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Flat 8 9 Marchmont Street
Edinburgh
EH9 1EL

Dr Estelle Victoria Jones.
3F2 9 Marchmont Street
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EH9 1EL

Decision date: 27 September 2022

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

New roof windows to attic conversion.
At 3F2 9 Marchmont Street Edinburgh EH9 1EL

Application No: 22/04083/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 12 August 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 rooflights would have an adverse impact on the character of the listed building.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposed rooflights would have an adverse impact on the character and 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 1-3, 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 proposal has an adverse impact on the character of the listed building and on the character and appearance of the conservation area, and is unacceptable in regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal does not accord with the local plan and is therefore not acceptable in regard to Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997.

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
3F2 9 Marchmont Street, Edinburgh, EH9 1EL

Proposal: New roof windows to attic conversion.

Item – Local Delegated Decision
Application Number – 22/04083/FUL
Ward – B10 - Morningside

Recommendation

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

Summary

The proposal has an adverse impact on the character of the listed building and on the character and appearance of the conservation area, and is unacceptable in regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal does not accord with the local plan and is therefore not acceptable in regard to Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997.

SECTION A – Application Background

Site Description

The property is a top floor flat within a traditional four storey Victorian tenement. The block was listed category B on 19.3.1993 ref.30573 and lies in the Marchmont Meadows and Bruntsfield Conservation Area.

Description Of The Proposal

The application proposes rooflights on the front roof including on the flanks of the roof over the projecting bay.

Supporting Information

A supporting statement was submitted.

Relevant Site History

22/02754/LBC
3F2 9 Marchmont Street
Edinburgh
EH9 1EL

New roof windows to attic conversion and glass dormer to rear including inset balcony, internal alterations to return the property to its original layout by bringing the kitchen and sitting room back to the lower floor and reinstalling and enhancing the property's period features. Take down section of existing wall preserving and restoring plaster coving and remove internal partition to existing stairs to comply with Building Regulations.
Refused
7 July 2022

22/02755/FUL
3F2 9 Marchmont Street
Edinburgh
EH9 1EL

New roof windows to attic conversion and glass dormer to rear including inset balcony.
withdrawn
14 July 2022

22/04066/LBC
3F2 9 Marchmont Street
Edinburgh
EH9 1EL

New roof windows to attic conversion and glass dormer to rear, internal alterations to return the property to its original layout by bringing the kitchen and sitting room back to the lower floor and reinstalling and enhancing the property's period features. Takedown section of existing wall preserving and restoring plaster coving and remove internal partition to existing stairs to comply with Building Reg.
withdrawn
6 September 2022

Other Relevant Site History

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 24 August 2022

Date of Advertisement: 2 September 2022

Date of Site Notice: 2 September 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 - Roofs of Listed Buildings

Due to the configuration of the roof, the flanks of the roof over the projecting bay are particularly visible in mid-distance views along the street. The addition of rooflights on this section of roof would adversely impact on the character. It is also noted that one of the proposed rooflights on the main roof plane is somewhat large and fails to adopt a "conservation style".

The net impact on listed building character is not acceptable.

Conclusion in relation to the listed building

The works would cause a loss of listed building character and are not acceptable in regard to 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 projecting bays and their impact on roofscape are an important part of the Marchmont character.

The rooflights on the flanks of the roof over the bay are out of character with the wider area and will also have an adverse impact on appearance.

Conclusion in relation to the conservation area

The works will have an adverse impact on the character and appearance of the conservation area and are unacceptable in regard to 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

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

Impact on Historic Environment

As outlined in sections a) and b) the proposal would have an adverse impact both on the listed building, contrary to LDP policy Env 4 and on the conservation area, contrary to LDP policy Env 6.

Conclusion in relation to the Development Plan

The proposal does not accord with the local plan and is therefore not acceptable in regard to Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997.

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 fails to comply with Paragraph 29 of SPP in relation to preservation of historic environment.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet 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 one representation is provided below:

material considerations

One representation objected to the use of rooflights on the frontage.

non-material considerations

The representation also raised issues relating to ownership.

Conclusion in relation to identified material considerations

The issues raised are addressed in sections a) and b).

Overall conclusion

The proposal has an adverse impact on the character of the listed building and on the character and appearance of the conservation area, and is unacceptable in regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal does not accord with the local plan and is therefore not acceptable in regard to Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997.

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 rooflights would have an adverse impact on the character of the listed building.

2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposed rooflights would have an adverse impact on the character and 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: 12 August 2022

Drawing Numbers/Scheme

1-3

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 22/04083/FUL

Application Summary

Application Number: 22/04083/FUL

Address: 3F2 9 Marchmont Street Edinburgh EH9 1EL

Proposal: New roof windows to attic conversion.

Case Officer: Stephen Dickson

Customer Details

Name: Mr Edward Hawkins

Address: 103 Warrender Park Road, Edinburgh EH9 1EN

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposal for the following reasons:

1. The new roof windows on the front elevation will be visible from the street and are not appropriate for a category B listed building. When these buildings were originally designed it was never conceived that their attic space could be converted - it completely goes against the style and historic nature of the original Baronial facades, which are of unusual architectural merit. The front roof windows amount to cultural vandalism of irreplaceable heritage.
2. A condition of planning consent needs to be that responsibility and maintenance of the roof of the block is taken over by the developers/owner and title deeds are adjusted to reflect this legally - otherwise the other block owners will suffer legal ambiguity over roof maintenance, resulting in neighbour disputes forevermore.

I would be prepared to withdraw my objection if the front elevation roof windows are removed from the proposal.