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Decision date: 10 May 2022

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

Internal alterations. Alterations to rear ground floor windows. Addition of juliet balconies. French doors in basement window opening (as amended).
At 9 Inverleith Terrace Edinburgh EH3 5NS

Application No: 22/00657/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 11 February 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 it would have a detrimental impact on the architectural merits of the host property.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it would have a detrimental impact on the architectural merits of the host property, its setting and the adjacent
3. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would have a detrimental impact on the surrounding fenestration design.

4. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact on the character and appearance of the host property.

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

Drawings 01, 02, 03, 04a, 05, 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 does not comply with the relevant policies contained within the Edinburgh Local Development Plan and is unacceptable with regards to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It would not be compatible with and does not have special regard to the desirability of preserving the building and its setting. The proposal would have no 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 Conor MacGreevy directly at conor.macgreevy@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 9 Inverleith Terrace, Edinburgh, EH3 5NS

Proposal: Internal alterations. Alterations to rear ground floor windows. Addition of juliet balconies. French doors in basement window opening (as amended).

**Item – Local Delegated Decision
Application Number – 22/00657/FUL
Ward – B05 - Inverleith**

Recommendation

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

Summary

The application for development does not comply with the relevant policies contained within the Edinburgh Local Development Plan and is unacceptable with regards to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It would not be compatible with and does not have special regard to the desirability of preserving the building and its setting. The proposal would have no 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 two storey mid-terrace town house with a sub-level.

The is a Statutory B Listed Buildings (1965).

Description Of The Proposal

The application is for the installation of a new fenestration to the rear elevation and internal alterations.

Scheme 2 introduces nibs and downstands to the internals.

Relevant Site History

22/00658/LBC
9 Inverleith Terrace
Edinburgh
EH3 5NS

Internal alterations to basement, ground and attic levels. New double door opening from kitchen to sitting room at GF level. Lower cills to ground floor rear windows. Installation of french doors to rear basement window (as amended).

Refused
9 May 2022

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 16 February 2022

Date of Advertisement: 25 February 2022

Date of Site Notice: 25 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 - Conservation Areas
- Managing Change - Windows
- Managing Change - Interiors

The proposed works would represent unacceptable introductions that would harm the architectural merits of the property. In terms of the proposed fenestration design to the rear elevation at ground floor level, this represents a disruptive introduction that would upset the symmetry of that elevation. In addition, these works would have further impact on the wider aesthetic of the terrace row, also to its detriment.

Furthermore, the application proposes the removal of a number of fireplaces. This element of the proposal would be unacceptable in that it would erode key features that contribute to the architectural merits of the building as a whole.

In relation to the internal layout, the amended scheme introduces nibs and downstand which would contribute towards a degree of readability however the extent of the openings created would still represent incongruous introductions that would erode the formal layout of the host property.

Conclusion in relation to the listed building

The proposed changes are unacceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals impact on the character or appearance of the conservation area?

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

The proposed changes represent minor alterations to the rear of the building. By virtue of the obscured location of these works and that they are not readily visible to the public realm, they have a neutral impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would preserve the character and appearance of the conservation area.

c) 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 Environment policies Env 3, Env 4 and Env 6.
- LDP Design policies Des 1 and Des 12.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3, Env 4 and Env 6.

Size, Scale and Design

The proposal is unacceptable in terms of its fenestration design, specifically at ground floor level to the rear elevation. Juliette balconies and dropped cills at this level create a discordance with the existing symmetry on that elevation. As mentioned in section a), the introduction of a fenestration design of this aesthetic would represent a disruptive introduction which would also create a visual imbalance when looking at the terrace as a whole.

This is contrary to Des 1, Des 12, Env 3 and Env 4.

Amenity

The application was assessed in terms of its impact on amenity. No impacts were identified.

This complies with Des 12 in terms of amenity.

Conclusion in relation to the Development Plan

The proposal is contrary to the Edinburgh Local Development Plan, specifically Des 1, Des 12 and Env 3.

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 is contrary to Paragraph 29 of SPP, specifically Principle 3.

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

One comment was received (Objection).

Material considerations -

Plan form; this is addressed in section a).
Fireplaces; this is addressed in section a).

Conclusion in relation to identified material considerations

Public comments have been addressed.

The proposal is acceptable in terms of the aforementioned material considerations.

e) Overall conclusion

The application for development does not comply with the relevant policies contained within the Edinburgh Local Development Plan and is unacceptable with regards to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It would not be compatible with and does not have special regard to the desirability of preserving the building and its setting. The proposal would have no adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

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 it would have a detrimental impact on the architectural merits of the host property.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it would have a detrimental impact on the architectural merits of the host property, its setting and the adjacent
3. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would have a detrimental impact on the surrounding fenestration design.
4. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact on the character and appearance of the host property.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 11 February 2022

Drawing Numbers/Scheme

01, 02, 03, 04a, 05

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer
E-mail: conor.macgreevy@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/00657/FUL

Application Summary

Application Number: 22/00657/FUL

Address: 9 Inverleith Terrace Edinburgh EH3 5NS

Proposal: Internal alterations. Alterations to rear ground floor windows. Addition of juliet balconies. French doors in basement window opening.

Case Officer: Local1 Team

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 for alterations to this B-listed building and wishes to object to the proposal for the following reasons:

- 1) Fireplaces: the applicant wishes to remove nine fireplaces and the chimney breast from the original kitchen. This is contrary to Edinburgh Council Guidance for Listed Buildings and Conservation Areas (Feb 2019). The loss of fireplaces has a detrimental impact to the character of a room.
- 2) Basement: the proposed removal of an entire wall to the front right room is not acceptable. The original floor plan should still be readable by the retention of as much historic fabric as possible, particularly the spine corridors at basement level, in line with HES Managing Change in the Historic Environment: Interiors (Feb 2020). Where slappings are permitted, nibs and downstands should be retained, in line with Council guidance (above).
- 3) Ground floor: for the same reason, the loss of an entire wall between the rear rooms is not acceptable, nor of the press in the corner of the kitchen. The loss of dado paneling in the original dining room in order to slap through to the kitchen is unacceptable and is contrary to Council guidance (above). There is excessive loss of fabric involved in the dropping of cills to two rear windows, no condition report to justify the loss, and no documentation on the existing glass. It is possible that historic glass may remain in this location, and care should be taken to ensure that any extant is retained, in line with HES Managing Change in the Historic Environment: Windows (Feb 2020) Chapter 2, which states that "varying levels of imperfections and irregularities in the glass... can add character to a window. "

4) Second floor: the removal of walls to enlarge spaces for en suites has an adverse impact on the original floor plan.

This house is of particular historical interest because of its association with Robert Louis Stevenson, who lived there in early childhood, and whose poem Windy Nights was inspired by this building. It is of particular architectural interest, because of its unusually well-preserved floor plan. For these reasons, any alterations should observe city policy and guidelines meticulously

We believe that the proposals would result in unnecessary damage to the listed building. The proposal contradict Edinburgh Council guidance and conflicts with the Local Development Plan policy ENV 4. We therefore object to these proposals.