

Development Management Sub Committee

Wednesday 19 May 2021

Application for Listed Building Consent 20/03873/LBC at 12A Cumberland Street North East Lane, Edinburgh. Erection of a mews building.

Item number

Report number

Wards

B11 - City Centre

Summary

Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is not approved, the development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN06, NSG, NSLBCA, HES, HESSET, OTH, CRPNEW,

Report

Application for Listed Building Consent 20/03873/LBC at 12A Cumberland Street North East Lane, Edinburgh. Erection of a mews building.

Recommendations

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

Background

2.1 Site description

The application site is located on the west side of Cumberland Street North East Lane and to the rear of tenement properties in Fettes Row. The site comprises a quite large car parking area built on former garden ground to the rear of Fettes Row. The site is raised from the garden area to the rear and is separated by a retaining wall.

The properties in Fettes Row are listed category B, and the tenements were designed by Thomas Brown, 1821. They were listed on the 15 July 1965 (LB Ref 25181 74670).

To the south and opposite the site lie category B listed tenement properties in Cumberland Street with small private garden areas onto the lane. Three modern mews dwellings have already been constructed along the lane and a row of modern garages lie to the eastern end of the lane. The surrounding uses are predominantly residential.

The site is located within the World Heritage Site.

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is for the erection of a three-storey mews dwelling (two storey from the lane). This will be built off the listed walls to the front and side and so requires listed building consent.

The proposed mews property will have 2 bedrooms and a study/bedroom. It is traditional in form with contemporary detailing. The mews will measure approximately 8.6 metres in width by 6.5 metres in depth.

It will have a ridge height of approximately 6.7 metres and an eaves height of 4.8 metres at the lane and a ridge height of approximately 9.2 metres and an eaves height of 7.4 metres taken from the rear garden of the property

The two main bedrooms will be on the lower ground floor whilst a study/bedroom and garage will be on the ground floor level and a kitchen, dining room and sitting room will be at first floor level. The proposed height, depth and width of the mews will be broadly similar to that of the other mews buildings along Cumberland Street North East Lane.

The building will be finished in natural stone, hardwood cladding and is shown to have a zinc roof. The principal elevation will incorporate part of the existing stone walls which run along the front boundary of the site. It will have grey aluminium framed windows as well as grey rooflights on the front and rear elevation.

Supporting Statement

The agent has provided a Design Statement as part of the submission documents. This document is available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal preserves the character and setting of the listed building;
- b) the proposal preserves or enhances the character and appearance of the conservation area and
- c) comments raised have been addressed.

a) Character and Setting of listed buildings

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

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

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

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

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries states walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes.

In terms of setting, there are a number of mews properties already present to the rear of the principal buildings on Fettes Row and Cumberland Street. The setting of these buildings from the lane is also compromised by modern flat roof garages and the quite large open car parking area on this site. Large elements of the original boundary walls have also been lost to these later developments.

The existing site is utilised as a raised red gravel car parking area which is of no architectural or landscape quality. The proposed mews structure seeks to improve the quality and visual amenity of the lane whilst maintaining the sense of enclosure of the rear gardens and maintaining an appropriate area of garden ground for the houses on Fettes Row. The proposed mews property is in keeping with the other existing mews structures within the lane. The replacement of the existing parking area with a suitably designed mews building will enhance the setting of the surrounding listed buildings.

The new mews building is built off the boundary wall to the lane and the side walls which delineate the plot. The existing opening in the wall will be largely re-used for the garage access and a new window and door will be formed. This has been sensitively done so that the new and old integrate to form a cohesive building.

The historic fabric will be retained and re-used without any damage and the special interest of the listed walls will be retained.

The application complies with LDP policies Env 3 and Env 4 and the relevant Historic Environment Scotland Managing Change in the Historic Environment guidance notes.

b) Impact on Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs".

In relation to mews properties it states *They are usually one and a half storeys high, with a carriage entrance and sometimes a hayloft, both on the lane side. They were usually built with a formal high quality design facing the house and an informal rubble elevation facing the lane of the mews.*

The existing car parking area on the site is unattractive. Its replacement with a high-quality new mews building has the potential to enhance the character and appearance of the conservation area.

The envelope, traditional form and construction materials of the proposed mews generally reflects the type of buildings that commonly occupy the rear garden areas of Georgian terraced buildings in the Second New Town, which is a significant constituent area of the World Heritage Site.

The principle of mews development has already been established in this particular part of the lane. Other mews structures also appear to be historically evident along Cumberland Street South East Lane and Cumberland Street South West Lane.

Given the subdivision of most of the garden grounds to the rear of this part of Fettes Row and the level of existing development within these plots, the development of a mews building within this site is compatible with the character of the area.

The proposed height and envelope of the proposal broadly matches that of the other mews buildings within the lane and the proposed dimensions are appropriate in this particular location, given the length of the original garden plots. The retention and re-use of the boundary walls ensures the new mews building integrates well with the historic context.

With regards to design, the proposed mews is largely of high-quality traditional mews form with sympathetic contemporary detailing in traditional materials. This will complement the character and appearance of the New Town Conservation Area in which good quality modern buildings are encouraged. The formal symmetrical rear facade proposed facing the listed terrace on Fettes Row was a common approach to New Town mews design and is acceptable. The proposed traditional materials of natural stone, slate and timber are also in keeping with the historic palette of the area.

However, it is proposed that the development will have a zinc roof and an element of zinc to the proposals rear wall. Zinc is not a traditional material utilised on the walls or roofs of mews properties. The use of zinc for the wall and roof also does not conform with the New Town Conservation Area Character Appraisal. A condition has been applied that states that the element of zinc proposed to the rear wall of the development and the zinc roof are not approved and that more appropriate materials should be submitted for the written approval of the planning authority within 2 months of the consent being granted.

Overall, if the element of zinc proposed for the external rear wall and the proposed zinc covered roof was replaced with more suitable materials, then the new building will be compatible with the character of the conservation area and can be viewed overall as a positive enhancement.

The site is only largely visible from the lane and surrounding residential tenements. The proposal will improve the visual amenity of the lane and will therefore enhance the appearance of this part of the New Town Conservation Area.

In summary, the proposed mews building will both preserve and enhance the character and appearance of the conservation area through the replacement of the unattractive car parking area with a new traditional style structure of appropriate scale, and design. Provided a condition is applied to the consent stating that the element of zinc proposed for the external rear wall of the proposal and the proposed zinc roof is not approved, the proposal complies with LDP policies Des 3, Des 4 and Env 6.

c) Public Comments

Material Comments - Objections:

- impact on setting of listed building. This is addressed in section 3.3 a)
- use of zinc is inappropriate. This has been addressed in section 3.3 b)
- the rear window layout is inappropriate for the conservation area. This has been addressed in section 3.3 b)

Non Material Objections

- overshadowing. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- loss of sunlight/daylight. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- loss of privacy. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- impact upon nearby trees. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- potential damage to perimeter wall and potential subsidence. This will be addressed by the required Building Warrant
- impact of noise and disruption throughout build. This is not a material planning consideration.
- loss of view. This is not a material consideration in the assessment of an application for listed building consent.
- the development would set an undesirable precedent for muse properties with rear windows. Every application is determined on its own merit.
- lack of access for construction vehicles. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- other mews properties are used as air bnb properties with resultant noise issues. This is not a material consideration in the assessment of an application for listed building consent).

Conclusion

Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is not approved, the development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Notwithstanding the listed building consent hereby granted, permission is not given for the proposed zinc roof covering or the element of zinc cladding shown to the rear wall of the development. Details of a more appropriate roof covering, and wall finish shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.
3. Further details of the construction method of the new mews building in relation to the existing front and side stone walls shall be submitted for the approval of the Planning Authority prior to the commencement of the works.

Reasons: -

1. In the interests of amenity.
2. To preserve or enhance the special character or appearance of the conservation area.
3. To ensure any listed walls are retained as part of the works.

Informatives :-

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received six objection comments. The points raised are addressed in section 3.3 of this report.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Date registered 14 September 2020

Drawing numbers/Scheme 01-24,

Scheme 1

David Givan
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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Other Relevant policy guidance

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

