

Lothian Plans.  
Stephen Lothian  
Lothian Plans  
18 Laidlaw Gardens  
Tranent  
Scotland  
EH33 2QH

Mr Allan McDougall.  
4 Briery Bauks  
Edinburgh  
Scotland  
EH8 9TE

**Decision date: 1 November 2019**

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

Attic conversion with roof dormers.  
At 4 Briery Bauks Edinburgh EH8 9TE

**Application No:** 19/04337/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 11 September 2019, this has been decided by **Householder fast track**. 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 proposal is contrary to the Second Proposed Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to the character of the hostproperty and the neighbourhood.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the dormer windows are not of an acceptable scale, form or design to the detriment of the property and the wider area.

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

Drawings 01 to 03., 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 proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building and the neighbouring privacy. It would not comply with Edinburgh Local Development Plan Policy Des 12 or the 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 Val Malone directly on 0131 529 3485.

*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](http://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](mailto: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 19/04337/FUL At 4 Briery Bauks, Edinburgh, EH8 9TE Attic conversion with roof dormers.

<b>Item</b>	Householder fast track
<b>Application number</b>	19/04337/FUL
<b>Wards</b>	B15 - Southside/Newington

### Summary

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The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building and the neighbouring privacy. It would not comply with Edinburgh Local Development Plan Policy Des 12 or the non-statutory "Guidance for Householders". There are no material planning considerations which would justify approval.

### Links

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<a href="#">Policies and guidance for this application</a>	LDES12, NSHOU,
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# Report of handling

## Recommendations

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

## Background

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### 2.1 Site description

The application site is a two-storey, modern terraced house in a row of similar properties on the south side of the street known as Briery Bauks. It is part of a development of four-storey flats and two-storey terraced properties to the east of The Pleasance, between New Arthur Place and Brown Street and characterised by ayssemmetrical rear roof profiles. To the west are traditional stone-built tenements on the Pleasance, with the flatted residential development of Dumbiedykes to the east.

The property is brick-built with a small front courtyard area and a secluded rear garden which backs onto the public park known as Bauks View. The rear roof plane of the property is visible from this park, from Brown Street and from the Pleasance.

### 2.2 Site History

No relevant property history.

## Main report

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### 3.1 Description Of The Proposal

The application proposes the insertion of a dormer window and a roof light into each of the front and rear roof planes. The dormer windows would have flat roofs with windows matching others in the host property. They would be clad but no details of the proposed cladding material is given and no details of materials are given for the roof lights. The dormer on the rear roof plane would include a side window on its western elevation.

Conversion of the attic space to habitable accommodation would not constitute development as defined in Section 26 of the Town and Country Planning (Scotland) Act 1997, as amended, and does 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 proposed scale, form and design is acceptable and would accord with neighbourhood character;
- (b). The proposal will cause an unreasonable loss to neighbouring amenity;
- (c). Any impacts on equalities or human rights are acceptable;
- (d). Any comments raised have been addressed.

(a). The proposal must be assessed against Edinburgh Local Development Plan Policy Des 12 which would permit alterations which are compatible with the character of the existing building and which would not be detriment to neighbourhood character and against specific advice on dormer windows in the non-statutory "Guidance for Householders".

There are no interventions at roof level in any terraced or flatted property in the Briery Bauks development and dormer windows are not common features in other modern or traditional tenements in the wider Pleasance area. This modern development has a strong roof form, with its asymmetrical rear roof planes. The proposed dormer windows would be contrary to that design ethos and would not be compatible with the character of the existing building or the character of the neighbourhood. The dormer on the rear roof plane would be a particularly conspicuous and discordant feature in the public domain.; it would dominate that roof plane. Neither proposed dormer window retains visible expanses of roof on all four sides and they do not align with any existing fenestration. Together, the proposed dormers and roof lights would dominate their roof planes, to the detriment of the character of the host building.

The proposal is not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building. It would not comply with Edinburgh Local Development Plan Policy Des 12 or the non-statutory "Guidance for Householders".

(b). There would be no effect on daylight to adjoining windows or any detriment by way of loss of sunlight or overshadowing to neighbouring properties. The side window in the dormer window on the southern elevation would not meet the privacy distance criterion in the non-statutory "Guidance for Householders" and would result in overlooking and loss of privacy in the neighbouring rear garden area.

(c). There would be no impact on equalities and human rights.

(d). There are no public comments to be addressed.

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

### 3.4 Conditions/reasons/informatives

#### Reasons:-

1. The proposal is contrary to the Second Proposed Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to the character of the hostproperty and the neighbourhood.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as the dormer windows are not of an acceptable scale, form or design to the detriment of the property and the wider area.

### Risk, Policy, compliance and governance impact

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

### Equalities impact

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#### 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

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#### 6.1 Pre-Application Process

There is no pre-application process history.

#### 6.2 Publicity summary of representations and Community Council comments

No representations have been received.

### Background reading / external references

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

## **Statutory Development**

### **Plan Provision**

The application site is identified as being within the Urban Area of the Edinburgh Local Development Plan.

### **Date registered**

11 September 2019

### **Drawing numbers/Scheme**

01 to 03.,

Scheme 1

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

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

## **Links - Policies**

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### **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

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No consultations undertaken.

END



## 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="Allan"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="McDougall"/>	Address 1 (Street): *	<input type="text" value="Briery Bauks"/>
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="EH8 9TE"/>
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="4 BRIERY BAUKS"/>
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="EH8 9TE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673197"/>	Easting	<input type="text" value="326368"/>
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## 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)

Attic conversion with roof dormers

## 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.

My client and I disagree with the planners comments on the dormer not being suitable for the area.

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)

We were not contacted by the planner and given the chance to make a slight tweak to the scale or appearance in any way to help the application.

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)

Covering Letter Attached

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/04337/FUL

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

18/09/2019

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

05/11/2019

## 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

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: Mr Stephen Lothian

Declaration Date: 28/11/2019

**Proposal Details**

Proposal Name	100179773
Proposal Description	Attic conversion with roof dormers
Address	4 BRIERY BAUKS, EDINBURGH, EH8 9TE
Local Authority	City of Edinburgh Council
Application Online Reference	100179773-003

**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 planning	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

Stephen Lothian  
18 Laidlaw Gardens  
Tranent  
East Lothian  
EH33 2QH

12/11/2019

## **Planning Appeal**

Dear Sir/Madam,

Further to your Decision notice being sent out, We would like to provide a case for our proposal being considered for approval.

Within the street of our application site, the properties are quite modern by design. With this in mind, we proposed a modern looking dormer to compliment the property rather than a traditional style and fully believe it to be a positive addition and not be detrimental to the original design as mentioned refusal point 1 of the decision notice.

With this planning application we expected the appointed planner to reach out with any concerns in advance of reaching a decision and were quite disappointed to not have no communication other than a decision notice. We were flexible with the scale and design and had we have been contacted, we would have been happy to take any advice and tweaked the proposal slightly to help our application over come things mentioned in point 2 of the decision notice.

While on the phone discussing the decision, the planner indicated that even though we would be flexible with regards to scale and looks, she would not be in favour of a dormer to these roof types and indicated that no one else had any. Within any street, there always needs to be someone who carries out an alteration first weather it be a dormer or extension so we believe that point to be irrelevant.

We are making an appeal to have the decision over ruled for dormer windows to the roof of the application property. If we need to make any amendments to the design in terms of scale/looks then we would be happy to discuss this in order to help the appeal.

I hope that this is all satisfactory.

Kind regards,

Stephen Lothian.