

Garden decking may have to be removed after planning decision

A retired Edinburgh resident could be forced to take down her outdoor decking after the council said neighbours' privacy is encroached by "direct views" into their garden.

Councillors upheld a decision to refuse consent for landscaping works at 89 Charterhall Grove following a planning appeal, however ruled that a new porch and access ramp are acceptable.

Work to level-off and raise the rear garden, build a raised deck and new garage have already been completed without permission from the council.

A retrospective application submitted by Jane Noble, the resident who said she has lived at the Blackford address for 48 years, was refused by city planners in November.

Explaining their decision, councillors said the decking – raised around 0.9 metres above ground level – “appears visually imposing from the perspective of the neighbouring property” and allows for “direct views” into the garden of number 91.

They wrote that a proposed fence included in plans designed to mitigate any loss of privacy was “not sufficient” and “will

still allow for views into the neighbouring property.”

Officials added in a letter that due to the altered ground level, a privacy screen with a minimum height of 1.8 metres would result in 2.7 metres of ‘unacceptable overshadowing’ of the neighbour’s patio.

The resident at 91 Charterhall Grove, Tomasz Krzyzelewski, had complained of “discrepancies between the submitted plans and the site” in an objection letter to The City of Edinburgh Council.

He wrote: “If somebody decides to put up a 180cm fence in the future we’re going to end up with a wall over three metres in height next to our property.

“The decking was already built on top of the remaining part of an old retaining wall – not sure how the drawings were done without uncovering the existing wall.”

He added the rebuilt garage is “taller and longer than the previous one” and said this is “not noted on the plans.”

But Mrs Noble challenged the decision and lodged an appeal—arguing that one of the factors behind the decision to install a deck was because Mr Krzyzelewski’s own one “gives an elevated view into our garden and is imposing from our garden.”

She said it was granted “with no provision for privacy”, adding: “The reason we made changes to the garden was for ease of access and to provide a pleasant place to sit where previously there had been none. As I have recently retired I have more leisure time.

“There was never any history of privacy fences between the gardens, only the existing small boundary fence. It is difficult to have total privacy in a terraced street such as this.”

Her case was put before councillors on Wednesday when members of the planning local review body were tasked with reviewing the application.

The committee voted against having a site visit, with the Conservatives' Cameron Rose and Lib Dems' Hal Osler pushing for members to inspect the works themselves.

Cllr Maureen Child, Labour, described the situation as "a conundrum".

She said: "Some clever architect needs to sort it out and I think the quickest and easiest way of doing that is to go with the officer's recommendation."

Cllr Osler said: "I'm a little confused about who's moved what. It sounds like there's been movement on both sides and part of it's been granted on 91, and 89 are trying to do a similar sort of thing. To me, it sounds like 91 already overlook 89 and 91 don't want 89 to overlook them."

Planning officer Ken Tippen said that whilst a ramp and alterations to the front porch and the garage would be considered a permitted development, the land-raising works and decking out the back would not.

"I think the issue with the rear elements is they're all so interconnected. Even the garage has a canopy extending over the rear decking, so it's quite hard to isolate individual planning elements from that overall design," Mr Tippen said.

Councillors voted to accept part of the application for work at the front of the house but upheld officers' initial decision to refuse the landscaping and decking in the back garden.

It will now be up to the council's enforcement team to decide how to take action over the already finished elements of the rejected proposals.

by Donald Turvill, Local Democracy Reporter

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25 x 25mm verticle spindals morticed into rails at spacings not more than 100mm.
Ballustarde to be 1100mm above landing.

New raised deck

New Patio GL

