

Planning + Building Design Ltd.
Fao Keith Owens
24 West Nicolson Street
Edinburgh
EH8 9DA

Mr Stephen Henderson.
11 Regis Court
Edinburgh
EH4 6RG

Decision date: 28 October 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.
At 11 Regis Court Edinburgh EH4 6RG

Application No: 19/04147/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 30 August 2019, 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 **Refused** 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;

Conditions:-

Reasons:-

1. The proposed window alterations in form, scale and positioning are incongruous to the existing design of the building harmful to its character and appearance and the streetscene contrary to Policy Des 12 of the Edinburgh Local Development Plan and non-statutory Guidance for Householders.

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

Drawings 01, 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 proposed window alterations in form, scale and positioning are incongruous in relation to the existing design of the building, harmful to its character and appearance and to that of the streetscene and contrary to Policy Des 12 of the Edinburgh Local Development Plan and to non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

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 Lewis McWilliam directly on 0131 469 3988.

D R Leech

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 19/04147/FUL
At 11 Regis Court, Edinburgh, EH4 6RG
Alterations to flat to form french doors / bi folding doors to
living room and bedrooms with glazed protective barriers.**

| | |
|---------------------------|--------------------------|
| Item | Local Delegated Decision |
| Application number | 19/04147/FUL |
| Wards | B01 - Almond |

Summary

The proposed window alterations in form, scale and positioning are incongruous in relation to the existing design of the building, harmful to its character and appearance and to that of the streetscene and contrary to Policy Des 12 of the Edinburgh Local Development Plan and to non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

Links

| | |
|--|---------------------------|
| Policies and guidance for this application | LDPP, LDES12, NSG, NSHOU, |
|--|---------------------------|

Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The proposal relates to a second floor apartment within a three storey building located on the east side of Whitehouse Road near the junction with Regis Court. The site lies within a predominantly residential area.

2.2 Site History

The site has no planning history.

Main report

3.1 Description Of The Proposal

The application proposes the following works;

-Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

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 proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will not cause an unreasonable loss to neighbouring amenity; and
- c) any comments raised have been addressed

a) Scale, form, design and neighbourhood character

Policy Des 12 of the Edinburgh City Local Plan and non-statutory 'Guidance for Householders' sets out relevant design criteria for alterations and extensions. In essence, these seek to ensure that alterations and extensions are compatible with the character of the existing dwelling and that of the wider locality.

The non-statutory "Guidance for Householders² states that 'windows should be sensitively replaced, in keeping with the character of the original building, the quality of its design and in an environmental sustainable way. The character of the area should be protected and enhanced'.

The proposed alterations involve replacement of three windows to a second-floor apartment including part removal of the brick wall below and the fitting of three glass barriers.

The existing alignment of windows vertically is uniform in scale, style and positioning with the brown cladded wall providing an even separation between each floor. This detailing contributes to an overall uniform design of the building in its entirety. The replacement windows with glass barriers would introduce contemporary additions, out of proportion with the existing openings and at odds with the existing style. For these reasons, the alterations would appear isolated, incongruous and subsequently harmful to the character and appearance of the building as a whole. Further, the front and side elevations in which the alterations are proposed occupy a visible position from primarily Whitehouse Road (west) and Upper Cramond Court (south). The alterations would therefore have an impact upon the wider streetscene and impact adversely on the existing neighbourhood character.

In light of the above, the proposal is not of an appropriate design, scale or form and would not accord with neighbourhood character. It is contrary to Local Development Plan Policy Des 12, and to the non-statutory Guidance for Householders.

b) Neighbouring Amenity

The proposal does not raise any concern in terms of impact on neighbour's amenity as outlook from the proposed openings would be consistent with the existing situation.

The proposal therefore accords with Local Plan Policy Des 12, and the non-statutory Guidance for Householders respect to neighbouring amenity.

c) Public comments

5 representations have been received; 4 objections and 1 letter of support summarised as the following:

Material

-Inconsistent design harmful to the character and appearance of the building and wider area.

Addressed in section 3.3 (a) of the above report

Non-material

-Prior Consultation - A statutory publicity period was carried out and neighbour notification letters sent after validation of the application. Any consultation in advance of this would be a civil matter and not a requirement of the City Council for a planning application of this nature.

-Title Deeds, Ownership, Prior consent, Property Value- These issues are private, civil or legal matters which cannot be materially assessed under planning as part of the proposal.

-Planning Precedence - Each planning application is assessed on its own merits.

-Enhance internal living environment - These comments are noted however cannot be given weight in assessing the planning merits of the proposal.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposed window alterations in form, scale and positioning are incongruous to the existing design of the building harmful to its character and appearance and the streetscene contrary to Policy Des 12 of the Edinburgh Local Development Plan and non-statutory Guidance for Householders.

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

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

5 representations have been received.

Background reading / external references

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

Statutory Development

Plan Provision Edinburgh Local Development Plan - Urban Area

Date registered 30 August 2019

Drawing numbers/Scheme 01,
Scheme 1

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

Contact: Lewis McWilliam, Planning Officer
E-mail:lewis.mcwilliam@edinburgh.gov.uk Tel:0131 469 3988

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

No Consultations received.

END

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Dr Frederic Pender

Address: 6 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My wife and I are most interested in the proposed alteration to Flat 11 Regis Court, Edinburgh.

These flats do not have a lot of natural light. The idea of glazing the length of Flat 11 to include the lounge and both bedrooms is an innovative way of maximising the natural light, and also the value of the property, but without disrupting the look of the exterior due to the use of glass. The only disruption should be the use of the scaffolding required in order for the alterations to take place.

This project may even have the potential to enhance the 'tired' look of the building as a whole!

Dr F T Pender

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Ms Amanda McLeod

Address: 9 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I think aesthetically, the plan looks lovely and it would be an enhancement to the flat, if it was a stand alone property. However it isn't and so the building will have a "mish mash" of two different styles right next to one and other and so I feel this will de-value my property, as well as the remaining 9 flats, as the whole symmetry and style of the building will be compromised.

The proposed finish of the underside of the glass sections will be a complete contrast to the existing brown painted wooden panelling, so again this will detract from the continuity running through the building AND the other town houses in the estate.

I own my property, however neighbours who only rent, haven't got the same worry about their investment.

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Mr Craig Innes

Address: 7 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object for the following reasons, viz:-

1. Granting the above Application will have an adverse effect on the massing of our block of flats (the block) as the existing windows match the general look, shape and size of ALL of the remaining windows in the block, which are ordered both vertically and horizontally to give a uniform and pleasing appearance, with the brown weatherboarding underneath/between the windows, whereas the proposed french/bi fold doors completely differ in look, shape and size and will completely destroy the existing symmetry of the remaining windows in the block.
2. The proposed french/bi fold doors are completely out of scale in terms of appearance, when compared with the other windows in the block (ALL of which are of the same uniform appearance) and will have a detrimental effect on the external appearance of the block because, rather than blend in, they will stick out like a sore thumb, and generally detract from the scheme of the block which has remained unchanged since it was erected in the late 1970s.
3. The proposed french/bi fold doors are out of character with the remaining windows not only in the block, but also of the townhouses in the immediate vicinity, all of whose windows are similar in appearance and remain in the same general style as they were when the Dunvegan Estate was originally constructed.
4. The proposed alterations will be seen by every vehicle driving along Whitehouse Road, every pedestrian walking along Whitehouse Road, and every visitor to Regis Court and will in my opinion have an adverse impact on public visual amenity as their style is totally at odds with their immediate surroundings and will not be pleasing on the eye.

5. Granting the Application will risk setting a precedent which could lead to others in the block deciding to alter their windows, possibly in another style, of a different size and maybe of a different appearance, which would result in a sort of patchwork effect of differing styles, all in one building, which would look truly hideous and a blot on the locality, so any benefit to the Applicant in having the Application granted, would be more than outweighed by the loss of control by the remaining proprietors in the block. What is proposed is NOT a minor alteration, and when taken in the context that it is to take place in a communal tenement building where all of the residents have communal rights and obligations vis a vis one another, it is totally inappropriate, amounts to over-development and should NOT be permitted.

6. None of the other residents in the block were consulted prior to this Application being submitted, nor was the Factor or the Residents' Association, so there is absolutely no consensus here, and while what is being proposed might well be suitable and indeed attractive in a single free-standing dwellinghouse, it is NOT in keeping with the external appearance of the block at the moment, and it is unacceptable that such a dramatic alteration, which will impact all of the residents in the block to a greater or lesser extent, should be imposed on them without their consent, especially when what is proposed will affect the aforesaid wooden weatherboarding underneath/between the existing windows, and may affect the outside walls if additional fastenings require to be attached to them, all of which form part of the common parts according to our title deeds, and in which all of the proprietors have a right, and whose consent should, therefore be sought.

7. Finally, I note that Dr Pender has lodged a comment in support of the Application, but I would point out that he is a Tenant so has no vested interest in the block, and his views could well be the polar opposite of the owners who are a Trust based abroad. His comments are therefore IRRELEVANT in the context of this Application and should NOT carry the same weight as those of owner/occupiers as he has nothing to lose, whereas owner/occupiers have their investment to consider. And further if consent is required to anything in respect of Flat 6 it will be the Trust who require to consent and NOT Dr Pender, in the same way that it is the Trust who pay for any common repairs and NOT Dr Pender.

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Sheila Mann

Address: 91 Netherby Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our son, Dougal Mann, very recently deceased, lived in 10 Regis Court. We are executors of his Will and also his parents. We are presently trying to sell his property. We understand that this will be viewed as irrelevant at this time. We do, however, feel that the whole property has an ambience of its own, including the windows as fitted according to the time of construction.. This property has a very high profile to the public, being on a main road and totally visible from all aspects. It will upset the symmetry of the building as it is unlikely that others would wish to follow suit. The present windows are large and allow maximum light input to the rooms, as can be verified from flat 10.

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Mr David Spalding

Address: 1 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: While not wanting to fall out with my neighbour I believe the proposed change to the windows of his flat would be totally out of scale and character with the windows of the other 10 flats in the block and therefore destroy the uniform appearance and symmetry of the block.

91 Netherby Road
Edinburgh
EH5 3LR

14 November 19

Local Review Body
Support Team
Waverley Court
Edinburgh
EH8 8BG

Ref:Planning application[review] 19/04147/FUL 11 Regis Court Edinburgh EH4 6RG

We are executors of the Will of Dougal Mann , recently deceased, of 10 Regis Court EH4 6RG.

We are his parents.

We were relieved to learn that the original planning request had been refused. Sadly ,we feel sufficiently concerned , that we must appeal to the Review body to continue the refusal .

We know these flats quite well , having passed by countless times and then because of our son making his home there. We have always been aware of the relative attractiveness of the building , being more structurally pleasant than many other buildings of that period.

This because of the brick used, the large windows , allowing in light and increasing the obvious spaciousness of the properties, and most importantly , the uniformity of the design.

While we would not wish to disallow improvements within any home, this planning application is so wayward that the whole appearance of the property would be altered , and , in our view , definitely not for the better .

We are pleased to enclose a photograph of the property concerned , although we would expect that this is part of the planning application.We ask that due consideration is given to how the alteration of windows , into full height level, at the top right of the building ,would completely alter the design, symmetry and general ambience of Regis Court .

Thank you

[Redacted signature]

Ian and Sheila Mann

Planning &
19 Nov 2019
Reg Standards



5 Regis Court,
Edinburgh,
EH4 6RG

Local Review Body Support Team
City of Edinburgh Planning Local Review Body
Waverley Court – Business Unit G2,
4 East Market Street,
Edinburgh,
EH8 8BG.

Dear Sirs,

Stephen Henderson
Planning Application 19/04147/FUL

I, Eileen Herdman, heritable proprietor of Number 5 Regis Court, Edinburgh, EH4 6RG, by my execution hereof, do hereby request that you reject the review of the above Planning Application and uphold the Council's refusal dated 28th October 2019.

Yours faithfully,

.....
Eileen Herdman

Date : 20/11/19

4 Regis Court
Edinburgh
EH4 6RG

Local Review Body Support Team
City of Edinburgh Planning Local Review Body
Waverley Court - Business Unit G2,
4 East Market Street,
Edinburgh, EH8 8BG.

25th November 2019

Dear Sir/Madam

Stephen Henderson
Planning Application 19/04147/FUL

We, Caroline & Keith MacLeod, as owners of N^o. 4 Regis Court, Edinburgh, EH4 6RG, request that you reject the review of the above Planning Application and uphold the Council's refusal dated 28th October 2019.

Yours faithfully,



Caroline MacLeod

Keith MacLeod

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 100202386-001

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: PPCA Ltd

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="Mr"/> | 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="Stephen"/> | Building Number: | <input type="text" value="11"/> |
| Last Name: * | <input type="text" value="Henderson"/> | Address 1 (Street): * | <input type="text" value="Regis Court"/> |
| 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="Scotland"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="EH4 6RG"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text" value="REDACTED"/> | | |

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="11 REGIS COURT"/> |
| 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="EH4 6RG"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="675762"/> | Easting | <input type="text" value="318512"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

Alterations to flat to form French doors / bi folding doors to living room and bedrooms with glazed protective barriers at 11 Regis Court Edinburgh EH4 6RG

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 submitted appeal statement for full reasons for appeal.

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)

Decision Notice; Council Report of Handling; submitted drawings; Appeal Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/04147/FUL

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

30/08/2019

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

28/10/2019

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection requested to allow LRB members to view the proposal in context and to ensure that they understand the setting of the building and its relationship to surrounding built form.

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 Maura McCormack

Declaration Date: 12/11/2019

Proposal Details

| | |
|------------------------------|--|
| Proposal Name | 100202386 |
| Proposal Description | Notice of Review - appeal against refusal of planning permission for window replacement at 11 Regis Court, Edinburgh EH4 6RG |
| Address | 11 REGIS COURT, EDINBURGH, EH4 6RG |
| Local Authority | City of Edinburgh Council |
| Application Online Reference | 100202386-001 |

Application Status

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

Attachment Details

| | | |
|----------------------------|----------|----|
| Notice of Review | System | A4 |
| Council Decision Notice | Attached | A4 |
| Appeal Statement | Attached | A4 |
| Council report of Handling | Attached | A4 |
| Plans and Elevations | Attached | A1 |
| Notice_of_Review-2.pdf | Attached | A0 |
| Application_Summary.pdf | Attached | A0 |
| Notice of Review-001.xml | Attached | A0 |

**Appeal against refusal of planning permission by City of Edinburgh Council
for Alterations to flat to form French doors / bi folding doors to living room
and bedrooms with glazed protective barriers, 11 Regis Court Edinburgh EH4
6RG**

LOCAL REVIEW BODY STATEMENT OF APPEAL



November 2019

Contents

| | |
|---|---|
| Introduction | 3 |
| Reason for Refusal | 3 |
| The Proposed Development | 4 |
| Town & Country Planning (Scotland) Act 1997 (as amended)..... | 4 |
| City of Edinburgh Council Local Development Plan..... | 4 |
| City of Edinburgh Council non-statutory Guidance for Householders | 5 |
| City of Edinburgh Council Report of Handling | 6 |
| Conclusion..... | 8 |

Introduction

PPCA Limited has been instructed by Mr. Stephen Henderson to lodge an appeal against the refusal of planning permission by City of Edinburgh Council for Alterations to flat to form French doors / bi folding doors to living room and bedrooms with glazed protective barriers at 11 Regis Court Edinburgh EH4 6RG.

The application (reference 19/04147/FUL) was refused by delegated decision dated 28th October 2019.

This Statement sets out the reasons for appeal against the Council Decision Notice.

Reason for Refusal

The City of Edinburgh Council Decision Notice states one reason for refusal, that being –

1. The proposed window alterations in form, scale and positioning are incongruous to the existing design of the building harmful to its character and appearance and the street scene contrary to Policy Des 12 of the Edinburgh Local Development Plan and non-statutory Guidance for Householders.

The Decision Notices is accompanied by a Report of Handling produced by the Council Case Officer.

The Proposed Development

As per the application description, the proposed development comprises the replacement of an existing four-pane living room window on the front elevation with a bi-fold screen and protective glass barrier and the replacement of two two-pane bedroom windows with double doors and protective glass barriers.

In both cases, the proposals will involve vertical enlargement of the existing openings to form openings for the proposed doors.

The proposed development will allow for all three rooms to benefit from greater natural light by means of larger areas of glass with no detriment to neighbouring properties.

Town & Country Planning (Scotland) Act 1997 (as amended)

The Town & Country Planning (Scotland) Act 1997 (as amended) states that all planning applications should be determined in accordance with the Development Plan unless material considerations determine otherwise. The Development Plan relevant to this appeal is the Adopted City of Edinburgh Council Local Development Plan 2016.

The Reason for Refusal also refers to the non-statutory City of Edinburgh Council Guidance for Householders.

The following Sections deal with the Local Development Plan Policy, non-statutory Guidance and Council Report of Handling.

City of Edinburgh Council Local Development Plan

City of Edinburgh Council Local Development Plan Policy DES12 states –

Planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building*
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties*
- c) will not be detrimental to neighbourhood amenity and character*

Every change to a building, street or space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

Dealing with each of the above points in turn, the materials used will be glass French and bi-fold doors and panelling. This is in keeping with the materials already used on the building. There is, therefore, no issue with materials used for the opening proposed.

It is contended that the proposed introduction of window openings will actively and positively improve the overall look of the building by removal of a proportion of the brown cladding and its replacement

with glass. The appellant has parallel correspondence from other block residents supporting the replacement of his windows as an improvement to the exterior of the building that could be supported and duplicated by those residents.

The proposed development will have no impact on neighbouring properties. As noted above, the proposed development will enable greater natural light and heat to enter the property to the benefit of the occupiers in terms of environmental sustainability – less reliance on gas and electricity – and will have wider health benefits associated with exposure to such light.

The proposed development will not be detrimental to neighbourhood amenity or character. The building is neither Listed nor within a Conservation Area. It forms part of a wider brick-built three storey flatted development at the junction of Whitehouse Road and Regis Court. The proposed development is not visually intrusive due to, firstly, the orientation of the building at approximately 45 degrees to Whitehouse Road and, secondly, the mature trees along the frontage of Whitehouse Road.

There are a variety of window opening sizes within the building already. The proposed introduction of French and bi-fold doors will increase the opening depth of the current windows at second storey level but will not have a detrimental or adverse impact on the overall visual / architectural reading of the building structure.

The proposed development only involves extending three existing window openings in a vertical manner. This consists of only one out of fifteen on the front elevation and two out of six on the side elevation. It does not involve new window openings. There is no issue with form or scale of the proposed windows with regards to the above.

The proposed development affects only the second floor flat. It is not unusual for flatted development to have a different window orientation on the top floor often to reflect larger properties.

The wider area is characterised by a wide variety of residential forms and styles with many differing window shapes and sizes including contained within flatted development blocks.

The proposed development will, at worst, have a neutral impact upon the surrounding area. As such, it is not considered incongruous in terms of form, scale or positioning to either the building itself or wider street scene as stated in the reason for refusal.

City of Edinburgh Council non-statutory Guidance for Householders

The City of Edinburgh Council non-statutory Guidance for Householders was published in February 2019.

With respect to window alterations, it notes that window replacement should be in keeping with the character of the original building, the quality of its design and done in an environmentally sustainable way. The character of the area should be protected and enhanced.

As set out, above the proposed development complies with all of the requirements set out in the above requirements of the Guidance.

City of Edinburgh Council Report of Handling

The City of Edinburgh Council Report of Handling accompanying the Decision on the planning application notes that –

“The existing alignment of windows vertically is uniform in scale, style and positioning with the brown cladded wall providing an even separation between each floor. This detailing contributes to an overall uniform design of the building in its entirety. The replacement windows with glass barriers would introduce contemporary additions, out of proportion with the existing openings and at odds with the existing style. For these reasons, the alterations would appear isolated, incongruous and subsequently harmful to the character and appearance of the building as a whole. Further, the front and side elevations in which the alterations are proposed occupy a visible position from primarily Whitehouse Road (west) and Upper Cramond Court (south). The alterations would therefore have an impact upon the wider street scene and impact adversely on the existing neighbourhood character.”

In response, the proposed development will maintain the vertical nature of the windows. It is not unusual for top floor flats to have larger window openings than the flat below them. The Development Plan will not significantly affect the overall visual impression or proportions of the elevations affected.

The proposed development will retain a large proportion of the brown cladding (approximately 0.8m) on the building thus retaining the physical separation that is referred to above. This is because the flat in question has a floating floor that is approximately 50cm above the bottom line of the brown cladding. The cladding will continue to delineate a separation between this flat and the one below – it will not be removed entirely. The photo below demonstrates the raised floor implications externally with heating system pipes exiting the building within the cladding. The floor level of the flat is a further 200mm above these pipes which run underneath it.



The photo below provides an indicative example of how the window arrangement would look from inside the flat. Whilst indicative only, it demonstrates that there would still be an internal (and external) wall below the window proposed,



The building, as a brick built structure with glass window openings, is already a contemporary building regardless of the proposed development. The impact of the proposed development is minimal and in keeping with the contemporary nature of the building.

The proposed development cannot be seen from within properties at Upper Cramond Court to the south due to the orientation of the buildings in question (all face generally east or southeast). There are no windows in the northern elevation of the Upper Cramond Court development that could view the proposed development at Regis Court. Furthermore, the proposed development is screened by nature trees along its frontage with Whitehouse Road. There is no issue with privacy and amenity enjoyed by the appellant property or neighbouring properties due to distances involved.

Whilst the proposed development represents a change to the external elevation of the building, it is contended that the alterations would not appear isolated, incongruous and subsequently harmful to the character and appearance of the building as a whole for the reasons set out above.

Conclusion

The proposed development comprises replacement of windows on the second floor of flatted development at Regis Court, Edinburgh with glass bi-fold and French doors and panelling.

The proposed development is not out of keeping with the form and scale of the building and will not have an adverse effect on either scale, massing, form or the overall character of that building or the wider area. It is not unusual to have larger window openings on the top storey of flatted development.

The proposed development respects the vertical nature of the current window openings and the modern use of materials is in keeping with the rest of the building. The majority of the brown cladding that crates the vertical separation between flats will be retained.

The proposed development will have no impact on neighbouring residents within the block and cannot readily be seen from either Whitehouse Road or adjacent development at Upper Cramond Court.

The proposed development will have a positive impact on the health of residents through the introduction of additional natural light into the property and will also help reduce property running costs through reduced reliance on electricity and gas heating needs.

In conclusion, the proposed development is not considered to conflict with Local Development Plan Policy DES12 or the Council non-statutory Guidance for Householders for the reasons set out above.

It is respectfully requested that the Local Review Body overturns the Officer decision and grants planning permission for the proposed development.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH BI-FOLDING SCREEN AND GLASS PROTECTIVE BARRIER.

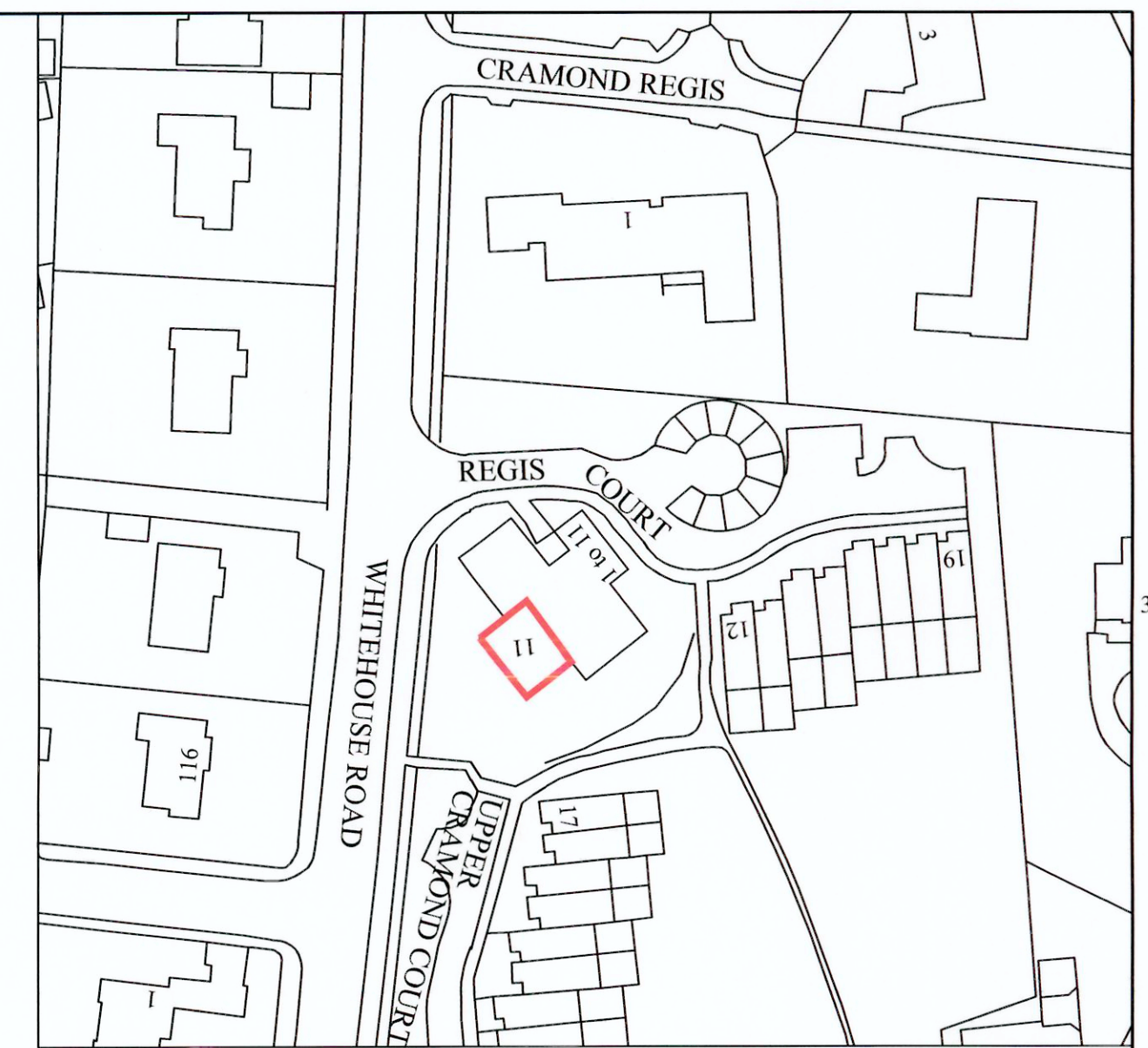
EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH BI-FOLDING SCREEN AND GLASS PROTECTIVE BARRIER.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.



FRONT ELEVATION AS EXISTING

SIDE ELEVATION AS EXISTING

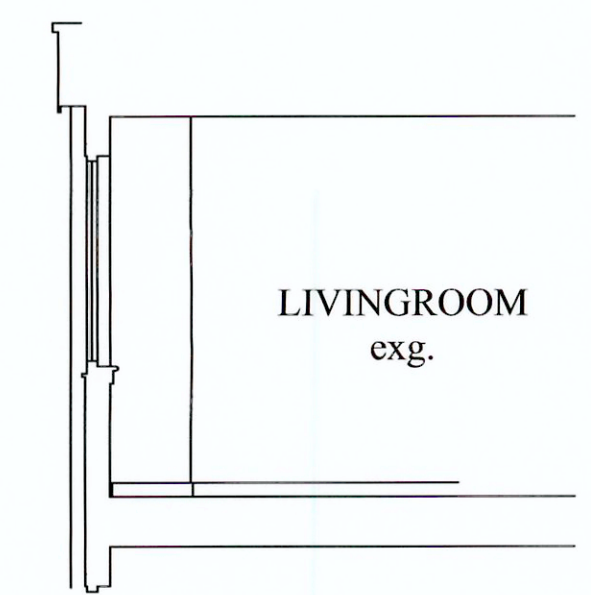
FRONT ELEVATION AS PROPOSED

SIDE ELEVATION AS PROPOSED

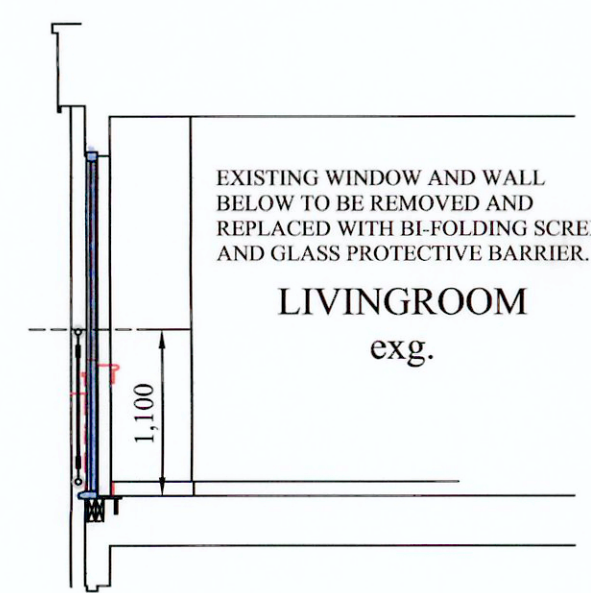
LOCATION PLAN

1:1250

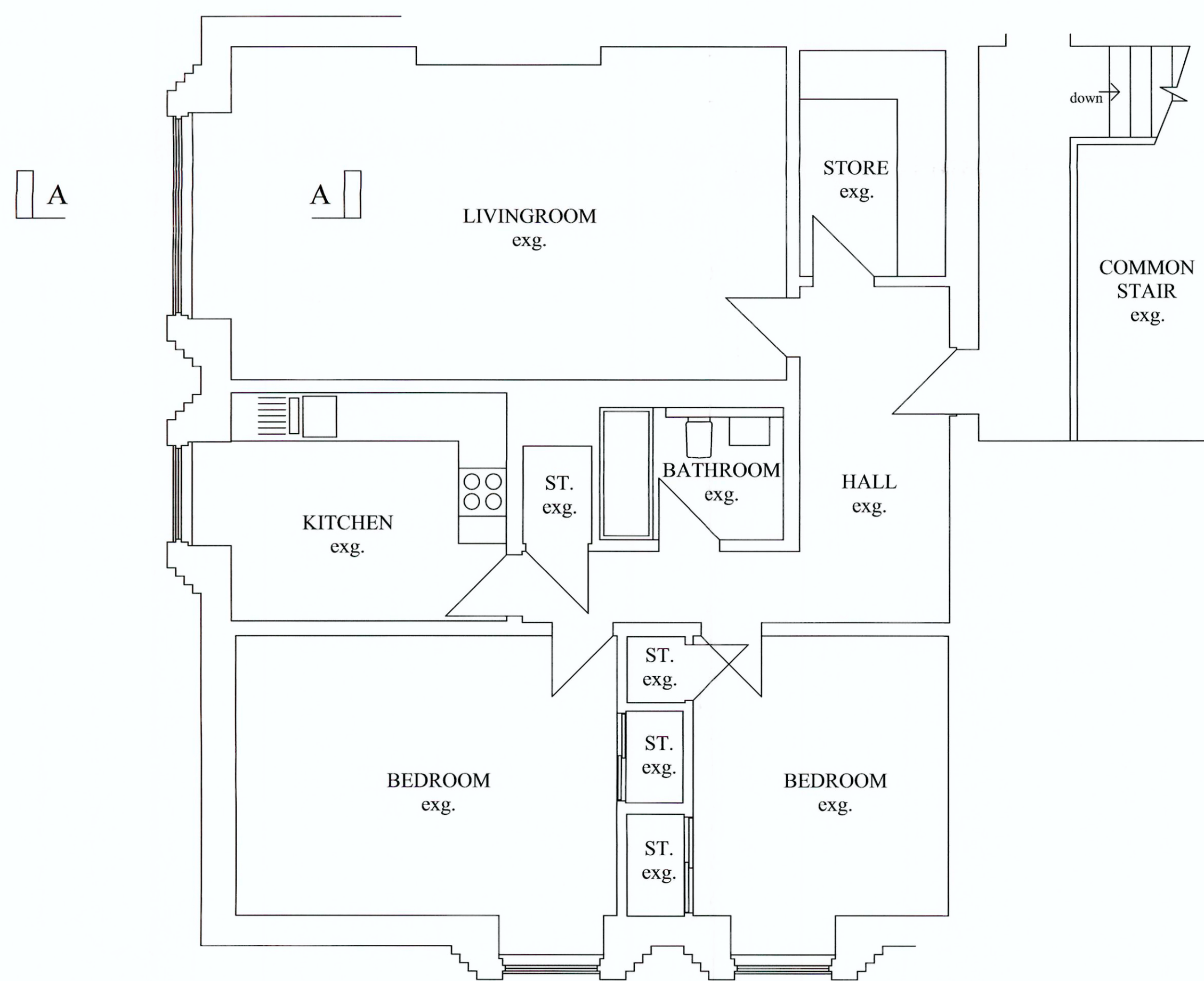
N



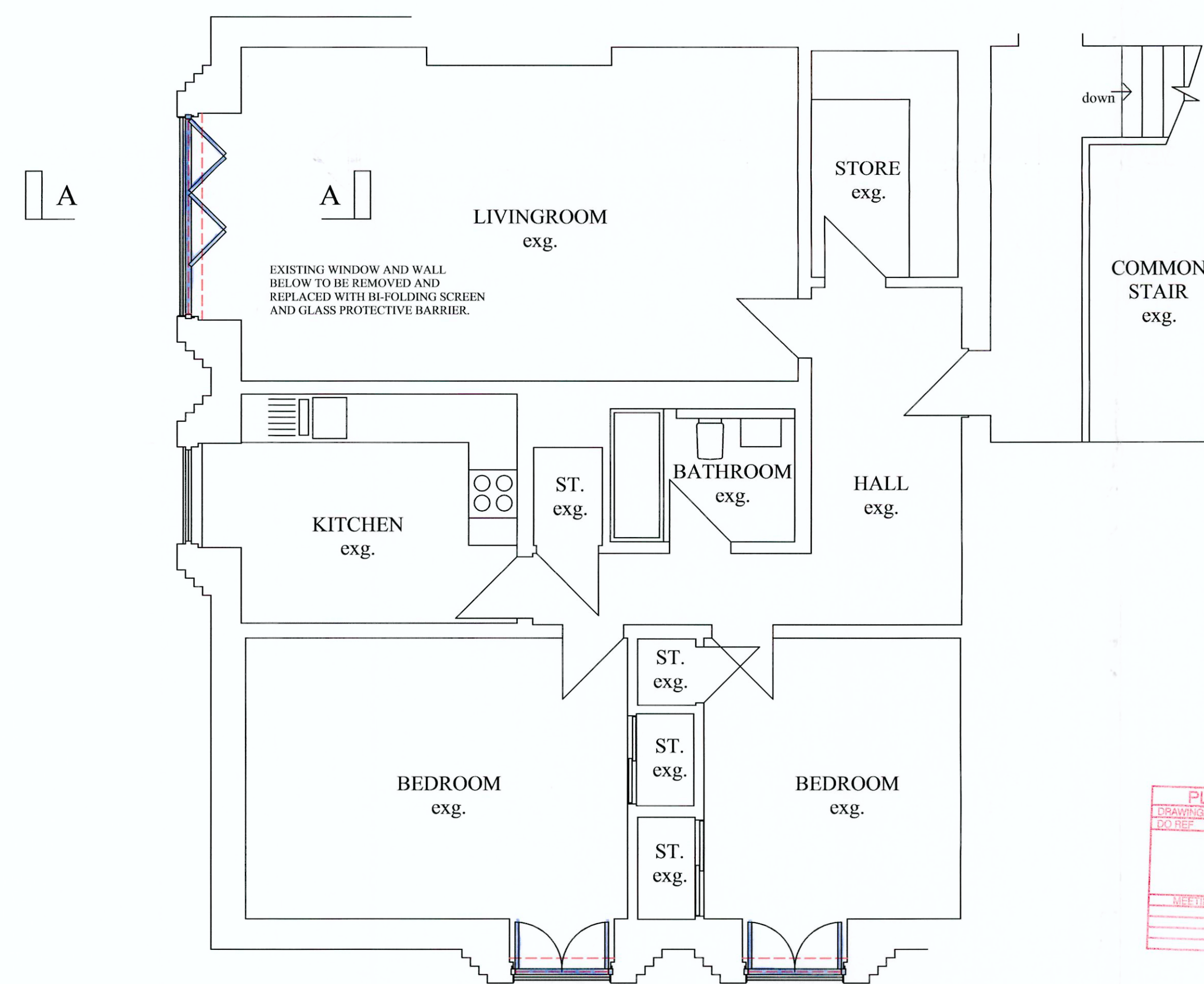
SECTION ON A - A AS EXISTING



SECTION ON A - A AS PROPOSED



EXISTING SECOND FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

01
 PLANNING & STRATEGY
 DRAWING NO. 19/0118/21/01
 30 AUG 2013

Project
 ALTERATIONS TO FLAT TO FORM FRENCH DOORS TO LIVING ROOM AND BEDROOMS WITH GLAZED PROTECTIVE BARRIERS
 11 REGIS COURT
 EDINBURGH
 EH4 6RG

Client
 MR. STEPEHEN HENDERSON

Date AUG '19 Scale 1 : 50 Drg.Num. 2508/01

Planning & Building Design Ltd.
 24 West Nicolson Street
 Edinburgh
 EH8 9DA
 Tel. 0131 662 8430
 Fax. 0131 662 8431

Local Review Body Statement on behalf of the owners of numbers 4, 5, 7 and 9 Regis Court, Edinburgh, EH4 6RG (hereafter the Objectors)

Relating to the review of the decision of City of Edinburgh Council to refuse planning permission for 'Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers

Planning Application Ref: 19/04147/FUL

November 2019

Introduction

This Statement has been prepared by DM Hall chartered surveyors and planning consultants on behalf of the Objectors. It expands upon concerns that were raised with the planning application and responds to matters included in the Statement prepared on behalf of the Applicant by PPCA Ltd (hereafter PPCA).

By way of introduction, the Objectors support the decision taken with regard to this Application. They agree wholeheartedly with the decision to refuse planning permission and with the reason for refusal. They do, however, consider that certain other aspects of the proposals should also be highlighted, and are themselves additional reasons why this proposal should not be accepted. These relate to the materials being used, or more correctly the way materials are being used, and the precedent that would be set by allowing buildings such as this to have a mix of window types, which would undermine the architectural integrity of this building and could lead to others following suit.

Ownership Context

Before considering those matters in detail, however, and commenting upon the PPCA Statement, it is important to put these proposals into context.

Like many blocks of flats and apartments in Edinburgh, this one is covered by a deed of conditions (copy attached) that requires owners to discuss and vote on any changes to the external fabric of the building, which includes the proposals being considered here, and for there to be a simple majority in favour. So far, no such discussions have taken place and,

whilst this is a separate legal matter, there are understood to be currently six owners of the eleven flats (including the Objectors) who do not support these proposals. As such, the Applicant could not currently proceed, whatever the outcome of this local review. The one letter of support received in relation to the Application is from a tenant and not an owner and so does not get a vote. Indeed, the Objectors are not aware that any owners are currently supporting the Applicant in his wish to alter the building.

It should also be noted that the Applicant did not speak to the neighbours before submitting this application nor the residents association nor the factors for the building.

Also important by way of background, is that the flat owners are, in fact, already considering what can be done collectively to replace the brown panelling on the building, which the Applicant is looking to remove, and ideas for a new finish that would be used to replace all of the brown panelling is in the early stages of being discussed. The Applicant is welcome to join that discussion and the hope is that jointly all owners will in the short to medium term agree on a new type of panelling that will be installed to replace all of the existing. If this Application is permitted that would scupper any chance of a collective solution, which, if the Applicant were to secure sufficient votes (remote possibility though that may be) would lead to one flat having an entirely different solution to the rest.

Comments on Proposals and PPCA Statement

Turning to the reasons why this proposal should not be supported, then the reason for refusal refers to the form, scale and positioning of the windows/door being incongruous and harmful to the character of the building and the character of the local area. Those sentiments are supported by the Objectors.

In addition, however, it is considered that the materials in the way they are being used are also wrong for the building.

PPCA early on in their Statement suggest that the materials are accepted by the case officer and that is true, in the sense that the word is not used. However, it is clear that the case officer is covering this aspect with the catch all term 'form' in that these modern contemporary styled windows, with glazing to the ground and horizontal as well as vertical glazing bars, are totally different to what exists and will look odd in comparison. At the moment, all openings in this building are the same size, with a panelled bottom half and glazed top half, and only vertical glazing bars, and either that architectural styling should be followed, as has happened with those flats that have replaced windows to date, or there should be a collective solution replacing all of the panelling, all of the windows, or both. It is also important that the colour of material used is the same and there is no indication either in the original application or later Statement that this would be the case.

The other issue is one of precedent. This goes back to a point made by the case officer, which is that having different windows, and bizarrely a bi-fold door, on the top floor of a block of flats that are different to all the others in the block would be incongruous and, we say, would also set an undesirable precedent. It could be picked up by others as an indication that the Council is supportive of flat owners going along with their own ideas, and that the uniformity in design of a flat block elevation does not matter.

The PPCA Statement tries to make the point that because this building is not listed or in a conservation area that somehow it is less important, that less care should be taken in how it is treated architecturally, but that is a slippery slope as far as the Objectors are concerned. Such an approach would incrementally detract from the character of this part of the city where blocks of flats are often the key block presenting to the street at the entrance to some estates. They are visible, they were designed to be visible, this one is visible, and so it should be given protection by supporting its continued architectural uniformity.

Turning to some other issues mentioned in the PPCA Statement, then these flats do not have gas, as stated, they are all electric.

The supposed health benefits of these windows and a bi-fold door is somewhat clutching at straws. No real evidence is presented in this regard.

There is no evidence presented to suggest any environmental benefits from these new windows/bi-fold door, which is presumably because they are little different in their thermal conductivity to what exists already on the building, which are double glazed windows. The panelling has poor thermal qualities, granted, but that is being addressed, as explained above.

The PPCA Statement suggests that the top floors of flats often have larger window openings than lower floors. That is true on buildings designed that way. This building was designed to be the same in design externally and internally. This suggested reason in support is also fatally undermined by the fact that the Applicant isn't changing all of his windows, with him keeping the existing kitchen window with panel below. In others words, not only will the new windows and door appear incongruous on the building as a whole, but even on this one floor.

Finally, the PPCA Statement tries to suggest that the building is partially screened from Whitehouse Road. This is misleading. It is clearly visible, it was designed to be, and these proposals will be visible to anyone walking along the street, or driving past, where one flat will appear at odds with the rest and, frankly, strange. The councillors will be able to see that for themselves if they do a site visit.

Conclusion

To conclude, these proposals in their form, detailing, materials mix and architectural style are inappropriate for this building. They will appear visually strange and that will undermine the architectural integrity of the building. They will be harmful to it and the character of the area. The PPCA Statement says nothing to justify taking a different approach to the case officer nor does it include any material considerations that weigh in favour of planning permission being granted. For those reasons, planning permission should not be forthcoming in this instance.

The Applicant is also encouraged to speak to his neighbours and join with them in coming forward with a collective solution for the building rather than continuing to act alone.

**PPCA Ltd response to DM Hall Statement lodged on behalf of 4, 5, 7 and 9
Regis Court, Edinburgh, EH4 6RG for appeal against planning permission at 11
Regis Court reference 19/04147/FUL**

PPCA Limited welcomes the opportunity to respond to the above Statement and would offer the following response. This follows the structure of the Statement wherever possible.

PPCA Limited remains of the view that there is no locus for residents at either 4 or 5 Regis Court to comment on the appeal as they did not lodge formal objection to the proposed development as part of the original planning application.

The Statement Section entitled "Ownership Context" is not a material consideration in the determination of this appeal and is covered by separate legislation.

Responses to the relevant parts of the PPCA Limited Statement of Appeal, the matters of use of materials, opening sizes and continuity of form of the external appearance of the building are all dealt with in the original PPCA Limited submission and it is not intended to duplicate those here.

It can be clarified that there is no intention to introduce a new colour of panelling as a result of the proposed development.

The DM Hall submission refers to precedent. There is no concept of binding precedent within the Scottish land use planning system as every planning application is determined on its own merits as set out in the Town & Country Planning (Scotland) Act 1997 (as amended).

The reference made within the PPCA Limited Statement to the fact the the building is neither Listed nor within a Conservation Area is not made to suggest that the building is less important. The fact that the building is not affected by either of these designations allows for a greater degree of flexibility in the ability to modify the building.

The proposed window openings will have greater thermal conductivity than the panelling which it is proposed to replace and support for this fact from the DM Hall Statement is noted.

The appellant is not proposing to change the window in the kitchen as that is not a habitable room and would not experience the same benefits accruing from larger window openings in this case as would the living and bedroom areas. It is not unusual for kitchen windows to be smaller than those of living rooms and bedrooms. It is contended that the proposed change will not significantly undermine the external appearance of the building.

Lastly, the building is partially screened by a mature tree in the grounds of the property as confirmed by both the appellant and a site visit.