

The City of Edinburgh Planning Local Review Body

11.00 am, Tuesday, 31 March 2015

Present

Councillors Brock, Perry and Rose.

1. Appointment of Convener

Councillor Perry was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of the review.

(Reference – Local Review Body Procedure, submitted.)

3. Request for Review – 9-11 Kinnear Road, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for external alterations including altered driveway, conversion of windows to doors, rear patio, dummy window and first floor external balcony at 9-11 Kinnear Road, Edinburgh (Application no 14/04499FUL).

The request was initially considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 4 March 2015. The LRB continued consideration of the matter for:

1. A site visit.
2. Further information from the Acting Head of Planning and Building Standards regarding the on-going appeals currently with the Directorate for Planning and Environmental Appeals.

The matter returned to the LRB on Tuesday 31 March 2015 for consideration.

Assessment

At the meeting on 31 March 2015, the LRB had been provided with copies of the notice of review submitted by Lorn Macneal Architects on behalf of Playfair Properties Ltd, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling and further information submitted by

the Acting Head of Planning and Building Standards, regarding the on-going appeals currently with the Directorate for Planning and Environmental Appeals, in respect of 9-11 Kinnear Road.

Having returned from the site visit, the LRB heard from the Planning Adviser who presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 02, 03, Scheme 1, being the drawings shown under the application reference number 14/04499/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents and having visited the site, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Env 4 (Listed Buildings - Alterations and Extensions)
 - Policy Env 6 (Conservation Areas Development)
 - Policy Env 3 (Listed Buildings – Settings)
- 2) Non-Statutory Guidelines on 'Guidance for Householders'.
Non-Statutory Guidelines 'Listed Buildings and Conservation Areas'.
- 3) The Inverleith Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB took into consideration the applicant's argument that the position taken by the planning officer in respect of the symmetry of the building was confusing and irrelevant to either of the key points of character of the listed building and character and appearance of the conservation area. In terms of the driveway, it was noted that the street had a number of other driveways and the re-positioning would have minimal effect on the character of the street or the setting of the listed building. It was also noted that the conversion of the window to a door at ground floor level and associated terrace had a minimal impact as views of the symmetry of the building and the relationship with Jeffrey House were limited at ground floor level. The dummy window on the east elevation had no adverse impact.

The LRB, having taken all the above matters into consideration did not agree with the officer's assessment in respect of the removal of the front wall and relocated driveway,

the conversion of the ground floor window to a door with associated terrace and the dummy window in the east elevation.

However, the LRB did consider that the first floor external balcony and the roof lights were contrary to Edinburgh City Local Plan Policy in respect of listed buildings, Edinburgh City Local Plan Policy in respect of Conservation Areas - Development, non-statutory guidance on Listed Buildings and Conservation Areas, and development plan policy on extensions and alterations. It was noted that there were no other rooflights on these roofs and the proposed bedroom could be lit by a dormer window. In addition, the conversion of a window to a door and the formation of a balcony would disrupt the harmony and symmetry of the building with Jeffrey House.

The LRB was of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to issue a mixed decision.

Decision

To issue a mixed decision to part grant and part refuse planning permission:

- A) To not uphold the decision of the Acting Head of Planning and Building Standards and to grant planning permission for the removal of the front wall and relocated driveway, the conversion of the ground floor window to door and the dummy window in the east elevation.

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
 2. No development should take place on the site until a Notice of Initiation of Development had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
 3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- B) To uphold the decision of the Acting Head of Planning and Building Standards and to refuse planning permission for the first floor external balcony and the roof lights.

Reasons for Refusal:

1. The proposal was contrary to Edinburgh City Local Plan Policy Env 3 in respect of Listed Buildings - Setting, as the proposals failed to respect the integrity of the building to the detriment of its setting.
2. The proposal was contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposals failed to respect the architectural integrity and composition of the listed building.

3. The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals failed to respect the special character of the street and neither preserved or enhanced the character and appearance of the conservation area.
- 4 The proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals would seriously detract from the character of the listed building and conservation area.

(References – Decision Notice, Report of Handling, Notice of Review and Further Information from the Acting Head of Planning and Building Standards, submitted.)

Dissent

Councillor Rose requested that his dissent to this decision be recorded.