

## The City of Edinburgh Planning Local Review Body (Panel 1)

**10.00am, Wednesday 9 August 2017**

**Present:** Councillors Child (substituting for Councillor Griffiths), Graczyk (substituting for Councillor Mowat), Mitchell and Staniforth.

### 1. Convener

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Councillor Mitchell 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 – 2 Blackford Road, Edinburgh

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Details were provided of a request for a review for the refusal of planning permission for the proposed alteration of two separate driveway entrances in an existing two metre high stone garden boundary wall to one single five metre wide entrance and the associated installation of a timber clad sliding gate (as amended). Application number 17/00815/FUL.

#### Assessment

The LRB 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 further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 02, 03, 04a and 05a being the drawings shown under the application reference number 17/00815/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed it had sufficient information before it 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 6 (Conservation Areas – Development)
  - Des 12 (Alterations and Extensions)
2. Non-Statutory Guidelines “Guidance for Householders” and “Listed Buildings and Conservation Areas”.
3. The Grange 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. It noted that a number of properties in the area had similar driveway entrances and concluded that the proposal would not have a detrimental effect on the character or appearance of the conservation area. The removal of the section of boundary wall was not significant and overall the proposals were an enhancement of the existing site.

Having taken all the above matters into consideration, the LRB 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 Chief Planning Officer’s decision and to grant planning permission.

### **Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission for the proposed alteration of two separate driveway entrances in the existing two metre high stone garden boundary wall to one single five metre wide entrance and the associated installation of a timber clad sliding gate (as amended) at 2 Blackford Road; subject to the following informative:

1. Planning permission shall not be issued until the formal exchange of legal letters relating to the payment of monies for moving the lamppost at the application site.

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

## **4. Request for Review – 6 Inverleith Terrace, Edinburgh**

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Details were provided of the request for a review for the refusal of planning permission for the proposed demolition of an existing sunroom and the construction of a new timber extension with a zinc roof, glazed sliding doors and three roof lights (as amended) at 6 Inverleith Terrace. Application number 16/02770/FUL.

### **Assessment**

The LRB 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 further written submissions. The LRB had also been provided with

copies of the decision notice and the report of handling submitted by Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01A, 02A, 03A, 04A and 05A being the drawings shown under the application reference number 16/02770/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed it had sufficient information before it 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)
  - Env 6 (Conservation Areas - Development)
  - Des 12 (Alterations and Extensions)
2. Non-Statutory Guidelines on 'Listed Buildings and Conservation Areas' and 'Guidance for Householders'.
3. 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, 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 Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer and to refuse planning permission for the proposed development for the reasons that:

1. the proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the extension would diminish the building's interest and would not be in keeping with it.
2. the proposal was contrary to Policy Env 6 in respect of Conservation Areas - Development, as the extension would neither preserve nor enhance the special character of the conservation area.
3. the proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the extension was greater than 50% of the width of the townhouse and was not subservient to it.

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

## 5. Request for Review – 12 Jamaica Street North Lane

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Details were provided of a request for a review for the refusal of planning for the proposed alteration of the front elevation to remove an existing timber garage door and replace it with a timber fascia panel and three outward opening windows, the alteration to the rear elevation to remove ground floor windows and replace them with timber bifold doors, and the formation of a balcony using a galvanized steel frame and toughened glass infill panels and hardwood timber handrail at 12 Jamaica Street North Lane. Application number 17/00002/FUL.

### Assessment

The LRB 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 further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling submitted by Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 02A, 03 and 04A being the drawings shown under the application reference number 17/00002/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed it had sufficient information before it 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 1 (World Heritage Site)
  - Env 6 (Conservation Areas - Development)
  - Des 1 (Design Quality and Context)
  - Des 4 (Development Design - Impact on Setting)
  - Des 12 (Alterations and Extensions)
2. Non-Statutory Guidelines on '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, 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 Chief Planning Officer. It therefore upheld the decision of the Chief Planning Officer.

## Decision

To uphold the decision by the Chief Planning Officer and to refuse planning permission for the proposed development.

The refusal relates to the rear elevation only, for the reasons that:

1. the proposal was contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as it did not preserve the character of the area.
2. the proposal was contrary to Policy Env 6 in respect of Conservation Areas - Development, as it did not preserve the character of the area.
3. the proposal was contrary to Policy Des 1 in respect of Design Quality and Context, as it was not compatible with the surrounding area.
4. the proposal was contrary to Policy Des 4 in respect of Development Design - Impact on Setting, as it was not compatible with the surrounding area.
5. the proposal was contrary to Policy Des 12 in respect of Alterations and Extensions, as the materials were not compatible with the surrounding area.
6. the proposals were also contrary to non-statutory guidance on Listed Buildings and Conservation Areas as they were incongruous.

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

## 6. Request for Review – 19 Jock’s Lodge, Edinburgh

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Details were provided of a request for a review for the refusal of planning permission for the proposed alterations and change of use to premises to create studio flat from beauticians at 19 Jock’s Lodge. Application number 17/01047/FUL.

### Assessment

The LRB 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 further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling submitted by Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 1-4, being the drawings shown under the application reference number 17/01047/FUL on the Council’s Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed it had sufficient information before it 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:

Hou 5 (Conversion to Housing)

Ret 5 (Local Centres)

Ret 9 (Alternative Use of Shop Units in Defined Centres)

2. Non-Statutory Guidelines on 'Guidance for Businesses' and Edinburgh Design Guidance.
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, 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 Chief Planning Officer. It therefore upheld the decision of the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer and to refuse planning permission to alter and change the use of premises to create studio flat from a beauticians for the reasons that:

1. the proposal was contrary to the Local Development Plan Policy Hou 5 in respect of Conversion to Housing, as a satisfactory residential environment could not be achieved.
2. the proposal was contrary to the Local Development Plan Policy Ret 9 in respect of Alternative Use of Shop Units - Elsewhere in Defined Centres as the proposal was not for an appropriate commercial, community or business use and would be detrimental to its vitality and viability.

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

## **7. Request for Review – 12 Minto Street, Edinburgh**

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Details were provided of a request for a review for the refusal of planning permission for the proposed extension of the dwelling house to the rear at 12 Minto Street. Application number 16/05885/FUL.

### **Assessment**

The LRB 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 further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling submitted by Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 1-4, being the drawings shown under the application reference number 16/05885/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents agreed that it had sufficient information before it 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:
  - Des 12 (Alterations and Extensions)
  - Env 3 (Listed Buildings - Setting)
  - Env 4 (Listed Buildings - Alterations and Extensions)
  - Env 6 (Conservation Areas - Development)
2. Non-Statutory Guidelines on 'Guidance for Householders', 'Listed Buildings and Conservation Areas' and Edinburgh Design Guidance.
3. The Blasket 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, 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 Chief Planning Officer. It therefore upheld the decision of the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer and to refuse planning permission for the proposed extension of dwelling house to rear for the reasons that:

1. the proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the extension would not be compatible with the character of the existing building.
2. the proposal was contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as the proposals would be detrimental to the architectural character, appearance and interest of the building.
3. the proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the extension would diminish the building's interest and would not be in keeping with it.
4. the proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the extension would neither preserve nor enhance the special character of the conservation area.

5. The proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the extension was greater than 50% of the width of the villa and was not subservient to it, and to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the proposed extension was not subservient to the original villa.

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

## **8. Request for Review – 13-15 Upper Gray Street, Edinburgh**

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Details were provided of a request for a review for the refusal of planning permission for the proposed formation of 2 new car spaces at 13-15 Upper Gray Street. Application number 17/00519/FUL.

### **Assessment**

The LRB 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 further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling submitted by Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 1-5, being the drawings shown under the application reference number 17/00519/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed it had sufficient information before it 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:  
Env 6 (Conservation Areas - Development)
2. Non-Statutory Guidelines on 'Listed Buildings and Conservation Areas' and 'Guidance for Householders'
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, 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 Chief Planning Officer. It therefore upheld the decision of the Chief Planning Officer.

## **Decision**

To uphold the decision by the Chief Planning Officer and to refuse planning permission for the reasons that:

1. the proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals did not preserve the special character and appearance of the area or the features that contributed to its character.
2. the proposal was contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposal did not preserve the character and appearance of the area or preserve its pattern and historic fabric.
3. the LRB agreed that proposed off-street parking did not meet the Council's standards as set out in the Guidance for Householders.

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