

Wmach.
FAO: David Hastings
5 Kirknewton Court
Kirknewton
EH27 8BT

Mrs Linda Brewster Mackinnon. 18A Albany Street Broughton Edinburgh EH1 3QB

Decision date: 18 March 2022

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

Alter and extend lower basement flat. At 18A Albany Street Broughton Edinburgh EH1 3QB

Application No: 22/00391/FUL

### **DECISION NOTICE**

With reference to your application for Planning Permission registered on 31 January 2022, 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 Env 4 in respect of Listed Buildings Alterations and Extensions, as the scale and design of the proposal is inappropriate to the listed building.
- 2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings Alterations and Extensions, as the loss of original features and fabric is of an unacceptable scale to the detriment of character.
- 3. The proposal is contrary to Edinburgh Local Development Plan Des 12a) with respect to the design, form, choice of materials and positioning of the extension.
- 4. The impact on the character of the listed building does not accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Please see the guidance notes on our <u>decision page</u> for further information, including how to appeal or review your decision.

Drawings 1-4, represent the determined scheme. Full details of the application can be found on the <u>Planning and Building Standards Online Services</u>

The reason why the Council made this decision is as follows:

The impact on the character of the listed building is contrary to statutory requirements and does not comply with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal fails to comply with LDP policy Env4 and therefore does not comply with the Development Plan.

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 Stephen Dickson directly at stephen.dickson@edinburgh.gov.uk.

**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 18A Albany Street, Broughton, Edinburgh

Proposal: Alter and extend lower basement flat.

Item – Local Delegated Decision Application Number – 22/00391/FUL Ward – B11 - City Centre

### Recommendation

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

### Summary

The impact on the character of the listed building is contrary to statutory requirements and does not comply with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal fails to comply with LDP policy Env4 and therefore does not comply with the Development Plan.

### **SECTION A – Application Background**

### **Site Description**

The property is a basement flat within a subdivided Georgian townhouse. The terrace was listed category A on 13.9.1964 ref.28230 and lies in the New Town Conservation Area.

### **Description Of The Proposal**

The application proposes a 4.5m x 4.5m (4 x 4 internal) flat-roofed extension, partially timber clad, and with full height glazed doors on three sides.

### Supporting Information

A general statement relating to building warrant requirements was submitted.

### **Relevant Site History**

22/00390/LBC 18A Albany Street Edinburgh EH1 3QB

Alter lower basement flat and etend out involving demolition of loadbearing wall between kitchen and living room to make open plan and demolish rear wall between and including door and window (to be infilled with glass folding doors) to provide access to new orangery extension.

Refused

16 March 2022

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

Date of Neighbour Notification: 18 March 2022 Date of Advertisement: 11 February 2022 Date of Site Notice: 11 February 2022

**Number of Contributors: 1** 

### **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
- (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

• the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;

- equalities and human rights;
- public representations; and
- any other identified material considerations.

### **Assessment**

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

### a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

Managing Change - Extending of Listed Buildings

All guidelines and policy seek to minimise the impact of any proposed extension on a listed building. Extensions are generally limited to 50% coverage of the rear width. Not only does the proposal cover 56% of the width, it is placed unsympathetically and causes the loss of an original window and door opening. The design also lacks the finesse which would be expected on the rear of a listed building of this quality.

### Conclusion in relation to the listed building

The adverse impact on the character of the listed building is unacceptable and does not comply with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### b) The proposals harm the character or appearance of the conservation area?

The works have no impact upon public appearance, and extensions of this scale are part of the wider character of the conservation area.

### Conclusion in relation to the conservation area

The works would have no significant impact on the character and appearance of the conservation area and comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### c) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 4 and Env 6
- LDP Design policy Des12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6.

### Design and character of the listed building

LDP policy Des 12 seeks that extensions be appropriate in terms of scale, form and design. As the building is listed, the scale and design is not acceptable and fails to preserve the character. The design and form, choice of materials and positioning are

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not compatible with the character of the existing building. Although the impact on the conservation area is not significant, the adverse impact on the character of the listed building is also contrary to LDP policy Env 4. This is assessed further in section a).

### **Impact on Amenity**

The Edinburgh Design Guidance considers impact on neighbouring amenity. As a single storey proposal, set off the boundary, no issues of either privacy or daylight arise. The application complies with this part of LDP Policy Des 12.

### Conclusion in relation to the Development Plan

The application is contrary to the Development Plan with respect to the design and impact on the character of the listed building.

### d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with principle 10 of SPP in that it fails to preserve the historic environment.

### Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

### Public representations

A summary of the representations is provided below:

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22/00391/FUL

*material considerations* AHSS objected to the impact of the alterations on the character of the listed building. This is addressed in section a)

### Conclusion in relation to identified material considerations

The issues raised are addressed in section a)

### **Overall conclusion**

The impact on the character of the listed building is contrary to statutory requirements and does not comply with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal fails to comply with LDP policy Env4 and therefore does not comply with the Development Plan.

### **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### Reasons

- 1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings Alterations and Extensions, as the scale and design of the proposal is inappropriate to the listed building.
- 2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings Alterations and Extensions, as the loss of original features and fabric is of an unacceptable scale to the detriment of character.
- 3. The proposal is contrary to Edinburgh Local Development Plan Des 12a) with respect to the design, form, choice of materials and positioning of the extension.
- 4. The impact on the character of the listed building does not accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

### **Background Reading/External References**

To view details of the application go to the Planning Portal

Further Information - Local Development Plan

Date Registered: 31 January 2022

**Drawing Numbers/Scheme** 

1-4

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### Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer E-mail:stephen.dickson@edinburgh.gov.uk

## Appendix 1

### **Consultations**

No consultations undertaken.

# **Comments for Planning Application 22/00391/FUL**

### **Application Summary**

Application Number: 22/00391/FUL

Address: 18A Albany Street Broughton Edinburgh EH1 3QB

Proposal: Alter and extend lower basement flat.

Case Officer: Stephen Dickson

### **Customer Details**

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

### **Comment Details**

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined this application to erect an orangery to the rear of this A-listed early-nineteenth century classical terrace and we object for the following reasons.

Proposals to alter this property through the addition of a larch-clad, rubber-roofed extension risk harming the relatively unscathed rear elevation upon which this is to be affixed. The impact of the extension is to be measured by the intrusive visual impact of materials not in sympathy with the character of the property as well as the excessive footprint of the proposed extension. We note in particular the inharmonious appearance of folding doors of unconfirmed materials. These are felt to not be appropriate in the context of the terrace of which this property is a part, the surrounding New Town Conservation Area, and the wider World Heritage Site.

Downtakings in the rear elevation are to be discouraged, as these constitute a lamentable loss of the historic fabric. We recommend retention of the original dimensions on the rear elevation as demarcated by window and door openings currently slated for demolition.

The elements addressed above do not adequately recognise or maintain the special interest of this property, or the ways it interacts with and contributes to the character of the surrounding World Heritage Site. We therefore object and hope to see revised proposals.



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

100520378-003

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.

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)						
Agent Details						
Please enter Agent details						
Company/Organisation:	wmach					
Ref. Number:		You must enter a Building Name or Number, or both: *				
First Name: *	david	Building Name:				
Last Name: *	hastings	Building Number:	5			
Telephone Number: *		Address 1 (Street): *	KIRKNEWTON COURT			
Extension Number:		Address 2:				
Mobile Number:		Town/City: *	KIRKNEWTON			
Fax Number:		Country: *	United Kingdom			
		Postcode: *	EH27 8BT			
Email Address: *	wmachastings@gmail.com					
Is the applicant an individual or an organisation/corporate entity? *						
☑ Individual ☐ Organisation/Corporate entity						

Applicant Details					
Please enter Applicant details					
Title:	Mrs	You must enter a Bu	You must enter a Building Name or Number, or both: *		
Other Title:		Building Name:			
First Name: *	LINDA	Building Number:	18a		
Last Name: *	MACKINNON	Address 1 (Street): *	ALBANY STREET		
Company/Organisation		Address 2:			
Telephone Number: *		Town/City: *	EDINBURGH		
Extension Number:		Country: *	United Kingdom		
Mobile Number:		Postcode: *	EH1 3QB		
Fax Number:					
Email Address: *					
Site Address	Details				
Planning Authority:	City of Edinburgh Council				
Full postal address of the site (including postcode where available):					
Address 1:	18A ALBANY STREET				
Address 2:	BROUGHTON				
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:	EDINBURGH				
Post Code:	EH1 3QB				
Please identify/describe the location of the site or sites					
Northing	674438	Easting	325655		

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)
REAR EXTENSION OF LOWER BASEMENT FLAT
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals).  Application for planning permission in principle.  Further application.  Application for approval of matters specified in conditions.
What does your review relate to? *
Refusal Notice.  Grant of permission with Conditions imposed.  No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
SEE SUPPORTING DOCUMENTS
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to set or rely on in support of your review. You can attach these documents electronically later in the			d intend		
BASIS of APPEAL APPROVAL and PLANS and ELEVs 2012 4 PHOTOS of rear and surrounds PLAN AND ELEVATION OF EXTENSION Shadow diagra showing location of extension etc previously submitted direct failed to upload					
Application Details					
Please provide the application reference no. given to you by your planning authority for your previous application.	22/00391/FUL	22/00391/FUL			
What date was the application submitted to the planning authority? *	31/01/2022	01/2022			
What date was the decision issued by the planning authority? *	18/03/2022				
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 in parties only, without any further procedures? For example, written submission, hearing sess X yes No		yourself and	other		
In the event that the Local Review Body appointed to consider your application decides to ins	spect the site, in your op	inion:			
Can the site be clearly seen from a road or public land? *	Can the site be clearly seen from a road or public land? *				
Is it possible for the site to be accessed safely and without barriers to entry? $^{\star}$	X	Yes 🗌 No	)		
Checklist – Application for Notice of Review					
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	formation in support of	your appeal.	Failure		
Have you provided the name and address of the applicant?. *	X Yes □ N	No			
Have you provided the date and reference number of the application which is the subject of the review? $^{\star}$	his X Yes I	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? *		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 □ N	No			
Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opport at a later date. It is therefore essential that you submit with your notice of review, all necessary on and wish the Local Review Body to consider as part of your review.	ortunity to add to your st ry information and evide	atement of re ence that you	eview		
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 □ N	No			
Note: Where the review relates to a further application e.g. renewal of planning permission or planning condition or where it relates to an application for approval of matters specified in corapplication reference number, approved plans and decision notice (if any) from the earlier co	nditions, it is advisable t				

### **Declare - Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr david hastings

Declaration Date: 31/03/2022

# **WMACH**

Williams Macdonald & Hastings

Building and Quantity Surveyors
Facilities & Project Managers
Principal Designers
KIRKNEWTON COURT
KIRKNEWTON EH278BT
Telephone: 07803 289714

Email: wmachastings@gmail.com

PLANNING APPEAL For the (ORANGERY) rear extension of a lower basement flat in a 5 storey terraced building at 18A ALBANY STREET Edinburgh EH1 3 QB For Linda Brewster MACKINNON APPLICATION Refused 18/3/22 22/00391/FUL

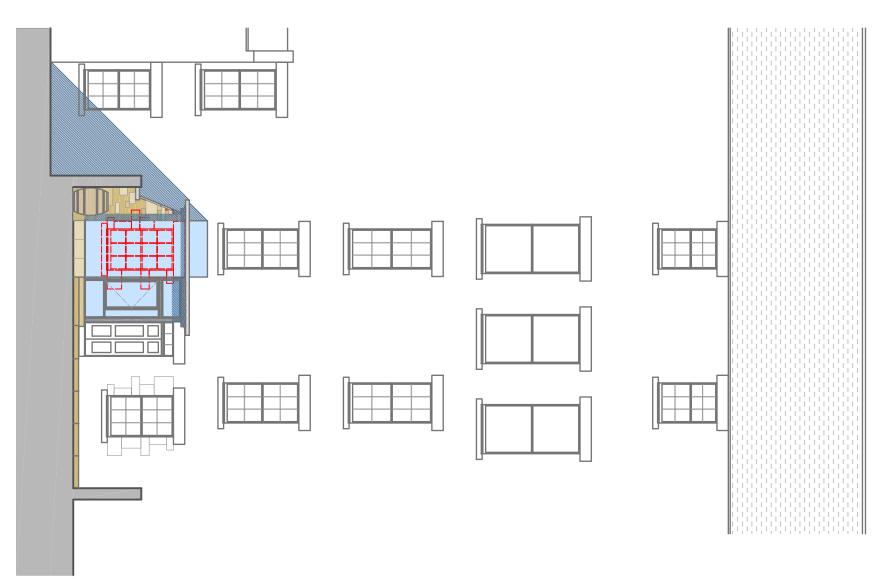
An application for a rear extension to this flat was granted 24<sup>th</sup> August 2012 21/02342/FUL

THE new application is of similar size and materials to the granted application but moved off the eastern boundary to a more central location encroaching less on the neighbouring property and enabling the kitchen to be retained as existing with the access being through an enlarged opening between the existing window and door openings to the lounge to increase the daylighting of this room which involves the demolition of a 2.1M X 1.1M column of stonework as opposed to the 1.2m X 1.1M demolition of the window breast in the original application

The rear elevation of the property is of random rubble sandstone of typical tenemental construction as / the attached photographs and the property is surrounded by other stone buildings to the former Broughton market as/ attached photos the rear of Dublin Street buildings to the west and a car park to the east

The extensive(reflective) glazing of this (orangery) extension will not conflict with the existing environment but if necessary the timber lining could be altered to stone or rendered brick, similarly the flat roof is not intrusive but could be altered to a pitched slated roof. However we argue that the existing proposal will compliment the rear of this basement flat without any detrimental effect on the neighbouring properties or environment.

DAVID F R HASTINGS 28th MARCH 2022



north elevation

materials schedule
roof single ply roofing membrane (grey)
with proprietary edgling pieces

timber soffits and sub-fascia for grey-blue stain and tapered rafter tails for light blue stain

natural sandstone to match existing and stainless steel cladding

frame grey-blue timber structural frame

windows frameless glazing boxes and timber framed windows for light blue stain

doors sliding doors with grey-blue stained timber frames

# david**blaikie**architects

project proposed extension to 18a Albany Street, Edinburgh

for Mr & Mrs N Corlett

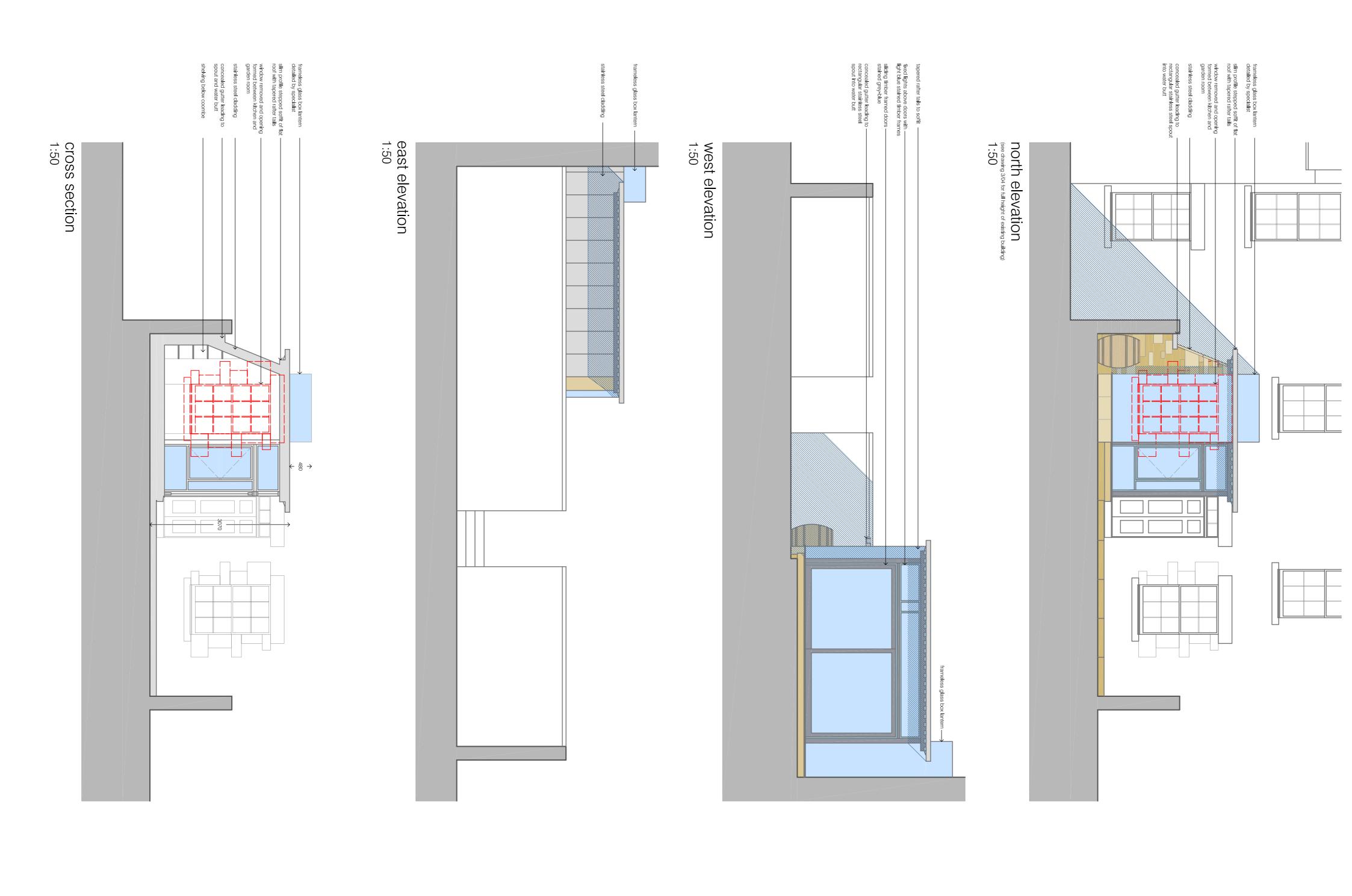
drawing title

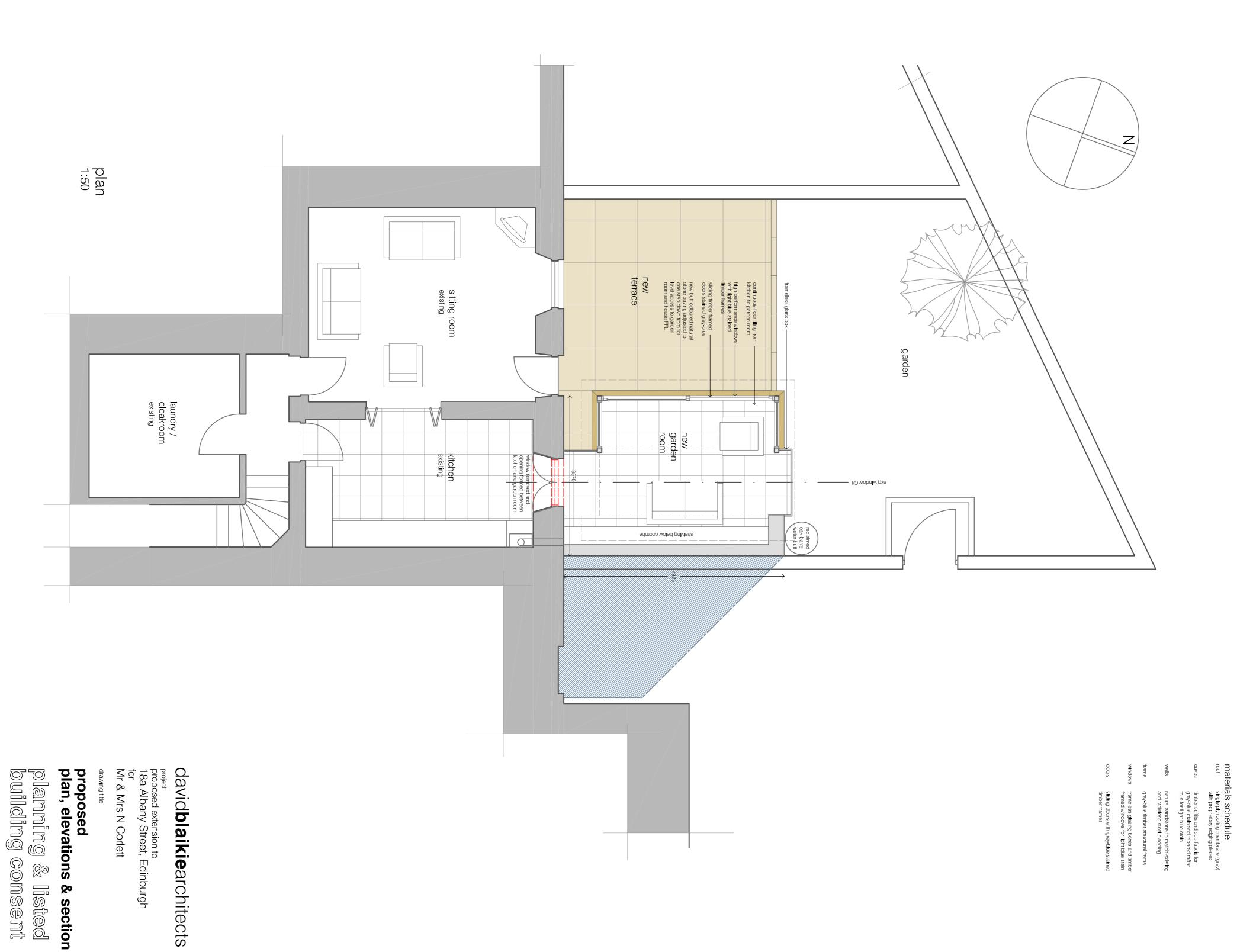
# full north elevation proposed

planning & listed building consent

10 Deanhaugh Street Edinburgh EH4 1LY
T - 0131332 1133 E - studio@davidblaiklearchitects.com

job number: 1203 drawing number: 3/04 scale: 1:100 date: July 2012



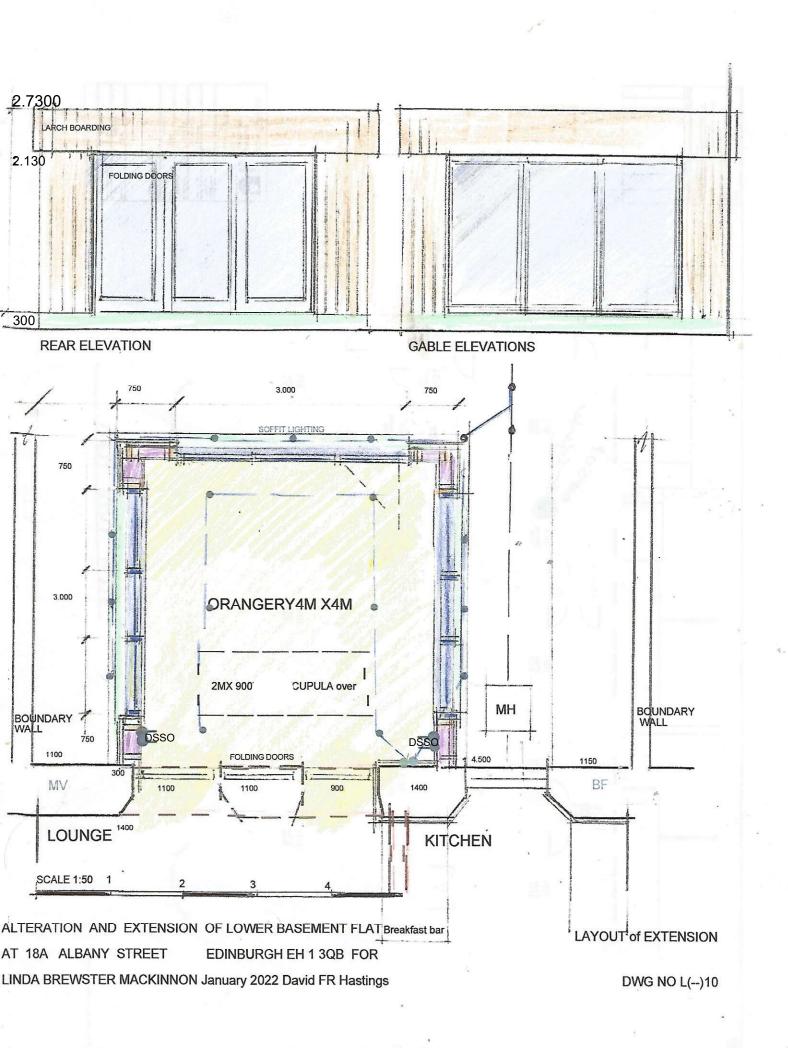


10 Deanhaugh Street Edinburgh EH4 1LY T-0131332 1133 E-studio@davidblaikiearch



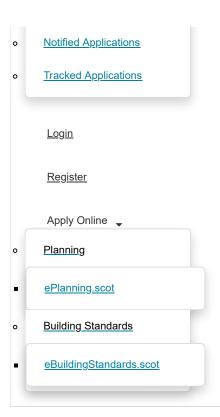








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12/02432/FUL | Erection of a new single storey extension to the rear of the property. Alterations to an existing window to form a door for access into extension from existing kitchen. | 18A Albany Street Edinburgh EH1 3QB

Reference	12/02432/FUL
Application Validated	Tue 10 Jul 2012
Address	18A Albany Street Edinburgh EH1 3QB
Proposal	Erection of a new single storey extension to the rear of the property. Alterations to an existing window to form a door for access into extension from existing kitchen.
Status	Application Granted
Decision	Granted
Decision Issued Date	Fri 24 Aug 2012
Appeal Status	Unknown
Appeal Decision	-

There are 10 documents associated with this application.

There are 0 cases associated with this application.

There is <u>1 property</u> associated with this application.

an idox solution

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