

## The City of Edinburgh Planning Local Review Body (Panel 3)

10.00 am, Wednesday 15 March 2017

Present: Councillors Bagshaw, Child, Heslop and Keil.

### 1. Convener

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Councillor Heslop was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

### 3. Request for Review – 3 Craigleith Hill Avenue Edinburgh

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Details were provided of a request for a review for the refusal of planning permission for the Demolition of the existing garage and construct new garage, construct front, rear and side dormers and internal alterations to existing dwelling. (as amended)  
Application No.16/05162/FUL

#### Assessment

The Planning Local Review Body considered the request for review on 15 March 2017, and had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents only.

The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Transport.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development 01, 02, 03, 04, 06A, 07A, scheme 1 on the City of Edinburgh Council's Planning Portal.

The LRB, having considered these documents, 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 Des 12 (Alterations and Extensions)

- 2) Non Statutory Guidelines "GUIDANCE FOR HOUSEHOLDERS"
- 3) The procedure used to determine the application.
- 4) 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 noted the view that the proposed dormer would have very little impact upon the neighbourhood's character due to its location at the side of the house, and due to its very modest size.

The LRB agreed that the proposals for the new garage and the front and rear dormers were of an acceptable design and would not be detrimental to the neighbourhood character. The proposed Juliette-style balcony on the rear elevation would not be visible from public view and would have a minimal impact on the character and appearance of the building and was therefore acceptable.

With regard to the side dormer, the LRB did not agree with your assessment of the case, and was of the opinion that the dormer will have a box like and utilitarian appearance, upsetting the character and appearance of the dwellinghouse. The proposal would also appear intrusive and clumsy in the street scene, as the side (east) elevation is a visually prominent elevation. Due to the orientation of the neighbouring property to the east, the side elevation dormer would represent a significantly prominent and incongruous feature when travelling along Craigleith Hill Avenue and agreed that no material considerations had been presented in the request for a review that would lead it to overturn the Chief Planning Officer's decision and to grant planning permission.

### **Decision**

To issue a **MIXED DECISION** to:

- A) To **GRANT** planning permission for the new garage and to construct front and rear dormers to existing dwelling at 3 Craigleith Hill Avenue, Edinburgh (Application No. 16/05162/FUL), subject to the following informatives:

#### **Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes 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 **REFUSE** planning permission for the side dormer at 3 Craigleith Hill Avenue, Edinburgh (Application No. 16/05162/FUL). For the reasons that the proposal is contrary to Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions, and also the non-statutory Guidance for Householders. The proposal side elevation dormer, without any glazing, would upset the character and appearance of the dwellinghouse and would appear intrusive and clumsy in the street scene, to the detriment of neighbourhood character.

(Reference – Decision Notice and Report of Handling and Notice of Review, submitted)

#### **4. Request for Review – 1 Elcho Terrace Edinburgh**

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Details were provided of the request for a review for the refusal of planning permission for a single storey flat roof extension and garage conversion to single storey outshoot building at rear. Application No. 16/04900/FUL

##### **Assessment**

The Planning Local Review Body considered the request for review on 15 March 2017, and had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents only.

The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and Transport.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development 1a, 2, 3, 4, 5a, 6a, 8a, on the City of Edinburgh Council's Planning Portal.

The LRB, having considered these documents, 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 Local Development Plan:
  - Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.
  - Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.
  - Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

- 2) Non Statutory Guidelines 'GUIDANCE FOR HOUSEHOLDERS' and 'LISTED BUILDINGS AND CONSERVATION AREAS'.
- 3) The procedure used to determine the application.
- 4) 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. It was of the opinion that the extension would not occupy more than half of the original rear garden. The single storey extension would be no higher than the existing extension and is to be constructed of materials which match the existing building and would be compatible with the original building. Whilst the amenity and outlook of existing rooms may be affected this would be compensated for by the new sunroom and kitchen/dining area.

The LRB felt that the proposal was compatible with the Listed Building and the Conservation Area and was an acceptable form of development for this location.

The LRB, having taken all the above matters into consideration did not agree with the assessment of the case officer's report, and was of the opinion that material considerations had been presented in the request for a review that would lead it to overturn the Head of Planning and Transport's decision and to grant planning permission.

### **Decision**

To not uphold the decision by the Head of Planning and Transport and to **GRANT** planning permission for the proposed single storey flat roof extension and garage conversion to single storey outshoot building at rear at 1 Elcho Terrace, Edinburgh EH15 2EF, subject to the following informatives:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes 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.

(Reference – Decision Notice, Report of Handling and Notice of Review, submitted.)

## 5. Request for Review – 101 Greenbank Road Edinburgh

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Details were provided of the request for a review for the refusal of planning permission for the proposed side extension to bungalow and attic conversion with dormers front and back at 101 Greenbank Road, Edinburgh 16/04732/FUL

### Assessment

The Planning Local Review Body considered the request for review on 15 March 2017, and had been provided with copies of the notice of review submitted o, 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 submitted by the Head of Planning and Transport.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development 01-05, Scheme 1 on the City of Edinburgh Council's Planning Portal.

The LRB, having considered these documents, 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 Edinburgh City Local Plan:  
Policy Des 11 (Alterations and Extensions)  
Non-statutory Guidance for Householders
- 2) The procedure used to determine the application.
- 3) 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, including your proposal that none of the policy or design guidance is prejudiced by the proposals submitted. In relation to the non-statutory guidance, the scale and proportion are harmonised, open space is useable and daylight and sunlight maintained and that the general character and appearance of the street are wholly maintained.

The LRB also considered your argument that the main reason for refusal was due to the perceived loss of openness and the impact that would have on the character of the area, and that you considered this to be subjective and that this opinion and reason for refusal had not been based on consideration of the existing baseline, likely impacts or precedent within the immediate area.

The LRB, having taken all the above matters into consideration agreed with the assessment of the case officer's report, and was of the opinion that no material

considerations had been presented in the request for a review which would lead it to overturn the determination by the Head of Planning and Transport. It therefore upheld the decision of the Head of Planning and Transport.

### **Decision**

To **UPHOLD** the decision by the Head of Planning and Transport and to **REFUSE** planning permission for the proposed side extension to bungalow and attic conversion with dormers front and back at 101 Greenbank Road, Edinburgh EH10 5RS (Application No 16/04732/FUL).

### **Reasons for Refusal:**

The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as the scale and layout of the extension is not acceptable for this corner plot site, eroding the character of the area through the loss of the feeling of openness created by such corner plots.

(Reference – Decision Notice and Report of Handling and Notice of Review, submitted)

## **6. Request for Review – 195 Kingsknowe Road North, Edinburgh**

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Details were provided of the request for a review for the refusal of planning permission for of existing public house and erection of a residential development of 3 townhouses and 13 flats at 195 Kingsknowe Road North, Edinburgh Application No. 16/05340/FUL

### **Assessment**

The Planning Local Review Body considered the request for review on 15 March 2017, and had been provided with copies of the notice of review submitted, 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 submitted by the Head of Planning and Transport.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development 01-07, Scheme 1 on the City of Edinburgh Council's Planning Portal.

The LRB, having considered these documents, 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 Local Development Plan:

Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

- 2) Non Statutory Guidelines "PARKING STANDARDS", "EDINBURGH DESIGN GUIDANCE" and "DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING"
- 3) The further representations received.
- 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 including your opinion that the application should have granted planning permission as the benefits of the proposal significantly outweigh any perceived adverse impacts.

The LRB, having taken all the above matters into consideration agreed with the assessment of the case officer's report, and was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Head of Planning and Transport. It therefore upheld the decision of the Head of Planning and Transport.

### **Decision**

To **UPHOLD** the decision by the Head of Planning and Transport and to **REFUSE** planning permission for demolition of existing public house and erection of a residential development of 3 townhouses and 13 flats at 195 Kingsknowe Road North, Edinburgh EH14 2ED (Application No. 16/05340/FUL).

### **Reasons for Refusal:**

1. The development would adversely impact on its surroundings, including the character and appearance of the wider townscape, having regards to its inappropriate height and form. The development does not draw upon the positive characteristics of the surrounding area. The proposal is contrary to ELDP Policies Des 1, Des 4 and Edinburgh Design Guidance.
2. The development would result in an unacceptable level of amenity to

neighbouring properties, in relation to loss of daylight and privacy. The proposal is contrary to ELDP Policy Des 5 and Edinburgh Design Guidance.

3. The development does not include any secure cycle parking or storage. The proposal is contrary to ELDP Policy Tra 3 and Parking Standards for Development Management.

(Reference – Decision Notice and Report of Handling and Notice of Review, submitted)

## **7. Request for Review – 50 Minto Street (BF1) Edinburgh**

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Details were provided of the request for a review for the refusal of planning permission for removal of existing gate and small section of existing wall/hedge in order to increase the width of the vehicular opening at 50 (BF1) Minto Street, Edinburgh EH9 2BR (Application No. 16/04761/FUL).

### **Assessment**

The Planning Local Review Body considered the request for review on 15 March 2017, and had been provided with copies of the notice of review submitted, 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 submitted by the Head of Planning and Transport.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawing of the development 01, Scheme 1 on the City of Edinburgh Council's Planning Portal.

The LRB, having considered these documents, 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 Local Development Plan:  
Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.
- 2) Non Statutory Guidelines 'Listed Buildings and Conservation Areas'
- 3) The Blacket 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, having taken all the above matters into consideration agreed with the assessment of the case officer's report, and was of the opinion that no material considerations had been presented in the request for a review which would lead it to

overturn the determination by the Head of Planning and Transport. It therefore upheld the decision of the Head of Planning and Transport.

### **Decision**

To **UPHOLD** the decision by the Head of Planning and Transport and to **REFUSE** planning permission for removal of existing gate and small section of existing wall/hedge in order to increase the width of the vehicular opening at 50 (BF1) Minto Street, Edinburgh EH9 2BR (Application No. 16/04761/FUL).

### **Reasons for Refusal:**

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as it does not preserve the boundary walls and railings which contribute positively to the character of the Blasket Conservation Area
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as as the proposals do not preserve or enhance the special character and appearance of the Blasket Conservation Area
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals would detract from the quality of the building's setting.

(Reference – Decision Notice and Report of Handling and Notice of Review, submitted)