

Resident ordered to rebuild wall removed for driveway after appeal fails

An Edinburgh resident has been ordered to rebuild her garden wall brick-by-brick after it was knocked down to create a driveway in a neighbourhood plagued with parking chaos.

Vilma Perez has been locked in a three-year battle with city planners after removing part of the wall without permission – which sparked outrage amongst neighbours.

A ‘no parking’ sign was also displayed in front of the space to avoid others blocking it.

After turning to the Scottish Government in a bid to avoid enforcement action by the council, who she accused of “abusing their powers”, her appeal has been refused.

Speaking in 2022, after plans for the works lodged retrospectively were refused, a resident of the top floor Lochend Colonies flat said the parking space formed in the garden was for a family member with mobility issues.

They claimed the council had previously advised obtaining planning consent was not necessary, which the authority disputes.

Their partner said as a result of the rammy they had faced “daily abuse” as part of a “witch-hunt” by locals.

In objections, neighbours said the fiasco had “caused a breakdown in this close community” and warned if no action was

taken people could see it as an instruction to “take any building action that they see fit”.

Others branded the development “shameful” and warned it could “ruin the colonies” – an area of the city where parking is notoriously difficult.

In her appeal to the Scottish Government’s Directorate for Planning and Environmental Appeals (DPEA) Ms Perez argued the portion of the wall removed “is not historical and therefore not original”.

She said: “Edinburgh Council has been and continues abusing their powers, harassing the owners to the point of bullying them with enforcement notices.”

“It has been openly stated by the ECC planning department that the character of The Colonies of Lochend road has suffered many changes over the years and that it is not worth protecting.

“The Lochend Colonies are different from other Edinburgh colonies that have maintained their identity. Whereas the Lochend Colonies residents have changed their plot of land according to their needs and preferences going unchallenged; from dormers, to driveways, to outbuildings.

“The ECC has not raised any concern recently, asserting that they are exercising their prerogative; making it extremely difficult for those that are not favoured by them to make adaptations to their now homes. However the attention is in full is to this property”

Planning reporter Frances McChlery noted it previously ruled the garden should not be used as a driveway “because the parking of a car at that location would cause unacceptable loss of amenity to the residents of the ground floor flat”.

She said: “She says that the council told her in February 2020 that she did not require planning permission for her proposals. In response to her further inquiries, the council’s planning service considered whether conservation area consent for demolition for the removal of the wall was required and advised her that it was not.

“The appellant may have missed or misunderstood a comment in

the correspondence from the council about conservation area consent for demolition which advised her that planning permission (as opposed to conservation area consent) might still be required for her proposed works. She then proceeded with the work to remove the wall.

From the evidence submitted it appears to me that around the time when she took steps to remove the wall in 2021, the appellant honestly believed that she had the approval of the council as roads authority to enable access from the public road by dropping the kerb of the pavement, and that she did not require planning permission, or conservation area consent, to remove the wall.

“Unfortunately, this was a misunderstanding of the position.”
The appeal was refused and Ms Perez was given a year to rebuild the wall and reinstate her garden.

by Donald Turvill Local Democracy Reporter

