

Development Management Sub Committee

Wednesday 11 November 2020

**Application for Planning Permission 20/01244/FUL
at 12 Dean Bank Lane, Edinburgh, EH3 5BY.
Alteration and extension of detached house. Proposed
separation of one wing as a self-contained studio
apartment. Demolition of 3 non-original lean-to extensions
and erection of new side extension.**

Item number

Report number

Wards

B05 - Inverleith

Summary

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

The proposals comply with the Edinburgh Local Development Plan and will not have an adverse impact upon neighbouring amenity, trees or road safety. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

CRPNEW, HES, HEPS, HESEXT, HESINT, LDPP, LDES12, LEN04, LEN06, LEN12, LEN03, NSG, NSLBCA,

Report

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Demolition of 3 non-original lean-to extensions and erection
of new side extension.**

Recommendations

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

Background

2.1 Site description

The application site is Dean Park House, a Georgian villa constructed during the 18th century and subsumed by the creation of Saxe-Coburg Street and Place in the early 19th century. It is category B listed (listed on 14 December 1970 Ref: 29771). Further extensions were added in the late 60s/70s.

The original central hipped-roof villa has later two-storey pavilion wings extending to the rear and lean-to single storey extensions to the outer left and right concealed by tall flanking fin walls with ball finials. Subsequent extensions have been added in the 19th and 20th centuries to the side and rear courtyard.

The principal two storey elevation is mostly hidden from the street, facing a private garden, which is enclosed by a high, ashlar-coped sandstone rubble boundary wall and gates.

The plainer rubble sandstone rear elevation faces the street.

The building is in use as a private residence.

This application site is located within the New Town Conservation Area.

2.2 Site History

5 June 2008 - listed building consent granted for repair works to external envelope of existing house and boundary wall including roof, gutter, chimney and masonry repairs, removal of current mortar and re-pointing in suitable lime mortar, rationalisation of internal spaces to rear, removal of 1960s flat roof, boiler room extension and replacement with slate pitched lean-to extension (planning reference: 08/00821/LBC).

11 December 2008 - planning permission granted for repair works to external envelope of existing house and part of boundary wall including roof, gutter, chimney and masonry repairs, removal of current cement mortar and re-pointing in suitable lime mortar, removal of 1960's flat roof, boiler room extension and replacement with new slate pitched lean-to extension, based on earlier photographic evidence (planning reference 08/00821/FUL).

3 June 2020 - tree works agreed without a requirement for a Tree Preservation Order (planning reference: 20/01787/TCO)

Main report

3.1 Description of the Proposal

It is proposed to carry out various alterations and additions to the detached property. This includes the demolition of non-original lean-to extensions and the erection of a single storey extension to the north eastern elevation and the separation of the western wing to create a self-contained studio apartment.

External alterations to the front principal (non-street facing) elevation include: -

- modern timber doors and screen to the existing west extension are replaced with more contemporary aluminium glazing. The adjacent study door and window on the side elevation of the existing single storey lean-to would be replaced with the same;
- natural low stone wall built with stone from down taking and matching stone in front of new extension and
- new automated timber gates on existing access.

External alterations to the rear (street facing) elevation include: -

- non-original 20th century extension removed;
- timber framed window in existing opening;
- new timber window/door in existing opening;
- new timber gate;
- new glazed lead low pitched roof over the existing courtyard and
- new monopitch aluminium/steel framed rooflights

External alterations to south western elevation

- new aluminium/steel framed rooflight, low profile to match slate roof;
- replacement of three existing fixed rooflights with openable aluminium/steel framed rooflights;
- patio and path reinforced using existing and new stone paviours.
- new glazed timber window/door.

External alterations to the north eastern elevation include: -

- single storey glazed extension with flat lead roof and fascia and slimline aluminium sliding doors;
- patio area to rear of new extension; and
- slimline rooflight over side roof.

Internal alterations include rationalisation of the interior by the removal of internal walls and forming new partitions, installation of a new spiral staircase and mezzanine floor in the studio, new fitted wardrobes, removal of existing kitchen and utility cabinets and the installation of a new kitchen , pantry and laundry room in the main house as well as the self-contained unit. The principal rooms will be retained in their current form and the main staircase will also be unaltered.

Previous Scheme

Following a site visit, the scheme was amended, and revised plans submitted to reflect the proposed changes as follows: -

Proposed extension

- reduced the overall scale of the extension, easing the facade further back and reducing the height and pulling in the length;
- extension has also been made more lightweight in appearance by replacing the stone gable end with a glass corner.
- reduced the extent of hardstanding and low walls in front of the extension to make the extension more subservient to the main facade and
- original slate roof on the upper pitch over the kitchen area has been retained.

Ground Floor

- Existing stone secondary stair is retained and will be used as a store;
- Stone range has been retained in the large west bedroom and
- Openings retained with new glazed timber window/door in the west bathroom.

Rear yard area

- Clearer layout to reflect the original plan form;
- Lean-to slate roofs and walls retained where they abut the boundary wall and
- Slot windows openings omitted from the boundary wall;

Upper floor

- Stair wall nib has been retained at half height.

Supporting Documents

The following supporting documents were submitted as part of the application: -

- Design and Access Statement and
- Arboricultural Impact Assessment

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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 principle of sub-division is acceptable;
- b) the proposed works preserve the character of the listed building and its setting;
- c) the proposals preserve the special character and appearance of the conservation area;
- d) the proposals will have an adverse effect on neighbouring amenity;
- e) the proposal will impact upon trees;
- f) the proposal has any implications on road or pedestrian safety and
- g) public comments have been addressed.

a) Principle of sub-division

There are no policies in the Edinburgh Local Development Plan (LDP) relating specifically to the sub-division of dwellings although policy Hou 1d) is generally supportive of new housing subject to compliance with other policies of the LDP. In this case, a small studio flat will be formed with a living room, kitchen and shower room with a spiral stair leading up to bedroom accommodation. It will be accessed direct from Dean Bank Lane. It meets the space standards in the Edinburgh Design Guidance (EDG) and the remaining house will be large.

There is also access from the front garden area where there is a large garden and existing parking area. The principle of forming a self-contained dwelling unit in the western wing of the property is acceptable as long as the proposal is compatible with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and policies in the LDP.

Any other use, including short term commercial let, will require further planning permission.

b) Listed Building and Setting

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland (HES) guidance note Managing Change: Extensions, sets out the principles that apply to adding extensions to listed buildings. Other HES Managing Change guidance which applies to this case includes Interiors and Setting.

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

LDP Policy Env 4 (Listed buildings- Alterations and Extensions) states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

Minimal alterations are being carried out to the principal (garden) elevation and the symmetrical frontage will be largely retained. The main change in viewing this elevation will be the introduction of the new glazed extension on the east elevation but this is set back from the frontage and its lightweight design means it will not compete with the solid stone facade of the listed building. It will appear as a clear modern intervention to a building that has undergone significant change through the years and will add a positive architectural statement to the timeline of the building.

Historic Environment Scotland (HES) has raised concerns about this extension and suggests it should be set further back, but this would affect the tree roots of a very significant ash tree at the back of the site. So, although in the revised scheme the extension has been reduced and set further back, it cannot fully meet the concerns of HES. However, the extension is compatible with the principles set out in HES Managing Change guidance on Extensions and is considered acceptable.

The various alterations to the rear street elevation have been designed sympathetically. This is an elevation that is random in appearance with some very fine features, but the alterations will not diminish this character. Again, HES has raised concerns about the level of intervention here but the alterations largely preserve this elevation and are acceptable.

The 20th century lean-to extensions are not original, and their removal is acceptable. The infilling of the rear courtyard by placing a new roof over the area will have minimal impact on a space that has already been largely infilled with a 1960's extension. Although HES has raised concerns about fully infilling this courtyard and suggests a vestige should be retained, this purist approach is not considered necessary in this case. Apart from a few internal walls, the original courtyard cannot be discerned and there is nothing of special interest to be preserved in this area.

The proposed fenestration, along with new doors and windows throughout are appropriate in proportions, style and materiality and will not have an adverse impact upon building. The proposal ensures a balance of traditional timber windows and the introduction of contemporary aluminium and steel rooflights and patio doors in contrast. The introduction of these contemporary materials will therefore not diminish the historical character of the building, but rather complement it.

In terms of boundary walls, the loss of original stonework will be minimal and the proposed traditional design of gates is in keeping with the appearance of other pedestrian openings in the lane. The proposed gates are acceptable in terms of proposed materials, proportions and opening method.

The internal alterations are covered in more detail in the listed building consent application, but the principal rooms are maintained and alterations do not affect areas of special interest.

A condition is recommended requiring details of the proposed flue to be submitted and approved prior to commencement of works, to ensure the proposed flue will have no visual impact upon the elevation.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

c) 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."

Policy ENV 6 Conservation Areas- Development states that development within the conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The New Town Conservation Area Character Appraisal stresses the uniformity of buildings and materials and overall consistency of form. Visual homogeneity was also created by the use of a limited range of supporting materials: natural slate on roofs; cast and wrought iron for railings, balconies and streetlamps; fine joinery and glazing at doors and windows; and stone for footpath paving, kerbs and roadway setts.

This particular building is quite unusual in that it was built before the expansion of the second New Town and has a more rustic appearance which reflects the fact it was a standalone building before development surrounded it. Changes therefore have less impact than they would on a typical Georgian townhouse. The elevation to Dean Park Lane in particular has none of the elegance of the New Town although it has several fine details.

In this instance, the extension and proposed alterations are sympathetic and will preserve the character and appearance of the conservation area. Whilst the extension will be visible from high level windows of neighbouring properties, the majority of the works will not be visible from the public realm and therefore will have no impact upon the appearance of the New Town Conservation Area. The visible works to Dean Bank Lane are well designed and in harmony with the form and design of this elevation.

The application does not propose to sub divide the garden ground. This ensures the original characteristic of a traditional villa situated within a sizeable plot with large garden will remain; having no impact upon the character of the site and the surrounding conservation area.

In terms of character, as stated above this is an early standalone building. The alterations and extensions, including new gates to the boundary walls, are sensitively designed and will read as high-quality modern interventions to bring the building up to modern day requirements. They will not have an adverse impact upon the overall character of the conservation area.

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

d) Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) considers whether proposed new uses would harm existing residential amenity. In addition, policy Des 12 (Alterations and Extensions) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The proposal does not raise any amenity concerns. There will be no privacy or overlooking issues as a result of the proposal. The proposal provides for alterations to the existing house, and the proposed extension is single storey, ensuring there will be no overshadowing upon neighbouring properties, nor any impact upon the availability of daylight into neighbouring windows.

The sub-division into two separate units does not raise any amenity concerns. Both units will have access to the existing large garden. Both the original house and self-contained unit will have their own patios. The self-contained unit will have direct access to the garden via new patio doors on the western side of the site. As such, adequate amenity space is achieved for both the existing house and the new self-contained unit.

A public representation raised concern that the proposed glazed conservatory would result in light pollution and disturb neighbouring residents in the neighbouring tenements. A domestic extension of this scale, in an urban setting, will not result in light pollution to the detriment of neighbouring residents' amenity.

e) Trees

There are three existing trees on site.

The application refers to crown works to an existing mature ash tree which is situated close to the stone boundary wall which defines the curtilage of the property. An Arboricultural Implication Assessment was submitted as part of the application. The submitted assessment concluded that the tree is in satisfactory health and condition, and that crown reduction is recommended to retain the tree at a suitable size. Management and maintenance of the tree is required if it is to be safely retained and avoid future conflict with the enjoyment and structural integrity of the property. The detailed crown works have been assessed under application reference 20/01787/TCO.

The tree is a natural feature in the locality and important to the character of the conservation area, and therefore the proposed works should not be to detriment of the tree. The proposed extension has been sited and designed to avoid any interference with the tree roots.

It is recommended that a Tree Protection Plan be submitted and approved by the Planning Authority, prior to commencement of development, to ensure the works do not cause harm to any trees on site during the construction process.

The proposals do not propose the removal of any trees on site and should not be detriment of any trees on site and comply with LDP Policy Env12.

f) Road and Pedestrian Safety

The application does not propose alterations to existing access or parking arrangements, apart from the new automated timber gate. The existing driveway has ample turning space and car parking space. The application does not propose any additional parking associated with the self-contained unit. This is acceptable given the site's central location, good public transport links and walkable distance to the city centre.

The Roads Authority was consulted on the proposal and have raised no concern with regards to road or pedestrian safety.

g) Public Comments

Material Comments - Objections

- impact upon setting. Addressed in Section 3.3b;
- impact upon Conservation Area. Addressed in Section 3.3c;
- principle of sub- division. Addressed in Section 3.3a;
- concern relating to self-contained unit being short term let. Addressed in Section 3.3a;
- loss of internal layout and symmetry. Addressed in Section 3.3b;
- loss of staircase. Addressed in Section 3.3b;
- loss of principal rooms. Addressed in Section 3.3b;
- loss of historical features. Addressed in Section 3.3b;
- loss of symmetry of main elevation. Addressed in Section 3.3b;
- impact of raising wall and flat roof across courtyard will impact upon appearance from street. Addressed in Section 3.3b and 3.3c;
- removal of existing slate roof extension. Addressed in Section 3.3b;
- modern extension not in keeping. Addressed in Section 3.3b;
- glazed door not in keeping. Addressed in Section 3.3b;
- visibility of glazed extension from neighbouring tenements and impact of light pollution. Addressed in Section 3.3d;
- concern relating to loss of trees. Addressed in Section 3.3e;
- visual impact of rooflights and light pollution. Addressed in Section 3.3b and 3.3d;
- introduction of glimpse windows not in keeping. Omitted from proposal in Scheme 2.
- impact of proposed new openings in existing wall upon conservations area. Addressed in Section 3.3b and 3.3c;
- impact of proposed new openings in existing wall upon pedestrian safety. Addressed in 3.3f;
- impact of additional parking. No additional parking arrangements are proposed;
- visual impact of flue. Addressed in Section 3.3b;
- concerns raised that no site visit had been carried out by Planning Officer. Site visit delayed due to Covid-19 restrictions, but site visit was carried out when restrictions were lifted;
- concern raised regarding site notices and Covid-19 restriction related delays. Public comment time period was extended to address delay in issuing site notice and neighbour notification due to Covid-19 lockdown;
- impact upon wildlife. The proposal raises no issues with regards to protected species or wildlife; and
- Crown works to Ash carried out before decision issued. Addressed in Section 3.3e.

Material Comments - Neutral

- Suggestion that site visit is carried out to assess full impact of works. Site visit carried out as per the Development Management Procedures and adhering to Covid-19 requirements.

Non-material comments

- impact of drilling upon structural integrity of the building. Not controlled through the planning process;
- noise disturbance during construction. Not controlled through the planning process;
- request to remove ash tree due to its size. Crown works to be carried out to address trees size.
- concerns raised that no site visit had been carried out by Historic Environment Scotland. Addressed in Section 3.3. HES advised comments are based on a desk study. As far as the Council is aware no site visit has been carried out by HES and the comments based on the desk study still stand.

Conclusion

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

The proposals comply with the Edinburgh Local Development Plan and will not have an adverse impact upon neighbouring amenity, trees or road safety. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. All original windows, doors and fireplaces (unless identified to be altered on the submitted plans) shall be retained. Any alteration or modification to any such features shall be approved in writing by the Planning Authority prior to commencement those works.
2. Details of new flue shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

Reasons:-

1. In the interest of preserving the historical integrity of the building.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard protected trees.

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. 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.
3. 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.

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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

There has been 31 objection comments and 1 neutral representation received in relation to the proposal.

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**

Adopted Edinburgh Local Development Plan

Date registered

12 March 2020

Drawing numbers/Scheme

1, 2A - 6A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

Relevant Government Guidance on Historic Environment.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Relevant policies of the Local Development Plan.

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

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.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Relevant Non-Statutory Guidelines

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

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separation of one wing as a self-contained studio apartment.
Demolition of 3 non-original lean-to extensions and erection
of new side extension.**

Consultations

Archaeology

These linked applications concern the A-listed Dean Park House, a Georgian villa constructed during the 18th century and subsumed by creation of Saxe-Coburg Street and Place in the early 19th century. The proposals will see the removal of modern extensions and limited new construction. Based upon this and having assessed the likely impact minimal archaeological impact upon the fabric of this historic building, it has been concluded that there are no significant archaeological implications.

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. An electric vehicle charging outlet should be considered for this development*

Location Plan



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