

Patience And Highmore.
FAO: Keith Cameron
Patience And Highmore, Quadrant
17 Bernard Street
Edinburgh
Scotland
EH6 6PW

Mr Derek Davidson. 3 Fingal Place Edinburgh Scotland EH9 1JX

**Decision date: 28 February 2020** 

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

Convert the existing roof to create a decking area with a sun room attached. At 3 Fingal Place Edinburgh EH9 1JX

Application No: 20/00099/FUL

### **DECISION NOTICE**

With reference to your application for Planning Permission registered on 13 January 2020, this has been decided by **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 Env 4 in respect of Listed Buildings Alterations and Extensions, as it impacts on the character and appearance of the existing listed building
- 2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas Development, as the proposed decking and sunroom negatively impact on the character and appearance of the conservation area.

Please see the guidance notes on our <u>decision page</u> for further information, including how to appeal or review your decision.

Drawings 01-03, represent the determined scheme. Full details of the application can be found on the <u>Planning and Building Standards Online Services</u>

The reason why the Council made this decision is as follows:

The proposal is an unsympathetic design that will adversley affect the character and form of the high quality and consistent row of terraced villas. The proposal is contrary to LDP Env 4 and LDP Env 6.

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 Rory Kyle directly on 0131 529 3917.

**Chief Planning Officer** 

DR Leelie

PLACE

The City of Edinburgh Council

#### NOTES

- 1. If the applicant is aggrieved by the decision of the planning authority 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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.
- 2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# **Report of Handling**

Application for Planning Permission 20/00099/FUL At 3 Fingal Place, Edinburgh, EH9 1JX Convert the existing roof to create a decking area with a sun room attached.

**Item** Delegated Decision

**Application number** 20/00099/FUL

Wards B15 - Southside/Newington

# Summary

The proposal is an unsympathetic design that will adversley affect the character and form of the high quality and consistent row of terraced villas. The proposal is contrary to LDP Env 4 and LDP Env 6.

## Links

Policies and guidance for this application

LDPP, LEN04, LEN06, NSG, NSHOU, NSLBCA,

# 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 refers to a 2-storey (and basement) terraced villa, built in 1825. The property is in a predominately residential area in Marchmont, adjacent to the southern edge of The Meadows, and the Hospital for Sick children is to the south east.

The property is B listed (LB30371) and is within the Marchmont, Meadows, and Bruntsfield Conservation Area.

This application site is located within the Marchmont, Meadows And Bruntsfield Conservation Area.

## 2.2 Site History

There is no relevant planning history for this site.

# Main report

# 3.1 Description Of The Proposal

This application is for the conversion of the existing roof to create decking and a sunroom, with first floor access via an internal spiral staircase.

### 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, it needs to be considered whether:

- a) The proposal is of an acceptable scale, form and design, and compatible with neighbourhood character and appearance of the conservation area.
- b) The proposal does not result in an unreasonable loss of neighbouring residential amenity.

## a) Conservation area

The building is within a row of high quality Georgian terraced properties. The proposal is unsympathetic to the character of the terrace, significantly eroding the consistent design, and would not be in-keeping with neighbourhood character. The roof decking area and sun room would undermine the integrity of the design of the building, causing unnecessary damage and loss of form.

The infill is not in-keeping with the neighbourhood character and is an alien design, and is unacceptable. The proposal is contrary to LDP Policy Env 6.

# b) Residential Amenity

The proposals do not raise any concerns with residential amenity. The development is in-line or below the ridge line of the roof and will not be visible at street level. Additionally, the height of the ridge line means there are no concerns with overlooking into the private gardens at the rear.

The proposal would have no adverse effect on neighbouring residential amenity.

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 Env 4 in respect of Listed Buildings Alterations and Extensions, as it impacts on the character and appearance of the existing listed building
- 2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas Development, as the proposed decking and sunroom negatively impact on the character and appearance of the conservation 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

Four comments of representation objecting to the proposal have been made. Material planning considerations raised are summarised below:

- Impact on the character of a listed building
- Impact on residential amenity

# **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 13 January 2020

Drawing

numbers/Scheme

01-03,

Scheme 1

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

Contact: Rory Kyle, Trainee Planner

E-mail:rory.kyle@edinburgh.gov.uk Tel:0131 529 3917

### **Links - Policies**

### **Relevant Policies:**

### Relevant policies of the Local Development Plan.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

# **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.

# **Appendix 1**

# **Consultations**

**END** 

# **Application Summary**

Application Number: 20/00099/FUL

Address: 3 Fingal Place Edinburgh EH9 1JX

Proposal: Convert the existing roof to create a decking area with a sun room attached.

Case Officer: Rory Kyle

#### **Customer Details**

Name: Mr Christian Zante

Address: 2 Fingal Place Edinburgh

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

**Comment Reasons:** 

Comment:Overall our stance is neutral as we can understand the desire to create some outdoor space. However, as the owner of the neighbouring property most likely to be impacted by this development we want to ensure that the following areas have been fully considered:

Loss of light or daylight - The plans suggest the new structure would block light to our own cupola. This is an important period feature of our property and any reduction of light would have a significant practical and aesthetic impact on the enjoyment of our property. Early morning light is a particular concern as the western boundary of our property is already flanked by a much higher neighbouring property so light is already somewhat limited. We would also like register concern at the possibility of artificial light entering via cupola as there is no way to screen internally.

Noise and disturbance - It is not clear what if any noise insulation is proposed under the decking terrace or the sun pod both of which are in close proximity to both bedrooms, one of which is a children's bedroom. We anticipate there could be noise from footfall and/or entertaining. If noise insulation is considered necessary we would want to know that it will be effective.

Finally the plans do not provide details of how water onto the new flat roof will be diverted. We have have concerns about how the new structure would interact with existing shared parapet wall and how rainwater is channelled from the flat roof.

# **Application Summary**

Application Number: 20/00099/FUL

Address: 3 Fingal Place Edinburgh EH9 1JX

Proposal: Convert the existing roof to create a decking area with a sun room attached.

Case Officer: Rory Kyle

#### **Customer Details**

Name: Not Available Address: Not Available

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

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# **Application Summary**

Application Number: 20/00099/FUL

Address: 3 Fingal Place Edinburgh EH9 1JX

Proposal: Convert the existing roof to create a decking area with a sun room attached.

Case Officer: Rory Kyle

#### **Customer Details**

Name: Mrs Margaret Beveridge Address: 3 Argyle Place Edinburgh

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

**Comment Reasons:** 

- Councillor's Reference

Comment:I am concerned about the loss of privacy this development would cause. A sun room and outside terrace would completely overlook our garden as well as the bedrooms of ourselves and our children which are at first and second floor level.

There would be problems with noise intrusion also. The organisation of the three streets, Argyle Place, Sylvan Place and Fingal Place, forms a cul-de-sac where sound echoes off the surrounding walls and is amplified. Light from the outside Terrace also would be intrusive in the evenings (especially at bedroom level).

Most importantly however, this is a conservation area of Georgian and Victorian houses and such a development would not be in keeping with this. The back lane, behind the streets is also a conservation area supporting plants and wildlife. The proposed development would not only be highly visible and intrusive, but is likely to create a precedent, completely spoiling the architectural integrity of the area.

# **Application Summary**

Application Number: 20/00099/FUL

Address: 3 Fingal Place Edinburgh EH9 1JX

Proposal: Convert the existing roof to create a decking area with a sun room attached.

Case Officer: Rory Kyle

#### **Customer Details**

Name: Not Available Address: Not Available

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Commenter Type: Neighbour

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# **Application Summary**

Application Number: 20/00099/FUL

Address: 3 Fingal Place Edinburgh EH9 1JX

Proposal: Convert the existing roof to create a decking area with a sun room attached.

Case Officer: Rory Kyle

#### **Customer Details**

Name: Dr Allan Beveridge

Address: 3 Argyle Place Edinburgh

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

**Comment Reasons:** 

Comment:I greatly object to the threat to our privacy that this proposal poses.

The occupants would be able to look directly into our garden. In addition our bedroom, children's bedroom and bathroom are all at the back of the house.

There are also issues of noise and lights on at night.

It will mar the appearance of the house and of the area generally.

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Application Number: 20/00099/FUL

Address: 3 Fingal Place Edinburgh EH9 1JX

Proposal: Convert the existing roof to create a decking area with a sun room attached.

Case Officer: Rory Kyle

#### **Customer Details**

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

### **Comment Details**

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

**Comment Reasons:** 

Comment: Thank you for the opportunity to comment on the above planning application. The proposals relate to a B-listed building within the Marchmont, Meadows and Bruntsfield Conservation Area. The application suggests the conversion of an existing roof to create a decking area with a sun room attached. The Forth & Borders Cases Panel of the AHSS has considered the proposal and wishes to make the following comments.

We believe the current proposal would result in a loss of character as the proposal involves the destruction of major parts of the roof structure, significantly altering the current design of the property. In order to maintain the character of the building, the design should maintain the character of the gable roof as it appears now.

The council guidance 'Listed Buildings and Conservation Areas' (p.6) specifies that 'Any alterations should protect the character and special interest of listed buildings'. Additionally, local plan Policy Env4 Listed Buildings requires there to be no 'unnecessary damage to historic structures' and any additions to be 'in keeping with other parts of the building'.

In our opinion this proposal contravenes both the non-statutory guidance and the Local Development Plan. Accordingly, the AHSS wishes to object to this application.

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Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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

100223854-004

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 A	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)				
Agent Details				
Please enter Agent details	3			
Company/Organisation:	Patience and Highmore			
Ref. Number:		You must enter a Building Name or Number, or both: *		
First Name: *	Graham	Building Name:	Patience and Highmore, Quadrant	
Last Name: *	Bruce	Building Number:	17	
Telephone Number: *		Address 1 (Street): *	Bernard Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Edinburgh	
Fax Number:		Country: *	Scotland	
		Postcode: *	EH6 6PW	
Email Address: *				
Is the applicant an individual or an organisation/corporate entity? *				
☑ Individual ☐ Organisation/Corporate entity				

Applicant Details				
Please enter Applicant details				
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *	
Other Title:		Building Name:	3	
First Name: *	Derek	Building Number:		
Last Name: *	Davidson	Address 1 (Street): *	Fingal Place	
Company/Organisation		Address 2:		
Telephone Number: *		Town/City: *	Edinburgh	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	EH9 1JX	
Fax Number:				
Email Address: *	t			
Site Address	s Details			
Planning Authority:	City of Edinburgh Council			
Full postal address of th	ne site (including postcode where available	e):		
Address 1:	3 FINGAL PLACE			
Address 2:				
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:	EDINBURGH			
Post Code:	EH9 1JX			
Please identify/describe the location of the site or sites				
Northing	672459	Easting	325706	

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)
Convert the existing roof to create a decking area with a sun room attached.
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 a 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.
Cannot agree with reasons given for refusal; 'The proposal is an unsympathetic design that will adversley affect the character and form of the high quality and consistent row of terraced villas.' The proposed alterations would not be visible from outwith the property and we would therefore contend the proposals are entirely sympathetic to and will not affect the character and high quality and consistent row of terraced villas.
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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)
(Max 500 Glaracter)

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)				
Amended general arrangement drawing showing roof line elevations front and rear.				
Application Details				
Please provide the application reference no. given to you by your planning authority for your previous application.	20/00099/FUL			
What date was the application submitted to the planning authority? *	13/01/2020			
What date was the decision issued by the planning authority? *	28/02/2020			
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 \sum No				
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	oinion:		
an the site be clearly seen from a road or public land? *				
Is it possible for the site to be accessed safely and without barriers to entry? *		Yes 🗌 No		
Checklist – Application for Notice of Review				
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	nformation in support of	your appeal.	Failure	
Have you provided the name and address of the applicant?. *	🛛 Yes 🗌 1	No		
Have you provided the date and reference number of the application which is the subject of review? $^{\star}$	his 🗵 Yes 🗌 N	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 review should be sent to you or the applicant? *		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? $^{\star}$	⊠ Yes □ 1	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 □ N	10		
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 Keith Cameron

Declaration Date: 24/04/2020

# **Proposal Details**

Proposal Name 100223854

Proposal Description Conversion of the existing rooftop into a decking

area with a sun room attached.

Address 3 FINGAL PLACE, EDINBURGH, EH9 1JX

Local Authority City of Edinburgh Council

Application Online Reference 100223854-004

# **Application Status**

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

# **Attachment Details**

Notice of Review	System	A4
L PL 001	Attached	A3
L PL 002 A	Attached	A1
L PL 003 A	Attached	A1
Refusal Notice	Attached	A4
Design Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

Proposed Alterations to 3 Fingal Place, Edinburgh EH9 1JX

Convert Roof into a decking area with sun room attached.

### **Design Statement**

The proposal is to convert the existing roof of this house to create an external decking area with a sun room attached.

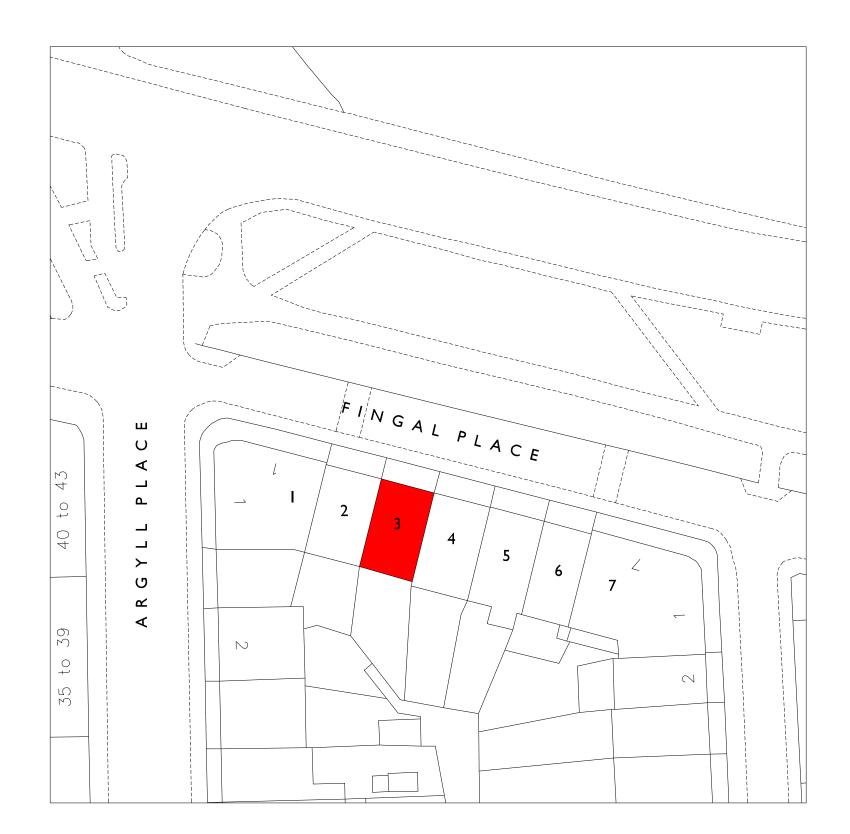
In order to create the new sun room it will be necessary to extend part of the ridge of the rear pitched roof to match the height of the front roof to create the required headroom. The decking area will be enclosed between the ridges of the two pitched roofs and will not be visible from the street, as shown on the plans and sections.

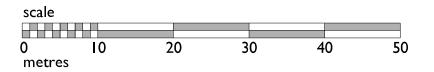
Access to the new sun room will be via a new bespoke timber spiral stair located in the rear first floor bedroom. The handrail, treads and balustrading of the new stair will be a contemporary design.

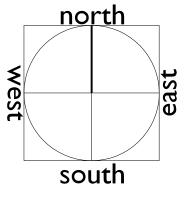
The stone elevations front and back will not be altered in any way under these proposals and the slated roof at the front will also be unaltered.

In the interest of safety, a decorative protective barrier will be created around the existing cupola construction.

These proposals are instigated by the present owners' desire to create an 'external space' for the property as, at present, there is none. This is due to the fact that the garden flat below retains ownership of what would have been the garden to the original 'complete' property.









P + H

PATIENCE + HIGHMOREArchitects

QUADRANT 17 BERNARD STREET EDINBURGH EH6 6PW

TEL. 0131 555 0644

E-MAIL: mail @ patienceandhighmore.com

JOB TITLE:

PROPOSED ATTIC ROOM AND EXTERNAL ROOF DECK AT 3 FINGAL PLACE, EDINBURGH

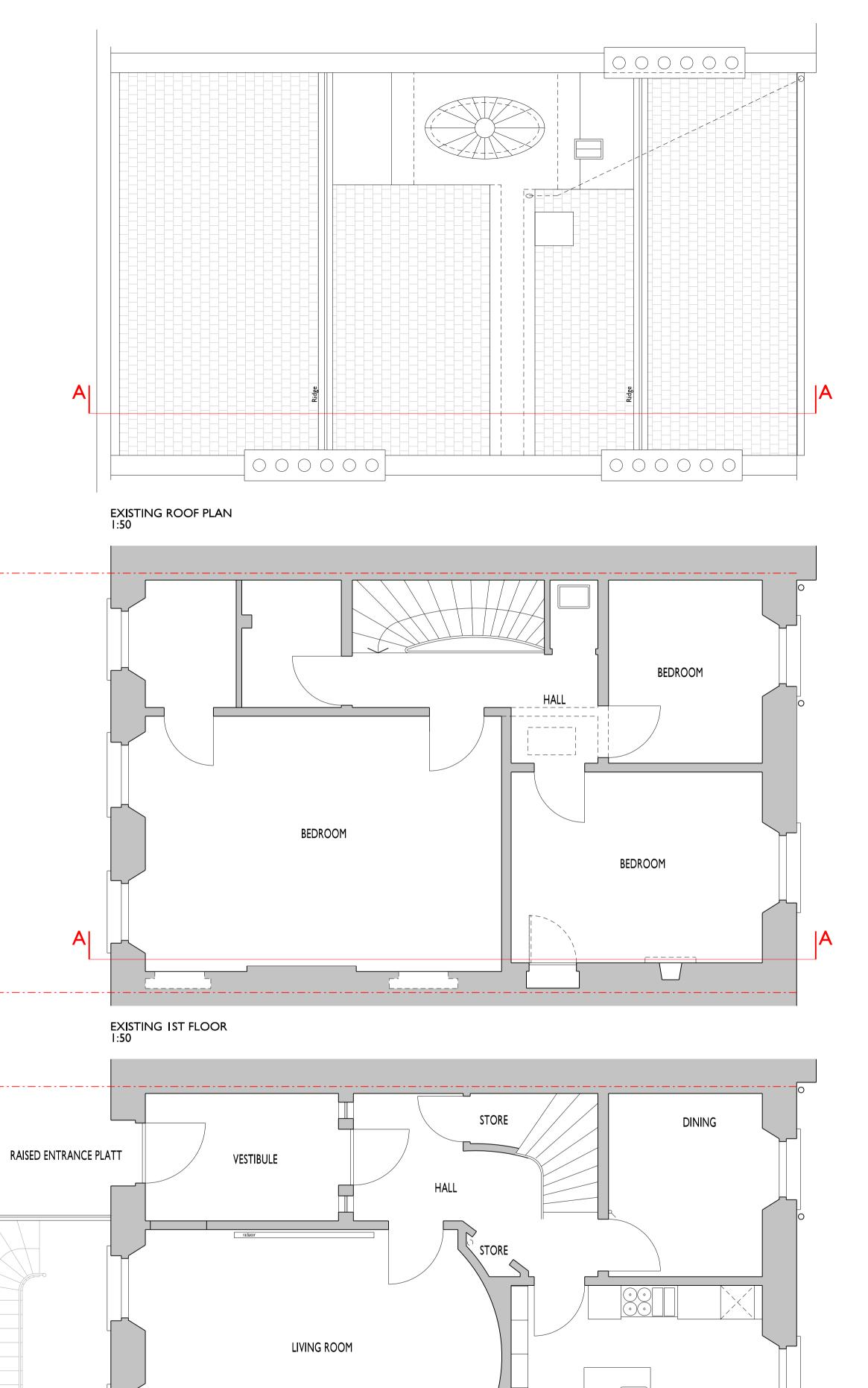
DRAWING TITLE:

LOCATION PLAN

STATUS

# **PLANNING & LBC**

SCALE:	I:500@A3	DATE:	JAN'20
JOB No:	1912	DRG No:	L(PL)00 I
DRAWN:	LMG	REV. No:	-



EXISTING GROUND FLOOR 1:50

AMENDMENTS:

Rev A: 11.02.20: LMG: Existing fireplace at bedroom added.

NOTES:

first floor ground floor EXISTING SECTION A-A 1:50

P + H

PATIENCE and HIGHMORE Architects

QUADRANT 17 BERNARD STREET EDINBURGH EH6 6PW

TEL. 0131 555 0644 E-MAIL: mail @ patienceandhighmore.com

1:50 SCALE: 1912 DATE: JAN'20

