



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100562298-001

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:	Planning Solutions Edinburgh		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nicholas	Building Name:	Midlothian Innovation Centre
Last Name: *	Morris	Building Number:	
Telephone Number: *	07960020354	Address 1 (Street): *	Pentlandfield Business Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Roslin
Fax Number:		Country: *	Midlothian
		Postcode: *	EH25 9RE
Email Address: *	nicholaspse@gmail.com		

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="Mr"/>	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="Matthew"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Byerly"/>	Address 1 (Street): *	<input type="text" value="West Montgomery Place"/>
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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH7 5HA"/>
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="3F1"/>
Address 2:	<input type="text" value="7 WEST MONTGOMERY PLACE"/>
Address 3:	<input type="text" value="HILLSIDE"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH7 5HA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674728"/>	Easting	<input type="text" value="326530"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Please see attached report

## 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 report uploaded via the 'supporting documents' section.

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 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)

Report Location Plan Proposed and existing elevations Floor plans

## Application Details

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

21/06506/FUL

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

13/12/2021

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

07/02/2022

## 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 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.

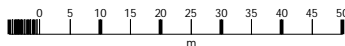
## **Declare – Notice of Review**

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

Declaration Name: Mr Nicholas Morris

Declaration Date: 07/05/2022

3f1, 7 West Montgomery Place, EH7 5HA

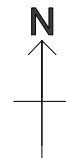


3f1  
7 West Montgomery Place,  
Edinburgh,  
EH7 5HA

OS MasterMap 1250/2500/10000 scale  
Friday, December 10, 2021, ID: MPMBW-01008090  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

1:1250 scale print at A4, Centre: 326491 E, 674755 N

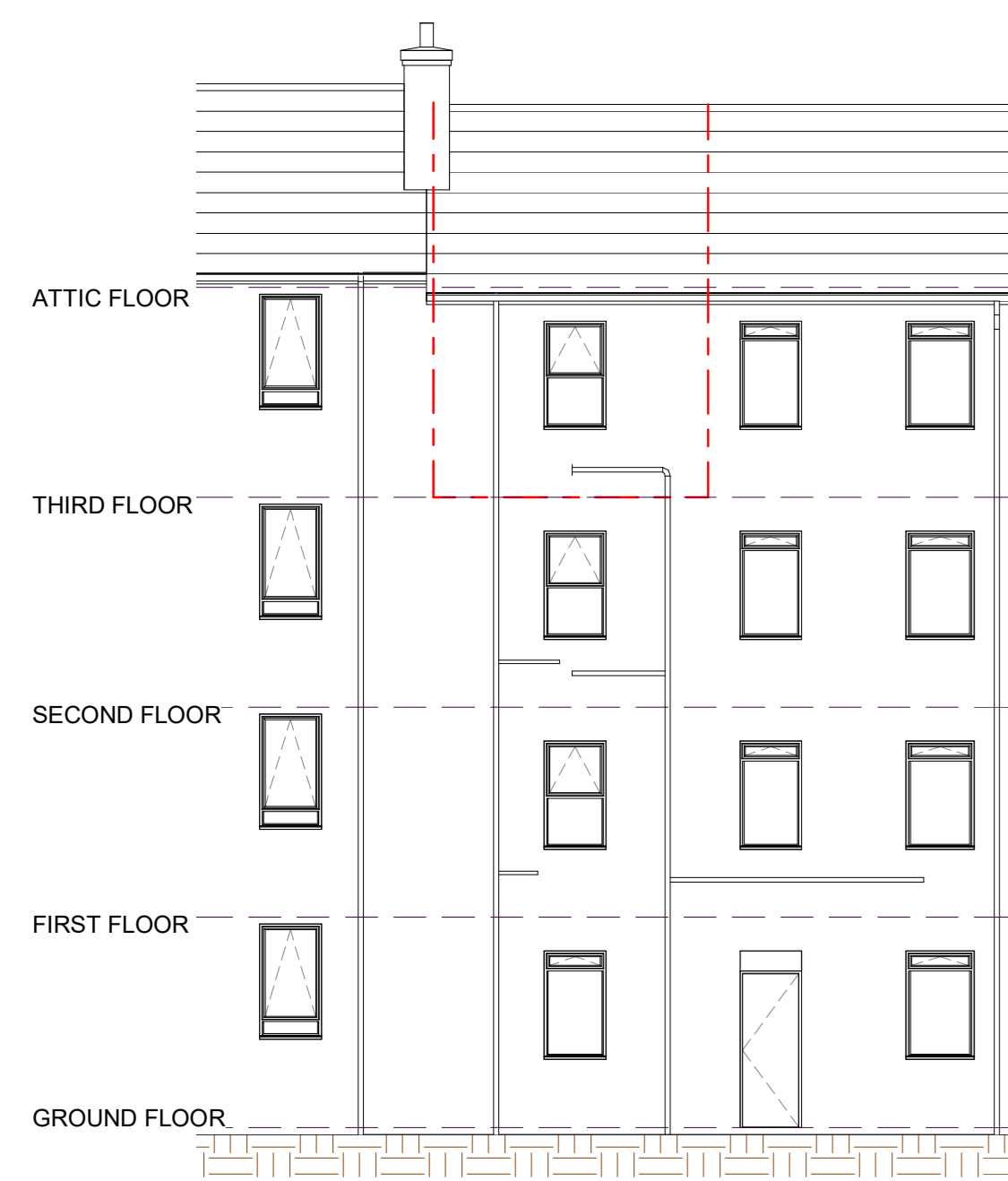
©Crown Copyright Ordnance Survey. Licence no. 100041041



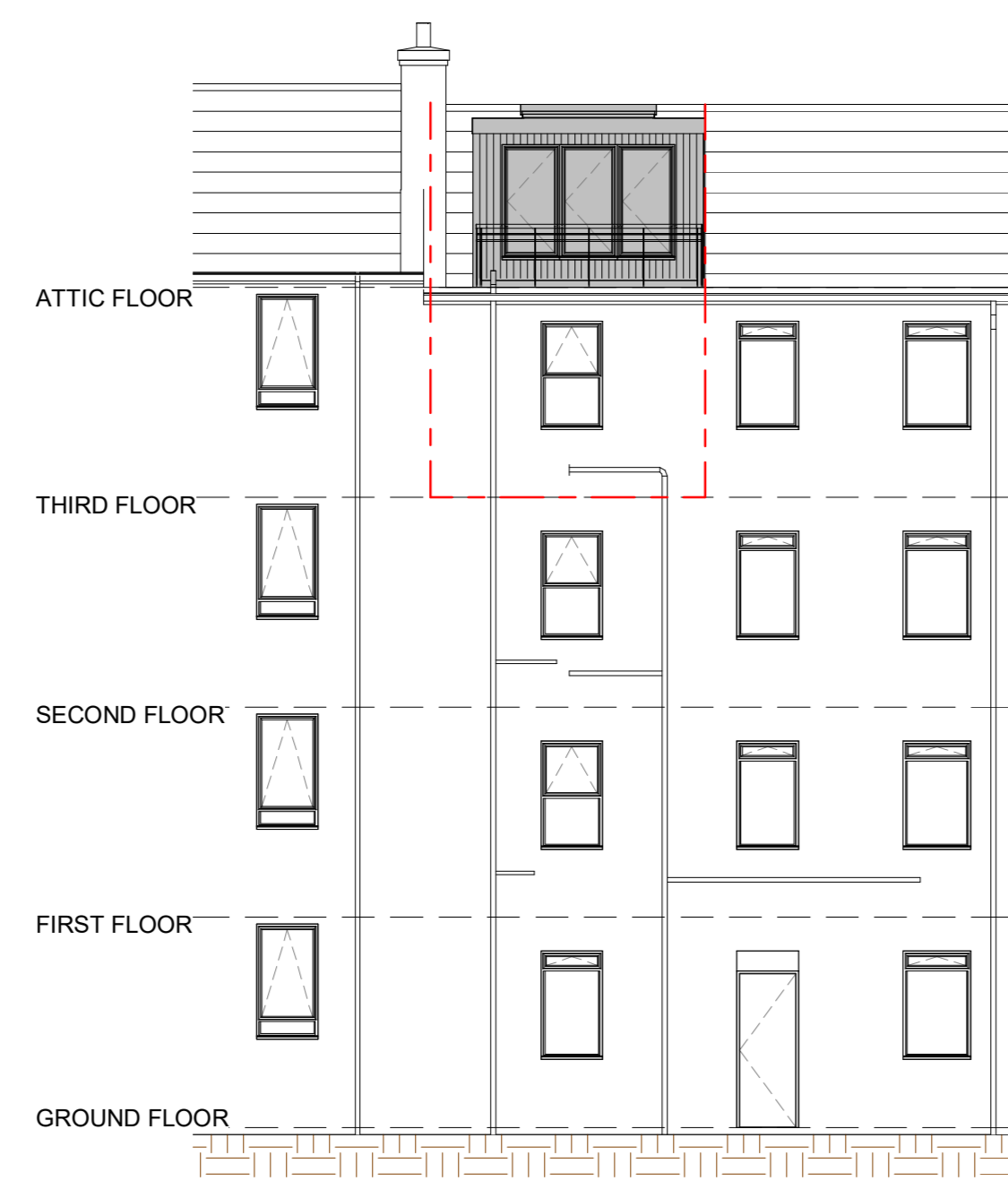
**BLACKWELL'S**  
MAPPING SERVICES  
PERSONAL & PROFESSIONAL MAPPING  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

TEL: 0800 151 2612  
[mappings@blackwell.co.uk](mailto:mappings@blackwell.co.uk)



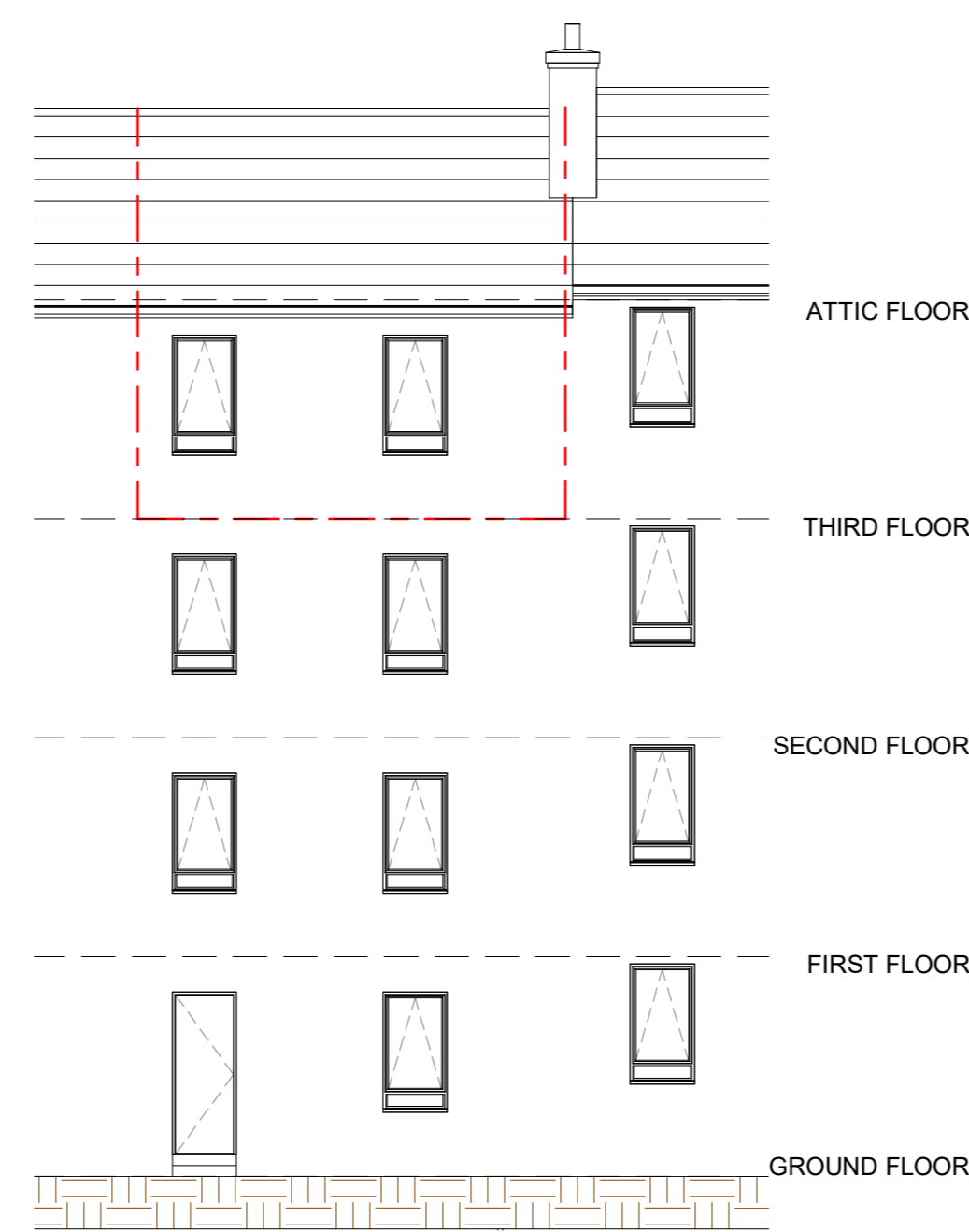


**EXISTING EAST ELEVATION**  
1 : 100

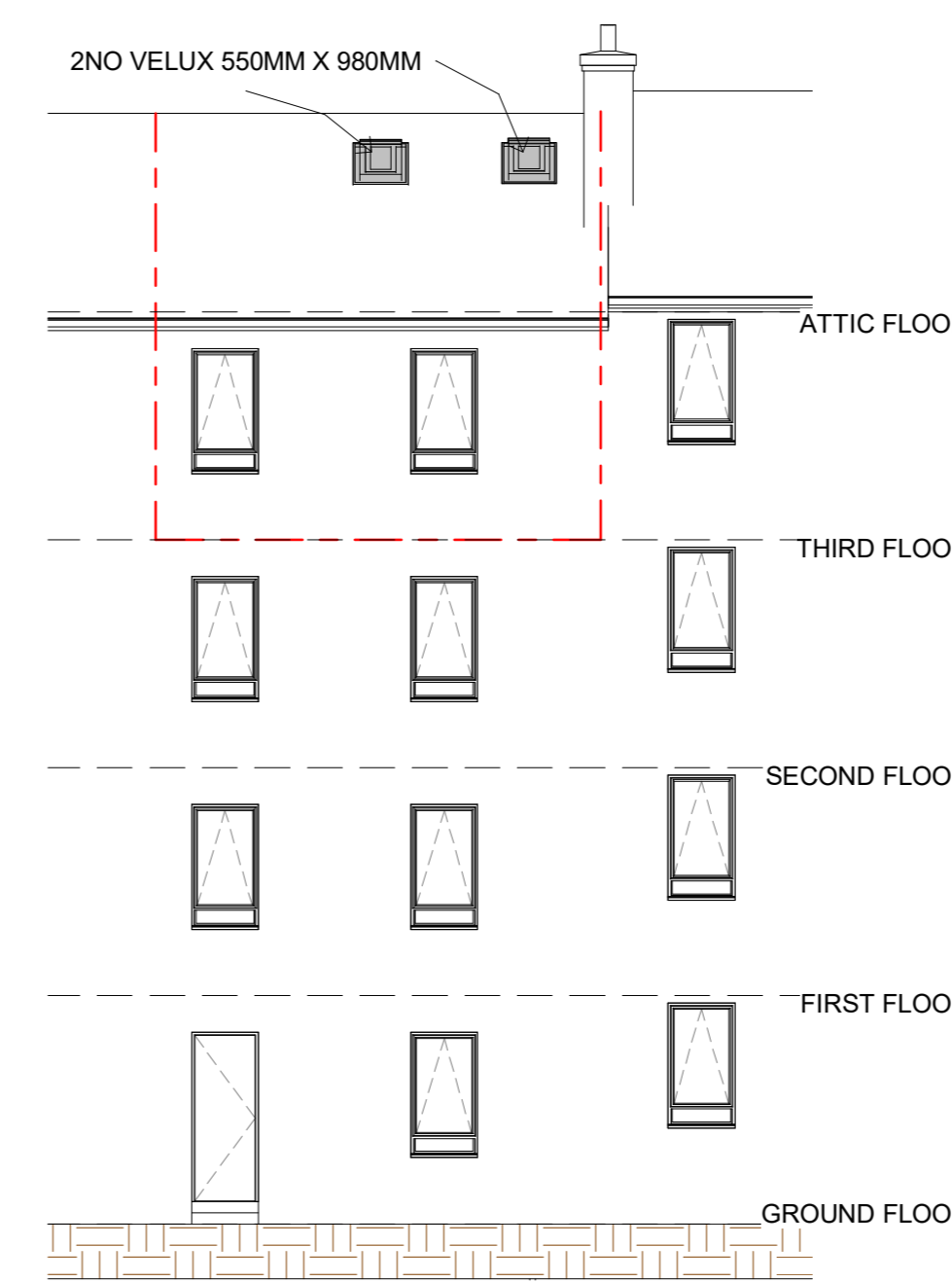


**PROPOSED EAST ELEVATION**  
1 : 100

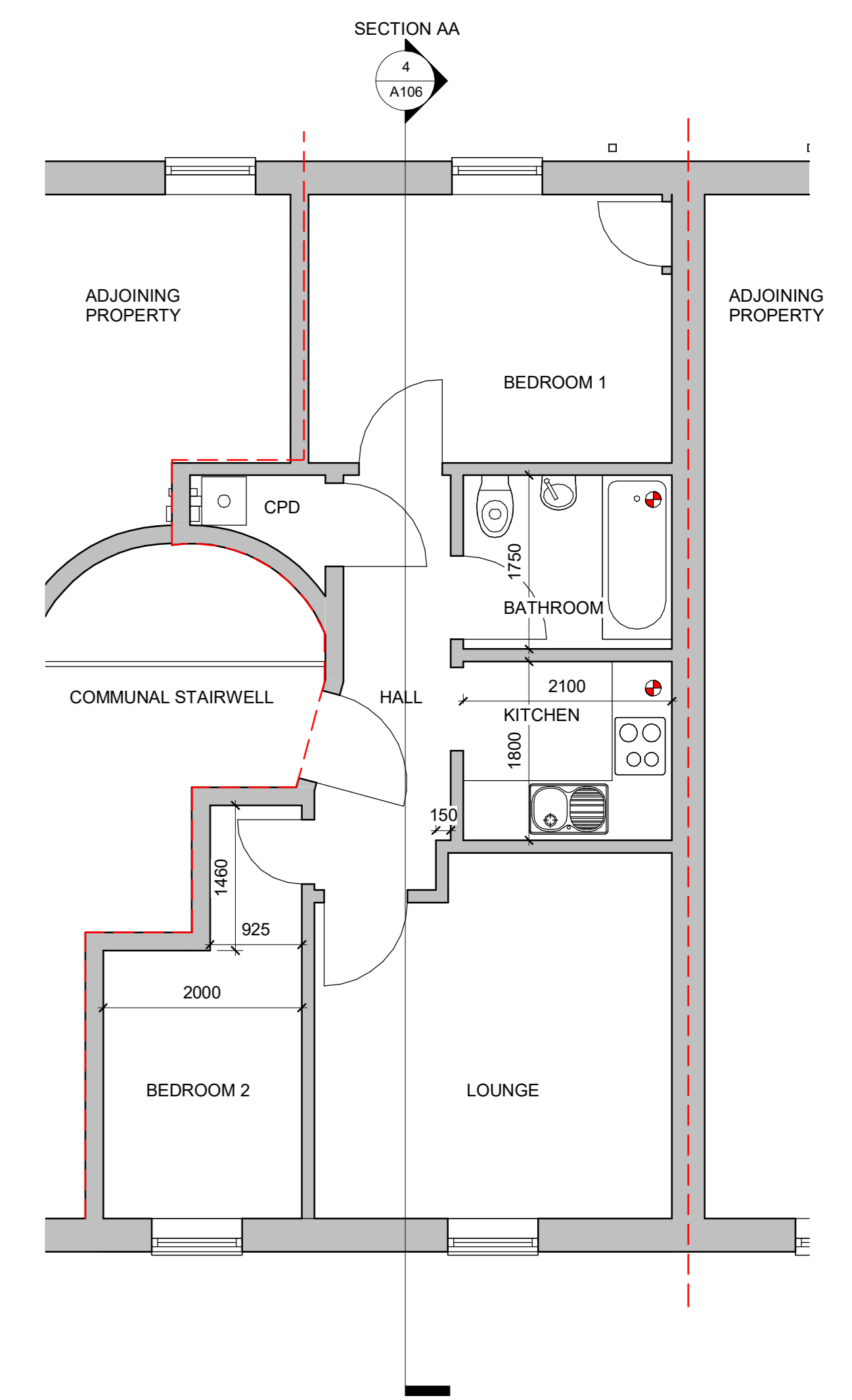
- DORMER MATERIAL PALETTE:**
- GREY COLOURED MARLEY CEDRAL CLADDING TO DORMER HAFRITS
  - GREY UPVC WINDOWS
  - EPDM ROOF FINISH
  - DOUBLE GLAZED ROOF LIGHT
  - GLAZED BALLUSTRADE



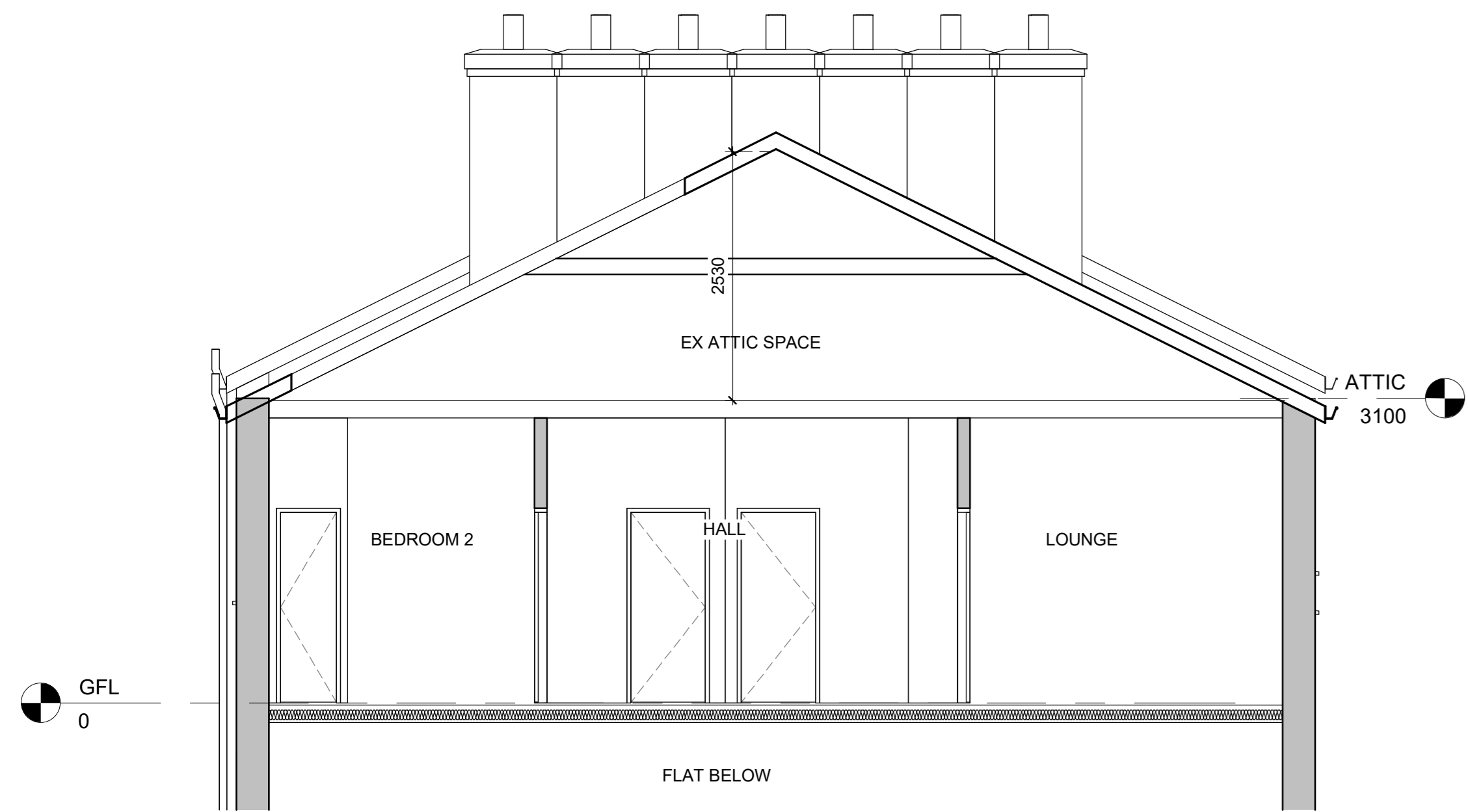
**EXISTING WEST ELEVATION**  
1 : 100



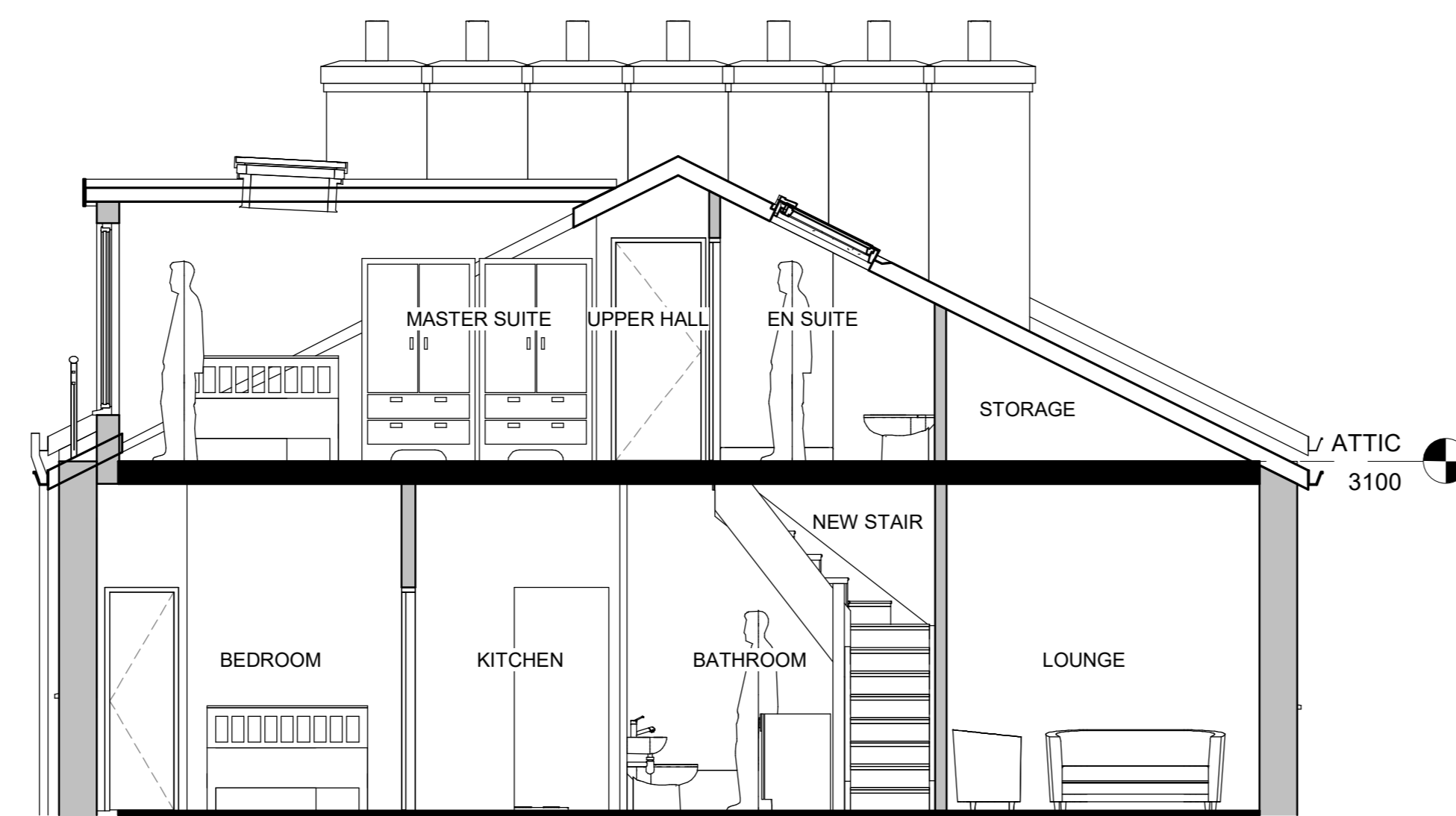
**PROPOSED WEST ELEVATION**  
1 : 100



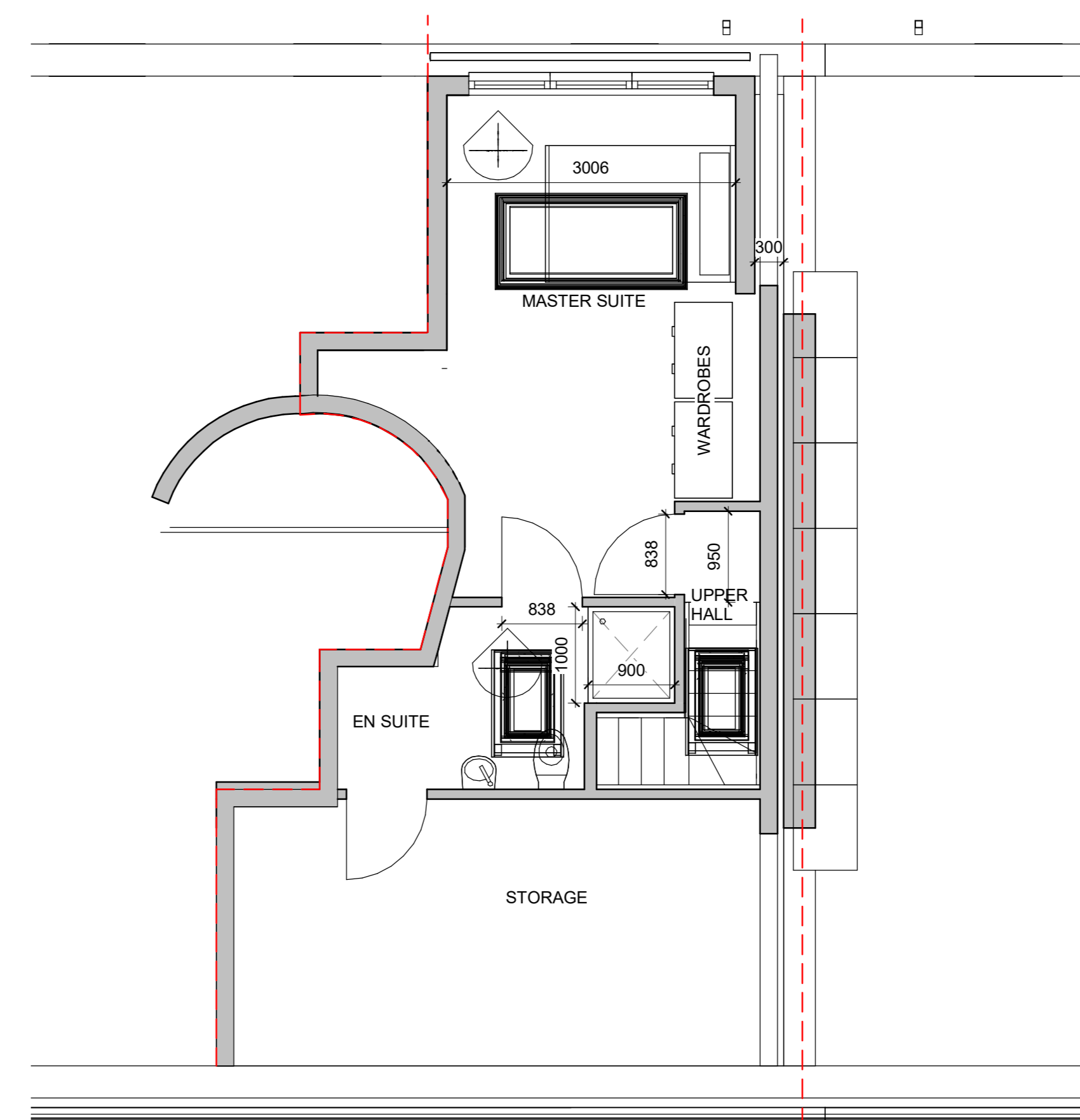
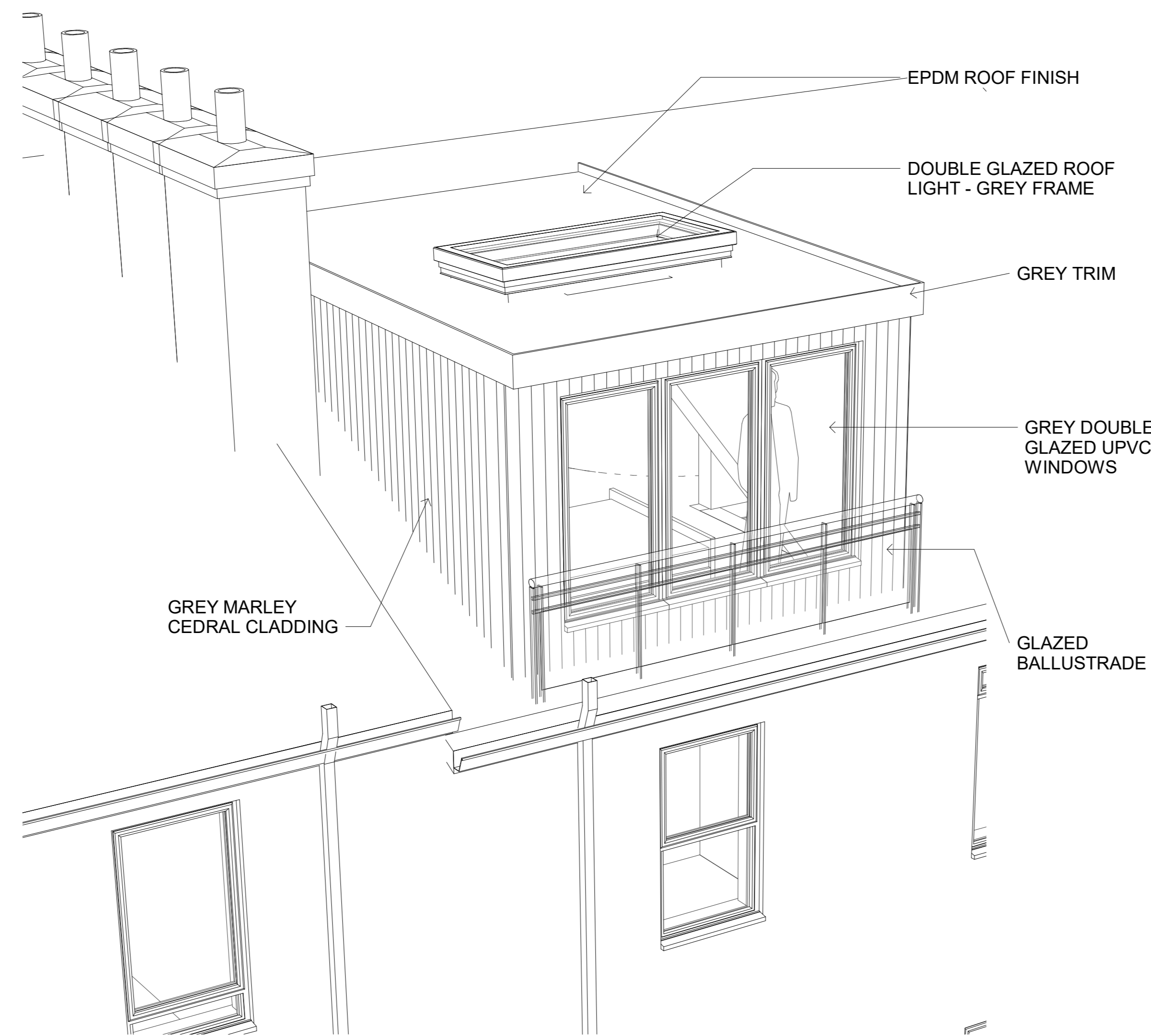
**EXISTING FLAT FLOOR PLAN**  
1 : 50



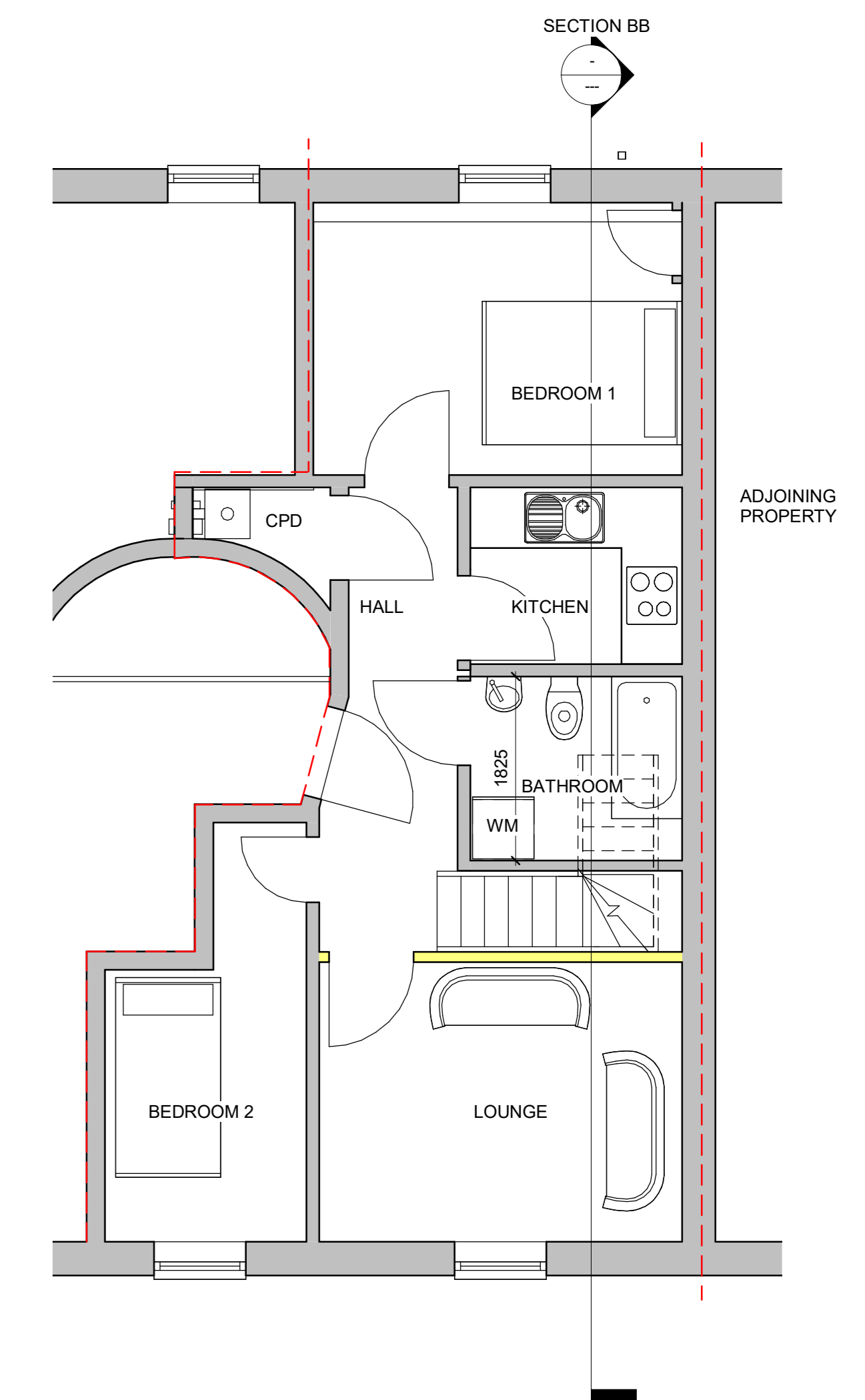
**SECTION AA - EXISTING**  
1 : 50



**SECTION DD - PROPOSED**  
1 : 50



**PROPOSED ATTIC FLOOR PLAN**  
1 : 50



**PROPOSED FLAT FLOOR PLAN**  
1 : 50

Planning Application

Ref 21/06506/FUL

3F1 7 West Montgomery Place Edinburgh

Appeal Against the Decision by The City of Edinburgh Council to Refuse Planning Permission

On Behalf of Matthew Byerly



**Contents**

**Introduction.....P.3**

**Terms of Reference.....P.3**

**Site description.....P.3**

**Planning Application Reference.....P.3**

**Planning History.....P.3**

**Tenements where similar schemes have been approved.....p.3**

**Background.....P.3**

**Grounds for appeal.....PP 4-7**

**Conclusion.....P.7**

**Recommendation.....P.7**

**Annex 1 Report of Handling.....PP7-9**

**Annex 2 Site Photographs.....PP 10-12**

## **Introduction**

The applicant welcomes the opportunity to have their planning application reviewed by the City of Edinburgh Council's Local Review Body (LRB) and the LRB's support is sought to allow the applicant's needs and future requirements to come to fruition.

## **Terms of Reference**

We act on behalf of Matthew Byerly

## **Site Description**

The application property is a traditional stone built late Victorian non-listed two-bedroom tenement flat located close to, but not inside the New Town Conservation area. The site is a short distance to the east of Edinburgh's city centre and a few hundred metres from Elm Row and Leith Walk.

## **Planning Application Reference**

**21/06506/FUL | Attic conversion with dormer to the rear elevation & alterations to existing flat. | 3F1 7 West Montgomery Place Edinburgh EH7 5HA**

## **Planning History**

There is no planning history associated with flat 3F1 7 West Montgomery Place

Flat 3F2 7 West Montgomery Place on the same floor was granted a Certificate of Lawfulness in August 2021 (see below)

**21/03344/CLP | Attic conversion including roof lights | 3F2 7 West Montgomery Place Edinburgh EH7 5HA**

## **Tenements where similar schemes have been approved**

- **22/00546/FUL | Alter roofspace over existing flat to form habitable accommodation. Roof fitted with Velux roof lights to front pitch of roof with rear pitch fitted with dormer, providing access to external terrace / balcony. Flat roof re-covered and fully insulated. Existing pitched slated roofs fitted with flush fitting slate vents. | 3F3 81 Brunswick Street Edinburgh EH7 5HS H7 5H. Granted 7<sup>th</sup> April 2022**
- **21/02925/FUL | Proposed new rear roof terrace to the converted attic space which forms the new fourth floor plan. | 3F3 61 Brunswick Street Edinburgh EH7 5HT. Granted 30<sup>th</sup> June 2021**
- **3F1 20/01622/FUL | Attic conversion (as amended). | 3F1 75 Montgomery Street Edinburgh EH7 5HZ. Granted 18<sup>th</sup> June 2020 20/01623/FUL**
- **3F2 20/01623/FUL | Attic conversion (as amended). | 3F2 75 Montgomery Street Edinburgh EH7 5HZ. Granted 18<sup>th</sup> June 2020**

## **Background**

The planning application proposes a box dormer be added to the rear elevation of the top floor flat at 3F1. This would enable the attic space to be fully redeveloped creating an extra bedroom with an en-suite bathroom. The flat as it currently stands does not provide enough suitable accommodation for a growing family therefore the Client's architect has created extra living space using the attic and by creating extra headroom by the inclusion of a box dormer in the design. The alternative would be to incorporate Conservation Velux windows instead of a dormer; however, this would not create

adequate additional living space. The proposal to convert the attic space of this tenement to accommodate the applicant's growing family in this location would promote environmental sustainability by providing a central, family-suitable space within the footprint of an already-developed building. This will allow the applicant's family to continue to minimise their impact on the environment by relying on active transport instead of personal vehicles, and allow them to continue to maintain their tenement. Should the applicant's family need to relocate due to the application being refused, then the opportunity to minimise their footprint and promote the longevity of the existing building would be lost.

### **Grounds for Appeal**

This section sets out the grounds for this appeal submission by considering the many positive aspects of the proposal and its determined efforts to comply with Edinburgh Local Development Plan and other relevant policies including 'Guidance for Householders'

The main reason for refusal outlined in the report of handling is primarily that the proposal was not deemed compatible with both the existing building and the neighbourhood character. The Council did not raise any issues with the size, position, or choice of materials. It was only stated that the application did not comply with the Local Development Plan policy Des 12 and unspecified objectives of the Edinburgh Local Development Plan.

The planning application was refused planning permission as it was not deemed compatible with both the existing building and neighbourhood character. **A key point to consider is that the tenement is not listed or in a conservation area.** This is an important consideration when determining a planning application. The new dormer would not be visible from the front street and would therefore have no visual impact on the surrounding streetscape. The dormer will, however, be visible from the gap between the terraced houses on Brunswick Road and the north-east end of West Montgomery Place.

This is typical in the area as you can see from the photo in (figure 1). A rear dormer similar to the one proposed can easily be seen on the rear elevation on the same style tenement block in Brunswick Street as viewed from Brunswick Road. This is a key factor to consider when determining whether a new development would have a negative impact on the local area. The rear dormer is similar to what has been proposed by the applicant and has not been deemed incompatible with the existing building or the surrounding neighbourhood.



Figure 1 a dormer can be clearly seen in the centre left of the photo when viewed from Brunswick Road

Moreover, the Report of Handling states as a reason for refusal that ***'there are no other dormers on the tenements in West Montgomery Place or nearby Montgomery Street'***. There are other examples in the area where planning permission has been granted for rear extensions which are clearly visible from the rear of the building and adjacent roads. The example in Figure 2 is in a conservation area and it was deemed to not to be contrary to planning policy. As previously stated, policies which restrict development in conservation areas are much more robust and yet planning consent was granted as it was deemed that this particular rear dormer was acceptable and compatible with the existing building and surrounding area.

There are other examples of dormers which can be seen from the front window of 3F1 7 West Montgomery Place, one at 87 Brunswick Street, two at 75 Montgomery Street another after construction will be visible at 81 Brunswick Street and a roof terrace at 61 Brunswick Street. Whereas a similar scheme at 7 West Montgomery Place was not acceptable despite as it was out of neighbourhood character. **As the development is not located within a designated conservation area and should therefore be less subject to planning restrictions.**



Figure 2 Planning permission for a similar scheme was granted at 75 Montgomery Street which is in a Conservation Area

Furthermore, as the building is not listed it is therefore should not be given the highest level of protection in terms of what changes can be made to the exterior of the building. However, the application was refused based on the scheme's incompatibility with the building.

To improve the overall visual appearance of the scheme the architect has used high quality materials throughout. **Policy Des 12 Alterations and Extensions** from the Edinburgh Local Development Plan states that, *planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building.* For example, the dormer is finished using Cedar Cladding and grey UPVC windows with EPDM roof finish in keeping with the traditional look of the tenement. An important material consideration in determining an application is that it, *does not result in an unreasonable loss of privacy or natural light to neighbouring properties* and *will not be detrimental to neighbourhood amenity and character of the surrounding area.* The report of handling states that the application will not be detrimental to the character and amenity of the area and will not result in a reasonable loss of natural light or privacy which is a material consideration when determining an application.

### **Conclusion**

As has been demonstrated by this report, the applicant has ensured that the proposal complies with the Edinburgh Local Development Plan and Edinburgh Guidance for Householders. This is evident in the size, colour, and choice of materials of the dormers, and the careful positioning to prevent any privacy issues. The rear dormer is only visible from a small section of Brunswick Road and not visible

from any point in West Montgomery Place. The report also shows that the design of the dormers is consistent with several other examples in the area. Therefore, the proposal will not have a negative visual impact on the roofscape of the building or the surrounding area.

**Recommendation**

In line with the information and evidence provided above, this report recommends that the planning permission should be granted on appeal.

## **ANNEX 1 – EXCERPT FROM THE REPORT OF HANDLING OF THE PLANNING AUTHORITY**

### **Determining Issues**

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

Do the proposals comply with the development plan? If the proposals do comply with the development plan, are there any compelling material considerations for not approving them? If the proposals do not comply with the development plan, are there any compelling material considerations for approving them? 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 comply with the development plan? The Development Plan comprises the Strategic and Local Development Plans. The relevant policies to be considered are:
  - LDP Design policies Des 12.
  - LDP Design policies Env 6.

The non-statutory Householder Guidance is a material consideration that is relevant when considering policy Des 12. Setting of conservation area.

As the dormer is on the rear elevation, it does not affect the setting of the adjacent conservation area. Scale, form, design, and neighbourhood character

### **Scale, form, design, and neighbourhood character**

The proposals are for a box dormer to be added to around half the rear roof of this traditional Victorian tenement. This is incompatible with the tenement character of the city which consists of stone facades and pitched slated roofs with minimal intervention. There are no other dormers on the tenements in West Montgomery Place or nearby Montgomery Street. The proposals are therefore incompatible with the character of the existing dwelling and the surrounding area.

The dormer takes up about 50% of the rear roof and the design is acceptable. However, as the principle of adding a dormer to this traditional roofscape is not acceptable; it does not comply with policy Des 12.

### **Neighbouring Amenity**

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will not result in any unreasonable loss to neighbouring amenity.

## **Conclusion in relation to the Development Plan**

The proposals comply with Env 6 as they do not affect the setting of the adjacent conservation area. However, the proposals are not compatible with both the existing building and neighbourhood character. Whilst they do not result in an unreasonable loss of neighbouring amenity, overall, the proposals do not comply with LDP policy Des 12 and the overall objectives of the Development Plan.

## **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 Paragraph 29 of SPP as they do not protect Edinburgh's tenemental heritage.

### **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**

Six objections and two neutral comments have been received. One of the neutral comments raised no objections.

#### **material considerations**

*extension not in keeping with other tenement buildings*

*changes to the aesthetic of the building*

#### **non-material considerations**

*scaffolding already erected*

*noise and disturbance*

*construction disruption*

*structural engineer review*



*safety*

**Conclusion in relation to identified material considerations**

The proposals raise issues in relation to compliance with SPP. The representations have been addressed in the assessment.

**Overall conclusion**

The proposed works to the dwelling are not in accordance with the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character but will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is not acceptable.

**The recommendation is subject to the following.**

The proposals are not compatible with both the existing building and neighbourhood character. Whilst they do not result in an unreasonable loss of neighbouring amenity, overall, the proposals do not comply with LDP policy Des 12 and the overall objectives of the Development Plan

## ANNEX 2 - SITE PHOTOGRAPHS CONTEXTUALISING THE PROPOSED DEVELOPMENT



West Montgomery Place viewed from 3F1



The surrounding area has an eclectic array of roofscapes



The view from the rear of 3F1



The adjacent modern apartments interestingly include roof extensions in their design philosophy, which would be compatible with the proposal.



The proposed dormer would not be visible from West Montgomery Place



As viewed from Brunswick Road. The proposed dormer will only be visible in a limited stretch between the wall separating the terraced houses and the tenement. The dormer will not be visible anywhere else on the surrounding streets.