

Mr Rhys Cooper
11 Riselaw Terrace
Edinburgh
EH10 6HW

Decision date: 16 July 2020

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

Renovate and extend existing front dormer. Extend the existing rear dormer to create additional roof space in adjacent rooms.
New dormer on side elevation to allow the division of current room into two smaller bedrooms. New dormer at front to create more roof and storage space in bedroom. All dormers timber framed and rosemary tiled to match existing modern rear dormer.
Addition of timber framed porch to front elevation.
At 11 Riselaw Terrace Edinburgh EH10 6HW

Application No: 20/02039/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 May 2020, 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 **mixed decision** 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;

1. This permission relates to the side dormer and rear dormer. **** **.
2. This refusal relates to the front dormers and porch. **** **.

Reasons:-

1. In order to recognise the elements of the application which are compatible with the character and appearance of the existing house, and existing neighbourhood character.
2. The proposed front porch and front dormers are contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory

guidance as they are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building.

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.

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

Drawings 01, 03, 04, 05, 06, 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 front porch and front dormers are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building. They would not comply with Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) or the non-statutory Guidance for Householders. It is therefore recommended that the front dormers and front porch are refused.

The side dormer and rear dormer are in accordance with the Edinburgh Local Development Plan as they comply with policy Des 12 (Alterations and Extensions) and the broadly with the non-statutory guidance. They are compatible with the existing building and the character of the area and have no adverse impact on neighbouring residential amenity. It is therefore recommended that the side dormer and rear dormer are granted.

There are no material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lewis McWilliam directly at lewis.mcwilliam@edinburgh.gov.uk.

D R Leech

Chief Planning Officer

PLACE

The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 20/02039/FUL

At 11 Riselaw Terrace, Edinburgh, EH10 6HW

Renovate and extend existing front dormer. Extend the existing rear dormer to create additional roof space in adjacent rooms.

New dormer on side elevation to allow the division of current room into two smaller bedrooms. New dormer at front to create more roof and storage space in bedroom. All dormers timber framed and rosemary tiled to match existing modern rear dormer.

Addition of timber framed porch to front elevation.

Item	Local Delegated Decision
Application number	20/02039/FUL
Wards	B10 - Morningside

Summary

The front porch and front dormers are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building. They would not comply with Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) or the non-statutory Guidance for Householders. It is therefore recommended that the front dormers and front porch are refused.

The side dormer and rear dormer are in accordance with the Edinburgh Local Development Plan as they comply with policy Des 12 (Alterations and Extensions) and the broadly with the non-statutory guidance. They are compatible with the existing building and the character of the area and have no adverse impact on neighbouring residential amenity. It is therefore recommended that the side dormer and rear dormer are granted.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES12, NSG, NSHOU,

Report of handling

Recommendations

1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

The proposal relates to a semi-detached bungalow located on the west side of Riselaw Terrace within a primarily residential area.

2.2 Site History

The site has the following planning history:

17 July 2018 - Porch to front elevation and additional Velux window to front roof - Granted (Ref: 18/03002/CLP)

3 April 2014 - Convert existing attic, adding one dormer to front and one dormer to rear. Add velux windows to front, side and rear. Rebuild existing rear conservatory to form garden room with solid flat roof and glazed walls. Form raised decking area to rear with steps to garden. - Granted (Ref: 14/00642/FUL)

Main report

3.1 Description Of The Proposal

The application proposes the following works;

- Two front dormers (Including renovate and extend existing); rear dormer (extension of existing) and new side dormer.
- Front porch

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 scale, form and design is acceptable
- b) There would be no unreasonable loss to neighbour's residential amenity
- c) Any public comments have been addressed.

a) Scale, form, design and neighbourhood character

The proposal site and adjacent properties comprise of semi-detached bungalows, the majority of which have accommodation in the roofspace.

The applicant's property has a front dormer at present of a modest scale and form. The position of this dormer aligns with the dormer on the adjoining property as well as other bungalows within the vicinity. There are slight design variations evident but the modest scale, form and spacing of dormers on the roofscapes appear proportionate and creates a consistent pattern on the street.

There are examples of larger dormers notably on the east side of Riselaw Terrace but again, these appear consistent in design and position on the semi-detached properties and in this regard appear uniform. The principle of front dormers within the area is well established but these are in proportion to the roofscapes.

In regard to front dormers, the non-statutory guidance states the following:

'If there are two or more dormers, their combined width should be less than 50% of the average width of the single roofplane on which they are located.'

The combined width of the proposed replacement front dormers would exceed the above guidance and occupy 60% of the average roof width. The inconsistent width of these features; 3m and 2m, in tandem with their depth would appear disproportionate on the roofscape and incongruous when viewed in the wider context of the adjoining property and those in the immediate vicinity. Whilst the materials are compatible with the existing roof, the proposed scale and position would be detrimental to the character and appearance of the existing house and existing neighbourhood character.

The front porch would project 2m in depth and width on the front elevation. Porches are not evident on these house types, except for a few modest additions of lesser scale than proposed. This enables the front bay window features to be the visually dominant element on the bungalows as viewed from the street. The porch's projected depth would come forward of the bay window feature which is consistent part of the design of the properties within the vicinity. The design, scale and proximity to the window feature

would clutter the front elevation, appearing overly-dominant to the scale of the bungalow and incongruous in the context of the street. In this respect, the scale and position of the porch would be harmful to the character and appearance of the existing house and existing neighbourhood character.

In light of the above, these elements of the scheme in scale, form and design are contrary to LDP Policy Des 12 and the non-statutory guidance.

Whilst the proposed side and rear dormers are of relatively significantly scale, visible expanses would be retained on all four sides of the roof whilst they would sit comfortably on the roofscape. The side dormer would be setback from the roof's hip at the front which in tandem with its position facing the end of the cul-de-sac would prevent any discernible impact on the character of the existing house or wider street scene.

The rear dormer would be of similar scale to the joining property, whilst it would not be readily visible from the street and in this regard would have no impact on the existing neighbourhood character.

In light of this, the scale, form and design of the side and rear dormer are acceptable, comply with LDP Policy Des 12 and the non-statutory guidance.

b) Neighbouring Amenity

The proposal would not result in an unreasonable loss of neighbouring residential amenity.

The front and rear-facing openings of the dormers comply with guidance distance to the boundary that would prevent harm in this respect. In addition, the side dormer would primarily face the adjacent property's side gable which is not afforded protection in terms of privacy under the non-statutory guidance.

In addition, whilst the side-glazing in the porch would fall short of the guidance distance to the boundary, it would face the neighbouring driveway, which by virtue of its use and position adjacent to the street has limited privacy as existing. An infringement of guidance is therefore acceptable in this context.

In regard to neighbour's amenity, the proposal complies with LDP Policy Des 12, and broadly with the non-statutory guidance.

c) Public comments

No comments have been received.

Discussion did take place with the applicant to revise the design of the front dormers and to reduce the size of the porch to within permitted development rights.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to the side dormer and rear dormer. **** **.
2. This refusal relates to the front dormers and porch. **** **.

Reasons:-

1. In order to recognise the elements of the application which are compatible with the character and appearance of the existing house, and existing neighbourhood character.
2. The proposed front porch and front dormers are contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance as they are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building.

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.

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

6.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading / external references

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

Statutory Development**Plan Provision**

Policies - Edinburgh Local Development Plan - Urban Area

Date registered

18 May 2020

**Drawing
numbers/Scheme**

01, 03, 04, 05, 06,

Scheme 1

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

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

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

No consultations undertaken.

END



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 100282969-001

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Rhys"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Cooper"/>	Address 1 (Street): *	<input type="text" value="Riselaw Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 6HW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

11 RISELAW TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH10 6HW

Please identify/describe the location of the site or sites

Northing

669614

Easting

324311

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)

Renovate and extend existing front dormer. Extend the existing rear dormer to create additional roof space in adjacent rooms. New dormer on side elevation to allow the division of current room into two smaller bedrooms. New dormer at front to create more roof and storage space in bedroom. All dormers timber framed and rosemary tiled to match existing modern rear dormer. Addition of timber framed porch to front elevation. At 11 Riselaw Terrace Edinburgh EH10 6HW

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.

Minor changes to the dimensions to front dormers and porch were requested. I do not believe these changes will make any difference to the visual impact of design, but significantly effect the cost benefit. -1m2 reduction in area will not make any difference to visual appearance of porch, but significantly reduce functionality due to door location. -Front dormers to match neighbours. The internal layouts of both houses are completely different, same dormer design doesn't use potential.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Various photos - all houses on street are different.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/02039/FUL

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

18/05/2020

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

16/07/2020

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 ☒ 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)

Inspecting the site will enable the review body to properly assess the impact of design and how the requests to match a neighbour's design are unwarranted and not justified. All houses on Riselaw Terrace are different and the request for symmetry on a 1930's semi detached, pebble dashed bungalow excessive when also considering the benefit to floor space and house utility the slightly larger dormers will allow.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Rhys Cooper

Declaration Date: 17/07/2020

Proposal Details

Proposal Name	100282969
Proposal Description	Appeal the mixed decision to planning app
20/02039/FUL	
Address	11 RISELAW TERRACE, EDINBURGH, EH10
6HW	
Local Authority	City of Edinburgh Council
Application Online Reference	100282969-001

Application Status

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

Attachment Details

Notice of Review	System	A4
PROPOSED_ELEVATIONS_RC_100520_v1	Attached	A0
AMENDMENT_TO_PROPOSED_ELEVATIONS_RC_030720v1	Attached	A0
Riselaw9_11_frontElevations	Attached	Not Applicable
Riselaw house variety	Attached	Not Applicable
Letter AppealJustification 170720	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

11 Riselaw Terrace

EH10 6HW

17/07/20

To whom it concerns,

Appeal Justification

Following consultations with the Planning Officer minor changes to the dimensions of both the front dormers and porch were requested. I do not believe these changes will make any difference to the visual impact.

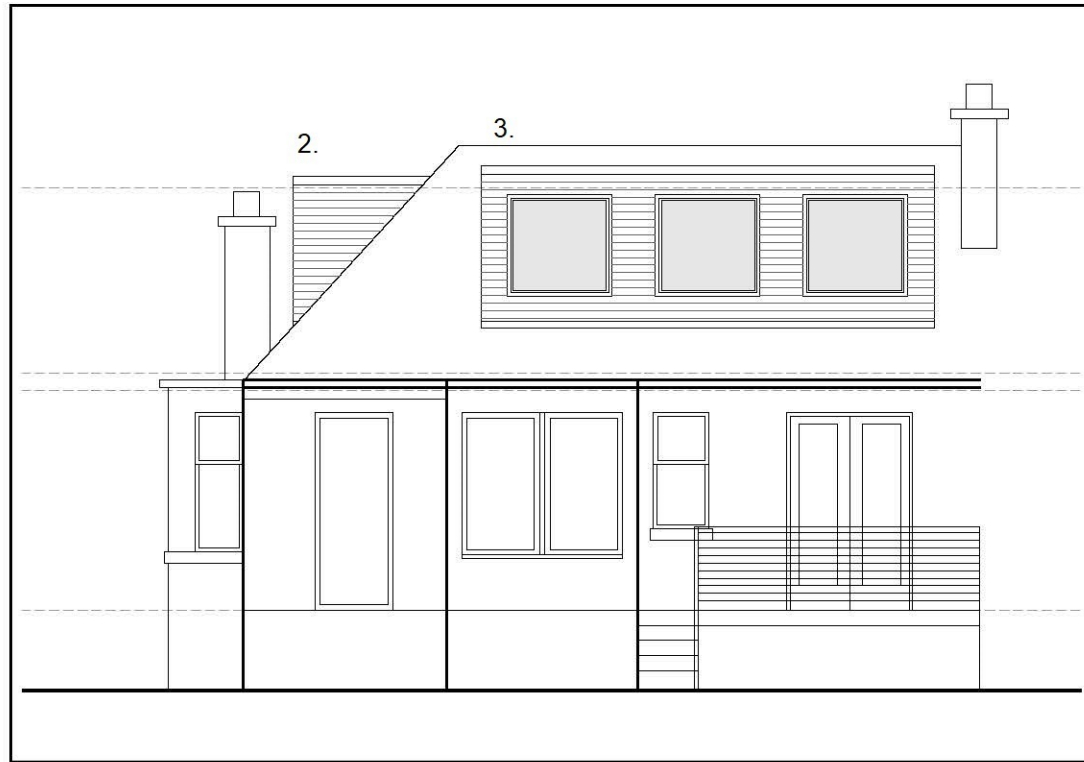
- 1m2 reduction in porch area will not make any difference to visual appearance of design, but significantly hinder its utility and purpose due to position of front door. The cost of porch per m2 is extremely high and any reduction in area further negates its cost benefit.
- The request to slightly alter our proposed dormers to match our neighbours in size and position isn't warranted. All houses on the street are different and the internal layout of our house is completely different to our neighbours. The position of stairs and room layouts means applying the same dormer design and position doesn't maximise the available space and questions the additional expense and purpose of installing dormers.

Several minor re-iterations were requested to the front dormers that obviously took time and money (see attached amendments pdf). At no point did the planning officer mention the porch. The porch was always going to be the most contentious item, but I was relieved when this was not commented on / or further recommendations made. It was only at the final stage prior to consent being given and a recommendation for planning permission that the porch questioned and the reduction to 3m2 requested.

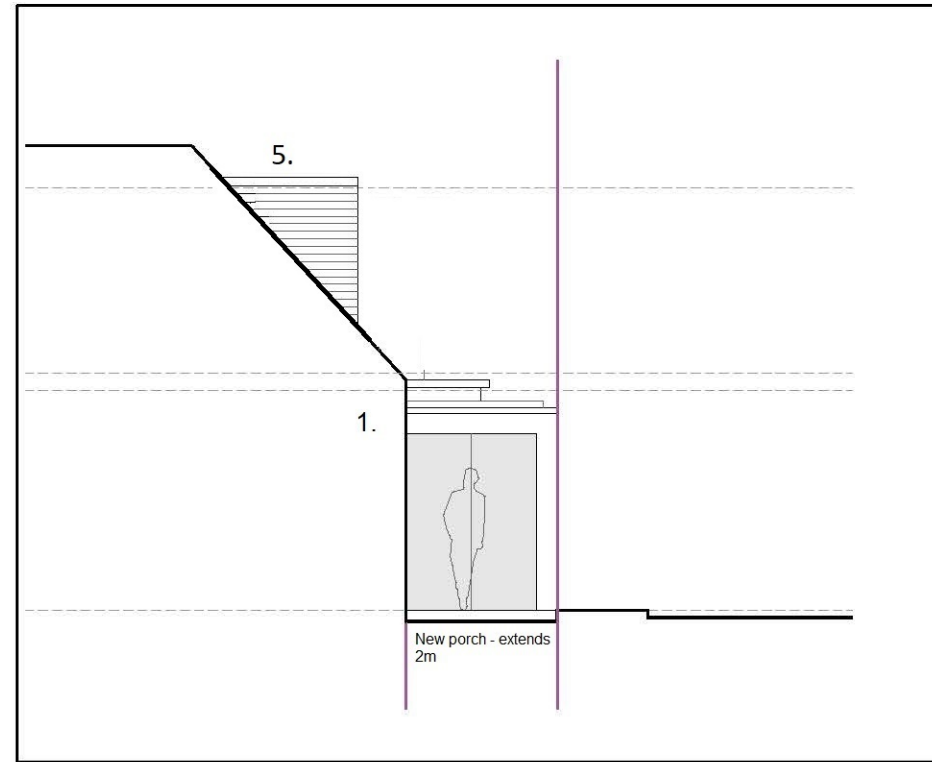
It is this human error that has led me to question the decision and rationale behind the requests for dormer reduction and escalate to a local review body to get a second opinion, which I will gratefully accept.

Rgds,

Rhys Cooper



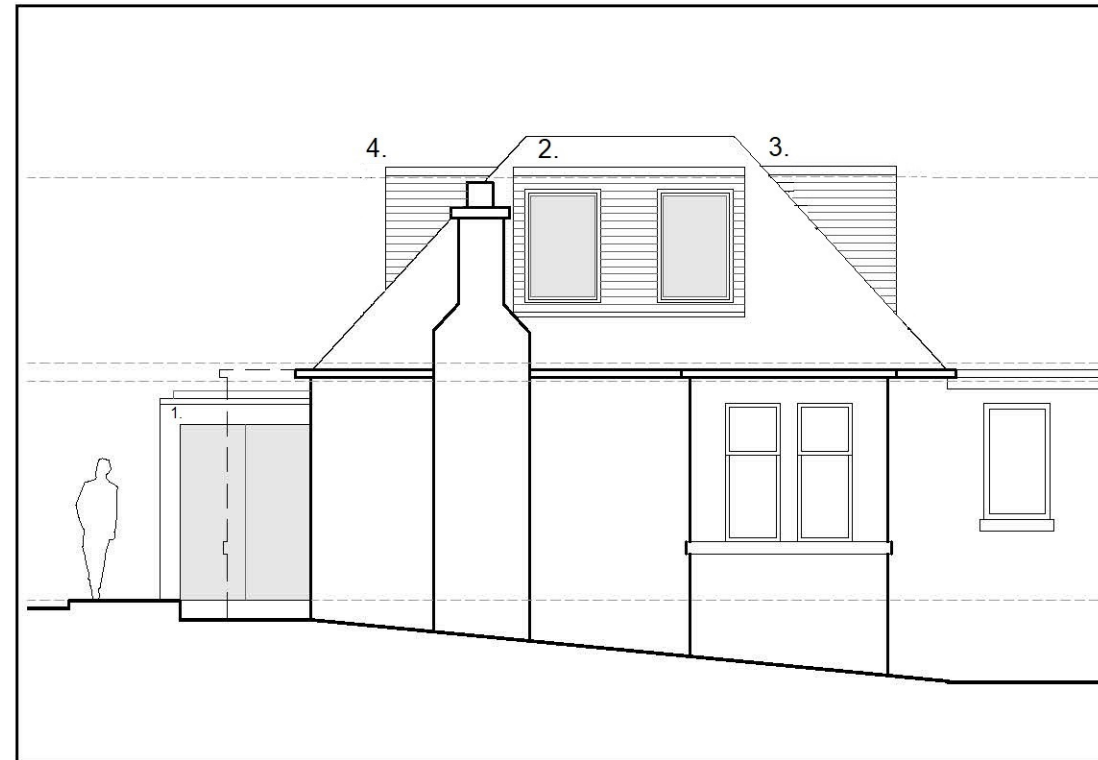
CD-012
3
PROPOSED / ELEVATION / REAR (WEST)
1:100 A3 SCALE



CD-012
4
PROPOSED / ELEVATION / SIDE (SOUTH)
1:100 A3 SCALE



CD-012
1
PROPOSED / ELEVATION / FRONT (EAST)
1:100 A3 SCALE



CD-012
2
PROPOSED / ELEVATION / SIDE (NORTH)
1:100 A3 SCALE

1. New timber framed, double glazed porch (depth 2m, width 2.2m, height 2.9m)
Current front door to remain & act as thermal break.
Foundations, DPM
EPDM single ply roof membrane.
Drainage channeled down existing downpipe.
Final design by architect/contractor submitted at building warrant
2. New side elevation timber dormer to match existing dormer at rear.
Clad in Rosemary tiles. Timber Rationel window to match existing.
3. Extend existing rear timber dormer into both attic bedrooms. Two additional windows.
Clad in Rosemary tiles. Timber Rationel window to match existing.
4. New timber dormer to replace and extend original front facing dormer.
Clad in Rosemary Tiles. Timber Rationel window to match existing.
5. New front elevation timber dormer to match existing dormer at rear.
Clad in Rosemary tiles. Timber Rationel window to match existing.

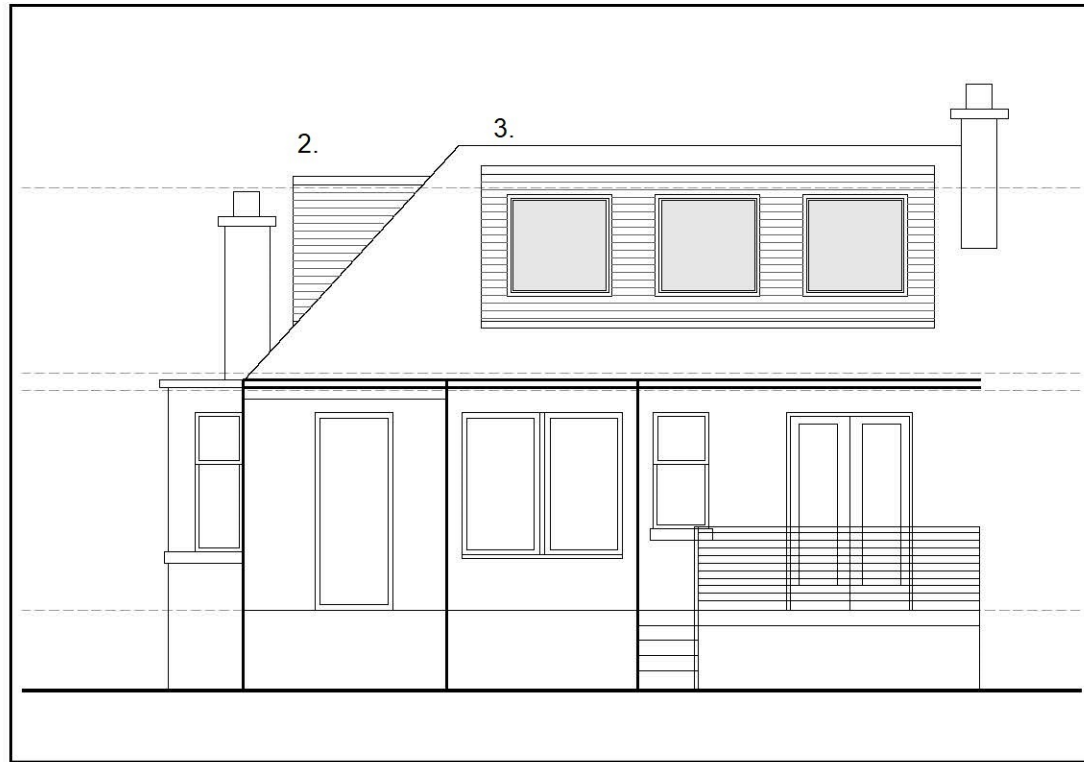
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A3

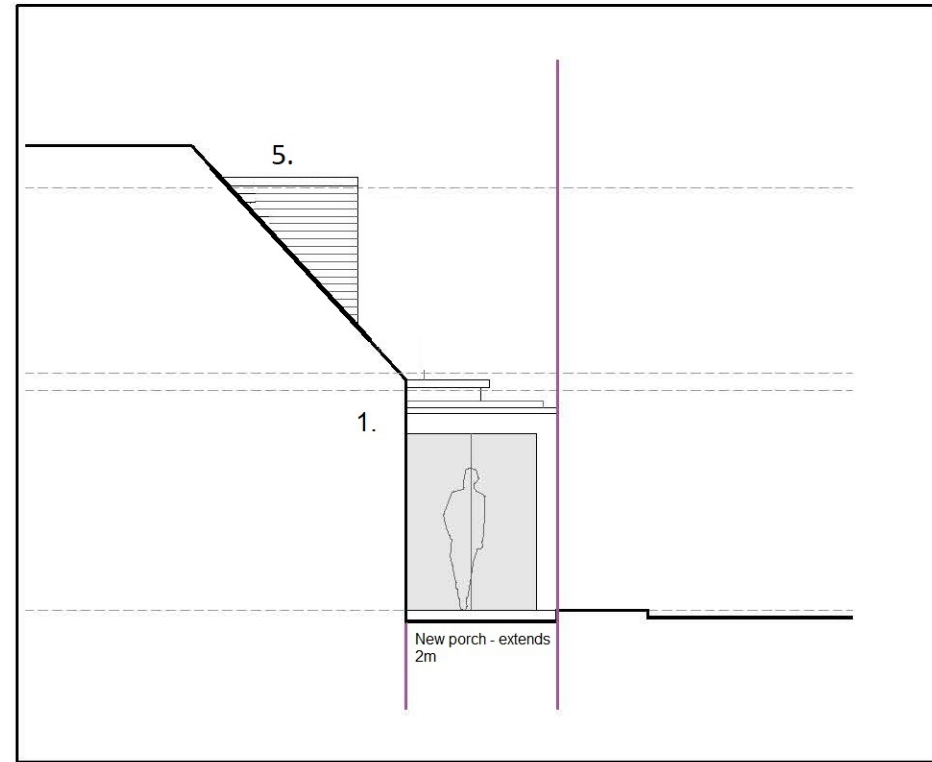
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11 RISELAW TERRACE / EDINBURGH

PROPOSED / ELEVATIONS



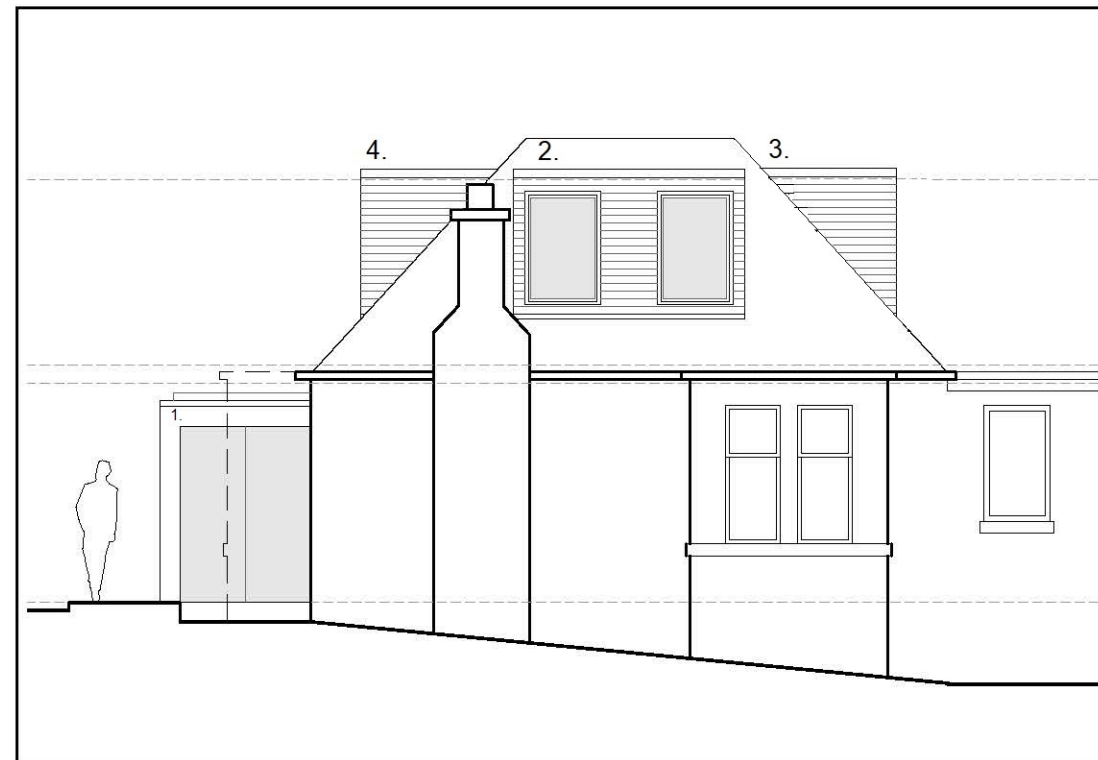
CD-012
3
PROPOSED / ELEVATION / REAR (WEST)
1:100 A3 SCALE



CD-012
4
PROPOSED / ELEVATION / SIDE (SOUTH)
1:100 A3 SCALE



CD-012
1
PROPOSED / ELEVATION / FRONT (EAST)
1:100 A3 SCALE



CD-012
2
PROPOSED / ELEVATION / SIDE (NORTH)
1:100 A3 SCALE

1. New timber framed, double glazed porch (depth 2m, width 2.2m, height 2.9m)
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EPDM single ply roof membrane.
Drainage channeled down existing downpipe.
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1:100

A3

000m 001m 002m 003m 004m 005m

11 RISELAW TERRACE / EDINBURGH

PROPOSED / ELEVATIONS



