

FEM Building Design. FAO: Dougie Mack 8 Plantain Grove Lenzie Glasgow G66 3NE Mr Darrell Hardy.
Flat 3f4 9 Stewart Terrace
Edinburgh
EH11 1UT

Decision date: 10 August 2020

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

Form a roof dormer on tenement roof (in retrospect). At 3F4 9 Stewart Terrace Edinburgh EH11 1UT

Application No: 20/02206/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 2 June 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 **Refused and Enforced** 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:-

1. The scale and form of the dormer is overly dominant on the roofscape and an incongruous addition in the context of the tenement properties. It is therefore detrimental to the character and appearance of the existing property and neighbourhood character contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

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 scale, and form of the dormer is overly dominant on the roofscape and an incongruous addition in the context of the tenement properties. It is therefore detrimental to the character and appearance of the existing property and neighbourhood character contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

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.

Chief Planning Officer

DR Leelie

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 20/02206/FUL At 3F4 9 Stewart Terrace, Edinburgh, EH11 1UT Form a roof dormer on tenement roof (in retrospect).

Item Local Delegated Decision

Application number 20/02206/FUL

Wards B07 - Sighthill/Gorgie

Summary

The scale, and form of the dormer is overly dominant on the roofscape and an incongruous addition in the context of the tenement properties. It is therefore detrimental to the character and appearance of the existing property and neighbourhood character contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

Links

Policies and guidance for LD this application

LDPP, LDES12, NSG, NSHOU,

Report of handling

Recommendations

1.1 It is recommended that this application be Refused and Enforced subject to the details below.

Background

2.1 Site description

The proposal relates to an upper floor flat within a tenement building located on the north-east side of Stewart Terrace. The site lies in a primarily residential area.

2.2 Site History

The site has no planning history.

Main report

3.1 Description Of The Proposal

The application proposes the following works;

-Rear dormer (in retrospect)

An updated drawing (ref: 03) has been received by the agent showing mutual ownership on the location plan.

3.2 Determining Issues

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) The proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) The proposal will cause an unreasonable loss to neighbouring amenity;
- c) Any comments raised have been addressed.
- a) Scale, form, design and neighbourhood character

Policy Des 12 of the Edinburgh City Local Plan states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building.

The non-statutory Guidance for Householders states in regard to dormers that they should be of a size that do not dominate the form of the roof and should leave visible expanses on all four sides. Further, that larger dormers maybe acceptable to the rear which are not readily visible from public viewpoints and where this fits with the character of the building and surrounding area.

The dormer is positioned on a tenement building to the rear of the site. The tenement is of a consistent scale, form and design to those evident in the surrounding area on Stewart Terrace, and neighbouring streets such as Wardlaw Place and Wardlaw Street.

The materials of the dormer are finished in slate which match the existing roofspace therefore raise no concern in this regard. However, the scale of the dormer does not leave visible expanses on all four sides and covers almost the entire roof space where it sits. In this respect, it is contrary to the above guidance, and is of a dominant and obtrusive form, harmful to the character of the existing property as viewed from the applicant's and neighbouring gardens to the rear of the site.

In respect of the surrounding area, such features are not characteristic of these tenement properties. The dormer by virtue of its dominant scale and form, appears incongruous in this wider context, at odds and detrimental to the character and appearance of the tenement properties.

The proposal is not of an acceptable scale, form and design and will be detrimental to the character of the existing building, and wider tenement properties in which these features are not commonplace. The proposal is therefore contrary to Local Plan Policy Des 12 and the non-statutory Guidance for Householders.

b) Neighbouring Amenity

In terms of privacy, the dormer looks onto communal garden space, which is already overlooked by neighbouring windows to the rear. In this regard no new privacy issues occur and an infringement of the guidance distance to boundaries is acceptable in this instance.

The development satisfies the 45 degree daylighting and sun lighting criterion in the non-statutory Guidance for Householders and therefore would have no impact on adjacent neighbouring windows or garden spaces in this regard.

In regard to the impact on daylight to the rear-facing windows on Wardlaw Place, given the presence of the existing trees, height of the tenement building and separation distance, the dormer is not considered to result in any unreasonable impact in this respect.

c) Public comments

Two representation have been received (one objection and one neutral comment) summarised as the following:

Material

-Impact on light - Addressed in section 3.3 b) of the above report.

-Trees not detailed on application form - The trees on-site are noted. The information submitted with the application was considered sufficient to determine the application.

Non-Material

- -Management of trees during construction process This area cannot be considered as part of assessing the merits of the proposal.
- -Land Ownership An updated location plan has been received by the agent showing mutual ownership and applicant's ownership. Land ownership issues are a private, civil, or legal matter which cannot be materially assessed as part of this planning application.
- -Noise pollution This matter is assessed under separate Environmental Protection legislation and does not form part of the assessment for a planning application of this nature.

It is recommended that this application be Refused and Enforced subject to the details below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The scale and form of the dormer is overly dominant on the roofscape and an incongruous addition in the context of the tenement properties. It is therefore detrimental to the character and appearance of the existing property and neighbourhood character contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

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

Two representations has been received.

Background reading / external references

- To view details of the application go to
- Planning and Building Standards online services

Statutory Development

Plan Provision Policy - Edinburgh Local Development Plan - Urban Area

Date registered 2 June 2020

Drawing

numbers/Scheme

01, 03,

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 received.

END

Application Summary

Application Number: 20/02206/FUL

Address: 3F4 9 Stewart Terrace Edinburgh EH11 1UT

Proposal: Form a roof dormer on tenement roof

Case Officer: Lewis McWilliam

Customer Details

Name: Miss Nedelina Ilieva

Address: 11/16 Stewart Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment:I understand that the noise pollution will affect me, as I live at 11 Stewart Terrace,

however I don't have any reasonable objection to this.

Application Summary

Application Number: 20/02206/FUL

Address: 3F4 9 Stewart Terrace Edinburgh EH11 1UT

Proposal: Form a roof dormer on tenement roof

Case Officer: Lewis McWilliam

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

Comment Reasons:

Comment:I understand that the noise pollution will affect me, as I live at 11 Stewart Terrace,

however I don't have any reasonable objection to this.

Application Summary

Application Number: 20/02206/FUL

Address: 3F4 9 Stewart Terrace Edinburgh EH11 1UT

Proposal: Form a roof dormer on tenement roof

Case Officer: Lewis McWilliam

Customer Details

Name: Ms Fiona Kelly

Address: 10 3f2 Wardlaw Place edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment:There are statements made in the Application Form which are not reflective of the true position - firstly there are multiple trees within the garden of this property which are above the height of the third floor one of which directly touches the left hand side of this property. These trees are unstable and omitted from the planning application where there application states no to the question of trees. There has been no management of these trees on this property as part of this building works to reduce their height or improve the safety of this and adjacent properties. The second statement relates to land ownership - this is shared ownership / tenement building it is unclear from the application if the property owner has title of affect the changes to the property. The final note is that the extension height affects the light into the adjacent and opposite properties. The properties new height coupled with the trees over all affects the light into the adjacent / opposite properties. As this property is now actually built and that this is a retrospective application it is difficult to understand how the applicant or the builder thought that an extension to a third floor building into a fourth floor building wouldn't need these points of trees as per the application form or light addressed before the extension was built?

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Customer Details

Name: Not Available Address: Not Available

Comment Details

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- Councillor's Reference

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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

100262652-002

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 Applicant						
Agent Details						
Please enter Agent details	S					
Company/Organisation:	F.E.M Building Design					
Ref. Number:		You must enter a Building Name or Number, or both: *				
First Name: *	Douglas	Building Name:				
Last Name: *	Mack	Building Number:	8			
Telephone Number: *	07966201299	Address 1 (Street): *	Plantain Grove			
Extension Number:		Address 2:	Lenzie			
Mobile Number:		Town/City: *	Glasgow			
Fax Number:		Country: *	Scotland			
		Postcode: *	G66 3NE			
Email Address: *	douglas@femdesign.co.uk					
Is the applicant an individual or an organisation/corporate entity? *						
☑ Individual ☐ Organisation/Corporate entity						

Applicant Details				
Please enter Applicant of	details			
Title:	Mr	You must enter a Bu	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Flat 3f4	
First Name: *	Darrell	Building Number:	9	
Last Name: *	Hardy	Address 1 (Street): *	Stewart Terrace	
Company/Organisation		Address 2:		
Telephone Number: *		Town/City: *	Edinburgh	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	EH11 1UT	
Fax Number:				
Email Address: *				
Site Address	Details			
Planning Authority:	City of Edinburgh Council			
Full postal address of th	ne site (including postcode where available):		
Address 1:	3F4			
Address 2:	9 STEWART TERRACE			
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:	EDINBURGH			
Post Code:	EH11 1UT			
Please identify/describe the location of the site or sites				
Northing	672208	Easting	322991	

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)
Form a roof dormer on tenement roof (in retrospect)
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.
Please attached document 'Planning Appeal Statement'
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)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the Appeal Statement Planning Drawings Photos			
Application Details			
Please provide the application reference no. given to you by your planning authority for your previous application.	20/02206/FUL		
What date was the application submitted to the planning authority? *	02/06/2020		
What date was the decision issued by the planning authority? *	10/08/2020		
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 ins	spect the site, in your opinion:		
Can 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		
If there are reasons why you think the local Review Body would be unable to undertake an u explain here. (Max 500 characters)	naccompanied site inspection, please		
Access to the shared rear garden is through a communal stair which has a secure entryph	one access		

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?. *	X Yes No		
Have you provided the date a review? *	nd reference number of the application which is the subject of this	⊠ Yes □ No		
, , , , ,	behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the por the applicant? *	X Yes ☐ No ☐ N/A		
, ,	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	X 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.				
	cuments, material and evidence which you intend to rely on ich 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 certif	fy that this is an application for review on the grounds stated.			
Declaration Name:	Mr Douglas Mack			
Declaration Date:	09/11/2020			

The reason we are seeking a review of the refusal of Planning Permission is that the reason for refusal, that the proposed roof dormer is overly dominant on the roofscape and an incongruous addition in the context of the tenement properties is, in our opinion not substantiated. It was also suggested that the dormer would be detrimental to the character and appearance of the existing property and neighbourhood character, which, also we are not in agreement with, our reasoning outlined below. We would suggest that a precedence has been set in central Edinburgh with various roof dormers being permitted on the roof of tenement buildings in the recent past. We would highlight a recently approved dormer extension in the Leith Walk area as a comparison.

The roof dormer at 9 Stewart Terrace will not, in our opinion cause any detrimental affect to the existing roof space of the area. The dormer is to the rear of the property, facing onto another tenement roof more than 18m across the rear tenement gardens. The 18m distance is relevant for privacy between rear facing windows, although not an issue in this particular instance. We would suggest that the design of the front elevation of the dormer has been carried out sympathetically with regards to the impact on the immediate roofscape. Photo 2 submitted indicates the front face of the dormer being set at an angle away from the 90 degrees of the front elevation of the main tenement. The fact that the front aspect slopes away from the wallhead would suggest that the dormer might not even be considered a traditional dormer construction which would normally have it's front elevation at 90 degrees to the wall head. The use of Velux rooflights rather than traditional vertical face windows is also sympathetic to the original pitched roof. That the front face of the dormer is at an angle and is finished with a traditional slate front, along with the use of Velux roolights on the angle is, in our opinion allows the dormer to sit comfortably in the original roofscape of the area. Numerous tenement properties In Edinburgh have Velux rooflights installed on the front and rear pitched roof areas and although this dormer does sit a steeper pitch than is normal, it doesn't cause any greater visual impact than those rooflights seen on many traditional Edinburgh tenement roofs. Photo number 1 provides an aspect on how little impact this slated dormer has on the roofscape of the tenement and in, fact the surrounding roofscape. Photo 3 is a (slightly blurred) outlook from the roof of the opposite tenement on Wardlaw Place indicating no visual impact from the opposite side of the rear gardens due to the mature trees in the garden. Photo 4 is a photo taken from the rear shared garden of the tenement looking upwards to the roof dormer. We would suggest that if anyone were to look up to the roof (doubtful if this were happen on any regular basis) the dormer does in fact blend in with the original roofscape with it's traditional materials.

Following from the paragraph above, we would suggest that the inference that the roof dormer is detrimental to the neighbourhood character is unfounded. It has long been known that rear gardens and rear elevations of tenements (of course, outwith Listed Buildings and Conservation areas) haven't been noted for any particular neighbourhood character, in fact, many are seen as neglected and unkempt. The rear garden of this tenement and the one opposite are relatively tidy and maintained by the residents and it is our opinion that the roof dormer addition would retain the neat, well kept character of the rear of the building.

With regards to precedence being set in conversion of tenement roofspaces in central Edinburgh, you will be aware that numerous developments in this manner have taken place in he last 15- 20 years with what seems, an endless variation of design. As stated previously, it is our opinion that the rear elevation with its pitched roof and Velux rooflight arrangement is similar to many tenement conversions in Edinburgh. One similar tenement roof conversion with a similar sized roof dormer was approved by City of Edinburgh Council Planning last year in the Leith Walk area of Edinburgh (see Planning application 19/02850/FUL). The rear facing roof dormer is similar in size to that proposed in our application for 9 Stewart Terrace. Although on opposite sides of the periphery of Edinburgh city centre, we would suggest that approval does, in fact set a precedence for the erection of a roof dormer just outwith the city centre. Application 19/02850/FUL was approved with no objections raised by City Of Edinburgh Council.

To summarise, it is our opinion that this rear dormer would cause no greater impact on the character or roofscape of this tenement in the Gorgie area of Edinburgh than that which is visible at present. We also suggest that, due to the high volume of roofspace developments in traditional Edinburgh tenements and their varying design, this dormer would not cause any detrimental impact to the building or area than other roof developments carried out in central Edinburgh and would request that you consider this during review of our case.

Proposal Details

Proposal Name 100262652 Proposal Description Alter flat

Address 3F4, 9 STEWART TERRACE, EDINBURGH,

EH11 1UT

Local Authority City of Edinburgh Council

Application Online Reference 100262652-002

Application Status

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

Attachment Details

Notice of Review	System	A4
Existing and proposed floor plans and elevations	Attached	A1
Planning Appeal Statement	Attached	Not Applicable
Photo of side of dormer from adjacent	Attached	Not Applicable
tenement roof		
Front of dormer indicating angled front	Attached	Not Applicable
face		
View from opposite facing tenement roof	Attached	Not Applicable
View of dormer on rear elevation from	Attached	Not Applicable
back garden		
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

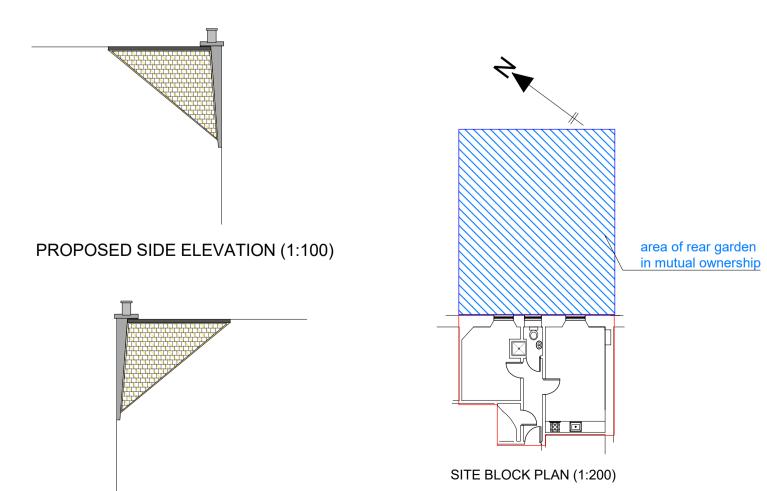




EXISTING REAR ELEVATION (1:100)



PROPOSED REAR ELEVATION (1:100)



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The Construction (Design and Management) Regulations 2015(CDM2015) requires all contractors to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. Principal contractor to plan, manage and monitor construction work carried out either by all contractors or by workers under the contractors control, to ensure that, as far as is reasonably possible, is carried out without risks to health and safety (Note, if the householder carries out the works themselves, it is classed as DIY and CDM 2015 does not apply)

All dimension to be checked on site prior to works commencing
 Drawings must not be scaled. All dimensions are to be checked by contractor

Client: Darrell Hardy 9 (3F4) Stewart Terrace

Project Alter flat and convert attic

Edinburgh **Drawing Number:** 20/Hardy/PP/001(--)

BUILDING DESIGN





