

Bergmark Architects.
FAO: Jens Bergmark
3 Walker Street
Edinburgh
UK
EH3 7JY

Mr C Edwards.
19 Rodney Street
Edinburgh
UK
EH7 4EA

Decision date: 2 October 2019

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

Conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear. Conservation skylights to front.
At 4F2 19 Rodney Street Edinburgh EH7 4EN

Application No: 19/03709/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 6 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 proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it disrupts the roof pattern to the detriment of the building, tenement block and wider area.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not fit well with the character of the building and the surrounding area.

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

Drawings 01-08, 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 creation of an addition floor to the existing flat is not acceptable as the proposed infill of the roof and the dormer window would have an unacceptable and detrimental impact upon the character and appearance of the building, wider tenement block and surrounding area by disrupting the unaltered roof pattern. The proposal is contrary to Edinburgh Local Development Plan Policy Des 12 and 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 Conor MacGreevy directly on 0131 469 3743.



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 19/03709/FUL

At 4F2, 19 Rodney Street, Edinburgh

Conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear. Conservation skylights to front.

Item	Local Delegated Decision
Application number	19/03709/FUL
Wards	B05 - Inverleith

Summary

The proposed creation of an addition floor to the existing flat is not acceptable as the proposed infill of the roof and the dormer window would have an unacceptable and detrimental impact upon the character and appearance of the building, wider tenement block and surrounding area by disrupting the unaltered roof pattern. The proposal is contrary to Edinburgh Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES12, NSHOU,
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Report of handling

Recommendations

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

Background

2.1 Site description

The application site is a top floor residential property within a five storey tenement building with a communal garden to the rear. It is part of a wider tenemental block on Rodney Street and Eyre Place. The roofscape of the block consists of a series of roof valleys running from the front pitched roof to the rear. A pattern of roof valleys and pitched roof is a feature of the block and is publically visible from Eyre Place Lane to the rear.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is to extend the existing top floor flat by creating an addition floor and the works involve:

- Infilling the roof valley with a central flat roof and a new rear pitched roof;
- Installation of a dormer window on the proposed rear pitched roof;
- Installation of 2 velux windows to the front elevation.

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 unreasonable loss to neighbouring amenity;

c) Any impacts on equalities or human rights are acceptable;

d) Any comments raised have been addressed.

a) The tenement building in question has a defined roofscape consisting of a series of deep roof valleys with slate pitched roofs. As the valleys run from the front pitch to the rear of the building, this roof pattern is a visible feature that adds to the particular character and interest of the block. This pattern is currently unaltered within the block.

In relation to the proposed infilling of the roof valley, it is considered that this is unacceptable as it would adversely impact on the overall appearance of the roof by taking away the roof valley feature. It would affect the overall pattern of the roofscape to the detriment of the building and the wider tenement block.

Whilst there are a mix of roof types within the vicinity, the roofscape on this tenement building is of particular interest and adds to the amenity of the area particularly as it is visible from public view.

The proposed dormer window on the infilled roof would further emphasise the infill. It would project beyond the existing pitched roofs of the tenement block. The roofscape is unaltered and the addition of a dormer window would be an incongruous feature given the clear roof pattern. Whilst there are historic dormers within the area, new dormers are not typical within the area and are considered to be out of character.

The proposed velux windows to the front of the building would be acceptable on their own.

Overall, the proposed creation of an addition floor to the existing flat is not acceptable as by virtue of the works, the proposed infill of the roof and the dormer window will have an unacceptable and detrimental impact upon the character and appearance of the building, wider tenement block and surrounding area by disrupting the unaltered roof pattern.

The proposal would be contrary to Edinburgh Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

b) The proposal was assessed in terms of neighbouring residential amenity. The visual splay of the dormer window would almost mirror that of the rear elevation of the tenemental building. By virtue of this, no additional privacy concerns would be created.

c) The application was assessed in terms of equalities and human rights. No impacts were identified.

d) One comment was received from a member of the public:

Material Representations -

The proposal does not cohere with the character and appearance of the surrounding area; this is addressed in section a).

Dormer windows are not a characteristic of the surrounding area; this is addressed in section a).

The proposed materials are not congruous to the surrounding area; this is addressed in section a).

The fenestration design is not congruous with the surrounding area; this is addressed in section a).

The dormer window would dominate the roof; this is addressed in section a).

Non-Material Representations -

Internals of the proposal; the building is not listed and therefore the internal works cannot be assessed.

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 Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it disrupts the roof pattern to the detriment of the building, tenement block and wider area.

2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not fit well with the character of the building and the surrounding area.

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

One letter of objection was received from a member of the public.

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.

Date registered

6 August 2019

**Drawing
numbers/Scheme**01-08,

Scheme 1

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

Contact: Conor MacGreevy, Planning Officer
E-mail:conor.macgreevy@edinburgh.gov.uk Tel:0131 469 3743

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.

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

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 19/03709/FUL

Application Summary

Application Number: 19/03709/FUL

Address: 4F2 19 Rodney Street Edinburgh EH7 4EN

Proposal: Conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear. Conservation skylights to front.

Case Officer: Conor MacGreevy

Customer Details

Name: Mr Hamish Jack

Address: 11/7 Rodney Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to Planning Application 19/03709/FUL

I object to Planning Application 19/03709/FUL principally for not adhering to Policy Des 12 on the grounds that the proposed design, form and materials are not compatible with the character of the building, or the character of the local area. While the application does not concern a building within a conservation area, it is important to note this corner tenement block at the Rodney Street / Eyre Place junction forms a key gateway to the New Town from the east, and is a prominent feature in the local area. Its rear elevation also faces the 'New Town' Conservation Area with its roofline and the proposed dormer visible from it.

On more practical grounds, I have concerns for the ramifications of this type of tenement extension across the city, for shared ownership, roof access and maintenance costs.

From viewing aerial images of the local area, I can find no examples of dormer windows being retrospectively added to tenements within c.250m of 19 Rodney Street. While the character of the roofline varies between different tenement blocks within the local area, it typically does not vary within each block; tenements predominantly have either flat or pitched roofs, not both.

Within the block concerned (sitting adjacent to the corner of Rodney Street and Eyre Place, from 19 Rodney Street to 76 Eyre Place) there is a consistent pattern of a pitched roof running perpendicular to the street, with each individual building also featuring two or three longer pitches running perpendicular to the street, abutting chimney breasts at the centre and edge of each building. This results in a repetitive rear roof elevation animated with triangular 'gable' roof sections between chimney breasts (as is captured in 'Rear Photograph 2' of the planning

application documents). The proposed development introduces an elevation to this roofscape in the form of a dormer which disrupts this pattern with an element unseen anywhere else in the block. In terms of the roof plan, the proposed development also intends to 'flatten' c.20% of the roof area on the block directly adjacent to Rodney Street. This significantly alters the pitched character of the roof, and the animated rear roofline elevation, compromising the character of the block as a whole, particularly when viewed from the west.

The materials used in the proposed development is also inconsistent with the character of the block and the local area. Roofing materials on tenement blocks in the area are typically consistent across blocks; where pitched roofs are present, gray slate roof tiles are predominant. Introducing a substantial element of powdercoated metal, as is proposed for the construction of the dormer, is inconsistent with the existing predominant palette of materials for the roof. This fails to comply with Council guidance which asserts that "the materials to be used on an extension should normally match exactly those of the existing building".

Moreover, the shape, size and proportions of the proposed windows are not consistent with any of the windows on the rear elevation of the block concerned. All rear windows on the block are rectangular, with a shorter edge at the top and bottom, and longer edges to either side. They are predominantly either c.105cm x c.185cm or c.55cm x c.160cm, and are arranged in columns of one type or the other for the length of the rear elevation. The proposed window dimensions are two c.160cm x c.145cm windows, sitting side by side, and effectively presenting as two squares on the roof elevation.

Neither do the windows conform to the established arrangement of windows on the rear elevation, which are otherwise entirely consistent. The width of the windows on the proposed additional storey amount to c.320cm, while the glazed length of a typical flat (for example, all the flats below it) amounts to only c.160cm. This means the width of the glazing on the proposed elevation is c.200% the width of the glazing on every other flat in the block. As well as being the only example within the block which fails to conform with the established pattern, this also fails to observe Council guidance which notes "where possible, the dormer should align with existing fenestration on the building's elevation".

Finally, and most significantly, the width of the proposed dormer is c.390cm. With the width of the rear roof elevation measuring c.590cm (at eaves), the proposed dormer occupies c.66% of this. This represents the majority of the proposed roofscape elevation, and constitutes a significant alteration to the roofline, failing to comply with Council guidance which suggests that "dormers should be of such a size that they do not dominate the form of the roof".

For both the block concerned, and the various styles of tenement buildings in the local area, a dormer window and the addition of an extra floor atop a tenement building by way of 'infill' is a first, and thus wholly inconsistent with the tenement typology which is so characteristic of this area.

In conclusion, the inconsistent design, materials and form of the proposed development are incompatible with the character of the block concerned, and incompatible with the character of the local area. Combined with the potential ramifications for other residents in the stair, with regard to shared ownership of the roof, roof access and maintenance costs, and the precedent this may set for tenements city-wide, I urge you to refuse planning permission for this application.

Kind regards,

Hamish Jack

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

Hamish Jack
11/7 Rodney Street
Edinburgh
EH7 4EN

Comments in response to Notice of Review of Application 19/03709/FUL

Dear Local Review Body Support Team,

Whilst I understand that my representation previously made with regard to application 19/03709/FUL will be sent to the City of Edinburgh Planning Local Review Body unless I ask for it to be disregarded, I wish to reiterate that I stand by the comments made for the avoidance of doubt.

These were principally that the proposed development does not adhere to Policy Des 12 on the grounds that the proposed design, form and materials are not compatible with the character of the building or the character of the local area, and that the proposed development fails to comply with non-statutory Guidance for Householders on extensions and alterations in a number of ways.

For details on the above please make reference to my previously submitted representation.

Kind regards,

Hamish Jack

From: John MacCallum
Sent: Thu, 9 Jan 2020 16:59:49 +0000
To: Local Review Body
Subject: Re: Notice of Review of Application 19/03709/FUL

URGENT

Aidan/LRB Staff,

Please see the email below - your minesweeper blocked the original email due to 2 photos attached.

Can you process the information in the email and the 2 photos before the deadline of 3pm tomorrow 10th January. I understand that the photos can be obtained by making a request to your IT dept to ask for them to be released.

Please confirm that this has been actioned.

Thank you.

Regards,

John

John MacCallum BSc (Hons), MRTPI
Planning Consultant

JM Planning Services
31 Kilburn Wood Drive,
Roslin
Midlothian
EH25 9AA

Mobile: - 

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Please consider the environment before printing this e-mail.

On Thu, Jan 9, 2020 at 4:49 PM John MacCallum

<[REDACTED]> wrote:

Dear Sir/Madam,

I am writing with reference to the representation received by your Council from Mr Jack which is undated but which was attached to an email dated 19th December 2019.

I wish to submit the following comments on behalf of the applicant in response to the invitation issued in the email dated 24th December 2019 from Aidan in your Council. These comments are being submitted before the deadline of 3pm on 10th January 2020 as stated in Aidan's further email of today, 9th January 2020, in order for them to be received in time for including within the agenda papers which are to be issued in advance of the LRB meeting scheduled for 28th January 2020.

The objector has raised concerns that the proposals will not be compatible with the character of both the building and the area.

Taking the former, this is an unusual comment in that the objector's flat is located in the same row of tenements along Rodney Street and adjacent to the property which is the subject of this review. The objector will not be able to have sight of the roof alterations proposed at all from his own property and so it is difficult to understand how the proposed roof alterations will directly affect the objector if he will not be able to see them from his own property.

In terms of the comments raised in respect of the character of the area, it is important to stress that the objector's view to the rear i.e. the dormer side of the building, will be the same as the applicant's (and the other residents in the same tenement blocks) which will be over and towards a mixed use area of industrial, commercial and residential buildings and uses, representing a varied character of buildings in the immediate locale, as already stated in the statement submitted in support of the review request.

This can be further illustrated in the 2 photos attached which are submitted as new productions (Appendix 6 and Appendix 7) in further support of the applicant's review request and which it is respectfully requested that the Council allows at this stage in the proceedings. The images represent the rear view from the kitchen window in the applicant's flat.

It is evident from these images that there are buildings of all types and age. The red brick building directly below is likely to have been built in the early 20th century and has been extended at various points over time. The builder's yard contains a modern steel shed and there are also piles of materials stored externally. Smithies Bar was built in the 1980s as a Victorian theme pub (soon to be demolished for a modern

flat development). There is a block of flats (Rodney Place) and a row of townhouses that are of modern design. The large flat roof modern building further away is the currently vacant former RBS office on Dundas St which is soon to become a modern mixed-use development.

Therefore, the character of the area, particularly to the rear to which the objector shares the same outlook as all the other residents in the same tenement blocks, does not represent a homogeneous form of building design and character. The application property and the other properties in the row of tenements are not listed buildings nor does the area in which they are located benefit from Conservation Area status. Again, it is difficult to understand how the objector perceives the area to have such significant importance in terms of character that would merit a strict design approach to be adopted. There is no single recognised building character in the locale and therefore, in the applicant's view, there is more scope for the Council to adopt a more flexible approach when applying Policy Des 12 in the case of the proposed roof alterations to this flat property. In addition, and as stated before in the applicant's case, the rear of the property is not readily visible from public view, lending further support to the suitability of the roof alterations as proposed.

I trust this further information will be circulated to the PLRB along with all the preceding information submitted in support of this review request and I would be grateful to receive your confirmation of this.

Please also confirm receipt of this email and the additional Appendices.

I look forward to hearing from you.

Regards,

John

John MacCallum BSc (Hons), MRTPI
Planning Consultant

JM Planning Services
31 Kilburn Wood Drive,
Roslin
Midlothian
EH25 9AA

Mobile: - [REDACTED]

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

Hamish Jack
11/7 Rodney Street
Edinburgh
EH7 4EN

Comments in response to Notice of Review of Application 19/03709/FUL

Dear Local Review Body Support Team,

Whilst I understand that my representation previously made with regard to application 19/03709/FUL will be sent to the City of Edinburgh Planning Local Review Body unless I ask for it to be disregarded, I wish to reiterate that I stand by the comments made for the avoidance of doubt.

These were principally that the proposed development does not adhere to Policy Des 12 on the grounds that the proposed design, form and materials are not compatible with the character of the building or the character of the local area, and that the proposed development fails to comply with non-statutory Guidance for Householders on extensions and alterations in a number of ways.

For details on the above please make reference to my previously submitted representation.

Kind regards,

Hamish Jack



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 100210345-001

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: JM Planning Services

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

First Name: * John Building Name:

Last Name: * MacCallum Building Number: 31

Telephone Number: * Address 1 (Street): * Kilburn Wood Drive

Extension Number: Address 2:

Mobile Number: Town/City: * Roslin

Fax Number: Country: * UK

Postcode: * EH25 9AA

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" value="4F2"/>
First Name: *	<input type="text" value="Chris"/>	Building Number: <input type="text" value="19"/>
Last Name: *	<input type="text" value="Edwards"/>	Address 1 (Street): * <input type="text" value="Rodney Street"/>
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="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH7 4EN"/>
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="4F2"/>
Address 2:	<input type="text" value="19 RODNEY STREET"/>
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="EH7 4EN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674989"/>	Easting	<input type="text" value="325402"/>
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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)

Conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear. Conservation skylights to front.

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 attached Supporting Review Statement

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)

There may be a perception that the short vertical upstand for the flat roof section over the valley infill might be visible from street level below. A drawing (Appendix 4 - Alternative Section) has been prepared which shows the vertical upstand removed and replaced with a shallow sloping section of roof over the dormer instead. There was no opportunity afforded to the architect to raise and discuss this matter as the Case Officer had already made his decision on 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)

Application Drawings and photographs Report of Handling Decision Notice Additional Drawings in Appendices 1 to 5:- Revised Elevation; Updated Existing Elevations; Updated Proposed Elevations; Updated Proposed Plans and Section; Alternative Section; Alternative Proposed Elevation Supporting Review Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/03709/FUL

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

06/08/2019

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

02/10/2019

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)

To assist the PLRB with their understanding of the property and its context in the surrounding area, as detailed in the supporting Statement.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access would be required via an entry system if access in to the building itself was required and access to the flat is only by a stairwell. The property is visible only to a limited degree from the rear from Eyre Place Lane which is a narrow lane providing access to Industrial uses and other residential properties further away.

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 John MacCallum

Declaration Date: 03/12/2019



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 100175846-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear. Conservation skylights to front

Has the work already been started and/ or completed? *

☒ No ☐ Yes - Started ☐ Yes – Completed

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:	Bergmark Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jens	Building Name:	
Last Name: *	Bergmark	Building Number:	3
Telephone Number: *		Address 1 (Street): *	Walker Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH3 7JY
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	C	Building Number:	19
Last Name: *	Edwards	Address 1 (Street): *	Rodney Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH7 4EA
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

4F2

Address 2:

19 RODNEY STREET

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH7 4EN

Please identify/describe the location of the site or sites

Northing

674989

Easting

325402

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Jens Bergmark

On behalf of: Mr C Edwards

Date: 05/08/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates?. * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☒ Existing and Proposed elevations.
- ☒ Existing and proposed floor plans.
- ☒ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☒ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Jens Bergmark

Declaration Date: 05/08/2019

Payment Details

[REDACTED]

Created: 05/08/2019 14:49

Proposal Details

Proposal Name	100210345
Proposal Description	Conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear. Conservation skylights to front.
Address	4F2, 19 RODNEY STREET, EDINBURGH, EH7 4EN
Local Authority	City of Edinburgh Council
Application Online Reference	100210345-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Site Location Plan	Attached	A3
Existing Plans and Sections	Attached	A3
Existing Elevations	Attached	A3
Proposed Plans and Sections	Attached	A3
Proposed Elevations	Attached	A3
Photograph from Street	Attached	Not Applicable
Photograph from Rear No 1	Attached	Not Applicable
Photograph from Rear No 2	Attached	Not Applicable
Report of Handling	Attached	A4
Decision Letter	Attached	A4
Application Form for PP	Attached	A4
Appendix 1 - Updated Existing Elevations	Attached	A3
Appendix 2 - Updated Proposed Elevations	Attached	A3
Appendix 3 - Updated Proposed Plans and Sections	Attached	A3
Appendix 4 - Alternative Section	Attached	A3
Appendix 5 - Alternative Proposed Elevation	Attached	A3
JMPS Review Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0

Application_Summary.pdf
Notice of Review-001.xml

Attached
Attached

A0
A0

SUPPORTING STATEMENT FOR A NOTICE OF REVIEW

To The City of Edinburgh Council's Planning Local Review Body

Application Reference 19/03709/FUL

**Conversion of attic over top floor flat, including filling in roof valley
and creating dormer to rear. Conservation skylights to front.**

At 4F2 19 Rodney Street Edinburgh EH7 4EN

Prepared by

JM PLANNING SERVICES

On behalf of

Mr Chris Edwards

3rd December 2019

List of Contents

Page

1.0 Introduction	3
2.0 Background and Context	4
3.0 Details of the Proposals	6
4.0 Grounds for Seeking A Review	8
5.0 Summary and Conclusions	14

PL/CE/JB/RSE/086/LRB
Supporting Statement V1. FINAL
3rd December 2019
John MacCallum BSc. (Hons), MRTPI
Planning Consultant

1.0 INTRODUCTION

1.1 A Notice of Review has been submitted by JM Planning Services on behalf of Mr Chris Edwards whose planning application (Reference 19/03709/FUL) relating to “Conversion of attic over top floor flat, including filling in roof valley and creating dormer to rear. Conservation skylights to front” at 4F2 19 Rodney Street Edinburgh EH7 4EN was refused on 2nd October 2019 under delegated powers.

1.2 The application was refused by the Planning Officer for the following 2 reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it disrupts the roof pattern to the detriment of the building, tenement block and wider area.

2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not fit well with the character of the building and the surrounding area.

1.3 The applicant seeks a determination of the Review by written submissions only. The supporting documentation included within the Review submission papers are considered to be sufficient to assist the Planning Local Review Body (PLRB) members in their consideration of the application. However, in the event these are not sufficient, further procedure is also requested involving a Site Inspection to enable the PLRB to take into consideration the nature and character of the property and its surrounding context, in order to fully understand the justifications being presented for the proposed roof alterations in this Statement.

1.4 The Notice of Review and the accompanying documents which were submitted as part of the planning application are included, as required, as well as this additional supporting Review Statement. An additional drawing has been included as it represents an amendment which was the subject of discussion with the Case Officer which is not contained in the list of application documents on the Council's planning portal but which should have been. A second additional drawing is submitted showing a minor amendment which has been investigated following the decision on the application for the PLRB's further consideration, if required.

1.5 After reviewing the decision and the Case Officer's Report of Handling, it is evident that the Case Officer has applied policy and non-statutory guidance too strictly. Given the particular context of both the building and its location, it is considered that there is scope for a degree of tolerance in applying the policy that would enable the application to be approved with no harm to the visual amenity of the area and that approval of the application would not cause any unacceptable precedent. It is hoped that by explaining the proposals and their merits in more detail, the Council's PLRB will be more understanding of the proposals as submitted relative to the policy criteria, as well as being able to take a more sympathetic view on the wider merits of the proposal when reaching their decision.

1.6 The purpose of this Statement is therefore to demonstrate that the proposals are mostly compliant with the Council's planning policy but requesting that the PLRB support a slight relaxation in the Council's non-statutory guidance that would allow the application for the proposed attic conversion for this property to be approved.

2.0 BACKGROUND AND CONTEXT

2.1 Background

2.1.1 It is important for the PLRB to be aware at the outset of what is driving the applicant's proposals to modify and adapt this top floor flat.

2.1.2 The applicant's desire is to remain living within a city centre environment, with all the benefits of being in close proximity to amenities for raising a young family. This is preferable to relocating to a more suburban location. The proposal to modify the existing property allows the applicant and his family to live a more sustainable lifestyle, which is an important consideration in the current economic and environmental climate.

2.1.3 The proposals represent the opportunity for the property to be modernised and upgraded to a level that would suit modern day living standards and in order to meet the applicant's family needs. This is no different from other properties which have been altered and extended throughout the City, subject to being compliant with design criteria and being able to satisfy Building Standards criteria.

2.1.4 The applicant believes the development will have a long-term benefit for all occupants of the building. The development will remove the shared liability of an ageing roof that currently leaks. As the current roof is uninsulated, the development will improve the energy efficiency of the building as a whole, reducing energy consumption and heating costs.

2.1.5 By employing an architect to design the proposed attic extension, it was determined that it would be feasible to utilise the roofspace in a modified way in order to create the additional accommodation required without having a significant impact on the building itself or the surrounding area and an innovative design solution was devised as per the application proposals submitted, which are explained in more detail in Section 3.0 of this Statement below.

2.2 Site Location

2.2.1 The application property is a top floor flat on the 5th storey of a tenement building at No. 19 Rodney Street which is located in the Canonmills/Bonnington area of the City. It forms part of a wider tenemental block in Rodney Street which then turns the corner at right angles into Eyre Place.

2.2.2 The property sits within a mixed use area with commercial and residential surrounding the building on all sides. Immediately to the rear (south), there is a commercial building and a car parking area for a modern building containing flats. Beyond that is a builder's merchant comprising modern industrial buildings and external storage yard. There are residential properties further away to the south at Eyre Place Lane.

2.2.3 The section of Rodney Street containing the application property, including those on the opposite side of the road, is characterised by tenement blocks having shops on the ground floor with residential flats above. The tenement block containing the application property has a visible frontage to Rodney Street but its rear elevation is much less public and not readily visible. The roofs in this group of tenement blocks all have their ridges parallel to the street with a short sloping roof section to the front but a much greater depth of roof section to the rear, up to 10 metres in all cases with the exception of the roof of property on the end corner of the tenement block on Rodney Street.

2.3 Site Description

2.3.1 The tenement building containing the application site is of traditional stone construction with slate roofs. It is paired with its immediate neighbour to the east, both having a higher roof ridge extending above the others in the block whose ridge heights are lower due to a slight fall in gradient along Rodney Street to the east. The building height from street level is approximately 15 metres to the eaves and 17 metres to the roof ridge. Although not accurately surveyed, the rear elevation is possibly 2 metres higher compared to the front.

2.3.2 For the application property, the rear roof section consists of 3 inward facing roof sections (1 rear facing and 2 side facing) sloping down towards a central valley gutter. 2 smaller roof sections exist at the rear which are connected to these main roof sections and which slope towards the eaves.

2.3.3 The section of front roof above the application property has a large chimney breast above the front eaves and gutter line, parallel with the street. A similar chimney breast exists at right angles to the street at a higher level on the mutual gable with the adjacent property to the west (No. 21) but extending to the same height as the front chimney breast.

3.0 DETAILS OF THE PROPOSAL

3.1 The proposals are as illustrated on the detailed drawings which accompanied the planning application, as prepared and submitted by the architect agent, Bergmark Architects Ltd. However, it has been noted that since the application was determined, the existing chimney detail on the elevation drawings had not been shown on the original drawings.

3.2 In order for the PLRB to have a full understanding of the proposals in its proper context, and for reasons of clarity and completeness, updated drawings showing the accurate Existing and Proposed Elevations have been submitted showing the chimney detail. Dimensions have also been added to these drawings, including an updated Plans and Sections drawing. These are contained in Appendix 1, Appendix 2 and Appendix 3 respectively. It is hoped that this will be of assistance to the PLRB and in that respect, it is respectfully requested that these drawings will be accepted as additional information and will be used as the drawings to reference for the purpose of this Notice of Review.

3.3 Generally, the proposals are to transform the property from a small one bedroom flat with box room to a 3 bedroom property. This will be achieved, internally, by modifying the existing accommodation at the current level to provide 2 bedrooms and by creating a 3rd bedroom and living room in the newly created attic space above. The existing box room is effectively lost to enable a staircase to be formed to access the upper level accommodation.

3.4 Externally, it is proposed that the existing rear roofscape which extends to approximately 10 metres in depth over the tenement from the ridge to the rear elevation will be infilled with an area of flat roof and then a new sloping section of roof, into which a rear facing flat roofed dormer will be set.

3.5 From the existing roof ridge, a new flat roof will be formed at the same level as the existing roof ridge, extending back a distance of 1.8 metres (area 5 on the Proposed Plans and Section drawing). From that point on the roof, a further flat roof section is proposed to infill the existing roof valley area which will extend to the rear by 5.1 metres (area 6 on the same drawing). There will be 2 rooflights inserted in this flat roof to provide light to the stairwell and new bathroom in the attic space.

3.6 This flat roofed area is then proposed to be extended again by 2.4 metres which comprises the flat roof of the proposed dormer. The entire flat roof section (extending 7.5 metres) is proposed to be raised in order to achieve the required headroom at the top of the internal stair. This will have the effect of creating a vertical upstand between the 2 different flat roof levels, the highest part projecting slightly above the existing roof ridge by 352mm. However, this slight vertical upstand is at a point 1.8 metres set back from the existing roof ridge. In total, the depth of flat roof area will extend to 9.3 metres to the rear, and not over all the roof space, as this allows for the front face of the proposed dormer being set back from the headwall on the rear elevation by 639mm.

3.7 It is proposed to modify the existing sloping roof arrangement which exists at the rear of the roof by removing the 2 roofs and replacing them with one new sloping roof at a steeper pitch, into which the dormer itself is proposed to be set. The dimensions of the proposed dormer are 2.4 metres deep by 2.1 metres high by 3.9 metres wide. Accordingly, it will not extend the full width of the roof, leaving expanses of slate roof at both sides and along the bottom of the dormer. On the west side, it will be set back from the boundary by a distance of 1.4 metres. Given the roof is at an angle on the east side along the mutual boundary, it will be set 0.77 metres in from the boundary at its shortest

distance where the rear wall of the dormer meets the section at the bottom of the new roof slope and 1.68 metres at its longest distance at a point higher up the new roof slope. These are clearly shown on the aforementioned updated drawings.

3.8 In terms of finishing materials, it is proposed that the exposed sections of sloping roof at the rear will be in slate to match the existing front roof and other slate roofs on either side. The walls, edges and front exposed wall of the dormer as well as the short upstand for the flat roof will all have a grey powder coated metal finish. All sections of flat roof will be finished with a grey colour sarnafil roof membrane covering, all to match the grey colours of the existing roof and those on adjacent roofs.

3.9 The front roof section will remain unaltered with the exception of 2 new conservation style skylights which are necessary to provide light and ventilation for the bedroom in the newly created upper level accommodation.

4.0 GROUNDS FOR SEEKING A REVIEW

4.1 The reasons for refusal are re-stated here for ease of reference as follows:-

“1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it disrupts the roof pattern to the detriment of the building, tenement block and wider area.

2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they do not fit well with the character of the building and the surrounding area.”

4.2 Both reasons for refusal ostensibly relate to the design of the proposed dormer relative to the building itself and the surrounding environment. The grounds for requesting a review of the decision seek to challenge the Case Officer's assessment of the application relative to both reasons for refusal and this will be done in the following way:-

- Firstly, to assess the building's location and the visual prominence of the rear elevation of the building and the rear roof section in particular;
- Secondly, to assess the suitability of the proposed changes to the roof on the rear elevation of the property; and
- Finally, to assess whether the proposed changes to the roof on the rear elevation of this particular property are compliant with the Council's non-statutory guidance or if a deviation from the guidance might be considered appropriate given the particular circumstances.

4.3 Visual Prominence

4.3.1 The Planning Officer considers that how visible the rear elevation of the property is from public view to be a determining issue for the application proposals. This is highlighted in his Report of Handling which states:-

*“Whilst there are a mix of roof types within the vicinity, the roofscape on this tenement building is of particular interest and adds to the amenity of the area **particularly as it is visible from public view.**”*

4.3.2 The importance being afforded to this view of the property and how the application has been assessed is not shared. By way of response, the building's context and its surroundings is viewed entirely differently and it is hoped that the following account will help the PLRB to understand this more clearly when determining the suitability of the proposed roof changes on the rear elevation of this property.

4.3.3 It is worth stating that the dormer will be at the top of a tall tenement block which extends to a height of approximately 17 metres to the ridge and even higher from ground level at the rear. The pattern of roof valleys referred to by the Case Officer are not readily visible from ground level to the rear, as explained further below. The importance afforded to the roof pattern on the tenement blocks by the Case Officer requires to be considered within the context of how publicly visible these features are and how the proposed roof alterations would be.

4.3.4 In terms of any long range views of the rear elevation of the building, there are none. The elevation is not visible from pavements on Eyre Place further to the south as existing buildings along the street frontage obscure any views in that direction. Eyre Place is also a one way road and the traffic heads south, in the direction away from the building and so there is no view towards the building from the road itself. Even if there was, it would be similarly obscured by the buildings along the street frontage.

4.3.5 In terms of views from a short range, it is accepted that the rear of the row of tenements are visible but to a very limited degree and only at Eyre Place Lane, as illustrated in the photographs submitted with the application. These photographs were taken at 2 specific points along this lane for illustrative purposes only to show the limited extent of the rear roof on the building actually visible and are not indicative of the normal views of the building from this lane. In that respect, it is apparent that Eyre Place Lane to the rear is not a main thoroughfare and it does not provide an important public aspect to the tenements. Instead, it is a narrow single lane access road, serving a mix of industrial and storage uses as well as residential properties further away.

4.3.6 What is also apparent by a visit to the location (or from viewing Google Maps Streetview) is that the view to the rear of the building from the lane is mostly obscured by a combination of high fencing and high vegetation along the lane screening the builder's yard. The proposed changes to the roof of the application property will therefore not be readily noticeable, if at all, from the majority of this lane.

4.3.7 In addition, any views of the rear elevations of the tenement blocks, including the application property, from residential properties on Eyre Place Lane, further to the south, are a considerable distance away. These are not public viewpoints and in any event, such views will mostly be over the industrial uses below and therefore do not constitute important views that should be taken into account in the assessment of this proposal.

4.3.8 In essence, the visual prominence of the rear elevation of the property is markedly different to what has been described in the Case Officer's Report of Handling. Instead, it has been demonstrated that the rear elevation is not a public elevation and the proposed changes to the roofscape will not be as readily visible from public vantage points, contrary to what has been implied.

4.4 Suitability of the Proposed Roofscape Infill and Dormer

(i) The Principle of Change

4.4.1 The Case Officer states in the Report of Handling that the tenement has a "*defined roofscape consisting of a series of deep roof valleys with slate pitched roofs*" to the rear which are considered to be "*a visible feature*" and that this roof pattern is "*unaltered within the block*".

4.4.2 It is recognised that the proposed roof infill and dormer will be a new addition for the building and the other tenements in the block. The change and alteration as proposed for this property has the potential to be visible given the height of the tenement building but it is considered appropriate for this roof space because, as stated in the preceding section, changes to a roofscape are more suited to the type of property where the change is not so noticeable given its location and that the rear elevation of the building is not public and the alterations will not be readily visible from public viewpoints, despite its height.

4.4.3 The Case Officer further states in the Report of Handling that:-

“the addition of a dormer window would be an incongruous feature given the clear roof pattern. Whilst there are historic dormers within the area, new dormers are not typical within the area and are considered to be out of character.”

4.4.4 This suggests that no new dormers will be accepted at this location, and that only those that were once carried out historically are appropriate, which limits the potential for upper floor accommodation in tenement blocks from being altered and upgraded. This would be understandable if the building was listed and/or it was located in a Conservation Area but it is not. This kind of building is more readily suitable to accommodate change and alteration where policy is more flexible, as explained later in this Section. The Case Officer has therefore placed inappropriate bias on the retention of this roof pattern which is not considered to be justified.

4.4.5 The level of control being exercised in this instance is considered to be excessive for the type of property and in this location, particularly as it is being suggested that no changes to the existing roof pattern will be accepted at all. The principle of not allowing the proposed infill and dormer is not accepted. In that regard, it is important to note that the roof of the adjacent tenement with which the application property is paired already has a flat roof section and so a flat roof arrangement is not alien to the location.

(ii) Impact on the Character of the Building and Surrounding Area

4.4.6 The removal of the roof valley feature would, according to the Case Officer in his Report of Handling, *“affect the overall pattern of the roofscape to the detriment of the building and the wider tenement block.”*

4.4.7 This might be the case if the rear elevation was public and readily visible. As it has been demonstrated in this Statement, the rear elevation is not public and not readily visible. Therefore, in these circumstances, the Case Officer’s assessment is misguided. The proposed changes to the rear roof of the property by way of infill and a dormer will not be visible at all from long range views and hardly noticeable at all from a short distance. The only view would be from Eyre Place Lane, the character of which has been explained earlier, and the opportunities to view the building are very limited and other views from residential properties are not public and so have less importance.

4.4.8 Consequently, and contrary to the Planning Officer’s opinion, the proposals, resulting in a change to the existing roofscape, will not disrupt the roof pattern to such a significant degree that it would be detrimental to the building, tenement block or the wider area.

4.4.9 In terms of the relevant criteria listed under LDP Policy Des 12 Alterations and Extensions, the design of the infill and dormer are considered to be compatible with the character of the existing building in terms of the *“design, form, choice of materials and positioning”*. This is further explained in section 4.5 below.

4.5 Policy and Non-Statutory Guidance

4.5.1 Having demonstrated a contrary view to the Case Officer’s on the suitability of the property for change and alteration as supported by the evidence in this Statement, this section assesses whether the proposed changes to the roof on the rear elevation of this particular property are compliant with

the Council's non-statutory guidance or if a deviation from the guidance might be considered appropriate in this instance.

4.5.2 In terms of design approach for the dormer, prior to submitting the application, the Council's non-statutory Guidance for Householders dated March 2018 was referenced by the architect. The guidance states that, in general:-

"The relationship between a dormer and its surroundings is particularly important. Dormers should be of such a size that they do not dominate the form of the roof. Dormers should not come to the edges of the roof. There should be visible expanses of roof on all 4 sides. Where possible, the dormer should align with existing fenestration on the building's elevation."

4.5.3 The architect has sought an innovative way to create additional accommodation in the under-utilised attic space above the top floor flat in this tenement building. The rear elevation was specifically chosen as it is not public or readily visible from public viewpoints in the surrounding area, for the reasons already stated earlier in this statement.

4.5.4 The proposals clearly demonstrate that infilling the existing void is possible by creating a new sloping roof and to set the dormer into this new feature in order to achieve the criteria set by the guidance. In that regard, there will be visible expanses of roof on 3 sides (either side and along the bottom), as shown on the drawings. Having achieved 3 out of the 4 guidance criteria, the dormer will not appear as if it will dominate the new roofscape created.

4.5.5 Consequently, the newly created roof will appear as having a sloping roof with a dormer set within it, no different to many roof alterations carried out throughout the city on traditional single storey, 2 storey and tenement buildings.

4.5.6 The only aspect of the dormer's non-compliance with the guidance criteria relates to the lack of visible expanse of roof above the dormer roof. The challenge for the architect has been dealing with the dormer height in order to achieve the required headroom above the internal stair to meet the necessary Building Standards. The solution devised is not able to be compromised any further given this restriction but the suitability of the location, in terms of the rear elevation not being public and it being not readily visible, is considered to lend itself to a degree of flexibility being applied to this one aspect of the guidance criteria being met in full.

4.5.7 This position is also supported by the guidance which states:-

"On rear elevations which are not publicly visible or not readily visible from public viewpoints a larger dormer may be acceptable where this fits in with the character of the building and surrounding area."

4.5.8 The dormer itself is not regarded as large or dominant as it is being set appropriately in to the centre of a new section of sloping roof and in relative proportion to it: the side walls will be set back from the respective boundaries at appropriate distances (1.4 m on one side and ranging from 0.77m to 1.68m on the other side) to allow expanses of new sloping roof to be visible; the base of the dormer will also be set back from the rear wall head, allowing a further expanse of slate roof below. Even if it

was possible to be viewed more publicly from the rear, it would not appear to dominate the new roof when facing it. The rear elevation drawing illustrates this clearly.

4.5.9 The design aspects of the dormer, including its positioning as described above, as well as the infilling of the roof void by way of a new sloping section of slated roof, are considered to respect and be compatible with the character of the building. The dormer will not dominate the newly created roofscape by setting it into the new roof appropriately. The use of finishing materials will also complement the existing roof materials and colours to ensure the roof changes relate well visually to the roof on the host property and the surrounding roofs. In that regard, the proposals are considered to be supported by adopted Edinburgh Local Development Plan (LDP) **Policy Des 12**.

4.5.10 As already stated earlier at paragraph 4.4.7 in this Statement, the proposed changes to the rear roof of the property by way of infill and a dormer will not be noticeable at all from any long range public views and not noticeable from short range glimpses as to be detrimental to the building and wider tenement block.

4.5.11 Furthermore, while it is maintained that the rear elevation is not public and not readily visible from Eyre Place Lane, even if it was possible to set the dormer roof at a height below the existing roof ridge, it would be virtually impossible to determine that from ground level below at the rear along Eyre Place Lane, based on the building's height at 17 to 19 meters and due to the angle of view upwards. As stated earlier, the existence of any dormer in this space is undoubtedly going to be visible but it is still an appropriate location for a dormer because it is on an elevation which is not public and it will not be readily visible from wider public view.

4.5.12 Consequently, an exception to the guidance criteria is sought in this case which is considered to be justified for the reasons outlined in this Section of the Statement.

4.6 Other Matters for Consideration

4.6.1 There may be a perception that the short vertical upstand for the flat roof section over the valley infill might be visible from street level below, as it will project above the existing roof ridge. However, it requires to be stated that this upstand is only 352mm and, given the height of the building at 17 metres to its roof ridge and the upstand being set back 1.8 metres from the ridge, it will not be a noticeable feature from the streets below due to the angle of view upwards.

4.6.2 Even if the roof is viewed at a distance further away to the north, across the street (as shown in the photograph accompanying the application), only a brief glimpse of this upstand will be visible as it will be mostly obscured by the existing chimney breast along the front of the roof and on the west gable. The upstand is however proposed to be finished in a grey colour to match the existing roof ridge capping helping to tone in with the existing roof material colours. It would therefore only appear, if noticeable at all, as if it were a new ridge set back from the existing ridge, between the 2 chimney breasts for this section of tenement. A view upwards of the roof from further to the east will also be obscured by the existing turret in situ on the roof of the adjacent tenement. It is worth stating, however, that it is not natural for pedestrians to look up at the roofs of buildings when walking along pavements and so the extent to which this upstand is likely to be visible or noticeable will be very limited.

4.6.3 Nevertheless, if it was considered by the PLRB to be a matter of concern, notwithstanding that it would not be a highly noticeable feature, the vertical upstand could be lessened by creating a

slope instead back from the roof ridge to further reduce the extent of the highest part of the new roof section being visible from the front. An additional drawing has been produced and is submitted to illustrate this which is hoped will be of assistance to the PLRB and accepted as additional information (see the drawing in Appendix 4). The applicant would accept a suitably worded condition to this effect being imposed on the grant of any planning permission to require a revised drawing to be formally submitted for further approval.

4.6.4 A further consideration for the PLRB as part of this review is a revision to the proposal which was presented to the Case Officer as an alternative design solution (see the drawing in Appendix 5 – Alternative Proposed Elevations. It was not submitted as a formal amendment to the application and the Case Officer has not made reference to it in the Report of Handling. However, a plan was uploaded to the planning portal labelled as Revised Elevations as if it had been treated as an amendment, although the plan on the portal must be a drawing for a different application as it bears no resemblance to the proposals under consideration for this property.

4.6.5 This alternative design solution proposed to remove the dormer and to create an infill with sloping slate roof with 2 conservation style skylights, similar to those proposed on front elevation. The Case Officer's response was provided in an email which stated:-

“they would also represent incongruous and disruptive additions in terms of the roof scape. These would have a detrimental impact upon the host property and the surrounding area”

4.6.6 For the reasons already stated in this Statement, these views are not shared. It is hoped that by raising this matter that the PLRB will understand that the Case Officer has applied a rigid interpretation of policy guidance which is not justified for this property whose rear elevation is not public and so neither of the proposals presented will be readily visible. There was no opportunity for any further discussion or negotiation with the Case Officer, demonstrating a lack of willingness to consider proposed changes and alterations to this property at all and a reluctance to consider the merits of both proposals presented, which the applicant believes are both considered to be worthy of favourable consideration.

4.6.7 For the sake of clarity, the proposal as applied for is the one that the applicant is seeking a determination on as part of this review but the amended proposal is also presented for consideration as an alternative design solution if the PLRB is not able to support the application proposal as submitted.

5.0 SUMMARY AND CONCLUSIONS

5.1 The proposals set out to achieve the modernising and upgrading of the property to a level that will suit modern day living standards and in order to meet the applicant's family needs whose desire is to remain living in a city centre location. Modernising and improving an existing property is considered to be a more sustainable way to meeting a housing need compared to relocating to a new house in a suburban/greenfield location.

5.2 While it is recognised that the property forms part of a wider tenement block of traditional stone and slate construction, it is not a listed building nor is it located in a Conservation Area. It is situated within a mixed use commercial area, the property itself being contained within a building which has retail properties at ground floor and flatted properties on the 4 floors above.

5.3 The rear of the building is not a public elevation and is not readily visible from wider public view. It has been demonstrated that the proposed changes to the rear roof of the property by way of infilling the roof void and a dormer will not be visible at all from long range views and hardly noticeable at all from a short distance. The only view would be from the south at Eyre Place Lane, but even then there are very limited opportunities to view the building due to high screen fencing and high vegetation obscuring those views. Other views from residential properties are not public and are a considerable distance away and so have less importance.

5.4 In this situation, there is the opportunity to apply policy guidance more flexibly, taking into account the particular circumstances of the site and the location. Accordingly, it should be possible to adopt a more positive approach to the modification and upgrading of properties in the manner proposed, particularly when they will not impact adversely on the building or wider area, as in the case with the proposals for this property.

5.5 While the proposed dormer complies with the Council's non-statutory Guidance for Householders in the main, by creating visible expanses of sloping slate roof sections on 3 sides, a relaxation is sought to the rigid interpretation by the Case Officer for all the required criteria being applied and it is considered that there is justification for the Council to do so in this case, as set out in this Statement.

5.6 Consequently, it has been possible to devise an innovative design solution for the alteration and extension of this flatted property which can be supported by adopted LDP Policy Des 12 and which mostly satisfies the guidance contained in the Council's non-statutory Guidance for Householders.

5.7 In conclusion, therefore, it is considered that there are justified planning reasons for overturning the Case Officer's decision for the reasons set out in the Notice of Review and this supporting Review Statement. It is respectfully requested that the PLRB looks favourably on the applicant's request for a review and grants planning permission accordingly.

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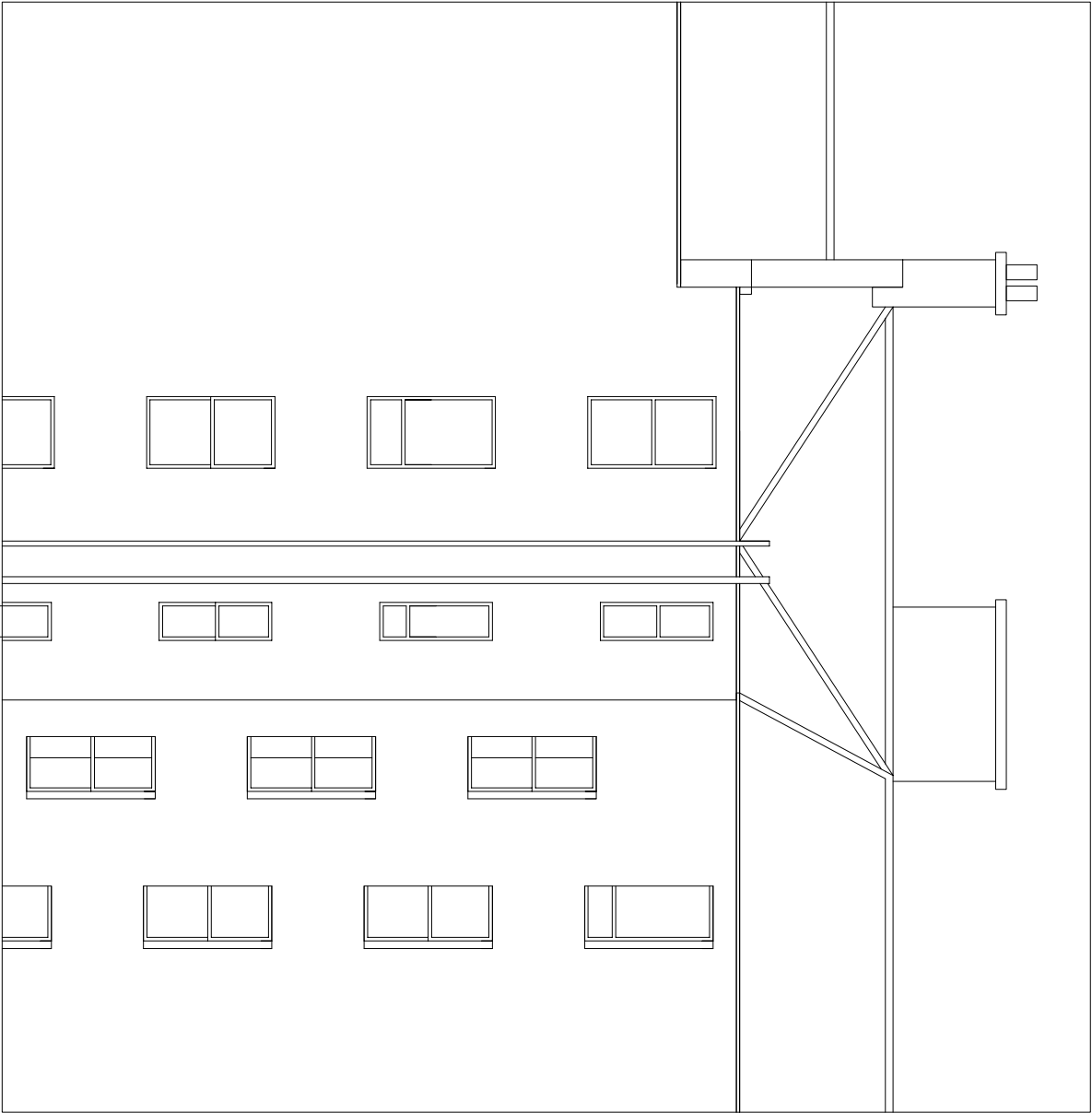
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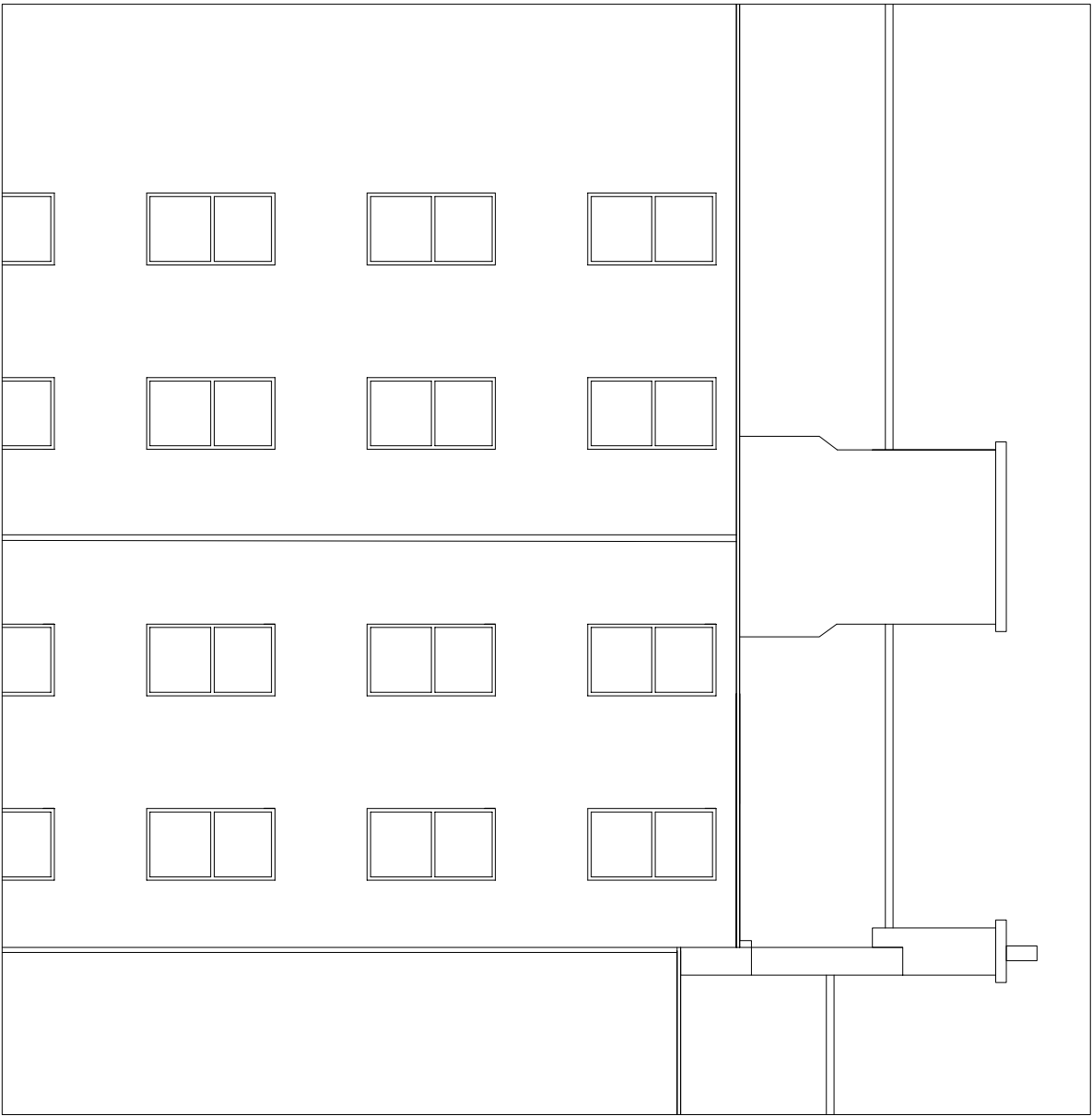
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Project No.	Status	Drawing No.	Revision
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EXISTING REAR ELEVATION



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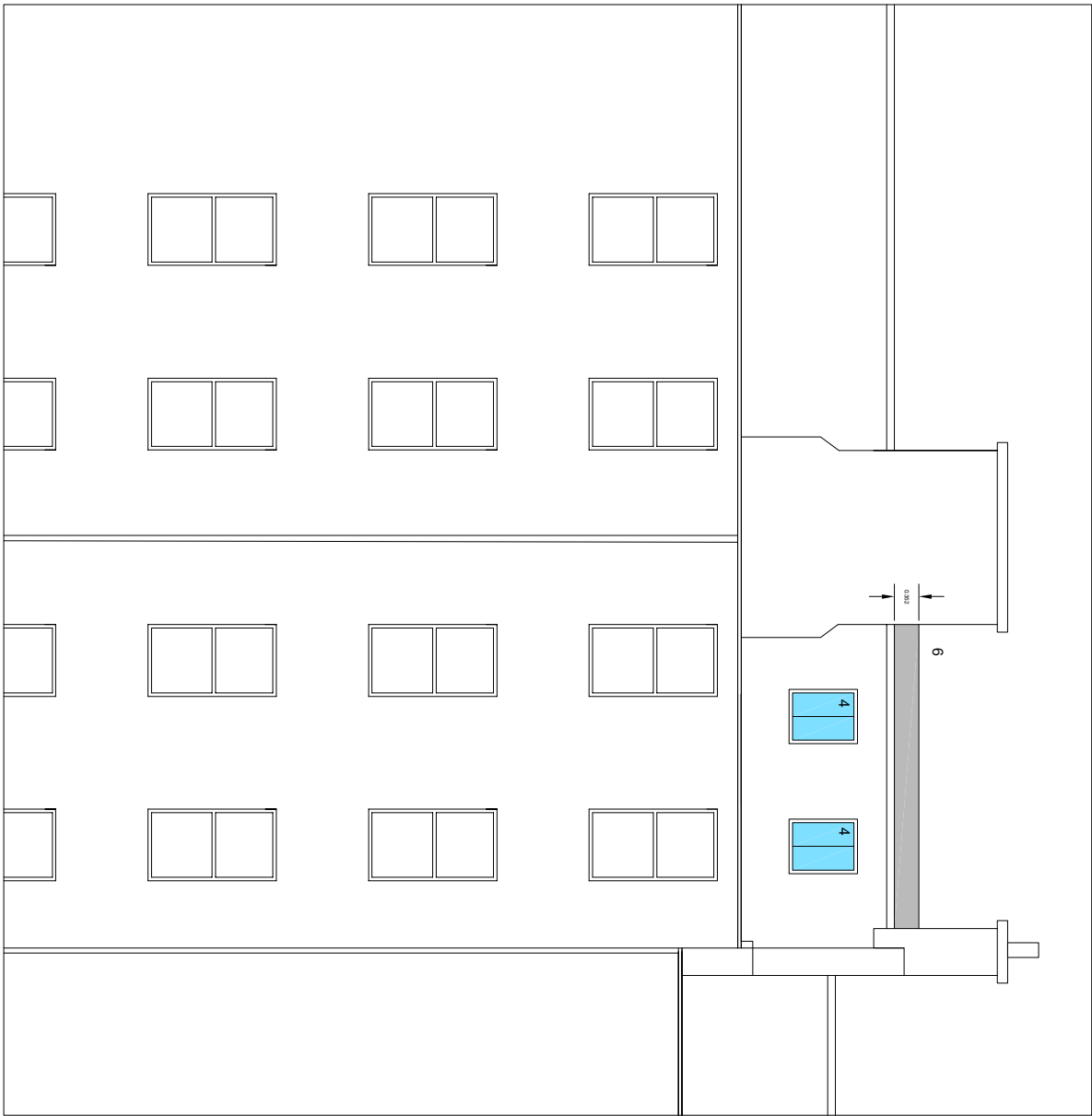
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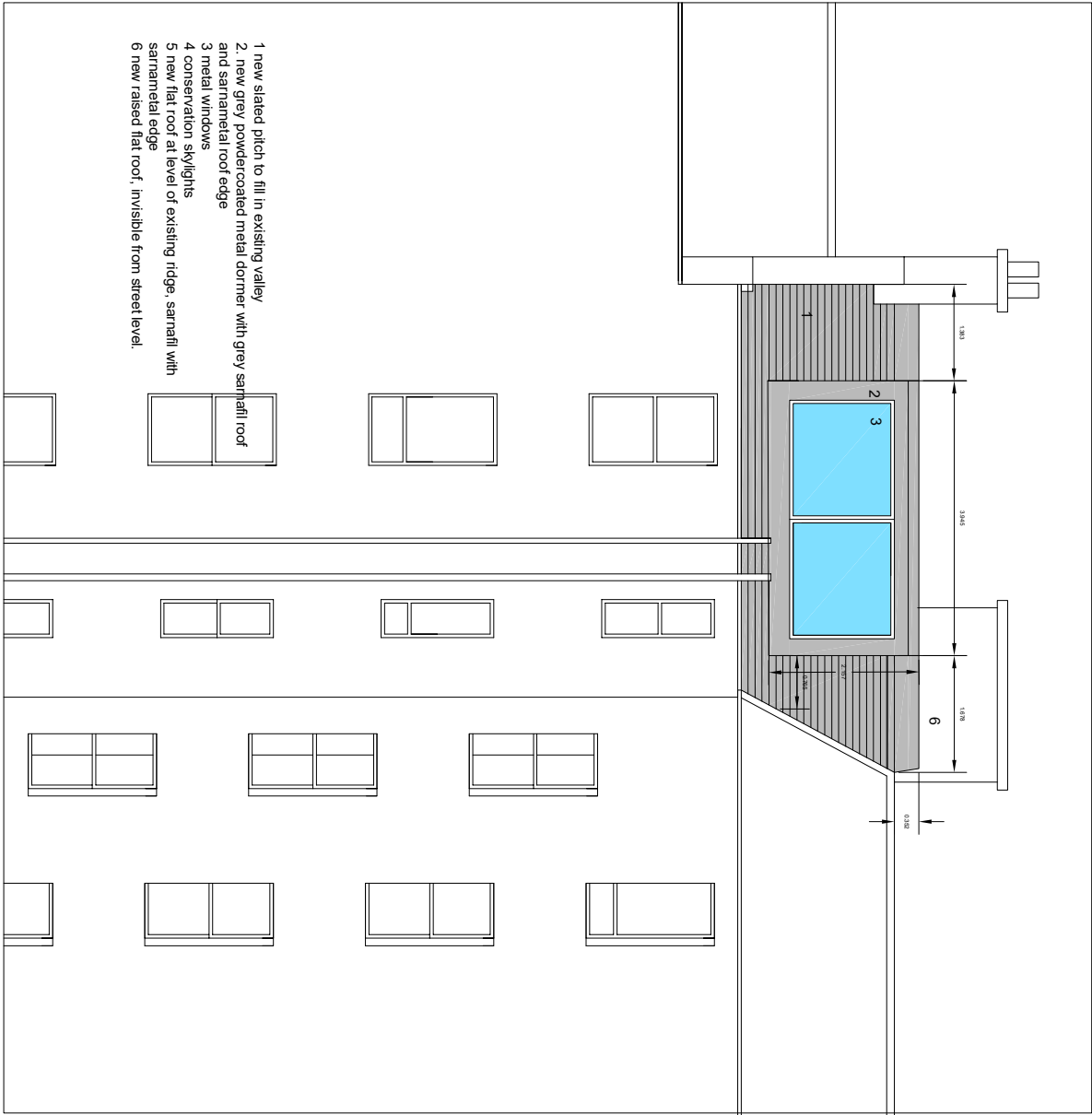
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PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

- 1 new slated pitch to fill in existing valley
2. new grey powdercoated metal dormer with grey sarnafil roof and sarnametal roof edge
- 3 metal windows
- 4 conservation skylights
- 5 new flat roof at level of existing ridge, sarnafil with sarnametal edge
- 6 new raised flat roof, invisible from street level.

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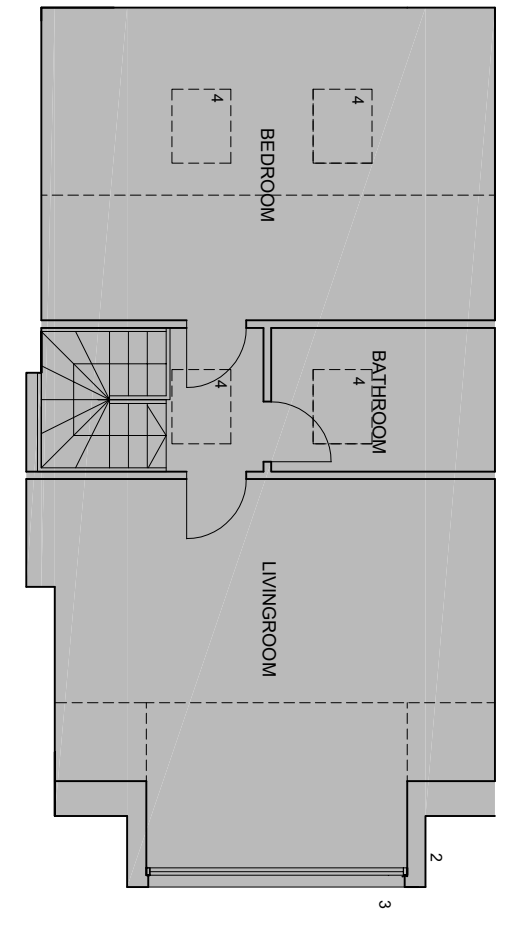
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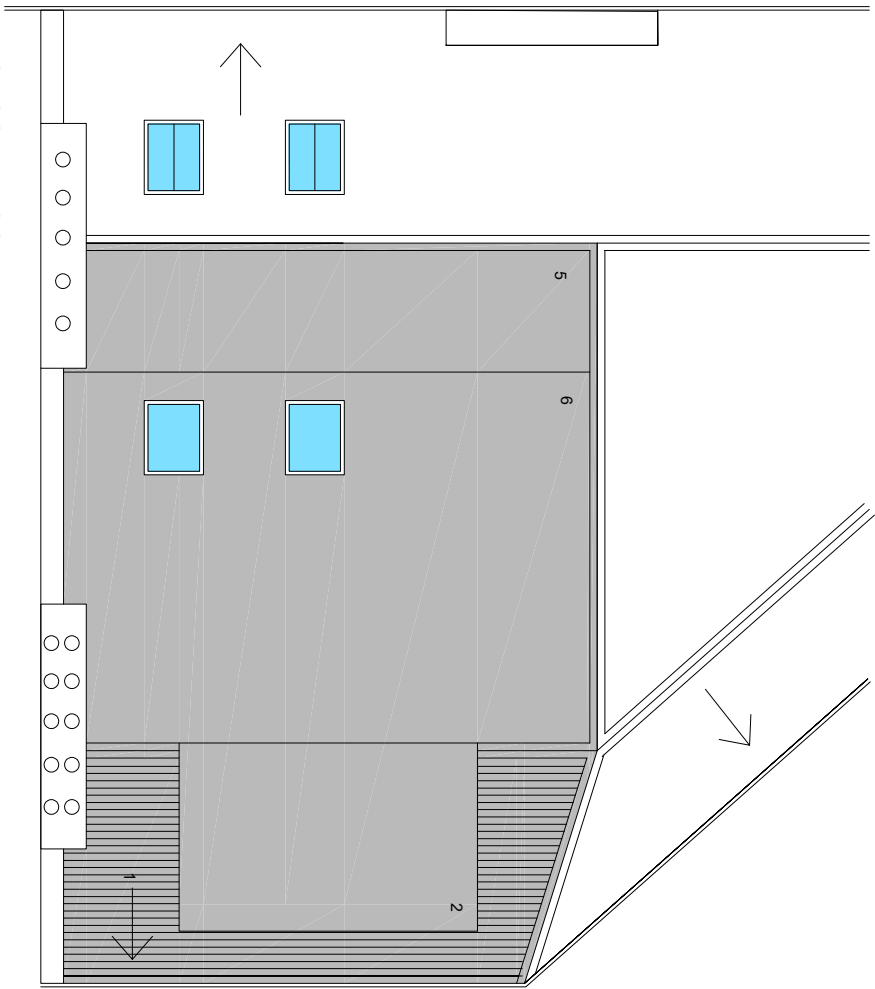
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PROPOSED PLANS AND SECTIONS			

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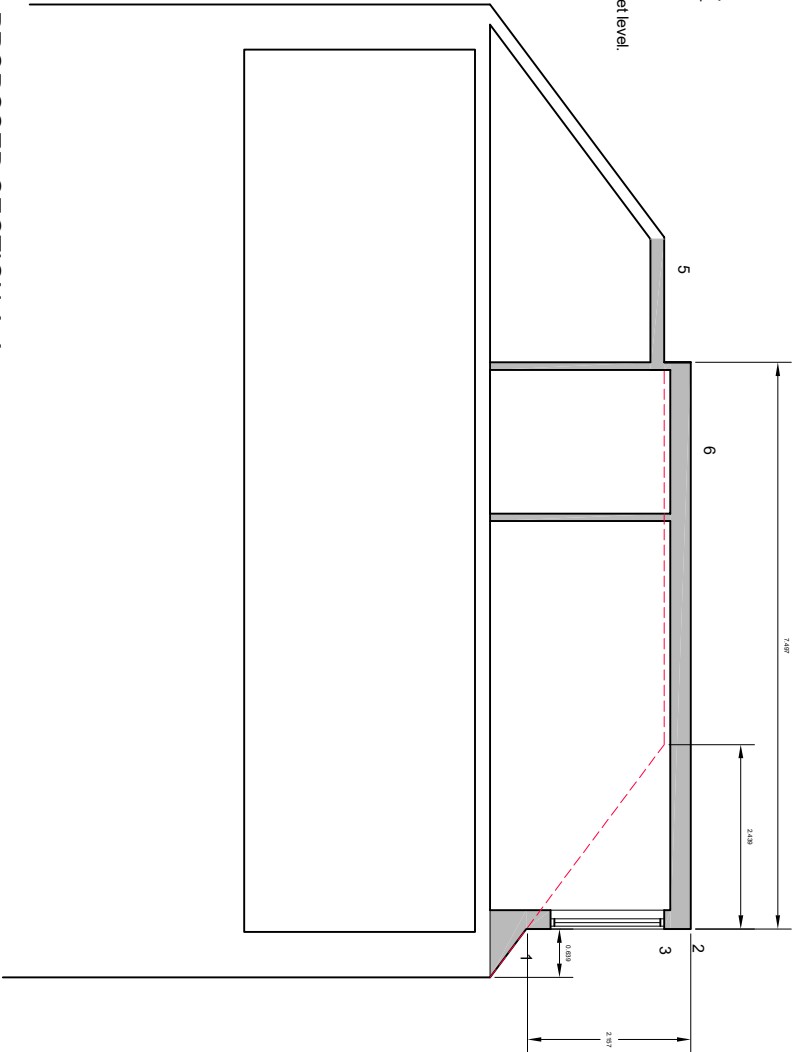


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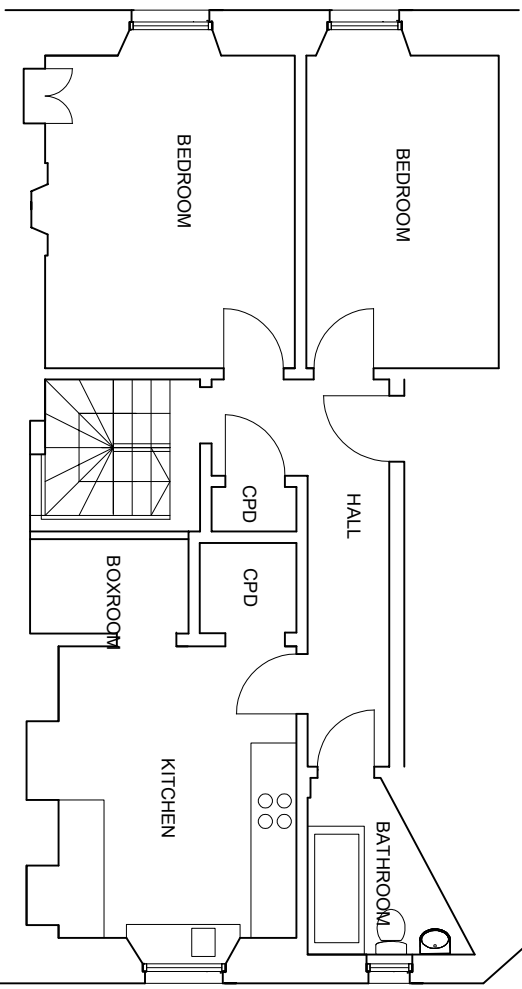


PROPOSED ROOF PLAN

- 1 new slated pitch to fill in existing valley
- 2 new grey powdercoated metal dormer
- 3 metal windows
- 4 conservation skylights
- 5 new flat roof at level of existing ridge
- 6 new raised flat roof, invisible from street level.



PROPOSED SECTION A-A



PROPOSED TOP FLOOR FLAT

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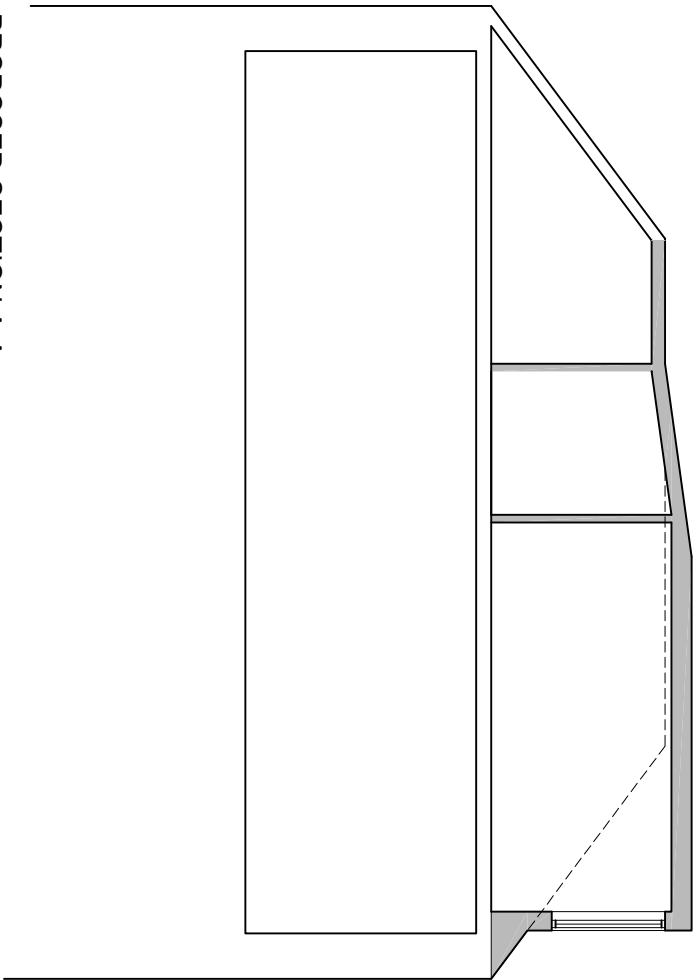
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PROPOSED SECTION A-A



DRAWING

SCALE 1:100 @ A3



PROPOPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION

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PROPOSED ELEVATIONS

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SCALE 1:100 @ A3

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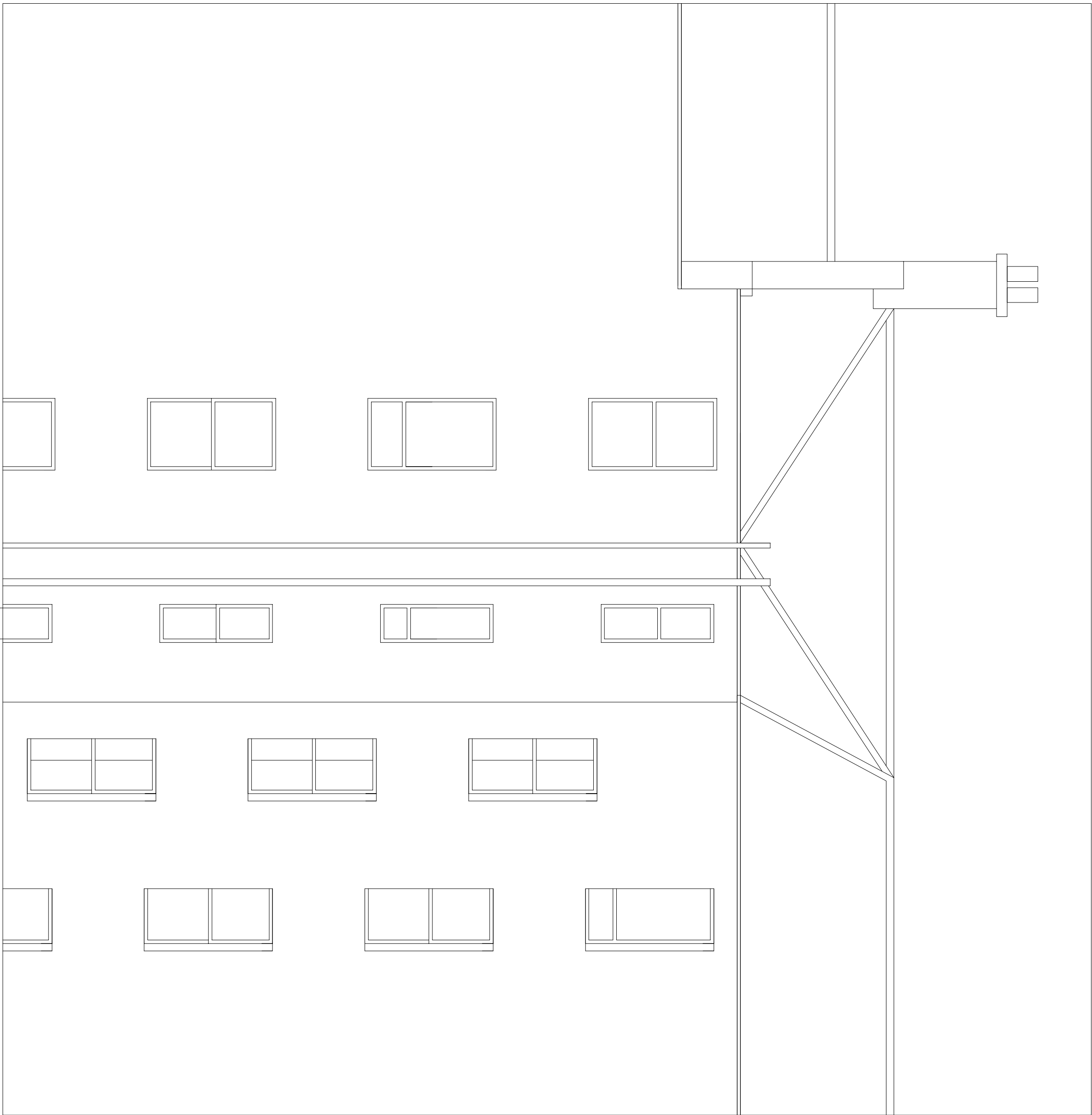
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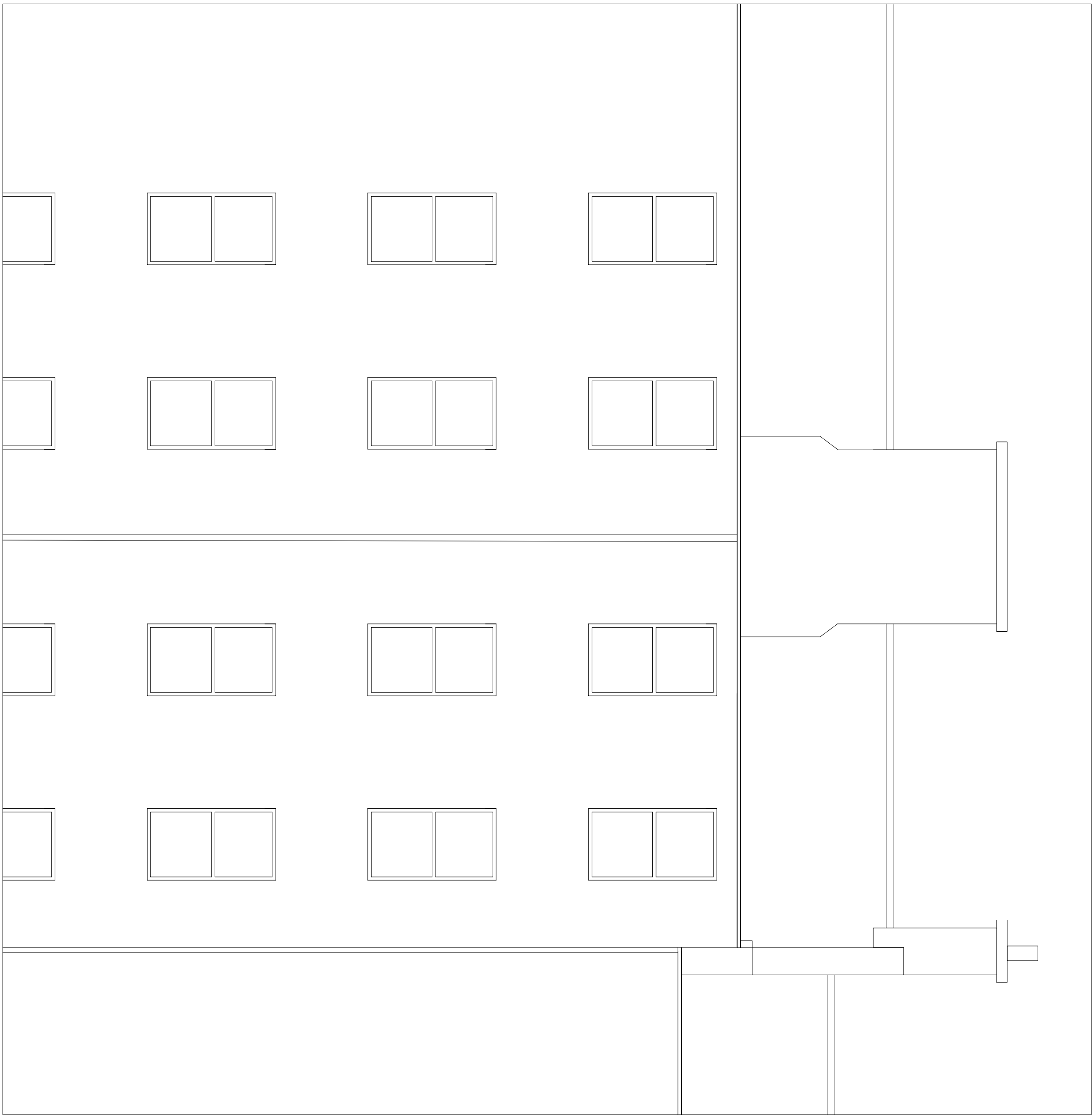
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Project No.	Status	Drawing No.	Revision
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EXISTING REAR ELEVATION



EXISTING FRONT ELEVATION

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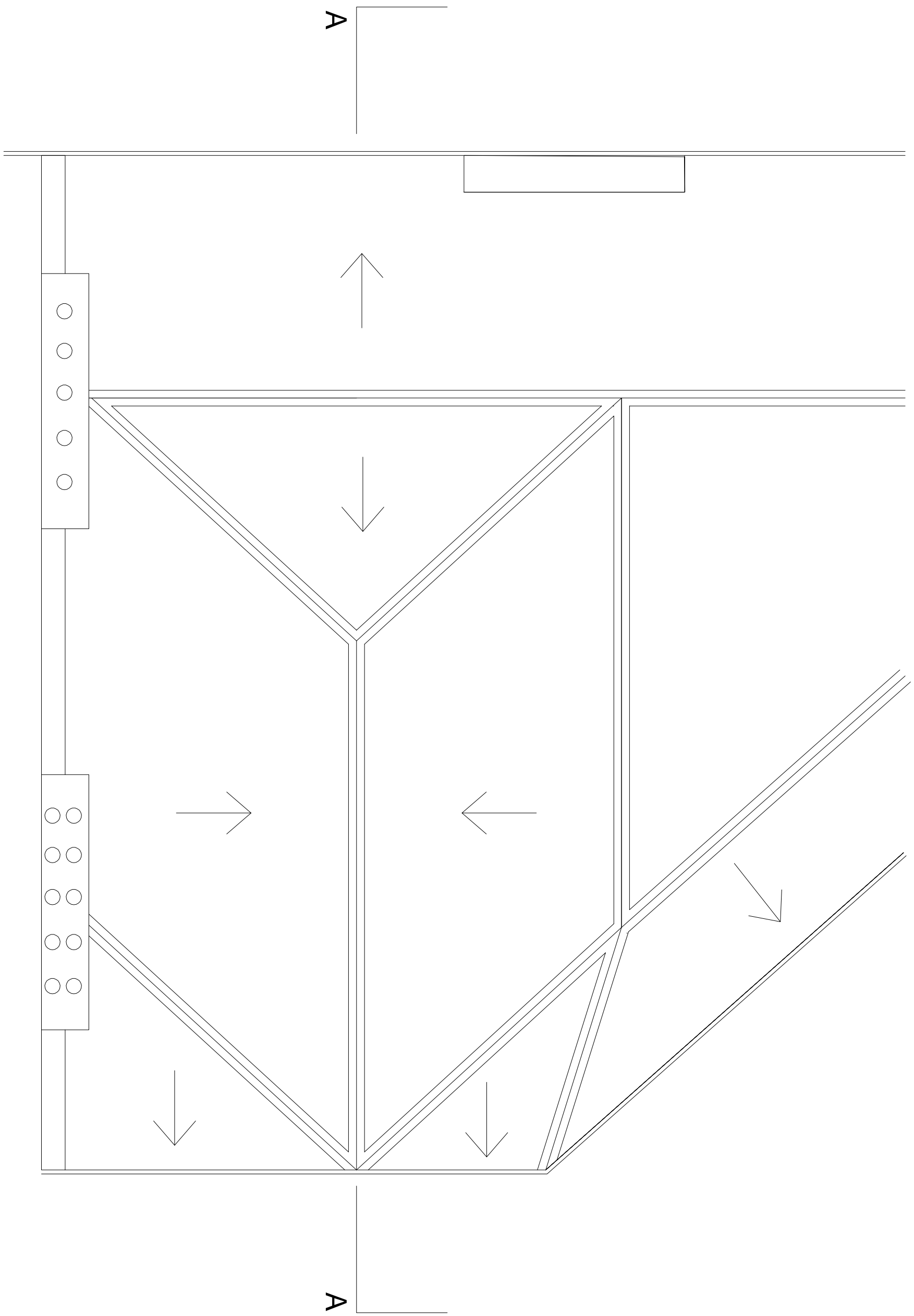
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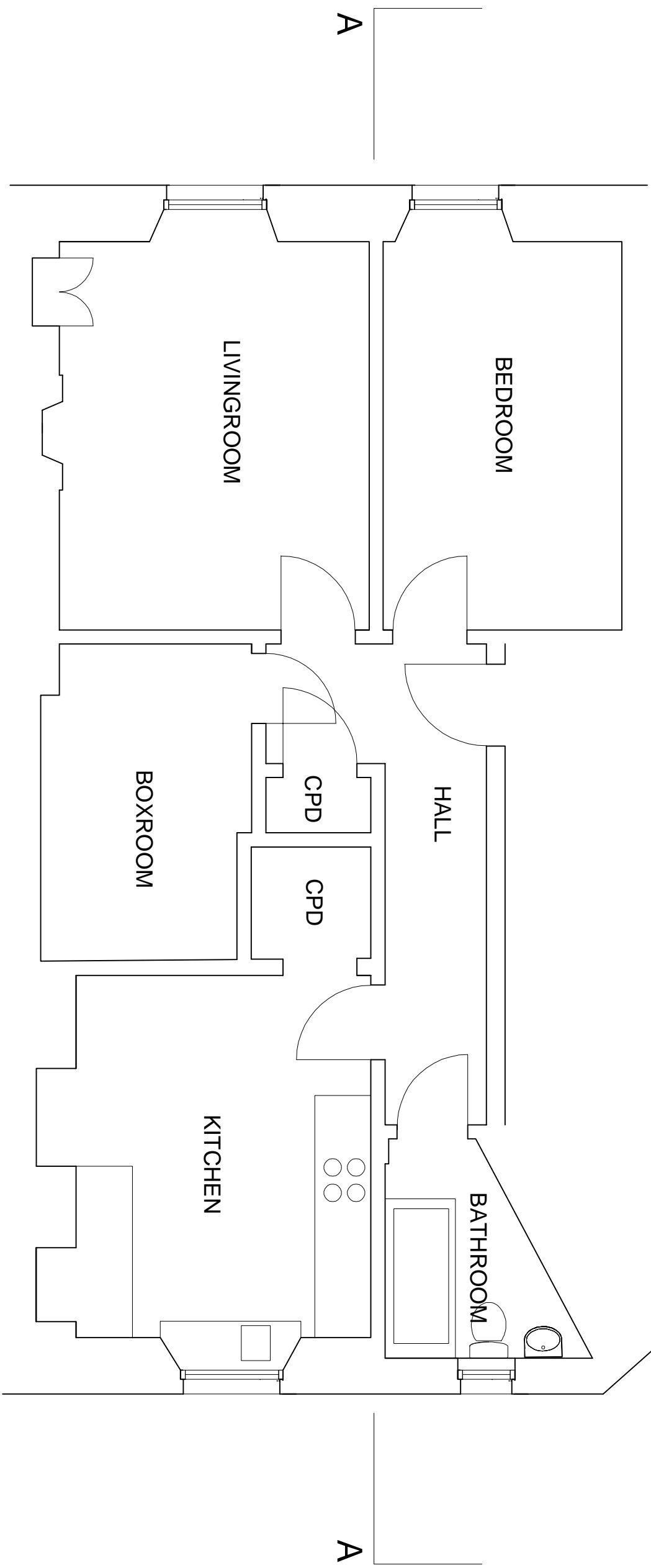
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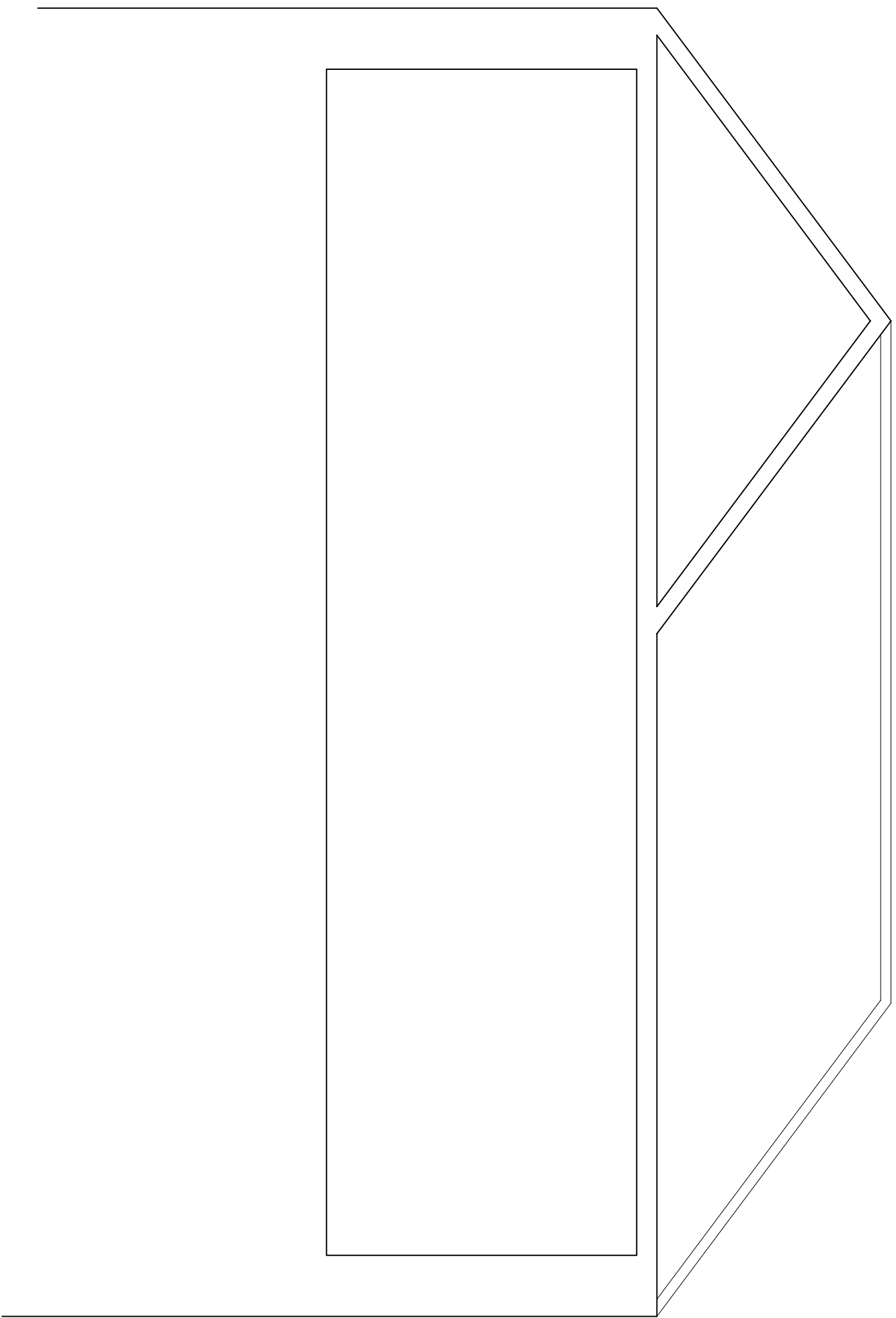
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EXISTING ROOF PLAN



EXISTING TOP FLOOR FLAT



EXISTING SECTION A-A

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SCALE 1:100 @ A3

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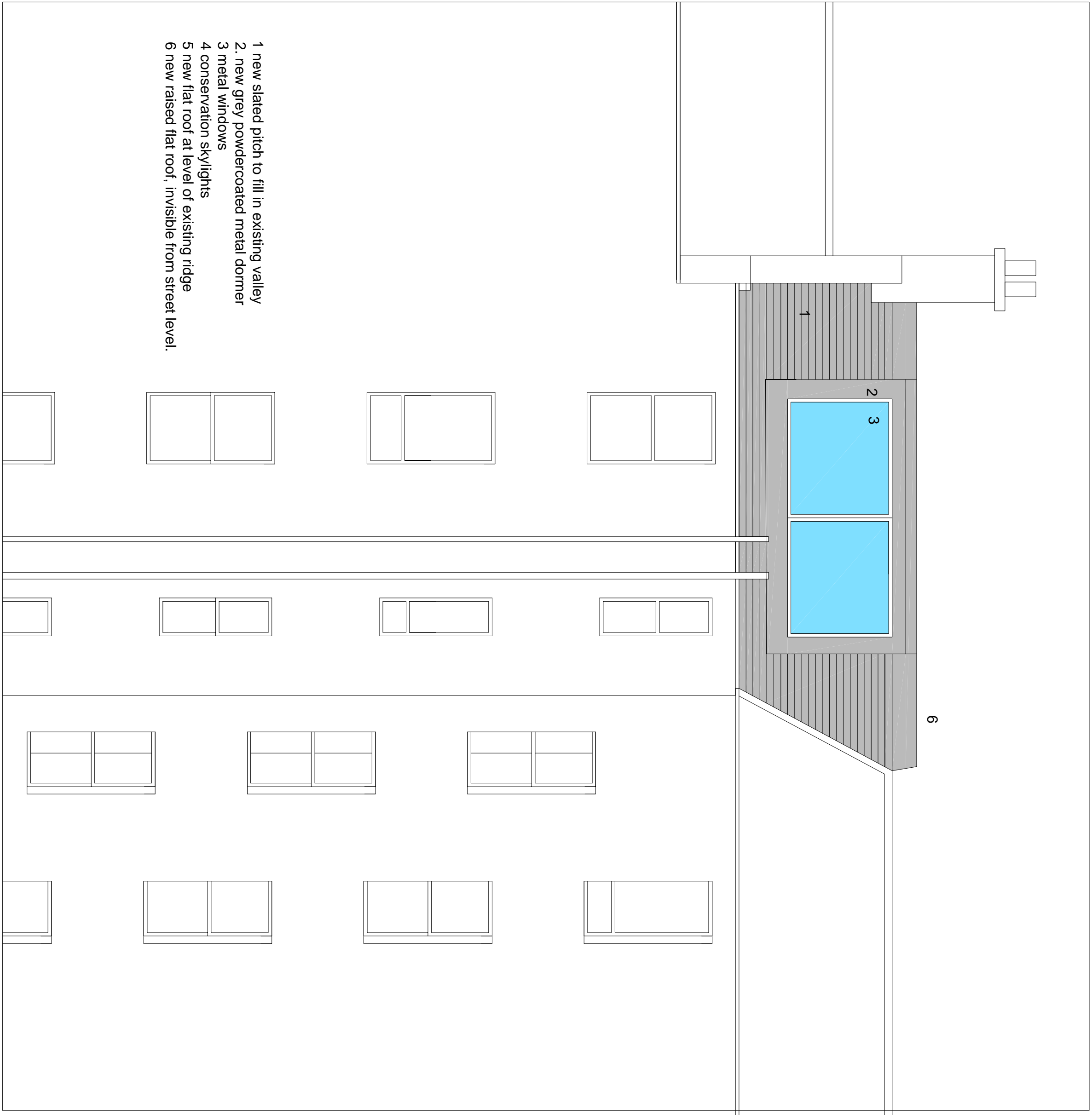
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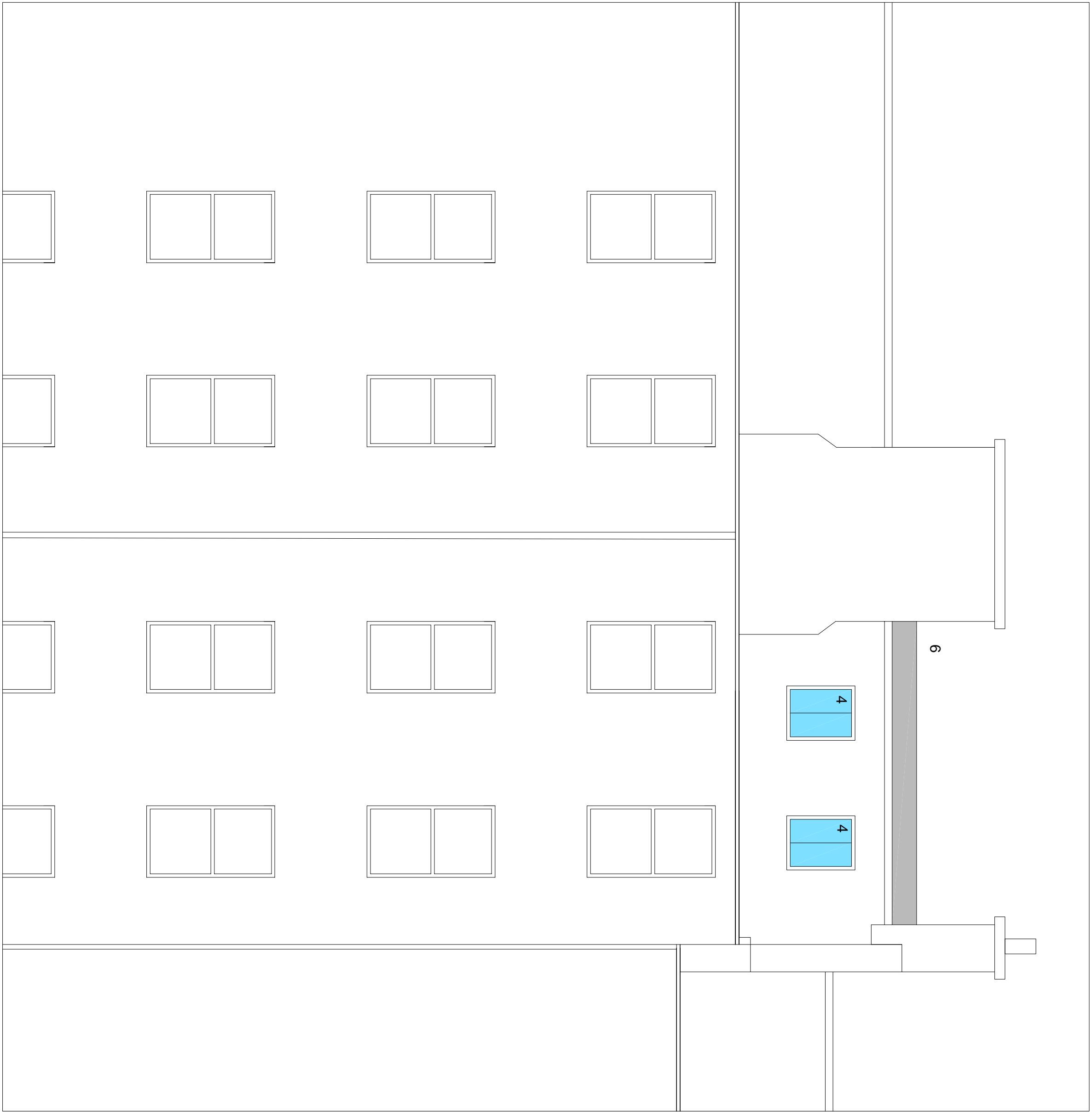
PROPOSED ELEVATIONS

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PROPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION

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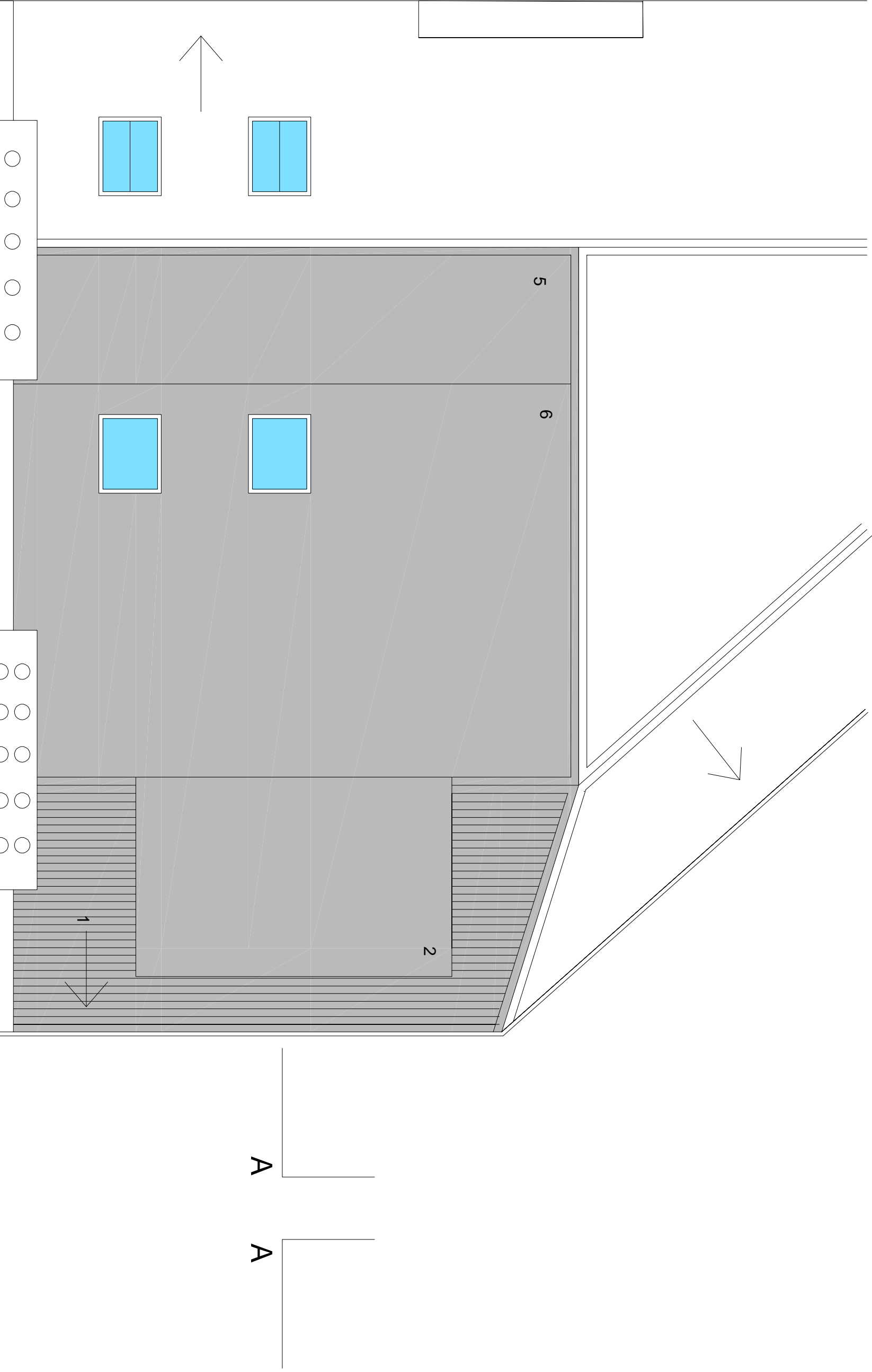
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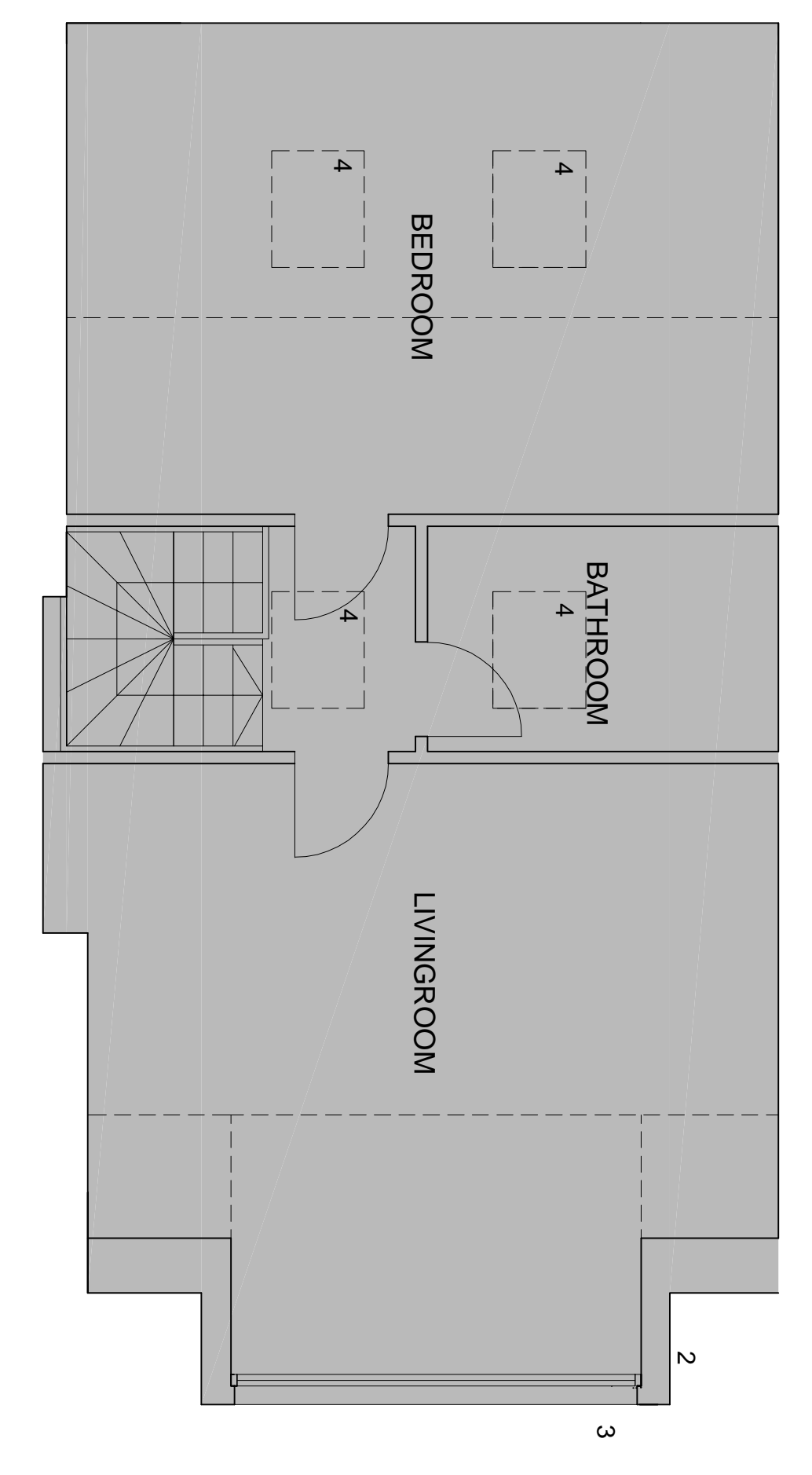
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PROPOSED PLANS AND SECTIONS

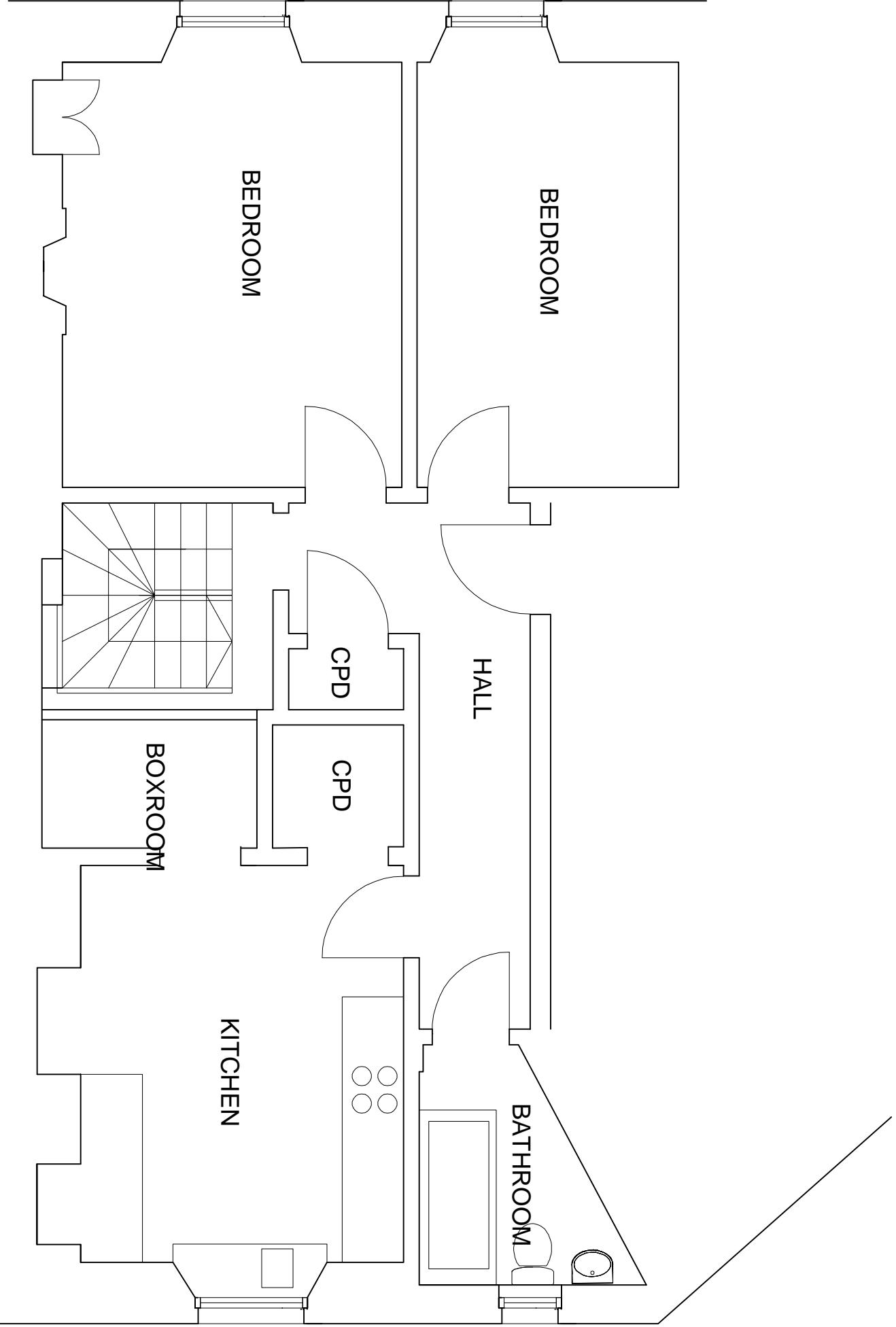
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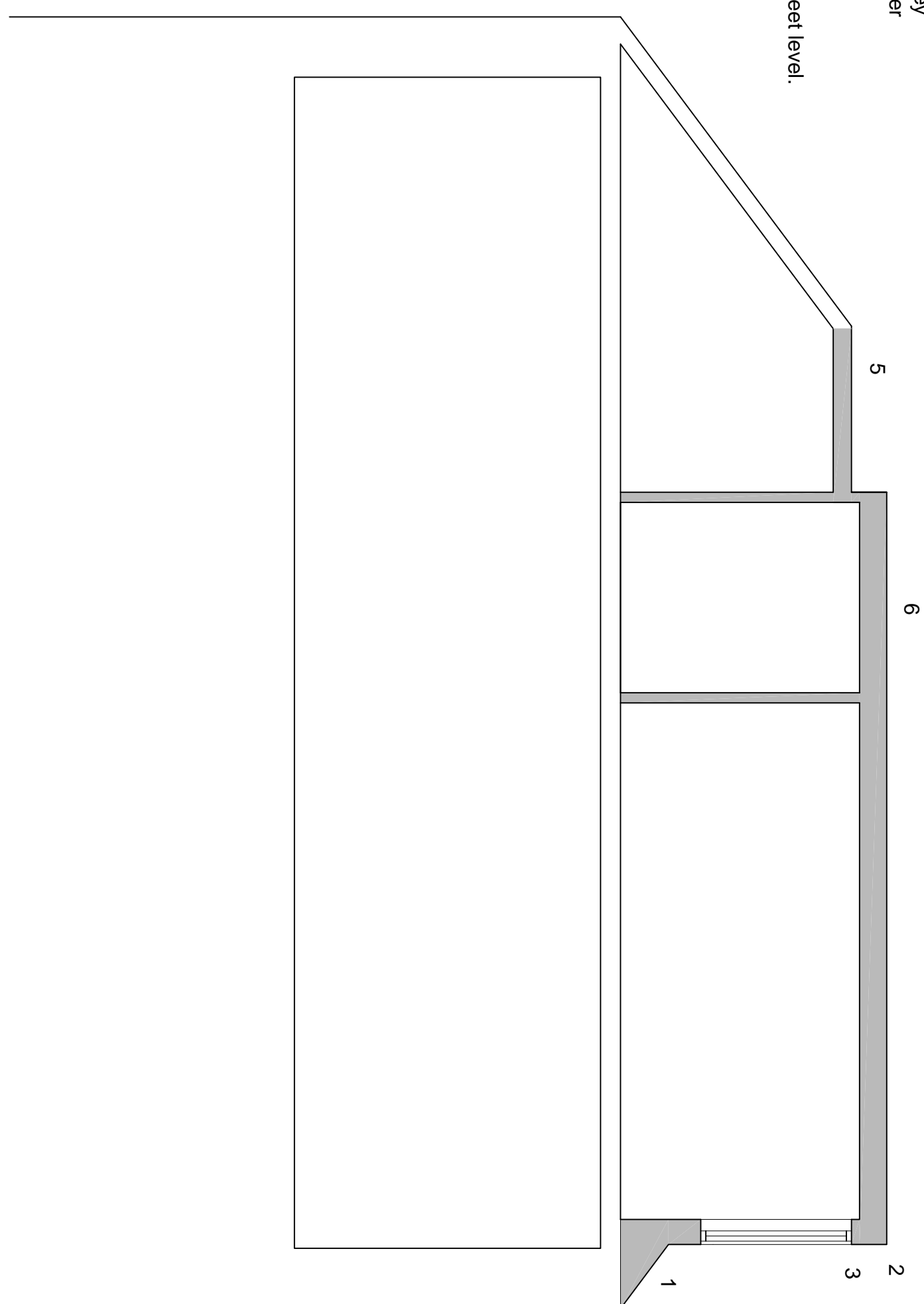
PROPOSED ROOF PLAN



PROPOSED ATTIC



PROPOSED TOP FLOOR FLAT



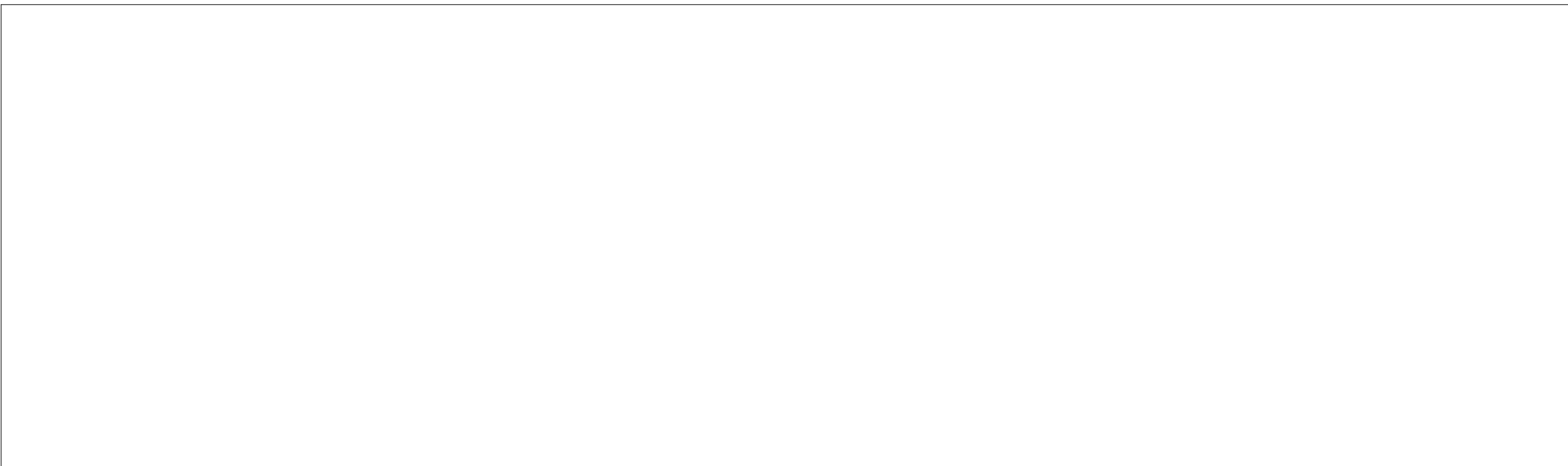
PROPOSED SECTION A-A

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DRAWING

SCALE 1:100 @ A3

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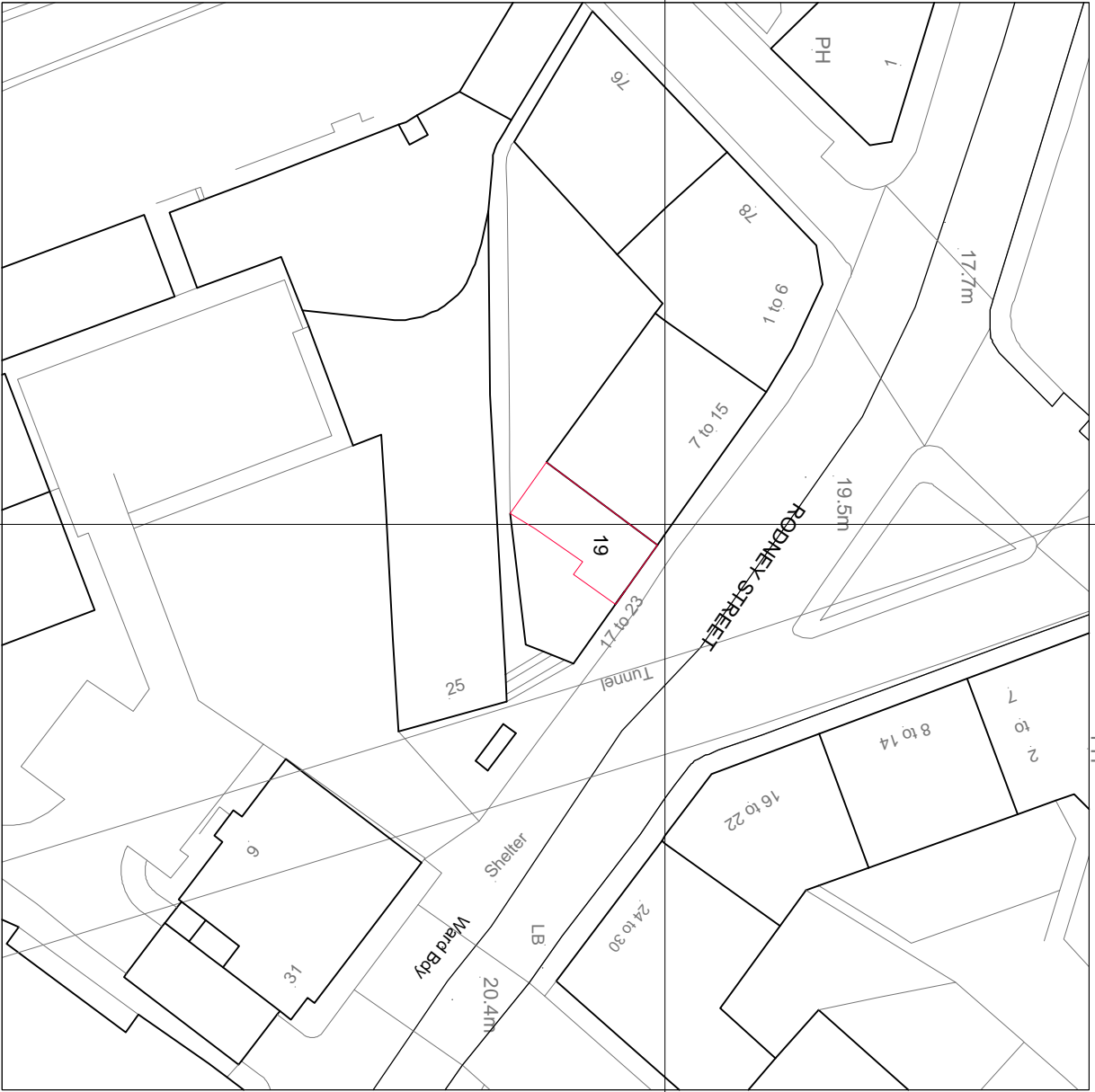
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LOCATION PLAN

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675000m
675000m



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