

Development Management Sub Committee

Wednesday 3 June 2020

**Application for Planning Permission 20/00593/FUL
at 15 Albert Terrace, Edinburgh, EH10 5EA.**

This proposal is to form a new door opening to access roof terrace with barrier and new glazed opening giving access to garden. Change existing ground floor windows to door.

Item number

Report number

Wards

B10 - Morningside

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

The proposal would be compatible with the existing building and the character of the surrounding streetscape. It would not have an unacceptable impact on neighbouring amenity and complies with the Edinburgh Local Development Plan (LDP).

Links

[Policies and guidance for this application](#)

LDPP, LEN06, LDES12, NSG, NSHOU, NSLBCA, CRPMER,

Report

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This proposal is to form a new door opening to access roof terrace with barrier and new glazed opening giving access to garden. Change existing ground floor windows to door.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is located on a corner plot at the intersection between Albert Terrace and Tipperlin Road. The application site relates to a three storey, 2-bedroom dwellinghouse which extends from the south elevation of a large subdivided three storey stone built detached villa (10 Tipperlin Road) which comprises three individual dwellings. A window for the first floor property is to the west of the proposed roof terrace on the same level, and a bay window for the upper floor property sits directly above the proposed roof terrace.

The application site is contemporary to the original house and would have historically been ancillary accommodation. The application site has a garden courtyard extending from the south elevation.

The surrounding architecture is primarily traditional stone dwelling houses, of similar architectural style, in a predominantly residential area.

This application site is located within the Merchiston And Greenhill Conservation Area.

2.2 Site History

There is no relevant site planning history.

Main report

3.1 Description of the Proposal

The proposal seeks the formation of a roof terrace on an existing flat roof of the host property. The roof terrace, measuring 1.8m x 1.8m, with surrounding balustrade would be accessed from a new door opening on the first floor.

The proposal also includes the combination of two windows on the ground floor to create one glazed doorway, providing access to the garden courtyard. The existing stone reclaimed from the window openings would be utilised to infill an existing door opening on the same 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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, the Committee needs to consider whether:

- a) the proposals preserve or enhance the character and appearance of the conservation area;
- b) the proposed scale, form and design are acceptable;
- c) the proposal will cause an unreasonable loss to neighbouring amenity and
- d) any comments raised have been addressed.

a) Character and Appearance of the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Merchiston and Greenhill Conservation Area Character Appraisal states that:

'The architectural character of the area is dominated by Victorian villas interspersed with substantial terraces of outstanding quality. The buildings are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.'

'The stone boundary walls, which typify boundary treatments contribute to the visual and physical seclusion of the villa development, give definition to the street layout and create a clear distinction between public and private spaces.'

Whilst not a notable characteristic of the conservation area, the modest roof terrace would utilise an area of existing flat roof space set back from the street elevation and well screened by existing mature trees. The proposal would not erode any key characteristics of the conservation area whilst the distinction between public and private space would remain. The proposal would not cause any detrimental impact on the character or appearance of the conservation area.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

b) Scale, form and design

LDP Policy Des 12 (Alterations and Extensions) requires alterations and extensions to be compatible with the character of the building and the surrounding neighbourhood and to have no unreasonable loss of amenity to neighbouring properties.

The creation of doors to replace existing windows at ground level is an appropriate design response for this elevation. The proposed roof terrace would create an acceptable addition to the roof of the property. The location of the property on a corner plot and the set back of the roof from the principal street elevation would ensure that it would have a minimal impact on the appearance of the historic villa building, as well as the adjoining building.

The roof terrace sits comfortably within the context of the building, and the lightweight design ensures there would be no detrimental impact on the characteristics of the surrounding streetscape. The proposal is of an appropriate scale, form and design.

The proposal complies with LDP Policy Des 12 and the non-statutory Guidance for Householders.

c) Neighbouring amenity

The context of the neighbouring properties in relation to the application site is explained in section 2.1 above. Representations have been received regarding the potential detrimental impact of the proposed roof terrace on neighbouring amenity, particularly the impact on the window directly to the west and the bay window above which overlooks the proposal - both relating to separate properties.

The Council's non-statutory Guidance for Householders states that 'permission for roof terraces will not be granted where there is significant overlooking into neighbouring property due to positioning and height or if the terracing results in loss of privacy to neighbouring properties'.

The proposal was assessed in terms of neighbouring residential amenity and in terms of overlooking and privacy, no adverse impact was identified for the adjoining properties. The proposed roof terrace overlooks the garden of the host property and Albert Terrace and is set back from the front of the extension. Therefore, there is no overlooking into the garden ground of other properties.

With regards to noise, the Council's non-statutory Guidance for Householders states that roof terraces can be a source of noise for neighbouring properties. Whilst it is acknowledged that the roof terrace will be utilised as an outdoor space for the residents, this will effectively have the same noise impact on neighbouring properties as the residents using the garden ground. It has also been considered that the overall floor area of the roof terrace (3.2m²) is not excessive and given the modest size of the property, this is likely to dictate the small number of people using the terrace. It is unlikely to generate a significant level of noise and the impact on the neighbour's window will be limited.

The proposed utilisation of the existing roof as a private roof terrace will not present an unreasonable loss of amenity to existing neighbouring properties, in accordance with LDP Policy Des12 and the non-statutory Guidance for Householders.

d) Public Comments

Material comments - Objection:

- Against the principle of a roof terrace - addressed in section 3.3b);
- Potential noise disturbance - addressed in section 3.3c);
- Roof terrace not in-keeping with building character - addressed in section 3.3b);
- Roof terrace not in-keeping with conservation area - addressed in section 3.3a).

Non-material comments - Objection:

- Property may be used a short term let; this cannot be taken into consideration as part of this application and would require planning permission.
- Applicant requires permission from others in building to attach anything to gable wall; this is a legal matter rather than a planning issue.

This has been requested for committee consideration by a Local Member.

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997. The proposal is in accordance with LDP Policies Env 6 and Des 12 and the non- statutory Guidance for Householders and Guidance for Listed Buildings and Conservation Areas. It would not have an adverse impact upon the character or appearance of the Merchiston and Greenhill Conservation Area or neighbouring amenity.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Five representations were received objecting to the development. A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

11 February 2020

Drawing numbers/Scheme

01-03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

Appendix 1

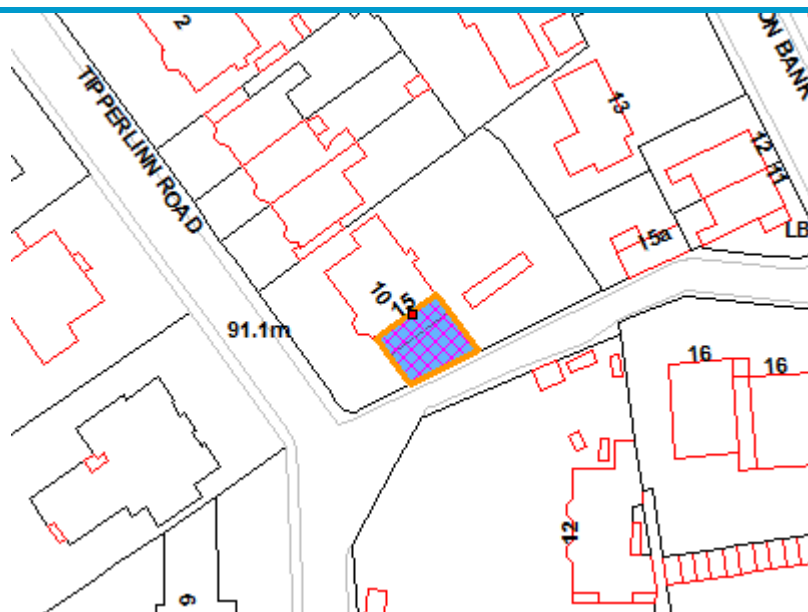
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Consultations

No consultations undertaken.

Location Plan



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