

DECISION NOTICE AND REPORT OF HANDLING

Application address - 26 Niddrie Mill Terrace Edinburgh EH15 3HF

Application Ref. No - 18/00993/FUL

Review Ref No - 18/00146/REVCON

Review Lodged Date 31.07.2018

COPY

Arthur Stone Planning & Architectural Design
Ltd.
FAO: Alison Arthur
85 High Street
Newburgh
KY14 6DA

Ms Carol Anne Aitken
26 Niddrie Mill Terrace
Edinburgh
EH15 3HF

Date: **7 May 2018**,

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2013**

Rear extension, alterations, flat roof dormer and loft conversion, as amended.

At 26 Niddrie Mill Terrace Edinburgh EH15 3HF

Application No: 18/00993/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 8 March 2018, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **mixed decision** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

1. This approval relates to the insertion of dormer windows into the front and rear roof planes.
2. This refusal relates to the proposed rear extension.

Reasons:-

1. In order to recognise the elements of the application which are acceptable and recommended for approval.
2. The rear extension would represent overdevelopment of the application site and would leave an inadequate and low quality area of amenity space for the occupiers of the property, by virtue of its positioning in relation to the existing building. It would cause loss of privacy to a neighbouring rear garden and be detrimental to neighbouring amenity. It would therefore be contrary to LDP Policy Des 12 (Alterations and Extensions) and to the non-statutory "Guidance for Householders".

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

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.

4. 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.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings Scheme 01 to 03, 04A and 05A., represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The rear extension would represent overdevelopment of the application site and would leave an inadequate and low quality area of amenity space for the occupiers of the property, by virtue of its positioning in relation to the existing building. It would

cause loss of privacy to a neighbouring rear garden and be detrimental to neighbouring amenity. It would therefore be contrary to LDP Policy Des 12 (Alterations and Extensions) and to the non-statutory "Guidance for Householders". This element should be refused.

The proposed dormer windows are of an acceptable scale, form and design, would not cause any detriment to neighbouring amenity and would comply with LDP Policy Des 12 and non-statutory guidance. These elements should be approved and a mixed decision should therefore be issued.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Val Malone directly on 0131 529 3485.

D R Leslie

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 18/00993/FUL

At 26 Niddrie Mill Terrace, Edinburgh, EH15 3HF

Rear extension, alterations, flat roof dormer and loft conversion, as amended.

Item	Local Delegated Decision
Application number	18/00993/FUL
Wards	B17 - Portobello/Craigmillar

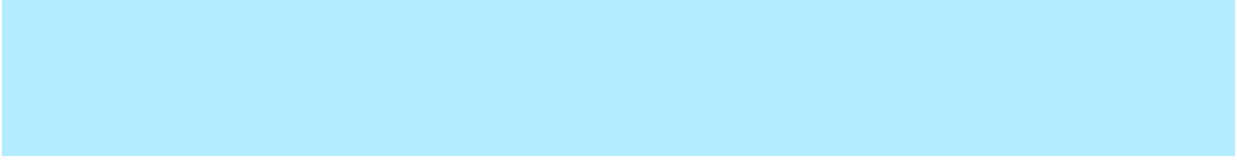
Summary

The rear extension would represent overdevelopment of the application site and would leave an inadequate and low quality area of amenity space for the occupiers of the property, by virtue of its positioning in relation to the existing building. It would cause loss of privacy to a neighbouring rear garden and be detrimental to neighbouring amenity. It would therefore be contrary to LDP Policy Des 12 (Alterations and Extensions) and to the non-statutory "Guidance for Householders". This element should be refused.

The proposed dormer windows are of an acceptable scale, form and design, would not cause any detriment to neighbouring amenity and would comply with LDP Policy Des 12 and non-statutory guidance. These elements should be approved and a mixed decision should therefore be issued.

Links

Policies and guidance for this application LDES12, NSHOU,



COPY

Report of handling

Recommendations

1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below..

Background

2.1 Site description

The application property is a single storey cottage style dwelling located at the end of a small cul-de-sac at Niddrie Mill Terrace, Edinburgh.

It lies just north of Niddrie Mains Road and is visible from it. It has small front and rear gardens. Immediately to the north of the property , there is a three storey block of flats. To the south and south -west, it adjoins a terrace of two-storey houses on Niddrie Mains Road and its rear garden area is set at an angle to the rear garden areas of those neighbours.

2.2 Site History

29 December 2017 planning permission was refused for a rear extension, timber decking with balustrade, alterations, a flat roof dormer and loft conversion, (17/04647/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the erection of a single storey rear extension, with a flat roof and a cupola, and the insertion of flat roofed dormer windows on the front and rear elevations. Scheme 2 amends the original submission by omitting a proposed timber decking with a balustrade.

Proposed internal alterations and the conversion of the attic to habitable accommodation would not constitute development as defined in Section 26 of the Town and Country Planning (Scotland) Act 1997, as amended. The insertion of a roof light into the rear roof plane would be permitted development in terms of Class 2 B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. These elements do not require to be assessed.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- (a). The proposal is acceptable in terms of scale, form, and design and neighbourhood character
- (b). The proposal will cause an unreasonable loss to neighbouring amenity;
- (c). Any impacts on equalities or human rights are acceptable; and
- (d). Any comments raised have been addressed.

(a). Scale, form, design and neighbourhood character

The design of the rear extension would be compatible with, and subordinate to, the host building and would constitute an appropriate built form. However, the rear garden ground is limited and angular in plan. The non-statutory Guidance for Householders states that rear extensions should not occupy more than one third of the applicant's original rear garden area. The proposed development would occupy approximately 44 % of the applicant's original rear garden area, contrary to guidance. Moreover, the remaining undeveloped land, would be formed through irregular spaces, ill-suited to providing amenity space of any quality. This part of the proposal represents unacceptable overdevelopment of the application site and it is recommended that this element be refused.

The rear dormer window is of such a size that a 5% reduction in its width would render it permitted development in terms of the GPDO. Both proposed dormer windows are set down from the roof ridge, do not come to any edges of the roof and retain visible expanses of roof on all four sides. They would not dominate the form of the roof. Whilst dormer windows are not prevalent in the area, there are some other examples plus other roof interventions such as solar panels and roof lights. This element of the proposal is acceptable and would accord with Local Development Policy Des 12 and the non-statutory guidance.

(b) Neighbouring amenity

The proposal will not have an adverse impact on neighbouring amenity in terms of loss of daylighting to adjoining windows or any unacceptable additional loss of sunlight or overshadowing to neighbours. However, windows in the rear extension would not meet the 9 metre to the boundary criterion in non-statutory guidance and would not be adequately screened. They would therefore cause a detrimental loss of neighbouring amenity, by way of loss of privacy to a neighbouring rear garden area

(c) Equalities and human rights

There would be no impact on equalities or human rights.

(d) Public comments

There are no public comments to be addressed.

Conclusion

The rear extension would represent overdevelopment of the application site and would leave an inadequate and low quality area of amenity space for the occupiers of the property, by virtue of its positioning in relation to the existing building. It would cause loss of privacy to a neighbouring rear garden and be detrimental to neighbouring amenity. It would therefore be contrary to LDP Policy Des 12 (Alterations and Extensions) and to the non-statutory "Guidance for Householders". This element should be refused.

The proposed dormer windows are of an acceptable scale, form and design, would not cause any detriment to neighbouring amenity and would comply with LDP Policy Des 12 and non-statutory guidance. These elements should be approved and a mixed decision should therefore be issued.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This approval relates to the insertion of dormer windows into the front and rear roof planes.
2. This refusal relates to the proposed rear extension.

Reasons:-

1. In order to recognise the elements of the application which are acceptable and recommended for approval.
2. The rear extension would represent overdevelopment of the application site and would leave an inadequate and low quality area of amenity space for the

occupiers of the property, by virtue of its positioning in relation to the existing building. It would cause loss of privacy to a neighbouring rear garden and be detrimental to neighbouring amenity. It would therefore be contrary to LDP Policy Des 12 (Alterations and Extensions) and to the non-statutory "Guidance for Householders".

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

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.

4. 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.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

COPY

David R. Leslie

Statutory Development

Plan Provision The application site is identified as being within the urban area in the adopted Edinburgh Local Development Plan 2016.

Date registered 8 March 2018

Drawing numbers/Scheme Scheme 01 to 03, 04A and 05A.

Scheme 2

Acting Head of Planning and Building Standards

Contact: Val Malone, Senior planning officer
E-mail:val.malone@edinburgh.gov.uk Tel:0131 529 3485

Links - Policies

Relevant Policies:

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Consultations

No consultations undertaken.

COPY

END

COPY



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100130217-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Carol anne"/>	Building Number:	<input type="text" value="26"/>
Last Name: *	<input type="text" value="Aitken"/>	Address 1 (Street): *	<input type="text" value="Niddrie Mill Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH15 3HF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="26 NIDDRIE MILL TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH15 3HF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671805"/>	Easting	<input type="text" value="330295"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Rear extension, alterations, flat roof dormer and loft conversion

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

see document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Letter to local Review

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/00993/FULL

What date was the application submitted to the planning authority? *

07/03/2018

What date was the decision issued by the planning authority? *

07/05/2018

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Alison Arthur

Declaration Date: 31/07/2018



Arthur Stone Planning
& Architectural Design



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

www.arthurstoneplanning.co.uk
info@arthurstoneplanning.co.uk

29th July 2018

Planning Review Body Administration Team

Edinburgh City Council

Dear Sir/Madam,

NOTICE OF REVIEW: 18/00993/FUL Rear extension, alterations, flat roof dormer and loft conversion

This letter is to inform you of my client's intention to appeal the mixed decision that has been made on the above planning application on 7th May 2018. In this instance, the Planning officer refused the proposed rear extension element of the proposal for the following reason:

2. The rear extension would represent overdevelopment of the application site and would leave an inadequate and low quality area of amenity space for the occupiers of the property, by virtue of its positioning in relation to the existing building. It would cause loss of privacy to a neighbouring rear garden and be detrimental to neighbouring amenity. It would therefore be contrary to LDP Policy Des 12 (Alterations and Extensions) and to the non-statutory "Guidance for Householders".

(Please see Appendix 1 for proposed plans.)

Property History

As background to the application, a similar application for a rear extension, timber decking with balustrade, alterations, a flat roof dormer and loft conversion, (17/04647/FUL) was refused by Edinburgh City Council on 29th December 2017. The reason for refusal related to the overdevelopment of the garden ground and no mention was made to overlooking. Following discussions with the case officer, it was

agreed to remove the proposed raised decking area so as to reduce the area of hard surface/built up area. (Please see Appendix 2)

Current Planning Application

Following the resubmission of the planning application in the new year the rear extension element of the application was refused again. The proposed dormer was not considered to be an issue however and was approved as part of a 'mixed decision'. The delegated Report of Handling advised the following:

“The rear extension would represent overdevelopment of the application site and would leave an inadequate and low quality area of amenity space for the occupiers of the property, by virtue of its positioning in relation to the existing building. It would cause loss of privacy to a neighbouring rear garden and be detrimental to neighbouring amenity. It would therefore be contrary to LDP Policy Des 12 (Alterations and Extensions) and to the non-statutory "Guidance for Householders". This element should be refused.”

There are several points that concern the applicant over this second refusal:

- The issue of garden ground was discussed with the Case Officer following the first refusal and the proposed decking was removed. The current application was refused despite these direct discussions costing the applicant time and additional financial cost to amend the application.
- In the Report of Handling the Case Officer argues that the non statutory guidance for extensions requires that rear extensions should not occupy more than one third of the applicant's original rear garden area. The proposed development would occupy approximately 44% of the applicant's original rear garden area, contrary to guidance. Having reviewed the Council's non statutory guidance we cannot find reference to this. (See Appendix 3) The only reference to garden ground states that “There should be enough private garden ground space left after extensions - normally at least 30sqm depending on the spatial pattern of the neighbourhood to avoid overdevelopment. (See Appendix 2.) In this case 30sqm of garden ground is retained as garden ground. In addition, this amount of garden ground is not unlike other properties in the surrounding area.
- The issue of overlooking was not raised as part of the refusal of the first planning application or at any other time. It is considered that the proposed dormer window at first floor level would

result in more overlooking than the proposed single storey extension and yet the dormer has been approved.

Given the above, we would respectfully request the Local Review Body to approve this Notice of Review to approve the proposed rear extension element of Planning (Mixed) Decision 18/00993/FUL in this case.

We look forward to hearing from you.

Kind regards,

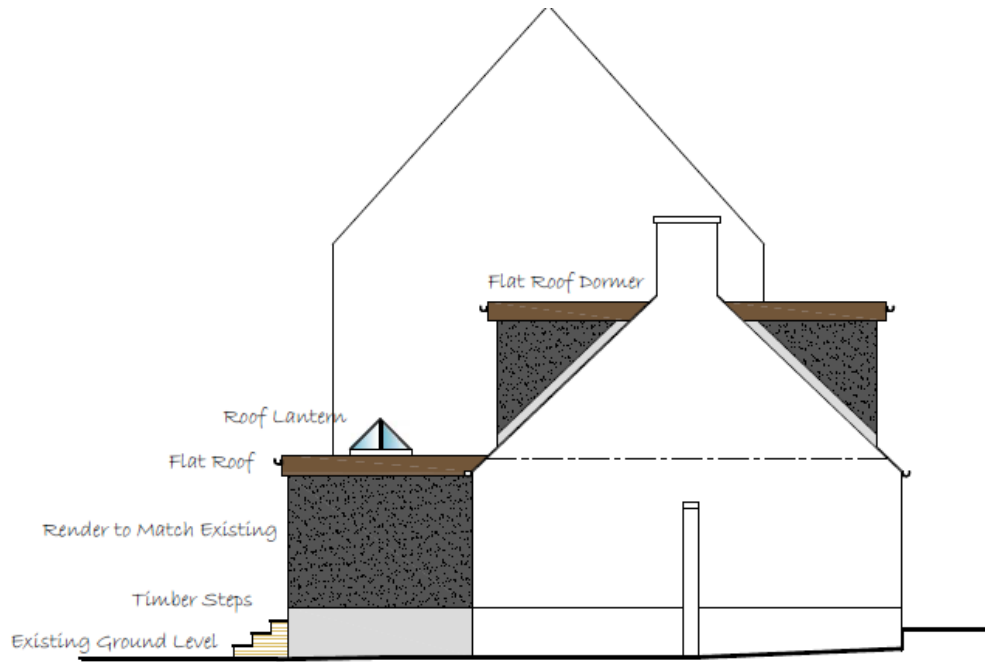
Sam Stone

MA (Hons) MRTPI

Director

Arthur Stone Planning & Architectural Design Ltd.

APPENDIX 1



○ Proposed South Elevation
1:100



○ Proposed West Elevation
1:100

APPENDIX 2



Original Planning Application 17/004647/FUL)



2nd Planning Application 18/00993/FUL



Step 2: Fitting it on to the site

Before getting down to the detailed design, it is important to check whether your site is big enough to take the scale of extension you want to achieve.

Working out a plan

When you work up your proposals, always bear in mind the impact they might have.

What effect will the extension have on your existing house? Is it in harmony in scale and appearance? Do the doors and windows match the existing ones? If it is an attic extension, does the roof still come over as the main element rather than a dormer with a small amount of roof left around it? Is the new roof pitch the same as the existing? Are matching materials used throughout? How is the junction between old and new being handled?

What is the impact on the street and the character of the surrounding area? Is the appearance changed? Does the extended house still fit in, or will it stand out obtrusively?

What is the impact on neighbours? Will the extension still preserve their light, or will it overpower their garden and cut out their sunlight? Is the elevation they will see well designed? Will the new extension protect their privacy and avoid introducing new overlooking from windows, balconies or terracing?

All these things will be important to your neighbours, who have the right to make their views known to the

planning authority (see panel right). The Council will consider their comments when reaching a decision.

Note that there is no automatic right to extend and, if your site is too small or your proposal doesn't meet policy requirements, it may not be possible to grant permission.

Gardens

There should be enough private garden space left after extensions - normally at least 30 sq.metres, depending on the spatial pattern of neighbourhood to avoid over-development.

If the plot is small, with minimal or shared garden space, there may not be sufficient room for your extension.

The general density and scale resulting must also be in keeping with the overall spatial pattern of the area. Where there is a traditional development pattern in the area, such as villas with single storey outbuildings, this may determine the form and size of any addition.

The position and design of an extension should not prejudice the ability of neighbours to add similar or equivalent extensions.

Extension to Villas

In terms of the guidance, a 'villa' is a traditional large

detached or semi-detached house built before 1914. Normally stone built, they are mainly in conservation areas or on some arterial routes. A bungalow is not a villa.

Special guidelines apply to extensions and alterations to villas:

- The character of the original villa should not be adversely changed as a result of the extension
- When complete, the whole building, including the original villa and the extension should still be in character with the scale and spacing of the surrounding properties and rhythm of the street
- The design approach – including form, scale, style, proportions including windows, storey heights and materials – should relate to the original building and be subservient to it
- Total site coverage of the new and existing building should not exceed 1.5 times the original villa, subject to:
- Maximum site coverage of all buildings, garages, parking and access driveways should not exceed 40% of the site area, and
- Distances from the main facades to the boundaries being at least 12.5m
- If the villa is listed, if there are protected trees or if it is in a corner site, you should seek pre-application advice.

Proposal Details

Proposal Name	100130217
Proposal Description	Local review body application
Address	26 NIDDRIE MILL TERRACE, EDINBURGH,
EH15	3HF
Local Authority	City of Edinburgh Council
Application Online Reference	100130217-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Letter to Local Review Body	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0