

Kenneth Reid Architects.
39 Braid Farm Road
Edinburgh
EH10 6LE

Mr Bahl
Flat 8 50 Manor Place
Edinburgh
EH3 7EH

Decision date: 31 August 2021

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

Enlarge existing windows to doors including protective barrier.
At Flat 8 50 Manor Place Edinburgh EH3 7EH

Application No: 21/01794/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 1 May 2021, this has been decided by **Local Fast Track 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 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the alterations would not preserve the character of the listed building or the character or appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the alterations would adversely affect the character of the listed building.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the alterations would neither preserve nor enhance the character or appearance of the conservation area.

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:

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 Clare Macdonald directly at clare.macdonald@edinburgh.gov.uk.

A handwritten signature in black ink, appearing to read 'Clare Macdonald', followed by a long horizontal line extending to the right.

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
Flat 8 50 Manor Place, Edinburgh, EH3 7EH**

Proposal: Enlarge existing windows to doors including protective barrier.

**Item – Local Fast Track Decision
Application Number – 21/01794/FUL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposals have an adverse impact on the character of the listed building and character and appearance of the conservation area, contrary to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Edinburgh Local Development Plan policies Env 4 and Env 6.

SECTION A – Application Background

Site Description

The property is a third floor flat within a three storey, attic and basement Victorian terrace (category B listed, ref LB29301, listed on 14.12.1970).

The site is located within the New Town Conservation Area and World Heritage Site.

Description Of The Proposal

The application proposes alterations to a rear paired window, involving dropping the cill height to create a pair of timber-framed, astragalged doors leading to a Juliet balcony with a mild steel balustrade and replacement of the central stone mullion with a vertical glazed section.

Relevant Site History

21/01795/LBC

Enlarge existing windows to doors including protective barrier.

Refused
15 June 2021

Consultation Engagement

Historic Environment Scotland

Publicity and Public Engagement

Date of Neighbour Notification: 13 May 2021

Date of Advertisement: 21 May 2021

Date of Site Notice: 21 May 2021

Number of Contributors: 0

Section B - Assessment

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

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

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

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

a) the proposals will have an adverse impact on the character of the listed building;

b) the proposals will adversely affect the character and appearance of the conservation area;

- c) the proposal will result in an unreasonable loss of neighbouring amenity;
- d) any impacts on equalities and human rights are acceptable; and
- e) any comments received are addressed.

a) Character of Listed Building

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."

HES's guidance on *Managing Change - Windows and External Features* set out the principles that apply and how they should inform planning policies.

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

The existing paired window is a later, but historic, alteration and not part of the original rear fenestration pattern which comprises single, two-over-two, aligned sash and case windows. However, the retained original cill height and absence of a balcony means that the visual disruption of the altered window is not significant.

The proposed lowering of the current cill height, replacement of the stone mullion with a glazed version and addition of a balcony would accentuate the uncharacteristic proportions and design of the window to an unacceptable extent, including interrupting the original flush plane of the rear elevation.

These alterations would also set an undesirable precedent for similar works which would have a cumulative detrimental impact within the terrace.

The application is therefore contrary to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 4.

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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 which 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 the New Town as:

"grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views".

The proposed alterations affect the rear elevation which is not visible from public viewpoints. However, the extension of the original window length and addition of a Juliet balcony would not be in keeping with character of the terrace and the area as a whole in terms of maintaining regularity.

The application is therefore contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6.

c) Residential Amenity

The proposed alterations would have no significant adverse impact on the amenity of surrounding residents in terms of privacy and overshadowing.

d) Equalities and Human Rights

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

e) Public Comments

No comments have been received.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the alterations would not preserve the character of the listed building or the character or appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the alterations would adversely affect the character of the listed building.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the alterations would neither preserve nor enhance the character or appearance of the conservation area.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 1 May 2021

Drawing Numbers/Scheme

01-04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer
E-mail: clare.macdonald@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.