

Reveldrive Limited.
FAO: Brian Roache
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12 Atholl Place
Edinburgh
EH3 8HP

Ms Hui An Cheng
76 Merchiston Avenue
Edinburgh
EH10 4PA

Decision date: 10 November 2020

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

Removal of existing slate and flat roof and formation of a new steep pitched slated roof and flat roof. Formation of a second floor level with new windows to front elevation and balcony to rear with velux roof windows to new shower room and extended stair well. Formation of a flat roof with single ply felt having a mineralised finish, All new flashings and water gates to be code 4 lead. Build up the existing wall between 74 and 76 with stone to match existing and remove redundant chimneys.
At 76 Merchiston Avenue Edinburgh EH10 4PA

Application No: 20/03927/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 16 September 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** 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 Des 12 in respect of Alterations and Extensions, as it would have an adverse impact on the property and the wider area and would prejudice neighbouring amenity.

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

Drawings 01-04, 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 application for development is in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions). It is not compatible with the existing building and the character of the area and will have an adverse impact on neighbouring residential amenity. 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 Weronika Myslowiecka directly at veronika.myslowiecka@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
76 Merchiston Avenue, Edinburgh, EH10 4PA**

Proposal: Removal of existing slate and flat roof and formation of a new steep pitched slated roof and flat roof. Formation of a second floor level with new windows to front elevation and balcony to rear with velux roof windows to new shower room and extended stair well. Formation of a flat roof with single ply felt having a mineralised finish, All new flashings and water gates to be code 4 lead. Build up the existing wall between 74 and 76 with stone to match existing and remove redundant chimneys.

**Item – Local Delegated Decision
Application Number – 20/03927/FUL
Ward – B10 - Morningside**

Recommendation

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

Summary

The application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions). It is not compatible with the existing building and the character of the area and will have an adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a one storey cottage located on the site of a three-storey tenement property. The cottage itself is one of three identical cottages situated in line to provide a distinctive break from the tenements properties, located on Merchiston Avenue.

Description Of The Proposal

The application proposes a formation of a second floor with a balcony to the rear and a new pitched roof.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 10 November 2020

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 6

Section B

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?

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 impacts on equalities or human rights are acceptable; and
- d) any comments raised have been addressed.

a) Scale, form, design and neighbourhood character

Edinburgh Local Development Plan (LDP) Policy Des 12 states that alterations or extensions to existing buildings should, in their design and form, choice of materials and positioning be compatible with the character of the existing building and that they should not be detrimental to neighbourhood amenity and character. The non-statutory Guidance for Householders requires alterations and extensions to be architecturally compatible in design, scale and materials with the original house and its surrounding area; extensions should not overwhelm or dominate the original form or appearance of the house or detract from the character of the area.

The key issue to be determined is whether or not the conversion of this one and half storey cottage house is acceptable.

The proposed development is of an inappropriate scale, form and design as it would result in an incongruous, bulky and overly dominant addition to the property. It would dominate the original house, rather than being subservient to it. The proposal radically alters the character of the existing property, changing it from a low-key cottage type to a dominant two and half storey property with a pitched roof. It is not in keeping with the scale and overall spatial pattern of the area, especially given the unique design of the three cottages and the uniformity of these cottages. The proposed alternation would detract from the amenity of the neighbouring property.

The proposed scale, design and form is not compatible with the character of the existing building and fails to respect the character of the surrounding residential area, contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

b) Neighbouring amenity

The proposal creates Juliet balcony to the rear which would be situated in a close proximity to the windows of terrace houses causing a privacy issue. However, the providing drawings do not give enough information to carry out a full assessment.

The proposals do not comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

A total of 6 objections were received.

Material consideration:

- The proposed development will result in an unreasonable loss of privacy for neighbouring properties - This has been addressed in section (b);
- The proposed development will result in an unreasonable loss of daylight for neighbouring properties - This has been addressed in section (b);
- The proposed roof does not fit with the streetscape of the street. - This has been addressed in section (a);

- The proposal is contrary to guidance for householders and policy Des 12. This has been addressed in section (a);
- The proposed drawings are not accurate to make a full assessment. - This has been addressed in section (b).

Non-Material Representations:

- Noise and disturbance- This is a private, civil matter which cannot be materially assessed as part of the planning application.

Conditions/Reasons/Informatives

Conditions

Reasons

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have an adverse impact on the property and the wider area and would prejudice neighbouring amenity.

Risk, Policy, Compliance and Governance

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

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Date Registered: 16 September 2020

Drawing Numbers/Scheme

01-04

Scheme 1

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

Contact: Weronika Myslowiecka, Planning Officer

E-mail:weronika.myslowiecka@edinburgh.gov.uk

Appendix 1

Policies

Local Development Plan
Alterations and Extensions
Relevant Non-Statutory Guidelines
NSG Guidance for Householders

Further Information - [Local Development Plan](#)

Consultations

No consultations undertaken.

Comments for Planning Application 20/03927/FUL

Application Summary

Application Number: 20/03927/FUL

Address: 76 Merchiston Avenue Edinburgh EH10 4PA

Proposal: Removal of existing slate and flat roof and formation of a new steep pitched slated roof and flat roof. Formation of a second floor level with new windows to front elevation and balcony to rear with velux roof windows to new shower room and extended stair well. Formation of a flat roof with single ply felt having a mineralised finish, All new flashings and water gates to be code 4 lead. Build up the existing wall between 74 and 76 with stone to match existing and remove redundant chimneys.

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mrs jenny wilson

Address: 74 Merchiston Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object on a number of grounds.

I believe the proposals are contrary to statements in "Guidance to Householders" "Policy Des 12". Firstly, 'Design and Form' - the change of roof height, and pitch of roof is not compatible with the neighbouring properties namely 74 and 72/70. The run of the three properties were built as workshops/ shops by the Co-operative society in the 1890's along with the first tenement on Polwarth Crescent which abuts number 76. They are seen from neighbouring streets (Dorset place and Merchiston Mews) as an entirety.

All very similar, this planned change would jar with the look and character.

I note that in the DESIGN STATEMENT on the submitted plans it says that "the modernisation will be similar to that carried out on 70/72 Merchiston Ave. and will bring the building and construction standards up to date". This is not an accurate reflection of the situation in that the changes to 70/72 were to the rear of the property built out over what was the rear garden and the slight raise in roof height is at the back and cannot be seen from the front of the properties or from opposite streets.

I would back up this point by submitting a photo of all properties number 70 to 76 to show this, but due to covid you are not accepting paper copies of objections.

The doctored photo which accompanied the application only shows my house to the side of 76 and not the whole run of terraced properties. All with the same pitch and height and style of dormers. All with similar style guttering

The 'Design Statement' also states that the Cast Iron guttering will be removed and replaced by

PVC gutters on a white painted ply fascia board. This will also contrast with the other houses in the short terrace which are cast iron affixed to the stonework

The above points are in many places contrary to the paragraph in 'Policy Des12' regarding Neighbourhood character.

There is a paragraph in your Guidance that talks of 'Loss of privacy and light' . the raising of the roof to give a second storey will of course cause just that .. Mainly to the occupants of the ground to second floor flats in 38 Polwarth crescent, but with an open balcony looking down on the communal gardens belonging 38 and 35 Polwarth Crescent.

On reading page 17 'Roof Design' in your Household Guidance booklet. I see many discrepancies between this planning application and your advice-

"Pitch and Form that should match existing roof"

"New eaves heights should match or be lower than existing eaves"

"Chimneys form an important feature of many roofs, often marking the subdivision of terraces.....even if disused they should normally be retained"

The application also mentions existing gable extended and removal of redundant chimneys . Two of the chimneys on that stack belong to my property . Also there are no details as to how this erection might effect my house structure.

I think this application should be rejected . Thank you

Comments for Planning Application 20/03927/FUL

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Ms A Waterson

Address: 38/3 Polwarth Crescent Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed changes threaten a significant encroachment of our privacy. The proposed addition of an upper level and a balcony would mean that windows would be very close to our bathroom and kitchen windows, allowing neighbours to have a direct view into our home. Compromising our privacy in this way concerns us greatly.

The addition of an upper level and a balcony would also overshadow our kitchen and bathroom, blocking the natural sun and daylight. We are concerned that this would lead to moulding and damage in our home.

The proposed changes would bring another property into close proximity with our home. This will, inevitably, lead to an increase in noise and disturbance. This will significantly impact the quality of our day to day life, especially as we now spend more time at home as Covid-19 continues to impact everyone.

Overall, several aspects of the proposed changes will have a significant and detrimental impact on the quality of our lives, and we strongly object to them.

Comments for Planning Application 20/03927/FUL

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Miss C Duncan

Address: 38/5 Polwarth Crescent Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposal is not in keeping with the traditional front elevation of neighbouring properties.

There will be a loss of light and privacy for other neighbours to the rear of the property.

76 Merchiston Avenue does not have any direct access to the rear of the property. When recent building work was undertaken by the applicant, access was obtained via the stairwell at 38 Polwarth Crescent. In order to install a window, branches were cut down and stones removed. These were left lying in the garden despite the builders being asked to remove them. It is not clear from the proposal what access would be required or what impact the building works would have on 38 Polwarth Crescent.

Comments for Planning Application 20/03927/FUL

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to indicate that I would be concerned that if the proposed planning application were granted, my right to privacy might be compromised. For eighteen years, there has been no other windows opposite my building, near the height of my flat. Should the go ahead be given and an extension added, I would be faced with newly installed windows looking directly into my living room and my bedroom, where currently, there are none in that range.

Being just twelve metres away, the new development may well change the quality and amount of light reaching my flat. What it will not do, is improve the type of light that currently enters the flat and I have misgivings that the new development may affect the ambient light that presently reaches my building. Exchanging green for slate and stone isn't going to increase its luminescence.

In addition, I have concerns that overdevelopment of the area may set a precedent, which might affect the character of the neighbourhood and I see nothing in the planning application that will add to my right as a tenant to 'quiet enjoyment' of my flat. Indeed, with current and possible future restrictions in place due to Covid19, I have no wish to be potentially confined to my apartment, opposite a building site, with all the noise, disturbance and nuisance that this would surely bring.

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr jonathan coe

Address: 8 cairns place Muckhart

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development would have a pronounced adverse effect on our first floor flat and have a detrimental impact on the integrity of the neighboring area.

1. Loss of privacy to our property:

- o Due to positioning of the proposed second-floor balcony, any people standing in the balcony could look directly into our rear bedroom. Due to the proximity, this overlooking into our flat would be a major privacy intrusion. There is also potential for noise intrusion.

- o The proposed stairwell window would be near to the boundary with our property; it would be almost adjacent to our rear bedroom window, so the proposed stairwell window would feel intrusive. This is exacerbated by the proposal for raising the roofline of number 76, so it would be proud of the roofs of 70, 72 and 74 Merchiston Avenue. The proposed raised roof line of 76 Merchiston Avenue would be unacceptably close to our rear bedroom window. We note there is no image in the plans to show the proposed rear roof line and how it would abut to 38 Polwarth Crescent.

2. Loss of daylight and sunlight to our property:

- o Particularly to our rear bedroom in our flat, but also our garden.

3. Reduced outlook from our property:

- o The proposed second floor extension would have a detrimental impact to the immediate outlook

from the rear of our property.

4. A separate concern is that the proposed roof would also make the area look disjointed, as would not be in line with the roof lines of 70, 72 and 74 Merchiston Avenue. The combination of number 76 having an additional story and raising the existing first floor roof line of number 76 above its neighbors would create streetscape with a low quality, piecemeal design.

5. How would access for building works for the rear of the proposed development be achieved, assuming the owners of 38 Polwarth Crescent do not allow access through their stairwell? Previous building work done by 76 Merchiston Avenue, that used our stairwell for access, left our garden in a considerable mess which one member of 38 Polwarth Crescent was left to clear up.

Comments for Planning Application 20/03927/FUL

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Residential

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr Francis Reid

Address: 41/13 Merchiston Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to indicate that I would be concerned that if the proposed planning application were granted, my right to privacy might be compromised. For eighteen years, there has been no other windows opposite my building, near the height of my flat. Should they go ahead and an extension be added, I would be faced with newly installed windows looking directly into my living room and my bedroom, where currently, there are none in that range.

Being just twelve metres away, the new development may well change the quality and amount of light reaching my flat. What it will not do, is improve the type of light that currently enters the flat and I have misgivings that the new development may affect the ambient light that presently reaches my building. Exchanging green for slate and stone isn't going to increase its luminescence.

In addition, I have concerns that overdevelopment of the area may set a precedent, which might affect the character of the neighbourhood and I see nothing in the planning application that will add to my right as a tenant to 'quiet enjoyment' of my flat. Indeed, with current and possible future restrictions in place due to Covid19, I have no wish to be potentially confined to my apartment, opposite a building site, with all the noise, disturbance and nuisance that this would surely bring.

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Case Officer: Weronika Myslowiecka

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In our view, the submitted drawing does not provide sufficient and accurate information to enable us, as an adjoining owner, to fully assess the effects of the proposed development on our property.

For example, the submitted application shows the proposed new roof projecting into our property through the wall. We can provide annotated drawings on request. In our view the development cannot be assessed until accurate drawings have been produced and a further period of comment allowed for those affected. We reserve the right to make further comment at that time.

In addition, the application also does not appear to provide the information or assessment required by Section 2.10 of the 'Edinburgh Design Guidance January 2020' document with regard to ensuring that the design of the proposed building form does not adversely affect the amenity of neighbouring development.

In particular it does not indicate the position and height of our bedroom window in relation to the proposed development. This makes it challenging to properly assess the impact in terms of the Guidance, which under the heading 'Privacy and outlook, (page 85) states:

'People value privacy within their homes but they also value outlook - the ability to look outside,

whether to gardens, street or more long distance views. To achieve both, windows should be set out so that direct views between dwellings are avoided.'

However, it appears from the limited information available from the application that anyone standing on the proposed balcony would be able to look directly into our bedroom from a very close distance. The submitted drawing indicates the new balcony will be at the same level as the existing roof and when work was recently carried out on this roof we had to keep our bedroom curtains closed to maintain privacy from the workers.

The Design Guidance document does on to say:

'Though private views will not be protected, immediate outlook of the foreground of what can be seen from within a building may be. Unless there are exceptional circumstances, this means that new development that blocks out the immediate outlook of an existing dwelling must be avoided.'

The proposed development will involve a new structure some 2.5 metres higher than the existing building in close proximity to our bedroom window and therefore it 'blocks out the immediate outlook of an existing dwelling' and would therefore be contrary to the requirements of the 'Edinburgh Design Guidance January 2020'.

We are happy to provide any further information that may be required or to facilitate a site visit by an Edinburgh City Council planning official.

Comments for Planning Application 20/03927/FUL

Application Summary

Application Number: 20/03927/FUL

Address: 76 Merchiston Avenue Edinburgh EH10 4PA

Proposal: Removal of existing slate and flat roof and formation of a new steep pitched slated roof and flat roof. Formation of a second floor level with new windows to front elevation and balcony to rear with velux roof windows to new shower room and extended stair well. Formation of a flat roof with single ply felt having a mineralised finish, All new flashings and water gates to be code 4 lead. Build up the existing wall between 74 and 76 with stone to match existing and remove redundant chimneys.

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr Nick Hobbs

Address: 38/4 Polwarth Crescent Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In our view, the submitted drawing does not provide sufficient and accurate information to enable us, as an adjoining owner, to fully assess the effects of the proposed development on our property.

For example, the submitted application shows the proposed new roof projecting into our property through the wall. We can provide annotated drawings on request. In our view the development cannot be assessed until accurate drawings have been produced and a further period of comment allowed for those affected. We reserve the right to make further comment at that time.

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We are happy to provide any further information that may be required or to facilitate a site visit by an Edinburgh City Council planning official.

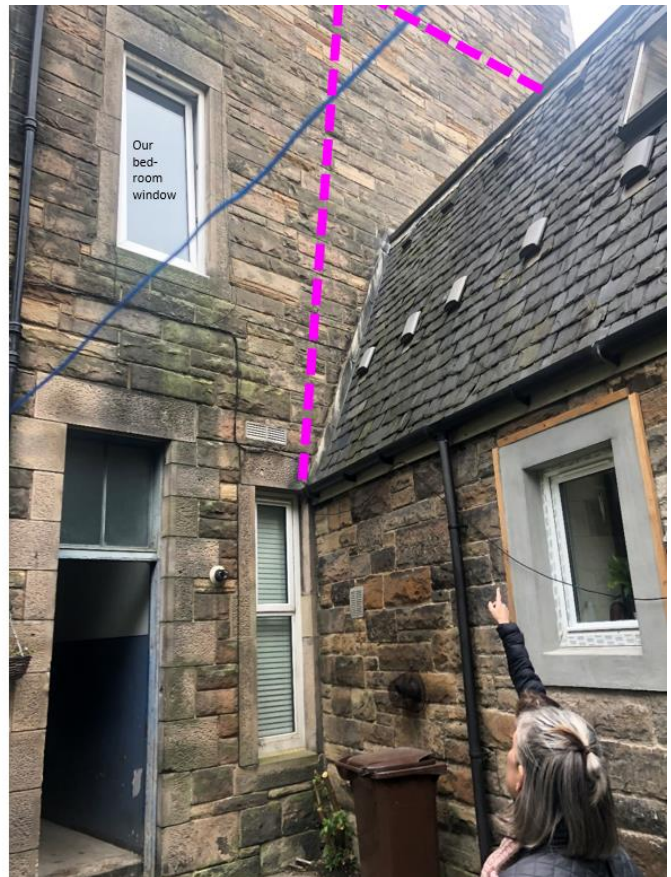
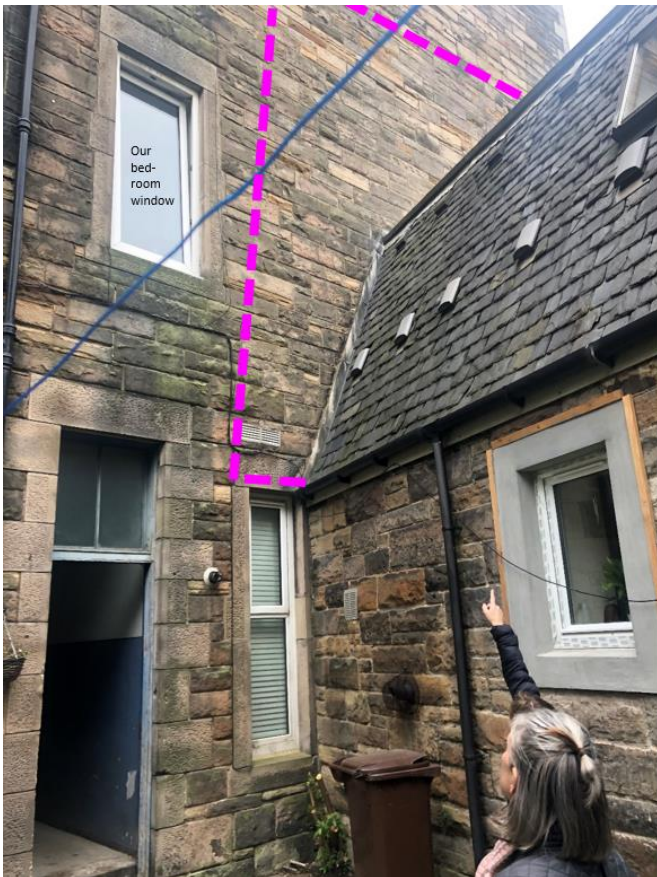
Dear review team,

Our flat is 1F2 38 Polwarth Crescent, adjacent to 76 Merchiston Crescent. For this appeal, we have provided visual elements to supplement our original comment and add our support to the council decision to refuse this application.

The proposal to form a steeper pitched slated roof to the first floor and adding a second story, from the front of 76 Merchiston Crescent, is below. The appearance of the rear elevation it is unclear.



Below are options for how the proposed rear roof lines of 76 Merchiston Crescent would appear from our garden.



There are several issues with the proximity of either of these new rear roof lines to existing rear windows of 38 Polwarth Crescent. Either of these the slashed roof lines would visually feel unacceptably close when looking out of our bedroom window and degrade our outlook, result in loss of light and would also architecturally degrade the rear elevation of our building.

The existing view from our rear bedroom window is below left and middle, showing how close the roof of 76 Merchiston Crescent already is. Due to the positioning of the proposed second-floor balcony, below right, any people standing in the balcony could look directly into our rear bedroom. This overlooking into our flat would be a major privacy intrusion. There is also potential for noise intrusion. The proposed stairwell window in 76 Merchiston Crescent would also feel intrusive.



The applicant claims that the proposed 'modernisation' will be similar to that already carried out to No.70-72 Merchiston Avenue. However, the below shows that at least the roof line of the front elevation of No.70-72 is harmonious with its two-story terraced neighbours.



Continued...

In summary,

The proposed development would have a pronounced adverse effect on our property and the integrity of the neighbouring area.

- Loss of privacy to our rear bedroom and garden.
- Loss of light to our rear bedroom and garden.
- Reduced, degraded outlook from our rear bedroom
- Degraded rear elevation of our building
- Proposed front elevation incongruent with 70, 72 and 74 Merchiston Avenue, lowering the quality of the streetscape by introducing a disjointed, piecemeal design.

Thank you for your careful consideration of this proposed development

Mr and Mrs Coe

On a related topic, the below rear window has been recently added by 76 Merchiston Avenue. This directly overlooks our garden and is intrusive. Should this window have had planning permission?

We would prefer that this window is removed and the wall reinstated.



Planning Decision Appeal.

76 Merchiston Avenue, Edinburgh – Ref.20/03927/FUL dated 10th November 2020.

Thank you for the email and attachment dated the 15th March 2021, and note the points made in the attachment.

01. It's accepted that 72 Merchiston Avenue was substantially altered and sub-divided to the rear of the property, however the front elevation was only minimally altered.
02. It's not accepted this rear elevation proposal would have detracted from the amenity of the rear common garden which at the time of this planning application was in a poor state and mostly unused. The amenity is that of a communal drying green and possibly bin storage area.

03.

Below are two photos taken on the 8th July 2019.



continued...

04. The neighbour's sketch of where the proposed roof and projection to the rear is incorrect. There was never an intention to build over the line of the existing wall heads. Please refer to the A4 PDF showing the section submitted on Dwg. Ref. 03/272MA/BW07 dated August 2020 at the time of the original planning application.

05.

As part of the appeal, one of my client's issues was that we were not given an opportunity to make any amendments which might have satisfied questions about the design or impact on amenity from neighbours or the planning officer.

For example; we could have removed all the windows at the rear elevation and made the second floor rooms a single aspect to Merchiston Avenue.

In relation to Mr & Mrs Coe's summary of concerns:

01. We never claimed our proposals would be the same as that previously carried out at No. 72 Merchiston Avenue, simply that it had been materially changed. My client would have accepted changing the design of the front and rear elevations to a stone façade construction as opposed to an extended slate façade if this had been acceptable.

No opportunity was afforded by CEC planning department planning officer.

02. No loss of privacy or daylight to the neighbour's window would ensue from my client's proposed extension as the proposed rear apartment window is south of the extension. No loss of privacy would ensue to the communal drying green as it is already overlooked by existing tenement flats. Given an opportunity these concerns could have been designed out.

03. Certainly no "degradation" of the view of the communal drying green would result from our proposals nor of the rear elevation of the tenement in our opinion.

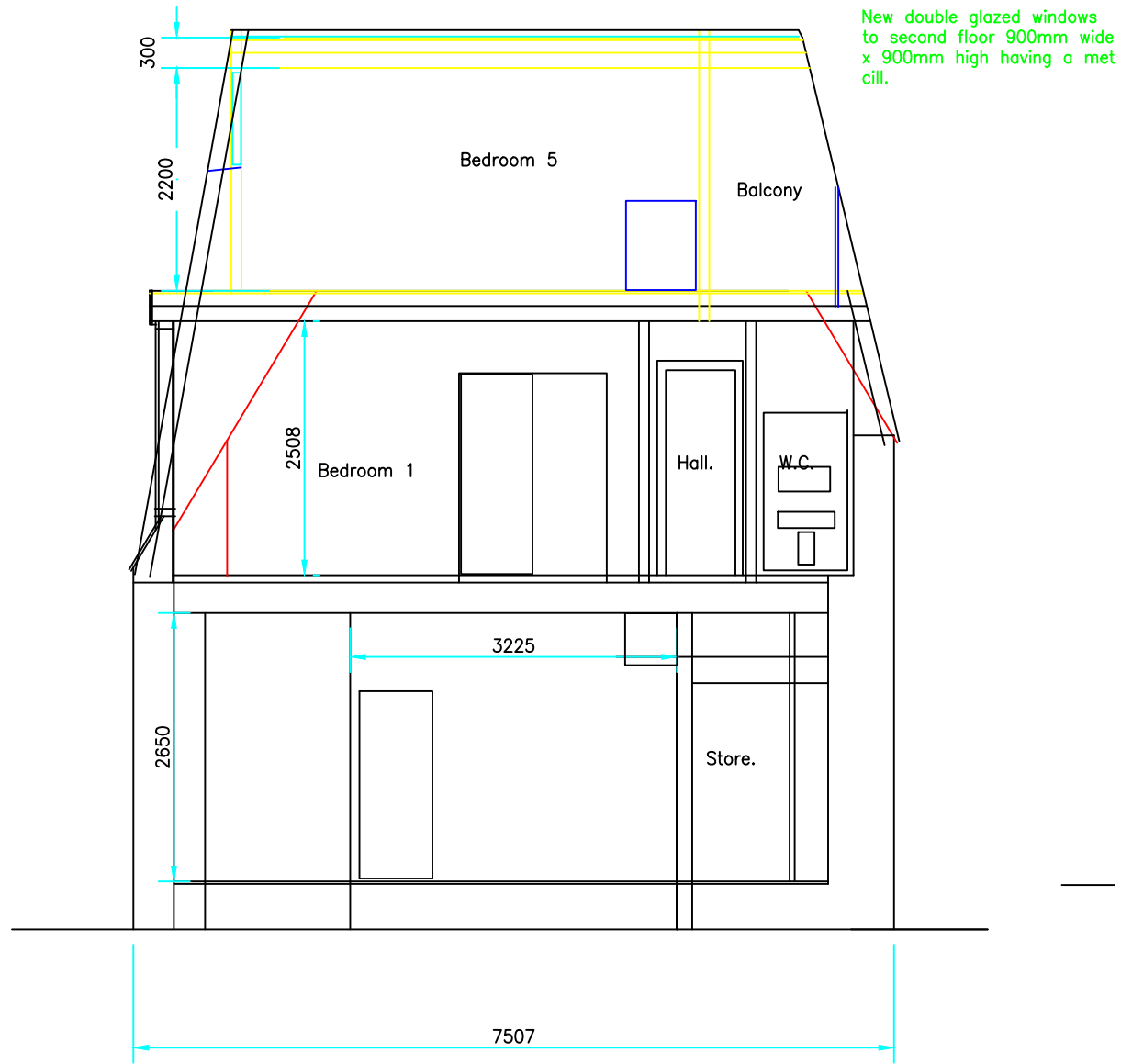
The other points raised have already been dealt within this document.

Yours sincerely

Brian Roache

Managing Director

Reveldrive Limited



New steep pitch roof to front elevation with slates to match existing.

New second floor 2.2m floor to ceiling. All new walls and flat roof to have 150mm thick rigid insulation.

New escape upvc windows to second floor level fitted with high efficiency double glazed units. having an opening area 0.33m.sq. min. opening 450x450mm and no more than 1100mm above floor level. Glazing U value 0.16 Provide trickle vent. in acc. with Reg 3.14.3 – 8000mm sq.

New double glazed windows to second floor 900mm wide x 900mm high having a met cill.

Typical section A-A

To Gina Bellhouse and Members of the Review committee.

I live in number 74 Merchiston Avenue.

I continue to object on a number of grounds.

I believe the proposals are contrary to statements in "Guidance to Householders" "Policy Des 12".

Firstly, 'Design and Form' - the change of roof height and pitch is not compatible with the neighbouring properties namely 74 and 72/70. The run of the three properties were built as workshops/ shops by the Co-operative society in the 1890's along with the first tenement on Polwarth Crescent which abuts number 76. They are seen from neighbouring streets (Dorset place and Merchiston Mews) as an entirety . **I attach photo to show this.**

All very similar, this planned change would jar with the look and character.

I note that in the DESIGN STATEMENT on the submitted plans it says that "the modernisation will be similar to that carried out on 70/72 Merchiston Ave. and will bring the building and construction standards up to date". That, together with another reference to No 72 in the application for review which states that the changes made in the past to No 72 have already changed the general look and conformity of the three properties . **This is not an accurate reflection of the situation** in that the changes to 70/72 were to the rear of the property built out over what was the rear garden and the slight raise in roof height is at the back and is discreet and cannot be seen from the front of the properties or from opposite streets. (see photo). It has no impact on any property to the rear The same cannot be said of the present proposal for number 76

The doctored photo which accompanied the application only shows my house (74) to the side of 76 and not the whole run of terraced properties. All with the same pitch and height and style of dormers. All with similar style guttering. (see photo)

In the application for review the applicant also states that the properties (70 - 76) are in a state of disrepair externally and not up to present building standards. I would suggest that that is a ridiculous statement, totally untrue .

The 'Design Statement' also states that the Cast Iron guttering will be removed and replaced by PVC gutters on a white painted ply fascia board. This will also contrast with the other houses in the short terrace which are cast iron affixed to the stonework

The above points are in many places **contrary to the paragraph in 'Policy Des12' regarding Neighbourhood character.**

The applicant for the review also says **they could change the proposal** to build up the elevation to encompass a full second floor then add a traditional pitched roof. That would make as great an impact on the look of the terrace of houses and totally overwhelm and be detrimental to the look of my house number 74.

There is a paragraph in your Guidance that talks of '**Loss of privacy and light**' . the raising of the roof to give a second storey will of course cause just that .. Mainly to the occupants of the ground to second floor flats in 38 Polwarth crescent, but with an open balcony looking down on the communal gardens belonging 38 and 35 Polwarth Crescent.

On reading **page 17 'Roof Design' in your Household Guidance booklet. I see many discrepancies between this planning application and your advice-**

"Pitch and Form that should match existing roof"

"New eaves heights should match or be lower than existing eaves"

"Chimneys form an important feature of many roofs, often marking the subdivision of terraces.....even if disused they should normally be retained"

The application also mentions existing gable extended and removal of redundant chimneys . Two of the chimneys on that stack belong to my property . Also there are no details as to how this erection might affect my house structure.

I think this application should continue to be rejected .

Jenny Wilson



72
70

P
15
15

W
L
L

FN65 DPJ

FN65 MHU

SK18 LYI



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 100304015-004

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 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

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Reveldrive Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Brian"/>	Building Name:	<input type="text" value="1f4"/>
Last Name: *	<input type="text" value="Roache"/>	Building Number:	<input type="text" value="12"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Atholl Place"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="West End"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH3 8HP"/>
Email Address: *	<input type="text" value="REDACTED"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	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="Hui An"/>	Building Number:	<input type="text" value="76"/>
Last Name: *	<input type="text" value="Chien"/>	Address 1 (Street): *	<input type="text" value="Merchiston Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH10 4PA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="76 MERCHISTON AVENUE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH10 4PA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672374"/>	Easting	<input type="text" value="324039"/>
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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)

Removal of existing slate and flat roof and formation of a new steep pitched slated roof and flat roof. Formation of a second floor level with new windows to the front elevation and balcony to the rear with velux windows to shower room and extended stair well. Formation of a flat roof with single ply felt having a mineralised finish. All new flashings and water gates to be code 4 lead. Build up existing party wall between 74 and 76 Merchiston Avenue to match existing stone and remove chimneys.

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.

Please see attached document - grounds for appeal against the refusal decision.

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 see attached document - grounds for appeal against the refusal decision.

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)

Document - grounds for appeal against the refusal decision. All other submissions made with the application: Photo montage Photographs Plans sections and elevations Site Location Refusal notification letter

Application Details

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

20/03927/FUL

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

16/09/2020

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

10/11/2020

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

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 Brian Roache

Declaration Date: 05/03/2021

Reveldrive Limited.
FAO: Brian Roache
1F4
12 Atholl Place
Edinburgh
EH3 8HP

Ms Hui An Cheng
76 Merchiston Avenue
Edinburgh
EH10 4PA

Decision date: 10 November 2020

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

Removal of existing slate and flat roof and formation of a new steep pitched slated roof and flat roof. Formation of a second floor level with new windows to front elevation and balcony to rear with velux roof windows to new shower room and extended stair well. Formation of a flat roof with single ply felt having a mineralised finish, All new flashings and water gates to be code 4 lead. Build up the existing wall between 74 and 76 with stone to match existing and remove redundant chimneys.
At 76 Merchiston Avenue Edinburgh EH10 4PA

Application No: 20/03927/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 16 September 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** 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 Des 12 in respect of Alterations and Extensions, as it would have an adverse impact on the property and the wider area and would prejudice neighbouring amenity.

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

Drawings 01-04, 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 application for development is in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions). It is not compatible with the existing building and the character of the area and will have an adverse impact on neighbouring residential amenity. 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 Weronika Myslowiecka directly at veronika.myslowiecka@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.

Planning Pre-Application Advice Service: Request Form

This form can be used to request advice from the City of Edinburgh Council on a development proposal prior to submitting a planning application. Personal data will be held in accordance with the Data Protection Act. Please read the Customer Service Guide at www.edinburgh.gov.uk/preapplicationadvice before submitting.

1) Contact details

	Applicant		Agent (if applicable)
Name:	<input type="text"/>	Name:	<input type="text"/>
Organisation:	<input type="text"/>	Organisation:	<input type="text"/>
Address:	<input type="text"/>	Address:	<input type="text"/>
Phone:	<input type="text"/>	Phone:	<input type="text"/>
Email:	<input type="text"/>	Email:	<input type="text"/>

2) Development proposal

Please provide the address/location of the proposed development.

Please specify the existing land use, any existing floor areas, and known environmental constraints.

Please describe the development proposal, including the site area and the type and net internal area of new space. The more information provided, the more comprehensive the advice the Council can offer.

Please set out any information that is particularly sought from the Council.

Planning Decision Appeal.

76 Merchiston Avenue, Edinburgh – Ref.20/03927/FUL dated 10th November 2020.

REFUSED.

This appeal focuses on three main issues:

- 1. There is no system in place for minor/householder applications to mitigate the risk of an application being refused where it would be obvious to planning officials it would.**
- 2. This application was determined without the client's Architect/Principal Designer being able to make any alterations to the external appearance of the proposed alteration and extension.**
- 3. If either of the above is found to be correct and found in favour of the applicant/client, the client/applicant wishes to be compensated financially and for the application to be returned to the planning authority for re-consideration with a view to making the external appearance of the planning application proposals more acceptable to the planning officials.**

Alternatively, the external appearance be adjusted in relation to the professional opinion of the Enquiry Reporter acting on behalf of the Scottish Government.

Issue 1.

A pre-application inquiry form was submitted to CEC planning on the 14th September 2020 and the following reply given on the same day as below:

Brian Roache [REDACTED]

To: preapplicationadvice@edinburgh.gov.uk preapplicationadvice@edinburgh.gov.uk; chien nina [REDACTED]

14/09/20 10:44

32

194.7 KB

[76 Merchiston Avenue.dwg BW \(4\)-Proposed roof extension.pdf](#)

14.1 KB

[72 Merchiston Ave Roof.jpg](#)

195.1 KB

[request-form planning.pdf](#)

Show all 3 Attachments

[Save all as ZIP](#)

Dear Sir/Madam,

Please find attached the pre-application enquiry form along with plans section and elevations of the proposals including a photo montage of the roof extension. We would be grateful of your comments prior to lodging a formal planning application.

Regards

Brian Roache

Response:

----- Original Message -----

From: Pre-application advice<preapplicationadvice@edinburgh.gov.uk>

To: Brian Roache [REDACTED]

Sent: Monday, 14 Sep, 20 At 16:30

Subject: RE: 76 Merchiston Avenue Edinburgh EH10 4PA

Thank you for your enquiry.

Unfortunately, Pre-application advice is only given for large, contentious or unusual proposals. We do not give pre-application advice on householder development, straightforward listed building applications or changes of use, windows, driveways and adverts.

You can check your proposals against our [planning guidance](#) and [conservation area and listed building guidance](#)

You should then make a formal application via the www.eplanning.scot website and the application will be fully assessed by a case officer.

Regards

Jon McSherry

This was not always the case as for small developments, house alterations and conversions; advice could be given by planning officials with the caveat “all subject to detailed proposals being submitted”.

Indeed, for conservation area and listed building consent to gain a decision on whether an application or certain proposals require permission a formal application is required, but not the case with planning applications where it is a small development, house alteration or conversion/sub-division - without paying an application fee.

Where a property is not listed or not in a conservation area and where it is not considered to be of special architectural interest, in the case of 76 Merchiston Avenue, and there is a mixture of modern flats, converted mews properties and traditional tenements round about, only a formal planning application is the process to adopt.

To then rely on an assessment of planning policy/guidance as stated in the paragraphs in the refusal decision at the outset is not a reliable indicator of whether a planning application will be allowed or not.

Just one example is an application where I was not the applicant but a neighbour and objector to the following application for planning listed building and conservation/UNESCO world Heritage site – St Mary’s Cathedral at Edinburgh’s west end:

I was very familiar of the CEC Planning Guidance “appraisal document” and this was a copy email sent to UNESCO ahead of my formal appeal to the SPSO (Scottish Public Service Ombudsman). During this investigation it was even found the approved development had destroyed not only green space but a tree planted on that ground planted by “The Queen Mother” as a tribute to the Cathedral.

Alberth, Patricia <p.alberth@unesco.org>

To: [REDACTED]

01/03/12 17:32

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Dear Mr Roache,

I acknowledge with thanks receipt of your email of 17 February February 2012 concerning the state of conservation of the World Heritage property “Old and New Towns of Edinburgh”, which was inscribed on the World Heritage List in 1995.

Please be assured that we have taken due note of your concerns regarding the development of a new medical centre at this World Heritage property. Your message, therefore, will be reviewed by the Advisory Bodies to the World Heritage Committee and be subject to follow-up, if deemed appropriate.

Again, we thank you for your interest in safeguarding World Heritage.

Yours sincerely,

Patricia Alberth

Patricia ALBERTH
Europe and North America Section
UNESCO World Heritage Centre
7, Place de Fontenoy, 75352 Paris 07 SP - France
Tel: +33 (0)1 45 68 18 78
Fax: +33 (0)1 45 68 55 70
E-mail: p.alberth@unesco.org

From: [REDACTED]
Sent: Friday, February 17, 2012 10:47 AM
To: Alberth, Patricia
Cc: iwhite@unesco.org.uk
Subject: Edinburgh "World Heritage Site" - St.Mary's Cathedral, West End, Edinburgh

For the Attention of Patricia Alberth
Focal Point for Western Europe, Western Mediterranean Europe and North America
Europe and North America Section
UNESCO World Heritage Centre.

Dear Ms Alberth,

I have been given your name by Mr Ian White who is part of your organisation based in London. The reason I wish to contact you is a matter of importance to me and your organisation with regard to the above "world heritage site". Recently a planning application to build a brand spanking new medical centre was approved by the city of Edinburgh planning sub-committee which seems to fly in the face of all that this world heritage site was set up to protect. Attached is the City of Edinburgh's own "appraisal document" which clearly sets out the aims of conservation within this area, and contradicts the proposed medical centre development proposal. Should you wish to see the detail of this planning submission it is on the City of Edinburgh Planning portal: <https://citydev-portal.edinburgh.gov.uk/portal/portal.jsp> and the planning application reference is 11/02692/FUL.

This proposal is to be built within the grounds of St. Mary's Cathedral on a green site which has mature trees. This open ground and trees set off the traditional georgian buildings around this area and gives space to view and appreciate this unique new town townscape. It was the very principle of the new town in Edinburgh to create buildings with green open spaces to allow light and views of the buildings. The reason why my wife and I live here is for this very character of traditional town planning being a part of our scottish heritage.

This new modern health centre building will be cramped into this green space and mature trees will also be lost. The view from Manor Place where I live will completely lose the view of Wallpole Hall (an existing georgian building) to the west, and the area will have a larger volume of pedestrian and vehicular traffic as a result of this development.

The reason I think the development has been approved is that of "planning gain" which in this case involves new landscaped areas of what is already green open spaces albeit they are not well maintained by the Cathedral administration. There is also a "temporary" stonemasons yard which is funded by "historic scotland" and the development allows for a permanent residence for this business. Interestingly "historic scotland" did not object to this proposal which I would expect them to in all other circumstances.

I have lodged a formal appeal against this decision with the council which has been rejected and have not lodged a formal complaint with the SPOS at Ask@spsos.org.uk <Ask@spsos.org.uk>; who are independent from the council, and this is ongoing. In addition to this I think UNESCO should be involved as a body who has influence and an interest of what goes on in "world heritage sites such as this, and perhaps can influence the decision makers at the council to look again at what they have approved and what they are about to lose.

Normally an application like this would require a "listed building consent for the entire development, being connected to an existing "listed building" such as Wallpole Hall. The original application was not connected to the Hall and only had to apply for planning permission, The variation to the application did then connect to the Wallpole hall but became a less onerous application because of the variation. This is a technical/procedural point but shows there was a definite bias from the planning authority to ease this application through. Indeed when I spoke to the planning officer who recommended the application for approval, he referred to the pre-application consultations had by the developers agents/professionals and the planning department and indeed Historic Scotland. My view is that by the time the planning application was lodged it was already a "done deal".

If you feel you can support my objections to this development please get involved. Should you need contact names in the council of the decision makers I am happy to help. My only intention here is to uphold the values and interests of the conservation of the new town of Edinburgh and that of this "world heritage site" which I do not think this development represents.

Yours sincerely,

Brian Roache

Architect

47 Manor Place, Edinburgh EH3 7EB

In summary – The planning guidance or guidelines cannot be founded upon as a reliable tool to assess if a proposal will be successful or not and if a client has a reasonable proposal to alter and extend their home which is not listed, not in a conservation interest and is of no special architectural interest. Nor does the proposals cause any loss of privacy to neighbours or in any way detract from their amenity.

Issue 2.

This planning application was lodged and an acknowledgment received from CEC planning on 30th September 2020.

An email was sent to me from Weronica Myslowiecka the appointed planning officer on the 20th October 2020, which unfortunately went straight into my spam email.

By sheer chance I spotted the email prior to deleting all “spam” and contacted the planning officer on the morning of the 20th October 2020 only to be issued with the refusal decision in the afternoon.

The following emails explain not only this time line but also that the amendment to the elevations would not have been considered to make any difference to this planning application being refused.

RE: 76 Merchiston Avenue planning decision notice



[Weronika Myslowiecka <Weronika.Myslowiecka@edinburgh.gov.uk>](mailto:Weronika.Myslowiecka@edinburgh.gov.uk)

To: [REDACTED]

11/11/20 15:48

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Dear Mr Roache,

To answer your question, if your client wish to resubmit new proposal then yes, the fee of £202 would have to be pay. In terms of the scheme, the addition floor and the balcony to the rear would not be acceptable. As it does states in the report the proposal is not in keeping with the scale and overall spatial pattern of the area, especially given the

unique design of the three cottages and the uniformity of these cottages. The proposed alternation would detract from the amenity of the neighbouring property.

If your client wish to appeal the decision, the instruction is provided together with the report of handling.

Hope that helps.

Regards,

Weronika

From: [REDACTED]
Sent: 11 November 2020 15:21
To: Weronika Myslowiecka <Weronika.Myslowiecka@edinburgh.gov.uk>
Cc: chien nina [REDACTED]
Subject: RE: 76 Merchiston Avenue planning decision notice

Dear Ms Myslowiencka,

Thank you for your email dated today.

Your original email went straight into my spam folder as did the one today and it was only by sheer luck I did not delete the original.

Given I sent you an email yesterday morning and the decision notice was generated in the same afternoon, neither me nor my client have had an opportunity to make any adjustments to give this application a chance of success.

I would have at least expected a phone call given you did not hear from me at all, before refusing the application.

So given your statement that this decision cannot be changed I have two options:

1. Reapply for planning consent with a change to the elevation all treatment- for example raising the wall heads in stone to second floor level and providing a traditional pitched roof - getting away from the slate facade.
2. Submitting an appeal to the Scottish Government as is my clients statutory right.

Can I check if my client have to pay an additional planning application fee of £202.00 and also - what your view would be on a re design on the elevations?

I will await your comments before taking my client's instructions.

Regards

Brian Roache

----- Original Message -----

On Wednesday, 11 Nov, 20 At 14:18, Weronika

Myslowiecka <Weronika.Myslowiecka@edinburgh.gov.uk> wrote:

Dear Mr Roache,

My initial email about refusal was send out on the 20 October 2020, since then I have not received any correspondence from you. Therefore, the decision was issued yesterday and I am unable to change it.

Regards,

Weronika

From: [REDACTED]

Sent: 10 November 2020 17:28

To: Weronika Myslowiecka <Weronika.Myslowiecka@edinburgh.gov.uk>

Subject: 76 Merchiston Avenue planning decision notice

Dear Ms Myslowierka,

Following my email to you inviting dialogue to either resolve or amend this planning application, I have received a decision notice refusing this application without giving myself and my client time.

Can you please resind this notice to give me more time to review this proposal with my client.

Regards

Brian Roache

The specific statement in Ms Myslowiencka's email "states in the report the proposal is not in keeping with the scale and overall spatial pattern of the area, especially given the unique design of the three cottages and the uniformity of these cottages. The proposed alternation would detract from the amenity of the neighbouring property." Is in my opinion inaccurate.

Firstly, it is not clear what amenity would be compromised by extending the building up another storey.

Secondly, Number 72 Merchiston Avenue has been substantially altered and extended and has also been sub-divided into two flats. The three cottage style properties are similar but not the same and actually do not reflect any other buildings in the area.

Finally, in terms of being unique - that does not give them a listed building status or even a design of architectural importance even by LBC or CEC planning standards. At best when designed they would be utility properties which are now in a state of disrepair externally and certainly not up to present building standards.

Issue 3.

My client given the previous issues would like to claim compensation.

This amounts to the following costs:

Fixed architectural fee to prepare drawings and make a formal planning application

£ 1.500.00

To lodge a formal Appeal

£ 500.00

Application fee to CEC

£ 202.00

Total claim:

£ 2.202.00

(Two thousand two hundred and two pounds only)

This appeal document is to be read in conjunction with the plans sections and elevations submitted and the design statement. There will also be photographs submitted along with the photo montage and a copy of the pre-application enquiry document.

Please get in touch if you need any other information.

Yours sincerely

Brian Roache

Managing Director

Reveldrive Limited

Addendum of items submitted with this appeal in addition to this summary and timeline of emails.

01. Proposal drawing with site location and design statement
02. Photo montage
03. Appeal document
04. Photo of the existing elevation of 76 Merchiston Avenue
05. Photo of the extension to 72 Merchiston Avenue
06. Pre-application enquiry form

Proposal Details

Proposal Name	100304015
Proposal Description	Removal of existing roof and formation of a new steep pitched slated roof. Formation of a second floor level with new windows to front elevation and new balcony and velux roof windows to rear.
Address	76 MERCHISTON AVENUE, EDINBURGH, EH10 4PA
Local Authority	City of Edinburgh Council
Application Online Reference	100304015-004

Application Status

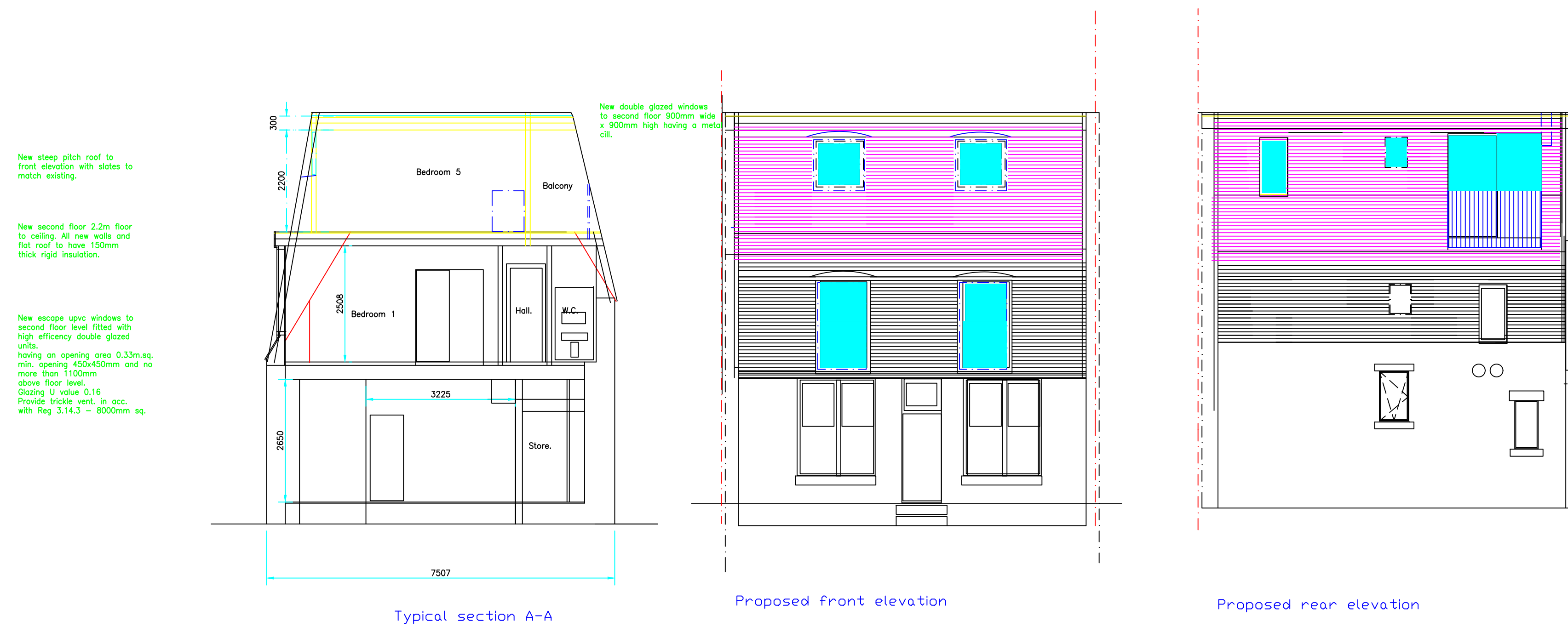
Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Written appeal Document	Attached	A4
Photo to rear	Attached	A5
Planning decision letter	Attached	A4
Pre- application request form	Attached	A4
Detailed Drawings	Attached	A1
Photo montage	Attached	A5
Photo to front elevation	Attached	A5
Flat roof photo	Attached	A5
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

Do not scale for dimensions.

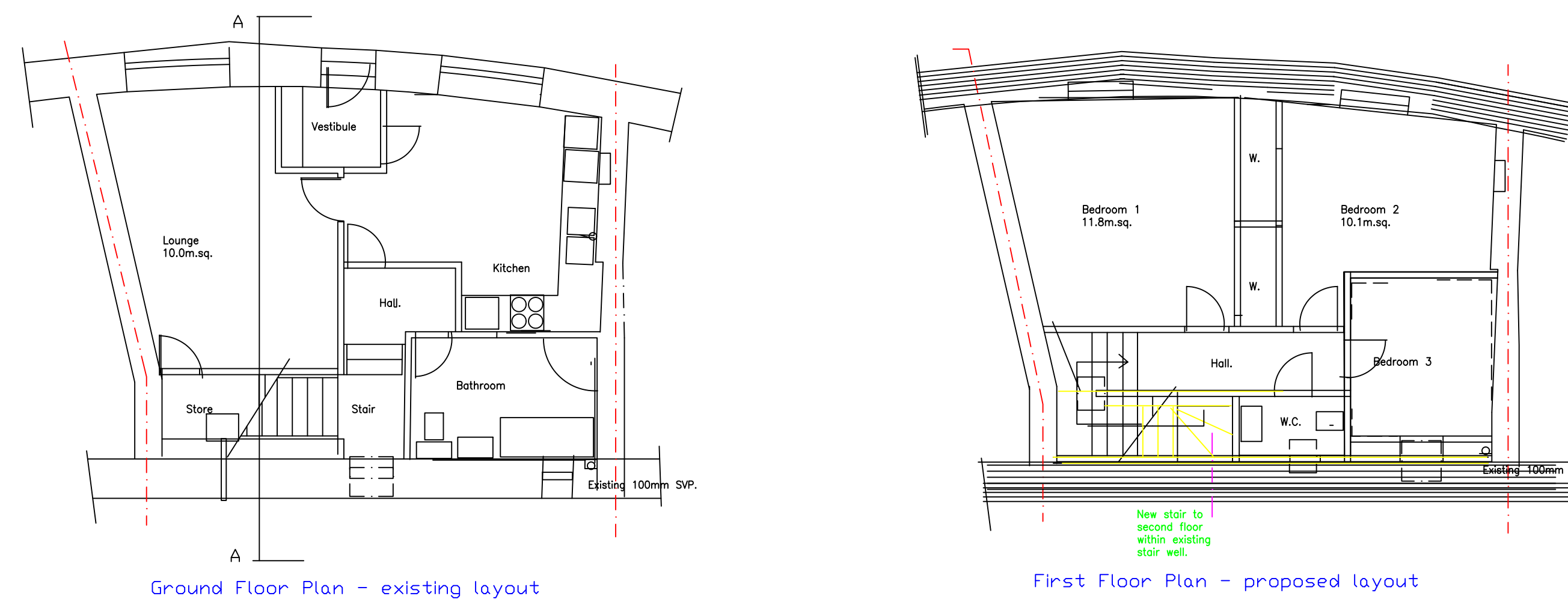
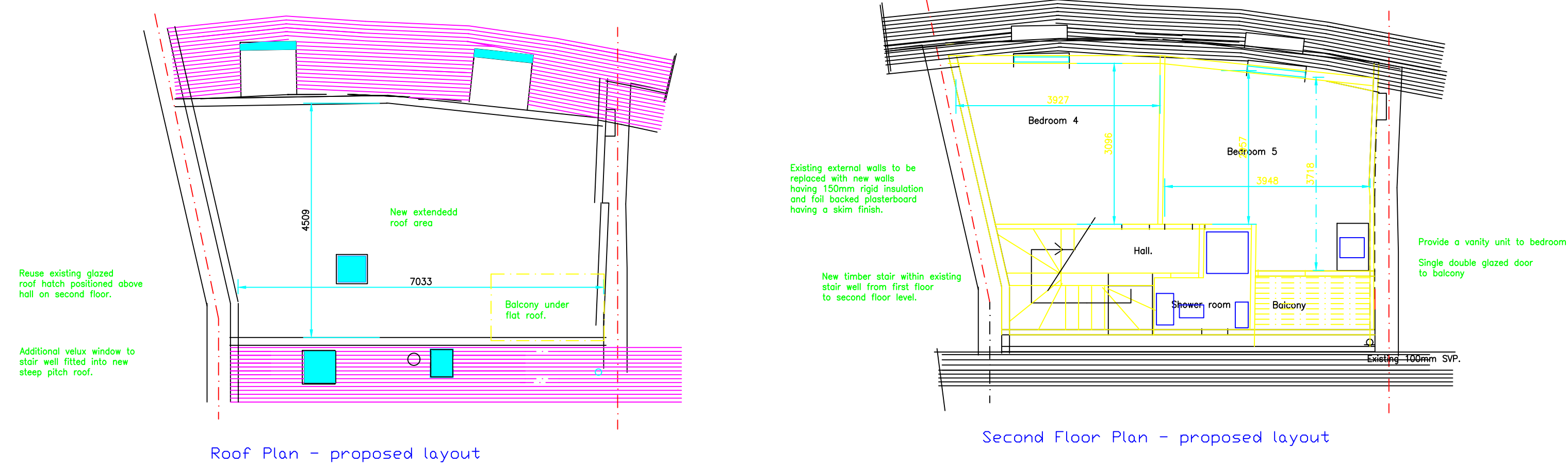
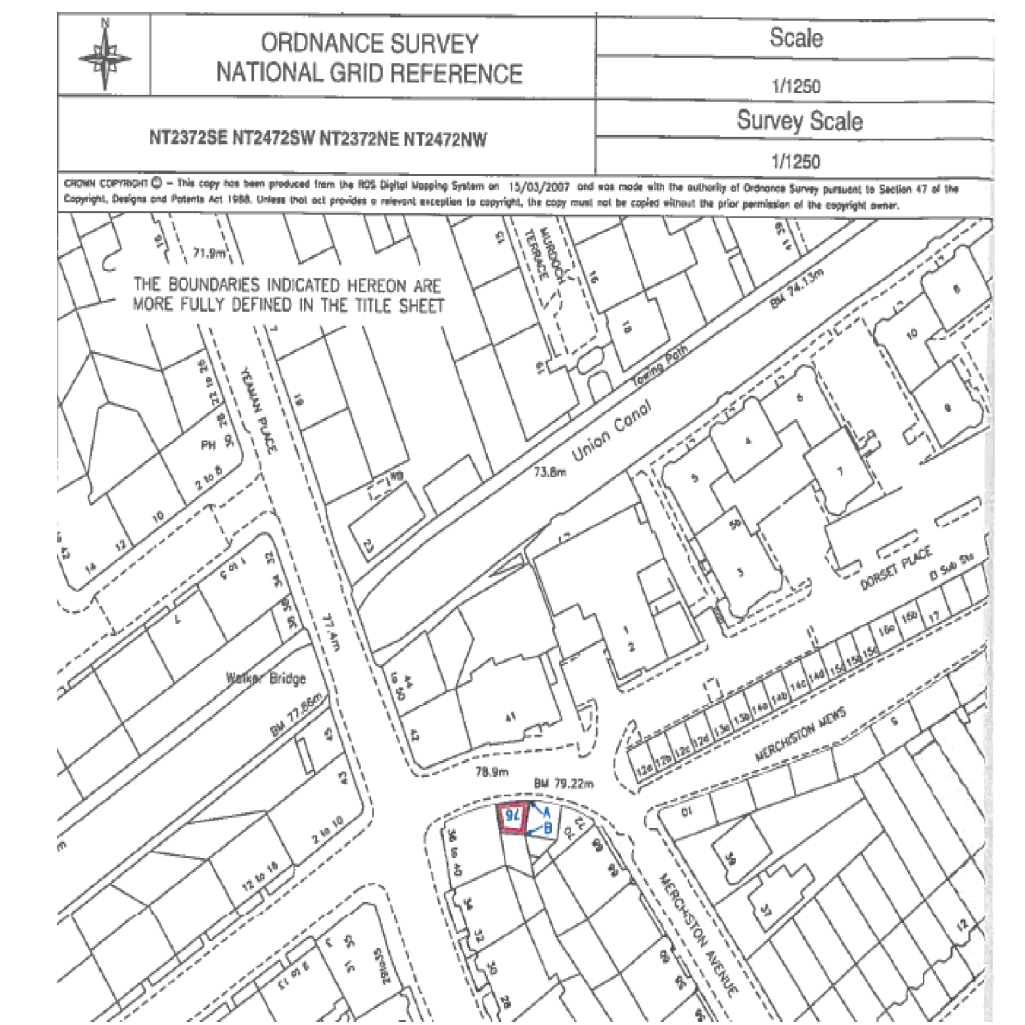
All dimensions to be checked and verified on site prior to commencement of work.



New balcony set back under new roof with metal handrail fitted to floor.

New velux to shower room at rear.

New slates on steep pitch to match existing.



DESIGN STATEMENT -
 This building is not listed under the planning designation for buildings of special architectural interest nor is it within a conservation area. The proposal intends to upgrade and modernise this terraced property by upgrading the first floor by removing the un-insulated coumb walls and forming a sleeper pitched slated roof with existing slates and new slates to match existing. The existing dormers will become set back into the slated roof but maintain their existing window appearance. The windows will be new high efficiency "U" value tilt and turn upvc white finished, with new code 4 lead flashings and water gables.
 The existing cast iron wall head gutters will be removed and replaced with new black upvc gutters proud of the wall head on a white painted ply fascia board. This will avoid the historical problems of the gutters leaking into the existing stone wall heads. The roof will be extended to a second floor level as shown and the existing gable between 74 and 76 will be extended and built of stone on the outer face. The redundant chimneys will be removed.
 Two additional windows will be introduced to the front elevation at second floor level.
 The rear pitch will have a new patio door onto a balcony having a promenade tiled floor and roof over. The outlook is onto a common garden area.
 A new velux will be added to the upper rear pitched roof to light the extended stair well and to light the new shower room on the second floor.
 The new upper flat roof will be constructed with a finish as existing but with new code 4 flashings and water gables. The addition of 150mm rigid insulation will also be added to this roof construction to make this property energy efficient.
 The modernisation will be similar to that already carried out to No.70-72 Merchiston Avenue and will bring the building/construction standards of this property fully up to date.

Drawing Title

Proposed roof extension to form 2 additional bedrooms and shower room.

Client:

Ms Hui An Chien

Project Address:

76 Merchiston Avenue,
 Edinburgh.

Scale(s) 1:200

Drawing No.

03/272MA/BW/07

Date: Aug.20

Revision: c.







