING APPLICATION -
Another bit of information for Committee tomorrow

Maureen

----- Original Message -----

From: <g_mcgregor@yahoo.com>
To: "Maureen Child" <maureen.child@edinburgh.gov.uk>
Cc: <jenny.dawe@edinburgh.gov.uk>; <trevor.davies@edinburgh.gov.uk>
Sent: Monday, March 08, 2004 10:12 PM
Subject: Re: REPRESENTATION IN RESPECT OF PLANNING APPLICATION -
04/00078/FUL

Dear Councillor Child,

Thank you for your prompt reply. I am pleased to hear that a Committee presentation will take place in respect to this application.

At this stage, I feel it is appropriate to outline further details as to why I feel the recommendation within the City Development report is unreasonable.

These comments relate to the specific technical content of the City Development report and likely presentation. They are in addition to the previous points I have raised.

1. Side Dormer Architectural Integrity

The report acknowledges that both the depth and width of the side dormer is in breach of the Council's Non Statutory Guidelines on House Extensions. The depth is 40% less than the guidelines require and the width is 10% larger than that required. I fail to see that such a breach in its totality can represent a "minor infringement" of the guidelines and I would argue that it is certainly not "justified".

As someone who has lived within this locale for many years, I am familiar with the local built environment and appreciate the importance of the key characteristic of these buildings which is their pyramidal roof shape. Clearly the creation of any side dormer is not in keeping with the architectural integrity of the building, let alone one whose width and depth breaches the guidelines so severely. I therefore take the reverse viewpoint to the report on

design integrity.

However, on the basis of planning policy, it is noted that other properties in the surrounding area have had prospective planning applications refused on grounds relating to Policy notes H4 and DQ11 (relating to the need to keep the built environment in keeping with the surrounding area). Together with the Council's policy presumption against side dormers generally, it is clear that the application cannot be in character with the appearance of the building and the area.

2. Overshadow

I did not cite overshadow as an objection, therefore this statement within the report is not relevant

3. Dormer Location

The City Development report also justifies the technical breach by stating the view that the dormer relates to a stairwell.

Upon review of the Council's own policy guidance in this area, the general standards are very clear. There is a clear and unequivocal loss of amenity in this situation. This is exacerbated by the fact that the dormer window is not located further than 9 metres from the side boundary and well within the minimum required privacy distance of 18 metres.

The dormer is a primary window associated with the architectural design of a frequently used living space. The policy guidance allows deviation from the general standards only in exceptional circumstances that relate to secondary windows. From the definition of a secondary window approved by the Council, the dormer cannot be stated to be in this category. The introduction of "habitable" has no bearing in this instance.

In addition, a review of the background to Council policy in this area draws upon the Building Regulations (Scotland). The requirements establish the criteria on privacy that relate to the range at which human features can remain visible. From my bathroom, I can clearly identify human features of occupants of the applicant property (and I presume vice versa).

I thank you for allowing me to bring these points to your attention and I would be grateful if you could consider them together with the objections and omissions I have already brought to the attention of

the Sub-Committee.

Subject to your approval, I would also be very grateful if you could share these comments with your colleagues in relation to the Committee presentation to be given on Wednesday.

Yours sincerely,

Gordon McGregor

--- Maureen Child <maureen.child@edinburgh.gov.uk>

wrote:

> Gordon

>

> Thank you for this information

>

> In light of your concerns, I have asked for a

> Committee presentation on this

> Item - no 7 on our agenda for Wednesday.

>

> Maureen

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