



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 100567073-008

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:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Javier Blazquez"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Valenzuela"/>	Building Number:	<input type="text" value="9"/>
Telephone Number: *	<input type="text" value=""/>	Address 1 (Street): *	<input type="text" value="Flat 8"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Marchmont Street"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH9 1EL"/>
Email Address: *	<input type="text" value=""/>		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Estelle"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Jones"/>	Address 1 (Street): *	<input type="text" value="9 /8 Marchmont Street"/>
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="Midlothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 1EL"/>
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="3F2"/>
Address 2:	<input type="text" value="9 MARCHMONT STREET"/>
Address 3:	<input type="text" value="MARCHMONT"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 1EL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672354"/>	Easting	<input type="text" value="325126"/>
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## 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)

New roof windows to attic conversion.

## 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.

The refusal is inconsistent with other listed buildings approvals in the same area. The argument on the visibility of the flank windows is not true. We argue that this proposal is not 'seriously detrimental' to the buildings character as defined under Section 59 – list building and conservation act 1997. This refusal is blocking the development of valuable living space, which requires sufficient light, ventilation & insulation to comply with modern building standards.

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)

The visibility of the flank roof windows. This was not raised during the process, as this concern was not communicated until after the refusal. We have provided a street plan and photo montage which should be taken into consideration as this demonstrate that the objection is not correct. This is detailed in attachment D

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)

Attachment A - Email exchange with Planning Officer Attachment B - Visibility Study (B.1); windows in flanks and photo montage (B.2); and other attic conversions in the area (B.3) Attachment C - Additional information in relation to the Listed Buildings Act 1997 and the Env 4 and ENV 6 Attachment D - Full case of appeal

## Application Details

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

22/04083/FUL

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

12/08/2022

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

27/09/2022

## 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 Javier Blazquez Valenzuela

Declaration Date: 01/11/2022

## **Attachment D- Planning Permission - Full case for appeal**

We appeal the non-approval of an application to fit roof windows to the attic area of a top floor flat at present undeveloped and highly energy inefficient.

The planning report lacks detail on what element(s) are refused, but a subsequent email from the planning officer (attachment A), in addition to the listed building report, considers the roof windows on the flanks above the bay window to have “radically changed the character... and is not acceptable”. The listed building report of handling is the only document that provides detail on what is stated as acceptable “the other rooflights (on the main roof slope) have less impact, and, in their own right, are acceptable” and what is not.

In the listed building report of handling, the key objection is “the rooflights on the small and complex roof over the projecting bay would radically change the character of this element and are not acceptable”. We dispute this, as there are a number of almost identical developments in the immediate vicinity of this property which have roof windows in their flanks. We refer to four such buildings in the same and neighbouring streets which have these features (attachment B – B.2).

A subsequent email from the planning officer, detailed this concern further, stating that this feature was not acceptable as it would be seen from along the street (email exchange in attachment A). In attachment B (B.1) we present a photo montage of the proposed windows and a street plan of where these windows would be visible. This shows that this footprint is significantly less than a property next to the proposed (7 Marchmont Street), which has the same windows in the flanks approved in 2004. In our proposal the roof window to the left, can only be seen from a very small area of the street, unlike 7 Marchmont street, which can be seen from the whole street. In the case of the right-hand window this can be seen from the same area as 7 Marchmont street. We conclude that our proposal is being held to a far higher standard than other neighbouring properties who have been permitted to undertake this type of conversion. We also challenge the objection that the “roof area is small or complicated”. We argue that this is a relatively simple pitched roof and one of the larger in the area and other much more complex roofs (example tower type roofs – attachment B, B.2) have roof windows having been granted. This again suggests that our proposal is being held to a far higher standard than other grade B granted applications.

Please see attachment C for our particular argument in reference to the fourth section of the Listed Buildings and Conservation Areas (Scotland) Act 1997 and the Env 4 Listed Buildings - Alterations and Extensions and ENV 6 Conservation Area – Development.

Due to the lack of clarity in the planning decision we would also like to submit here, that the other roof windows are not detrimental to the character of the building or its situation within the conservation area. This is clearly evidence by the volume of properties (attachment B – B.3) which have extended into their attic spaces and used a vast array of roof windows to obtain the required light and ventilation to meet building regulations, without any detriment to the character or ambiance of their surroundings. There is a clear, overwhelming precedent for roof windows in these types of properties.

We are committed to undertake a high-quality renovation that does not only protect the historic value of this building, but bring into use additional living space, and upgrades the environmental performance of the building to contribute to the Scottish Governments net-zero climate targets and the ‘Housing to 2040’ policy which requires ‘warm, safe affordable and energy efficient homes’. We

argue that the attic area needs sufficient light and ventilation and the windows in the flanks are to meet this need.

We would like to make clear that we have tried to work with the planning authorities to arrive at a solution that would satisfy them (fully email exchange attachment A) including getting clarity on the objections so we could design them out, but we have received little guidance.

Our grounds for appeal are therefore summarised as follows:

- The refusal is inconsistent with other alterations on listed properties in the same conservation area and is applying a much higher standard than other neighbouring developments that have been granted after the 1997 legislation and are therefore presumably in compliance with it.
- The objections are not based on any conceivable evidence, indeed, quite to the contrary, as the argument on the visibility of the flank windows is not true. We argue that this proposal is not 'seriously detrimental' to the buildings character as defined under Section 59 – list building and conservation act 1997.
- This refusal is blocking the development of valuable living space, which requires sufficient light, ventilation and insulation to comply with the 'housing by 2040' policy and the City of Edinburgh Council and Scottish Government net zero carbon commitments.

## **Attachment C**

The legislation the planning authority rely on for this refusal is Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Section 59 in this regard entreats the authority to consider if an alteration is 'seriously detrimental' to its character. We would submit that two roof windows four floors up, which can only be seen from a small area at street level can hardly be considered as seriously detrimental. Section 64 relates to the duty of the planning authority to consider 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. Whilst this appears to hold any proposed development to a very high standard, we do not believe our proposal is any more in breach of this than other proposals that have been granted in the area, the majority of alterations required to make good use of high-quality housing stock in a high demand area.

The planning authority also rely on the local development plan, specifically Env 4 Listed Buildings - Alterations and Extensions and ENV 6 Conservation Area - Development. Whilst the planning report suggests that roof lights have an adverse impact on the character of the building (Env 4) and roof lights have an adverse impact on the character and appearance of the conservation area, email communication suggests this is only in relation to the two windows in the flanks, however given this is not what the official report states, we want to stress here that there are many almost identical buildings that have roof lights, many in the same street, without any adverse effects to either the building or the conservation area.



## Attachment A - Full email exchange with the Planning Officer – Stephen Dickson (Emails in reverse order)

From: **Stephen Dickson** <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>

Date: Thu, 6 Oct 2022, 14:18

Subject: RE: Refusal - Application No: 22/04083/FUL

To: javier blazquez [REDACTED]

Javier

It is not the use of rooflights as such, the principle of rooflights is fine, but the ones on the roof over the forward bay projection are not, as they are far too prominent and would be visible along the length of the street.

Stephen

**From:** javier blazquez [REDACTED]

[REDACTED] October 2022 15:30

**To:** Planning Support <[Planning.Support@edinburgh.gov.uk](mailto:Planning.Support@edinburgh.gov.uk)>; Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>;

**Subject:** Refusal - Application No: 22/04083/FUL

Stephen

I refer to your most recent refusal to allow planning permission for roof windows at the above property. Can I please confirm, by implication is your planning office saying that roof windows to the front of these types of properties will not get approval despite there being many properties of the same grade and in the same conservation area having these features?

Given the significant precedent in this area, some of which we included in our design statement submitted together with the planning application, I am at a loss to understand why this application is being refused and the notice of handling provides very little information on how this decision has been reached. Having only received minimal initial feedback from yourself during the first application ie. that there was a concern on the size of the front elevation windows and the positioning in the flanks, and then no further communication to my follow-up questions, I referred to recent approved applications, in neighbouring buildings. Having been approved, I made the assumption that taking this approach would satisfy the listed building legislation, as it clearly has in the past, as these front elevation windows (including flanks) were judged as not adversely impact on the character of those buildings and therefore satisfied the provisions of Section 64 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. Can you please provide more information on why my application was refused when these others were approved? I particularly refer to the below:

1- 04/00890/LBC | Formation of 1 flat within roof space, with external and internal alterations. | 7 3F1 Marchmont Street Edinburgh EH9 1EL Same street and type of building with Windows at the flanks, flat and pitched roofs (9 in total) and a new dormer to the back

2- 16/06034/LBC | Internal alteration to convert attic, replace 2 existing roof lights and install 9 new roof windows and 2 sun pipes and a flue. | 3F2 115 Warrender Park Road Edinburgh EH9 1EN Same block around the corner with numerous roof windows all sizes

3- 03/02159/LBC | To alter flat and create 1 no. separate flat in roof space (as amended). | 87 Warrender Park Road EH9 1EW Same block, Flank windows and numerous roof windows.

#### THE SUB-COMMITTEE REPORT:

*"The proposed velux windows are acceptable in principle as there are existing rooflights on the front and rear roof pitches of other properties in the terrace. The location, scale and type of rooflights are appropriate in this context.*

*The proposed rooflights are aligned to respect the fenestration pattern below and detailed to respect the architectural character of the listed building. Consent has already been granted for the rooflights on the front and rear roof slopes and the flat roof section (02/01918/FUL/LBC). This application includes additional rooflights on the dormer roof, which will be small conservation type rooflights largely hidden behind the parapet of the dormer.*

*The proposed internal alterations will be largely restricted to the attic level which contains no feature of architectural or historic interest, and the hallway and a cupboard area of flat 3F3 which are of no architectural significance. The proposed sub-division of this top floor flat to form a further flat will not result in an unacceptable loss of architectural or historic character.*

*The proposals comply with the development plan and non-statutory policies and have no adverse impact on the character of the listed building.*

*There are no other material planning considerations, which outweigh this conclusion.*

*It is recommended that the Committee approves this application, subject to the conditions stated."*

4- 22/00160/LBC | Convert attic into bedroom with en-suite, 2x new dormers and new timber stair. | 3F2 65 Warrender Park Road Edinburgh EH9 1ES New dormers, same conservation area

5- 08/00800/LBC | Loft conversion with internal access stairway and glazed cupola above and new rooflights to existing roof (as amended) | 4F1 43 Warrender Park Terrace Edinburgh EH9 1EB Many rooflights, same block at the corner looking at the meadows

6- 20/04280/LBC | To install velux roof lights over living room, hall and bedroom. | 3F3 99 Warrender Park Road Edinburgh EH9 1EW New rooflights to the front , same block

7- 16/04858/LBC | Alter existing top floor flat and convert attic above to create 2 separate flats. | 3F2 131 Warrender Park Road Edinburgh EH9 1DS Conservation windows to the front (4 of them) and 3 dormers to the back, same conservation area

8- 14/02526/CLP | Convert attic and install velux windows to front and rear of property. | 3F2 88 Warrender Park Road Edinburgh EH9 1ET Big roof windows front and rear, same conservation area

We have only included some of the granted applications located very close to the property, however, there are many more granted cases, a google map search is enough to find tens of them within the same conservation area and hundreds of them within the different conservation areas in Edinburgh.

Equally in relation to the LDP Environment policies Env 4 and Env 6, which also governs what is and isn't averse to a building and a Conservation area, it would appear my submission is an over reach, yet this was not the case for these other properties in the same area, nor their windows in the front elevation and in some case in their flanks. Can you please provide further information on what allowed these applications to be granted, which is different to our application?

We are anxious to move this renovation forward and therefore have an application that meets the legislation which is treated in a fair and transparent way. We are keen to work with you to find a solution that satisfies the planning authorities, so in addition to further clarification to my questions above, I also seek with my client a meeting with you in person to discuss a way forward.

Kind Regards

Javier

[No further correspondence received – second application made]

----- Forwarded message -----

From: **javier blazquez** [REDACTED]  
Date: Fri, 8 Jul 2022 at 15:15  
Subject: Re: Planning application 22/02755/FUL  
To: Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>

Hi Stephen.

Thanks for the update. Can I ask why you are not taking amendments when there is still some time to run on this?

Noted on the balcony and I have received the report from LBC on the application along with the refusal. Keen to understand what we can propose at the rear elevation that will meet listed building consent?

From reading the report, it implies but is not completely clear, that we can place roof windows in the front elevation, can you please confirm if that is correct? I, however, understand that there is some concern about placing roof windows on the flanks, which seemed very restrictive and, implies that one-half of the front of the building is unconvertable if we can't get any natural light and ventilation.

This position is in complete contradiction with other buildings in the road and the **three surrounding blocks**, all **Grade B listed properties**, which **have a wide range of roof windows of all different sizes both to the rear and front elevations**. At least **two buildings in the same block** (one of them next to the property in this proposal) **have windows on the flanks** over the vestibules.

Given our ongoing housing and the climate crises, I struggle to understand a position that is so restrictive that old buildings are not being supported to be fully utilized and which risks them not being upgraded to meet modern energy standards

Really keen to work on this to come up with a solution that meets listed building consent whilst supporting development. Any advice for a second application would be gratefully received.

My client has agreed to withdraw the remaining planning application, so we can work these issues through for a second submission. I thank you for your engagement in this proposal and look forward to finding a solution.

Kind regards.

From: **Stephen Dickson** <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>

Date: Thu, 7 Jul 2022 at 10:54

Subject: RE: Planning application 22/02755/FUL

To: javier blazquez [REDACTED]

Javier

This still looks a long way off for a listed building... it is unlikely we will grant a balcony

There are other issues anyway in that some of the front rooflights would also be too prominent

In the absence of withdrawal we will refuse the scheme as we are not taking amendments ... this allows one free resubmission if you wish and/or the refusal may be appealed

S Dickson

**From:** javier blazquez [REDACTED]

**Sent:** 06 July 2022 20:43

**To:** Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>

**Subject:** Re: Planning application 22/02755/FUL

Hi Stephen

Thank you for your advice. After discussing your concerns about the design with my client, I have proposed preserving the original dormers keeping their geometry and character as you advised.

She is, however, not keen to withdraw the application and would like to follow the application through to the end with the new revised design at the rear.

I attach a couple of 3D visuals for your comment before I proceed to upload the revised drawings to the portal.

kind regards  
Many thanks,  
Javier



On Mon, 4 Jul 2022 at 12:06, Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)> wrote:

Javier

Email to me first as there is no point submitting something that is still a concern

In terms of the application itself it is best to withdraw and resubmit as a new application

Stephen

**From:** javier blazquez [REDACTED]  
**Sent:** 01 July 2022 15:17  
**To:** Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>  
**Subject:** Re: Planning application 22/02755/FUL

Dear Stephen,

Many thanks for your comments below. I will redesign the upper floor, rear part of the proposal to preserve the traditional dormers.

Can I please confirm, is it best for me to share some early drafts of these designs with you via this email address or should I upload them to the portal directly ?

Many thanks,

Kind regards

Javier

On Fri, 1 Jul 2022 at 10:14, Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)> wrote:

Dear Javier

LBC applications are all limited by one simple principle: that the existing character of the building must be retained.

The proposal is probably acceptable on an unlisted building but on a listed building we must consider the loss of the two traditional dormers and replacement with a modern feature: and this definitely constitutes a change of character and loss of historic fabric

S Dickson

**From:** javier blazquez [REDACTED]  
**Sent:** 30 June 2022 18:29  
**To:** Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>  
**Subject:** Re: Planning application 22/02755/FUL

Dear Stephen,

Thank you for your rapid response and initial thoughts on the proposal.

Once you have had a chance to look in more detail, I would be grateful to receive any comments and guidance from you on the design.

I look forward to hearing from you in due course.

Kind regards.

On Thu, 30 Jun 2022, 10:39 Stephen Dickson, <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)> wrote:

Dear Javier

I only recently received the application as it has been in our "holding pen".

There is enough in the presentation for us to assess it but my initial reaction would be that it is unlikely that we would grant permission for this.

Stephen

**From:** javier blazquez [REDACTED]  
**Sent:** 29 June 2022 14:27  
**To:** Stephen Dickson <[Stephen.Dickson@edinburgh.gov.uk](mailto:Stephen.Dickson@edinburgh.gov.uk)>  
**Subject:** Planning application 22/02755/FUL

22/02755/FUL 9 Flat 8 Marchmont Street Edinburgh EH9 1EL

Good afternoon Stephen.

I am writing in regards to our planning application with ref 22/02755/FUL submitted on 23rd of May 2022.

We were wondering if you need any further documents / information.

Thank you for your assistance.

Kind regards,

# Attachment - B

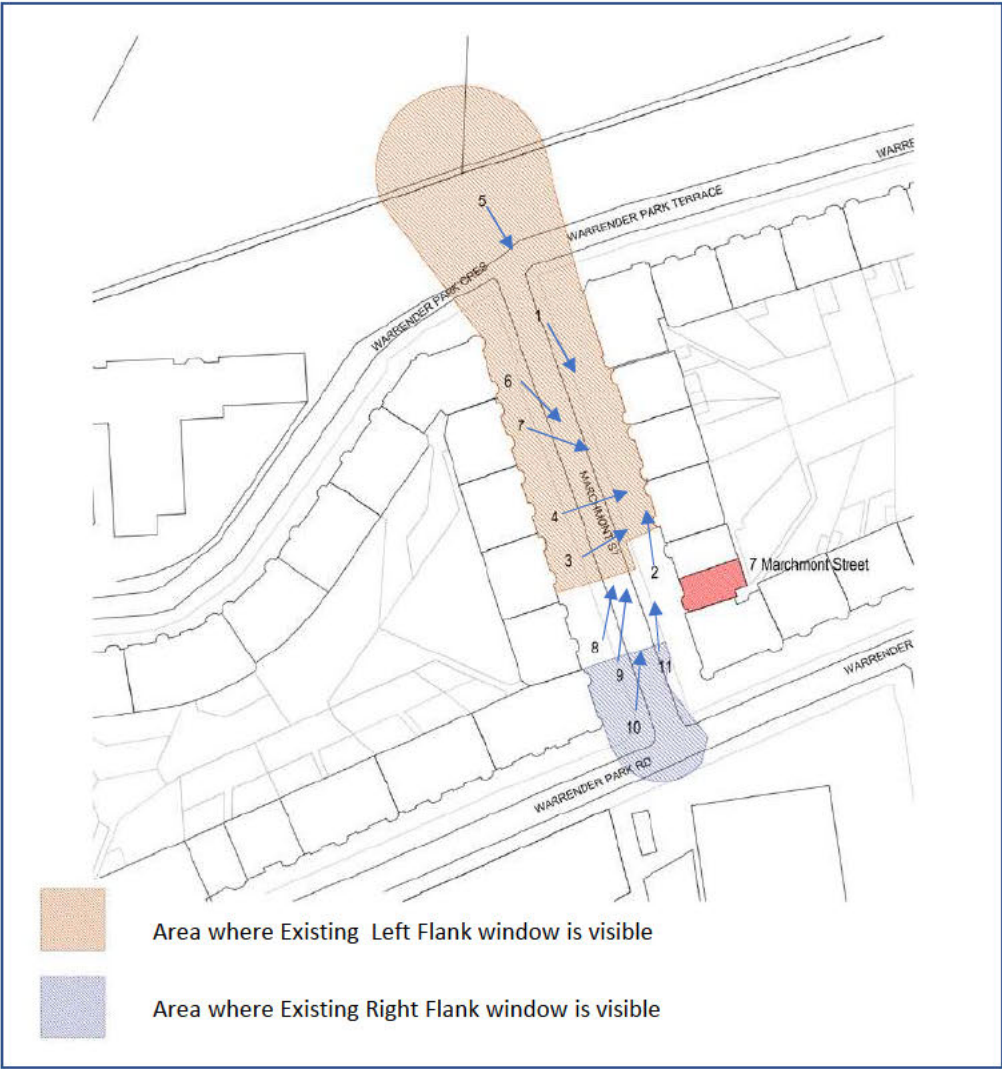
## Marchmont Street

- B.1- Visibility Study
- B.2- Neighbouring Listed B Buildings with Windows in Flanks
- B.3- Examples of attic conversions in the conservation area



B.1- Visibility Study

Numbers refer to location of photos



7 Marchmont Street Location Plan – Application Granted (More details in page 11)



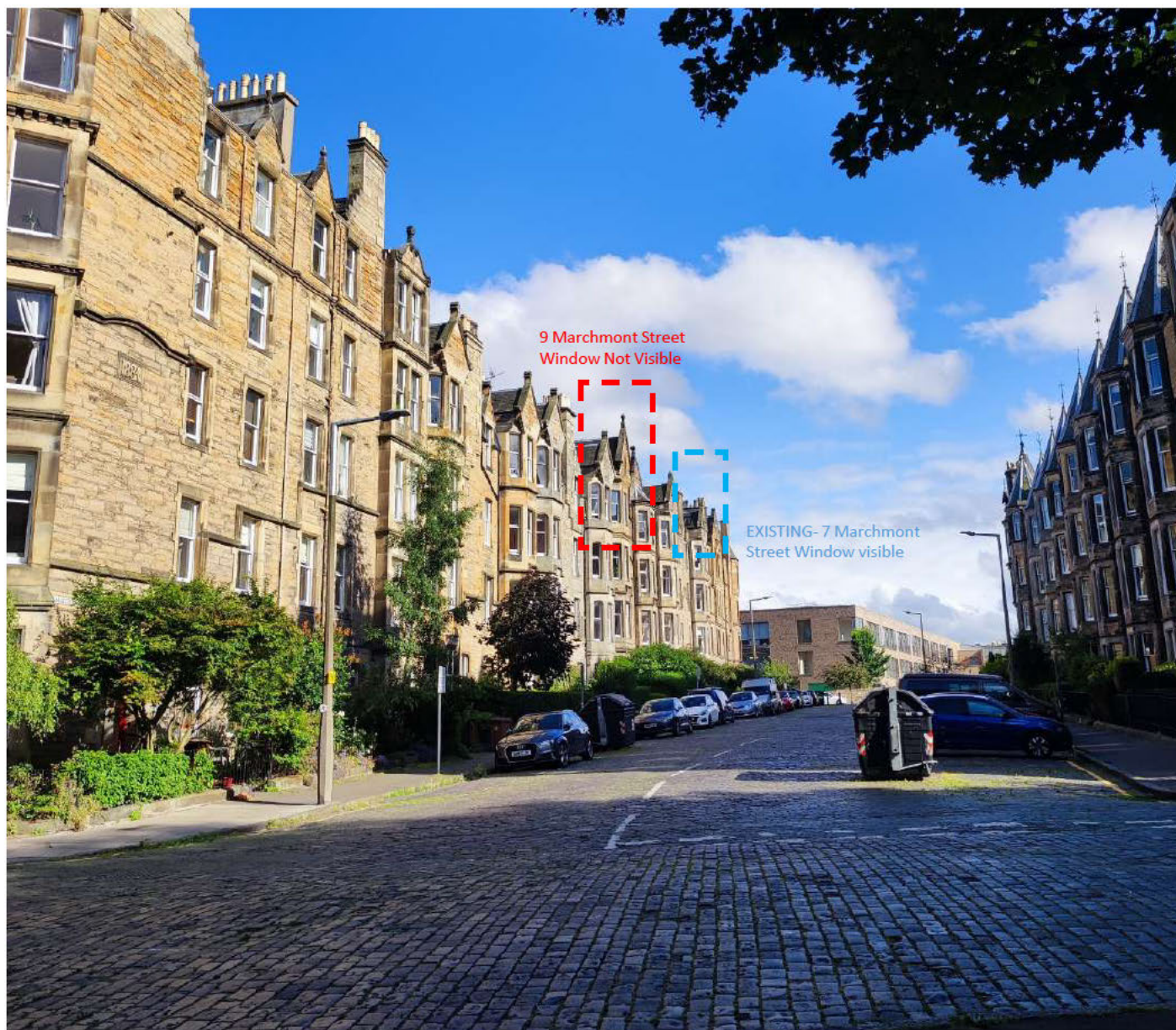
9 Marchmont Street Location Plan





















8

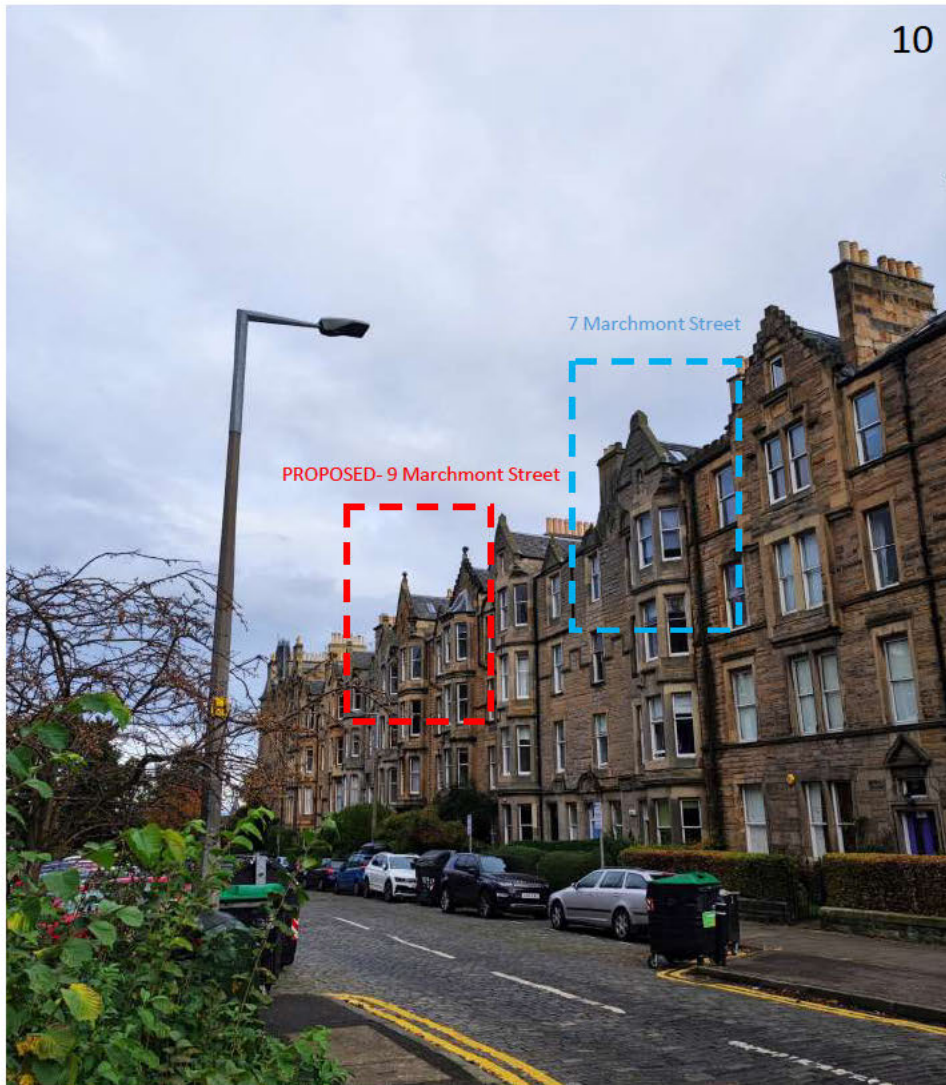
PROPOSED- 9 Marchmont Street

9

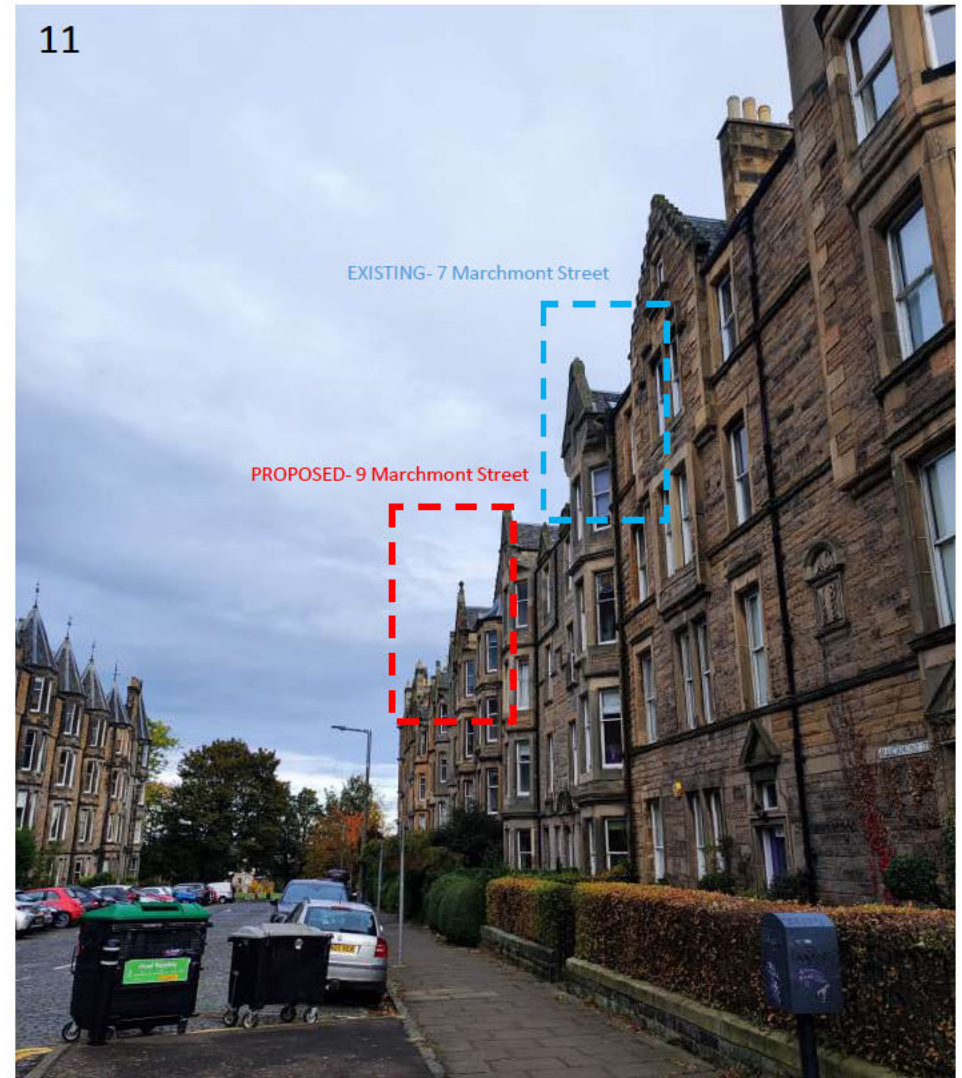
PROPOSED- 9 Marchmont Street



10

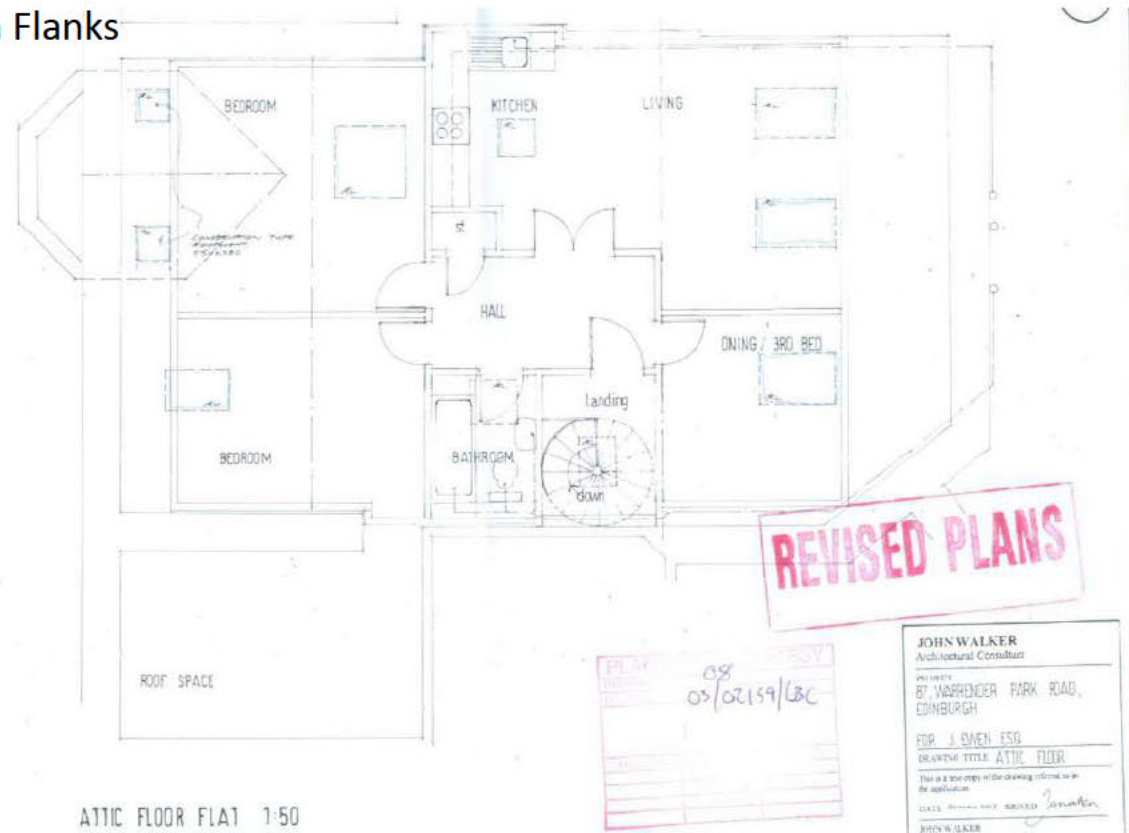


11





## B.2- Neighbouring Listed B Buildings with Windows in Flanks



### 3 Conclusions and Recommendations

#### DETERMINING ISSUES

The determining issues are:

- do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If they do not, there is a presumption against the granting of consent;
- do the proposals comply with the development plan?
- if the proposals do comply with the development plan, are there any compelling reasons for not approving them?
- if the proposals do not comply with the development plan, are there any compelling reasons for approving them?

#### ASSESSMENT

To address the determining issues, the Committee needs to consider whether the proposals have an adverse impact on the character of the listed building.

The proposed velux windows are acceptable in principle as there are existing rooflights on the front and rear roof pitches of other properties in the terrace. The location, scale and type of rooflights are appropriate in this context.

The proposed rooflights are aligned to respect the fenestration pattern below and detailed to respect the architectural character of the listed building. Consent has already been granted for the rooflights on the front and rear roof slopes and the flat roof section (02/01918/FUL/LBC). This application includes additional rooflights on the dormer roof, which will be small conservation type rooflights largely hidden behind the parapet of the dormer.

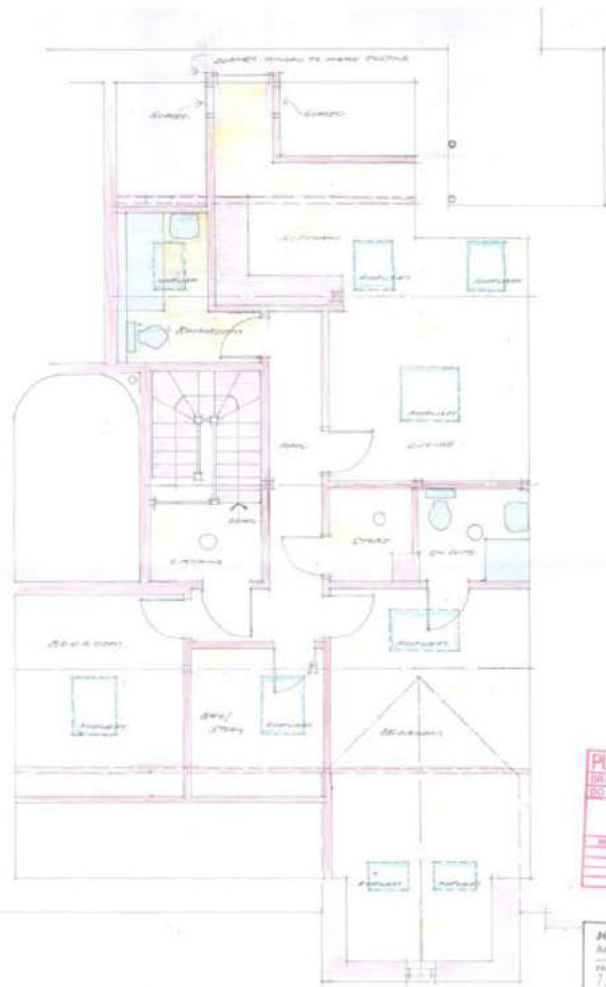
The proposed internal alterations will be largely restricted to the attic level which contains no feature of architectural or historic interest, and the hallway and a cupboard area of flat 3F3 which are of no architectural significance. The proposed sub-division of this top floor flat to form a further flat will not result in an unacceptable loss of architectural or historic character.

The proposals comply with the development plan and non-statutory policies and have no adverse impact on the character of the listed building.

There are no other material planning considerations, which outweigh his conclusion.

It is recommended that the Committee approves this application, subject to the conditions stated.

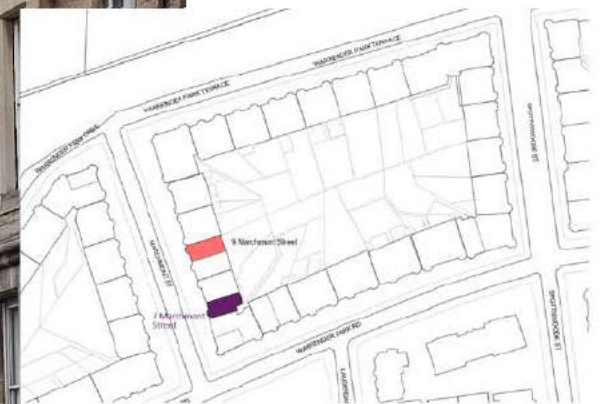
Alan Henderson  
Head of Planning and Strategy



ATTIC FLOOR PLAN 1:50

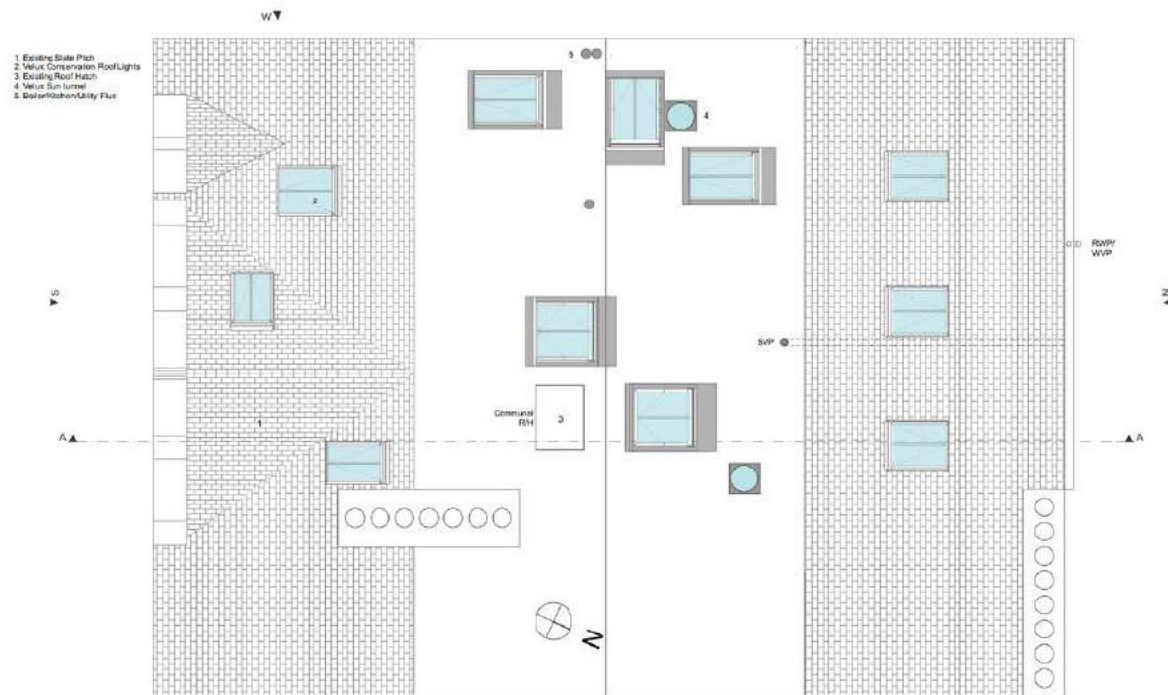


**JOHN WALKER**  
Architectural Consultant  
PROJECT NO. 7 MARCHMONT STREET,  
EDINBURGH  
MR JAMES EVAN  
DRAWING TITLE: PLAN  
This is a true copy of the drawing submitted for  
the application  
DATE: 17 MAR 2004  
DRAWN: J.W.  
CHECKED: J.W.  
JOHN WALKER  
100 ROSS STREET  
EDINBURGH EH1 1SS  
TEL: 0131 225 1111  
WWW.JWALKER.CO.UK





# 115 Warrender Park Road



Studio DUB  
17A2 West Crosscauseway  
Edinburgh  
EH8 9JW  
0131 668 1556  
studiodub@mac.com

**3f2 115 Warrender  
park road**  
Jennifer James

**Proposed 1 Roof plan**  
**905.03.03**

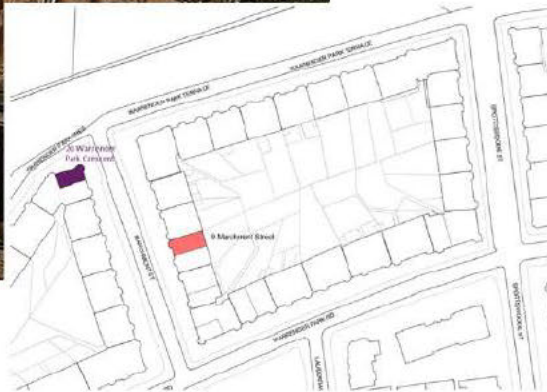
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**1:50**  
Drawing Status:  
Planning/LBC

Drawn by: Ravi Lacombe  
Checked by: Gordon Duffy  
**Date: 02/02/2017**

**DISCLAIMER**  
THESE DRAWINGS ARE  
NOT TO BE USED FOR  
CONSTRUCTION OR  
FOR ANY OTHER  
PURPOSE WITHOUT  
THE WRITTEN  
CONSENT OF  
STUDIO DUB



20 Warrender Park Crescent –No Application on portal



5 Marchmont Street –No Application on portal

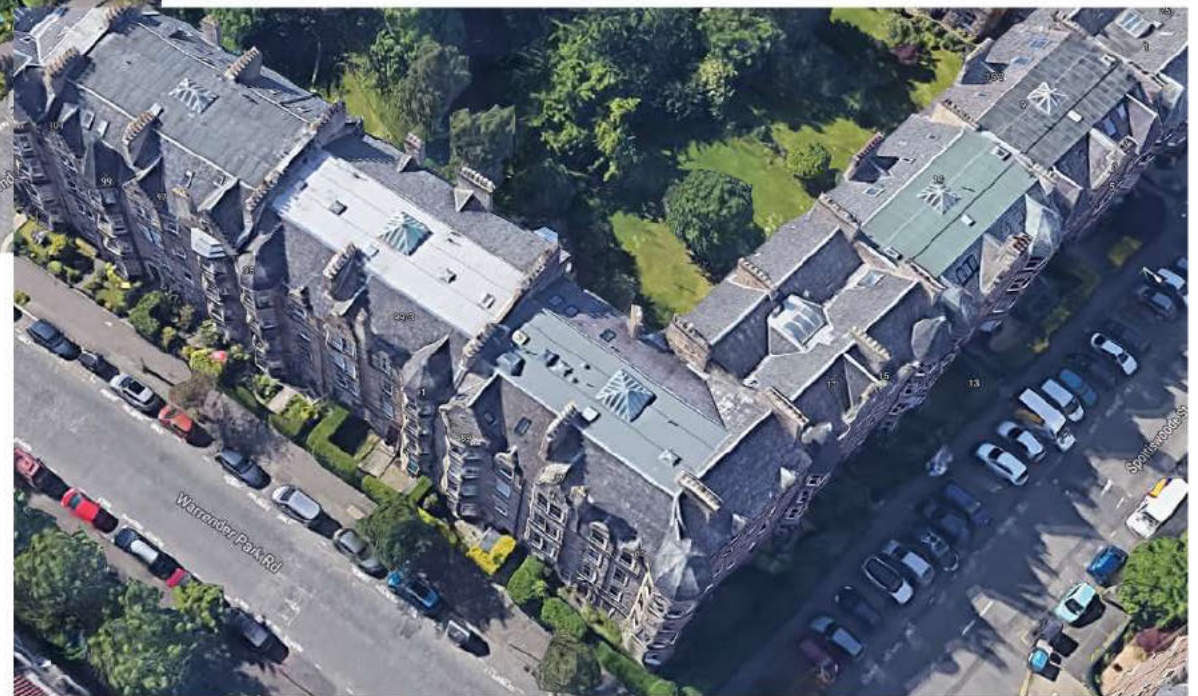




### B.3- Examples of attic conversions in the conservation area



Area 1



Area 2

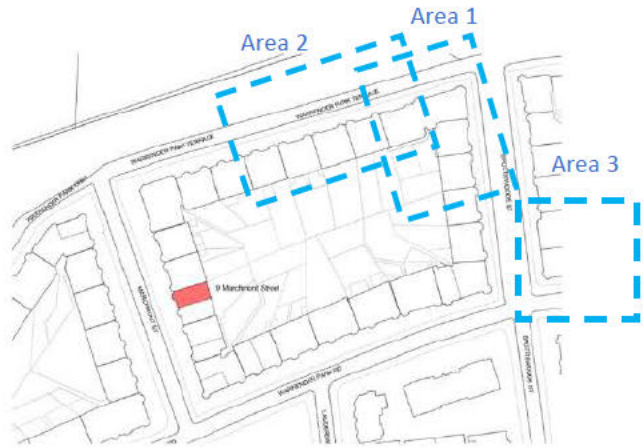




Area 1



Area 2



Area 3



Javier Blazquez Valenzuela.  
Flat 8 9 Marchmont Street  
Edinburgh  
EH9 1EL

Dr Estelle Victoria Jones.  
3F2 9 Marchmont Street  
Edinburgh  
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](mailto: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](http://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](mailto: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**

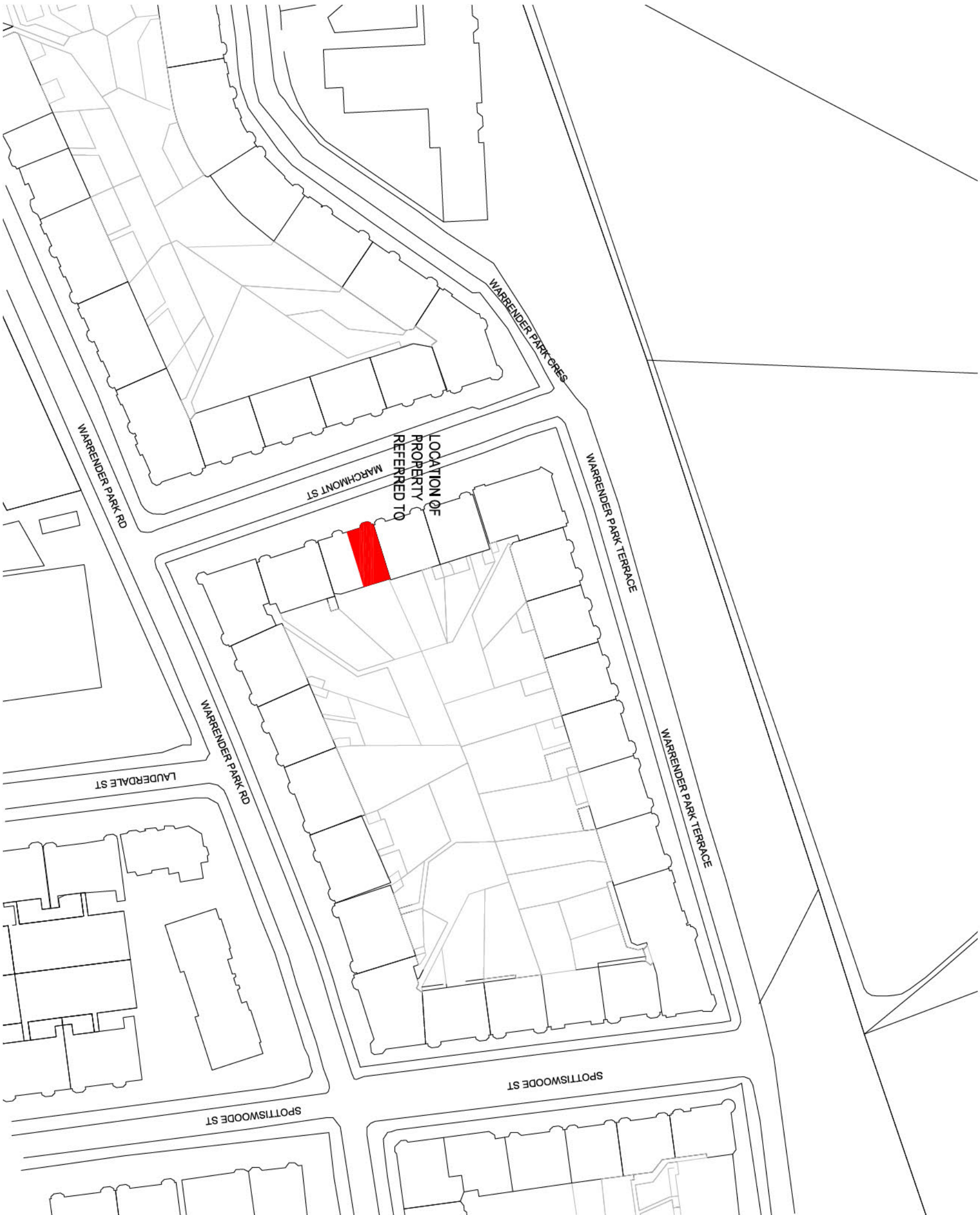
Contact: Stephen Dickson, Senior planning officer  
E-mail: [stephen.dickson@edinburgh.gov.uk](mailto:stephen.dickson@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

No consultations undertaken.





LOCATION PLAN. [1:1000]

**JBA**

JAVIER  
BLAZQUEZ  
ARCHITECT

client

JONES

project title

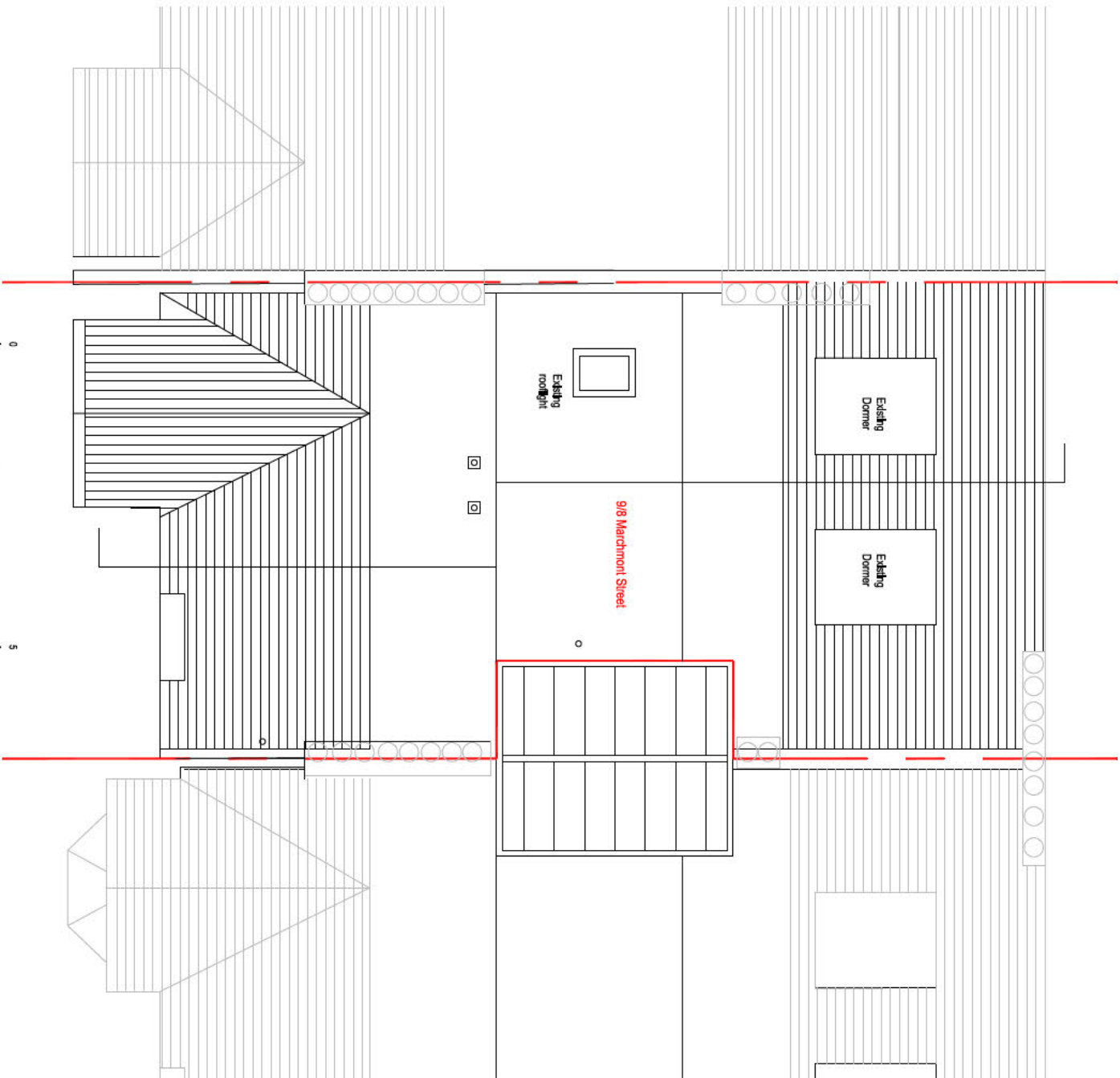
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EDINBURGH, EH9 1EL

drawing title

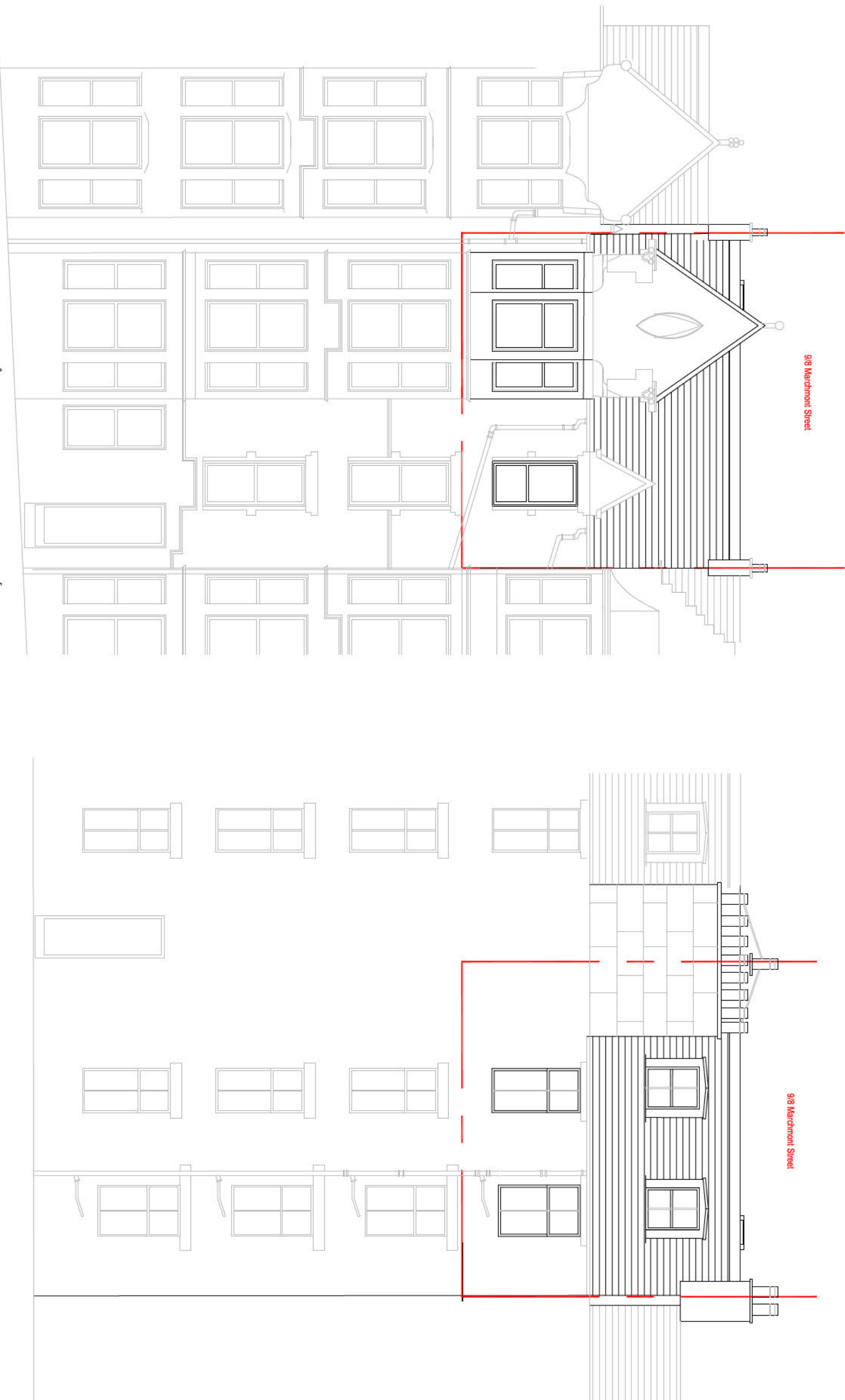
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status				

job no.	drawing no.	revision
M9-22	L-001	



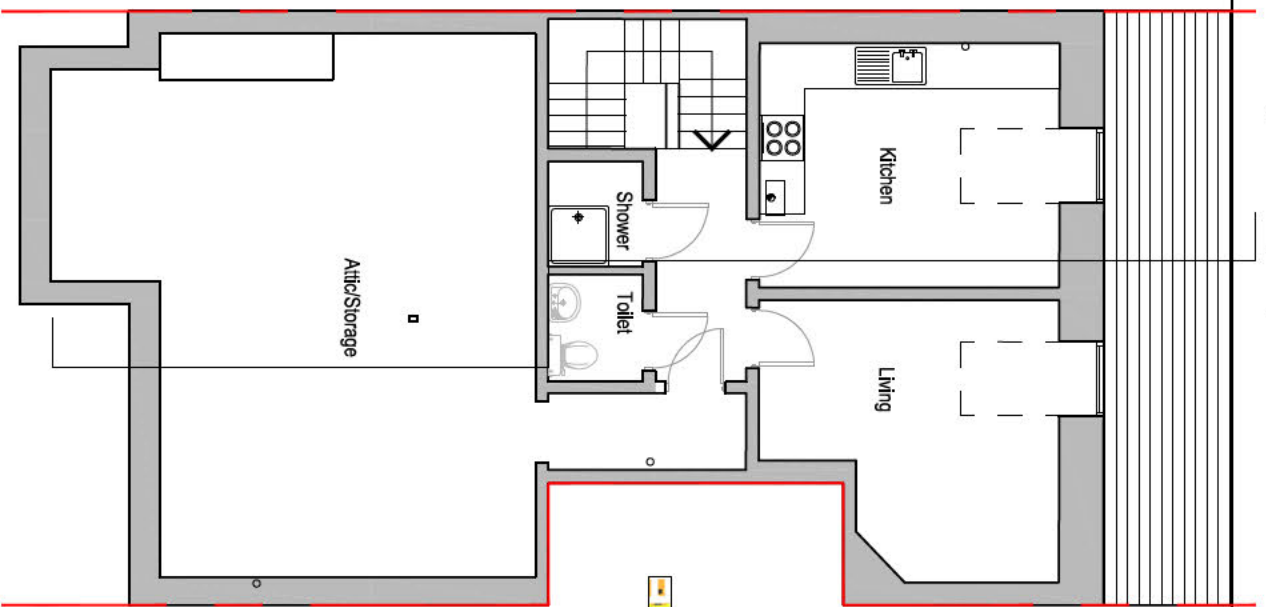
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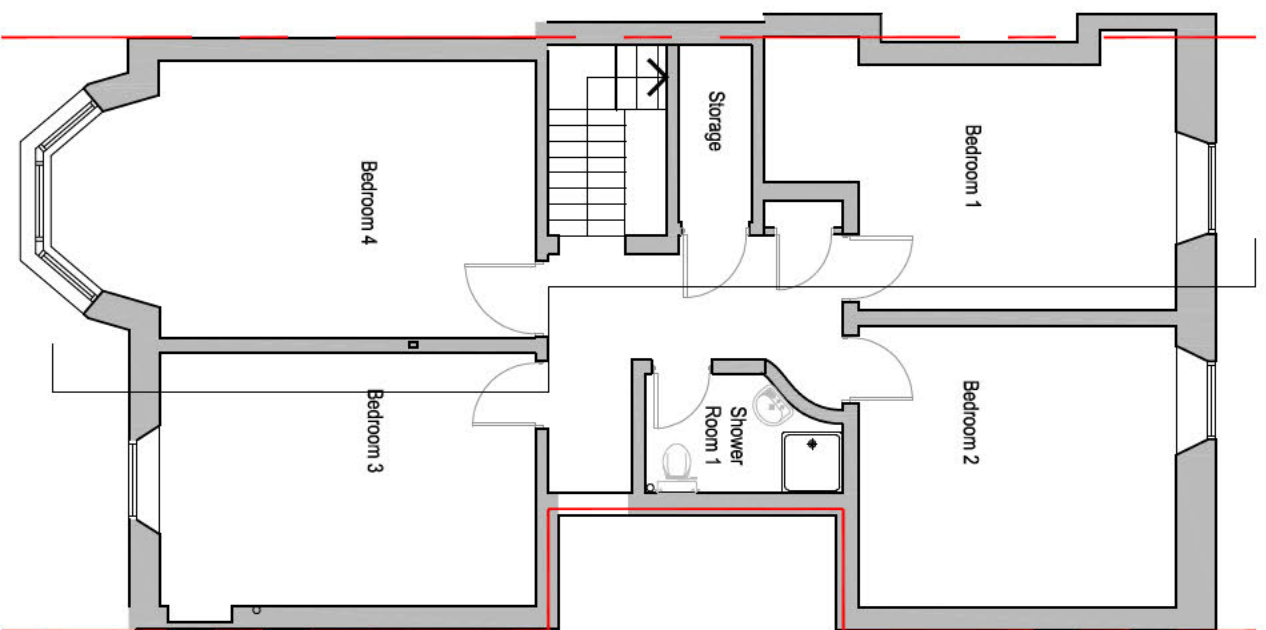
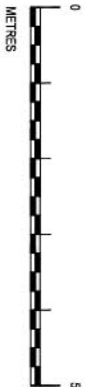
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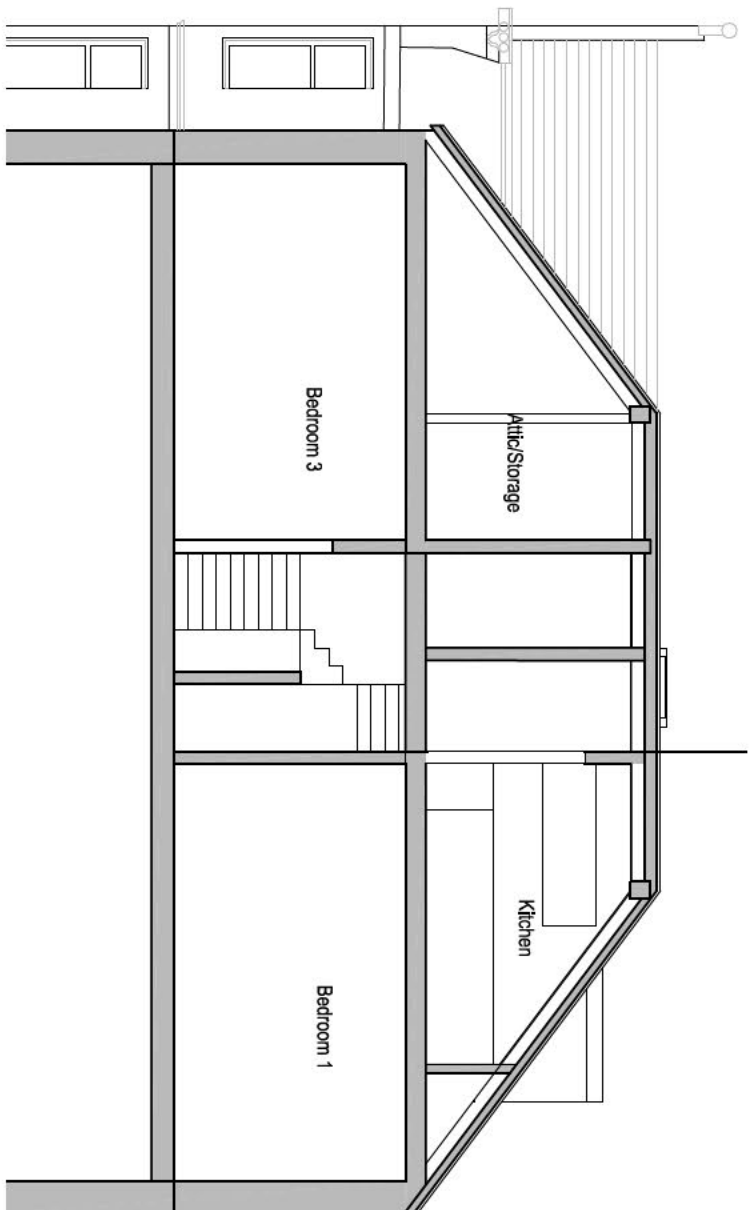
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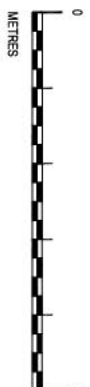
Existing Upper Floor Plan [1:100]



Existing Lower Floor Plan [1:100]



Existing Section [1:100]



client  
**JONES**

project title  
**9 MARCHMONT STREET  
EDINBURGH, EH9 1EL**

drawn by  
**JAVIER  
BLAZQUEZ**

checked by  
**ARCHITECT**

PO1 07/06/22 Updated with Planning Comments

rev. date description

drawn checked

drawing title  
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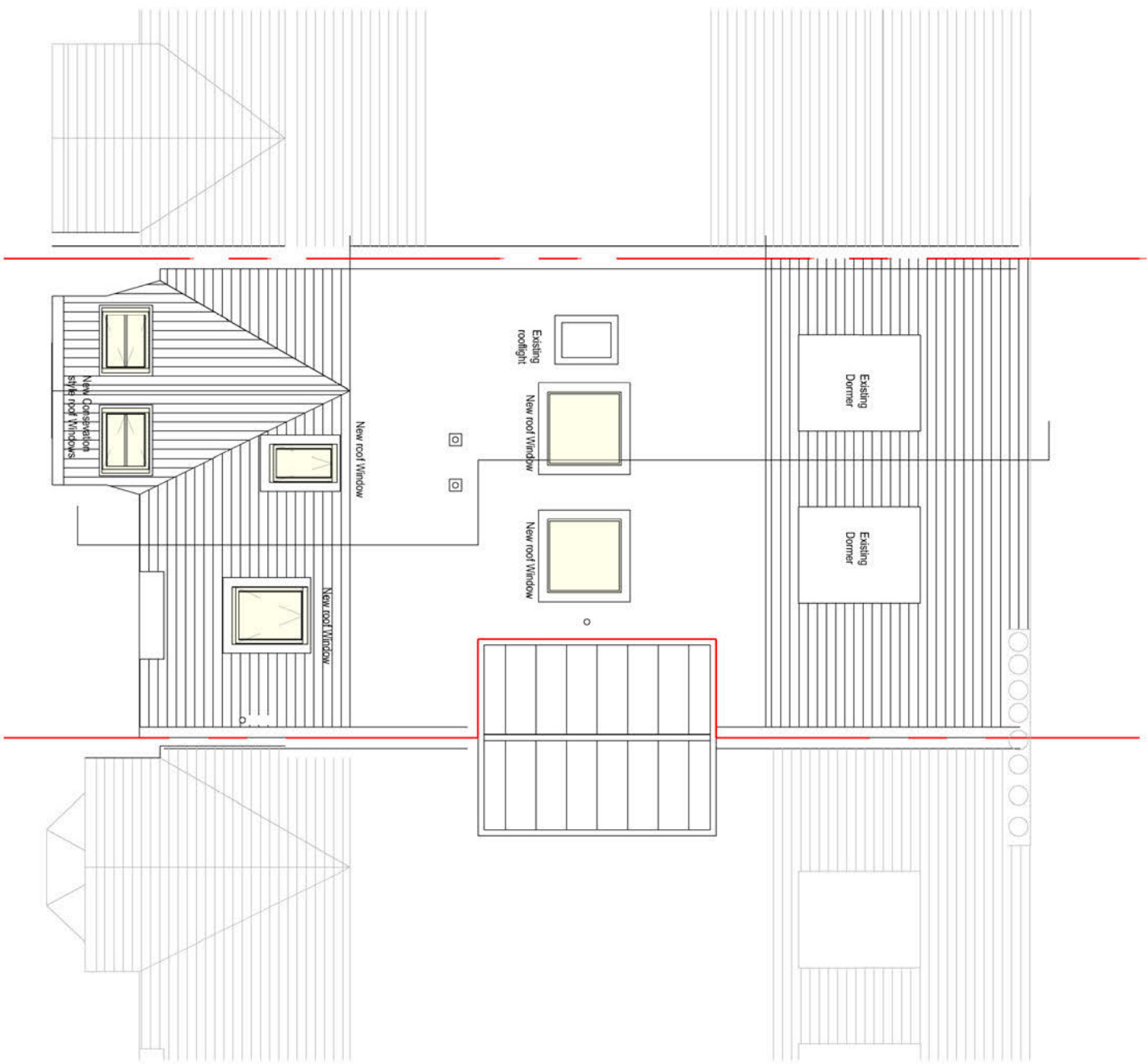
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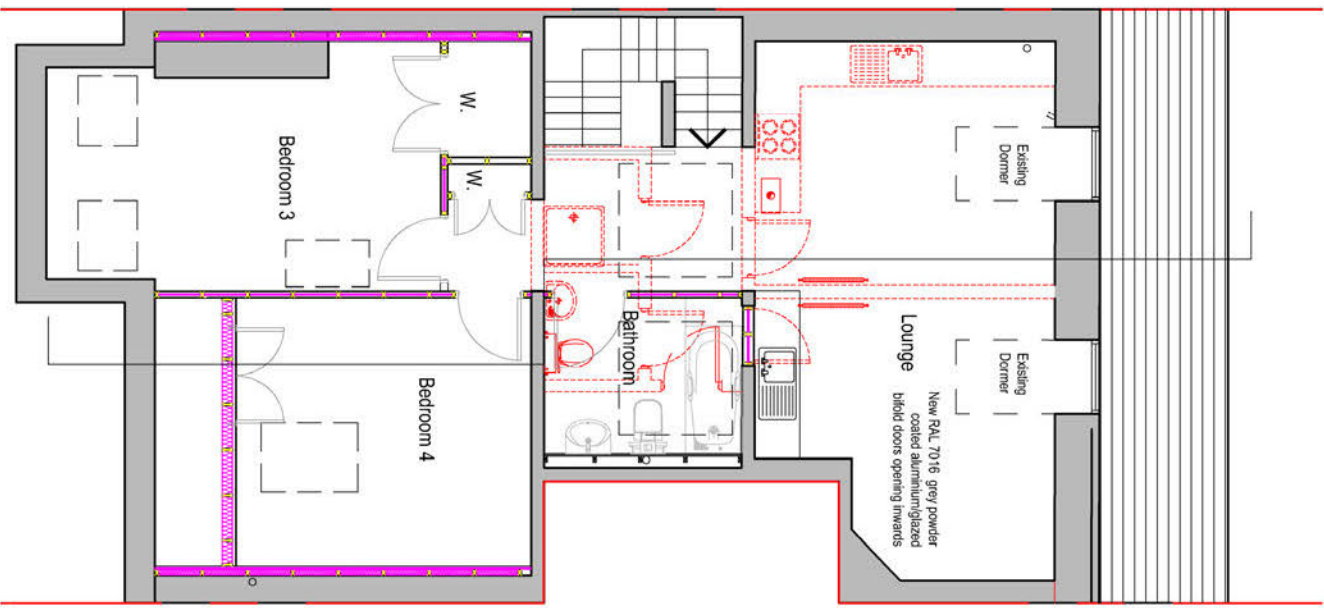
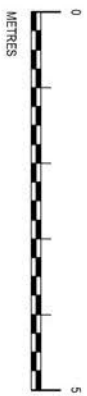
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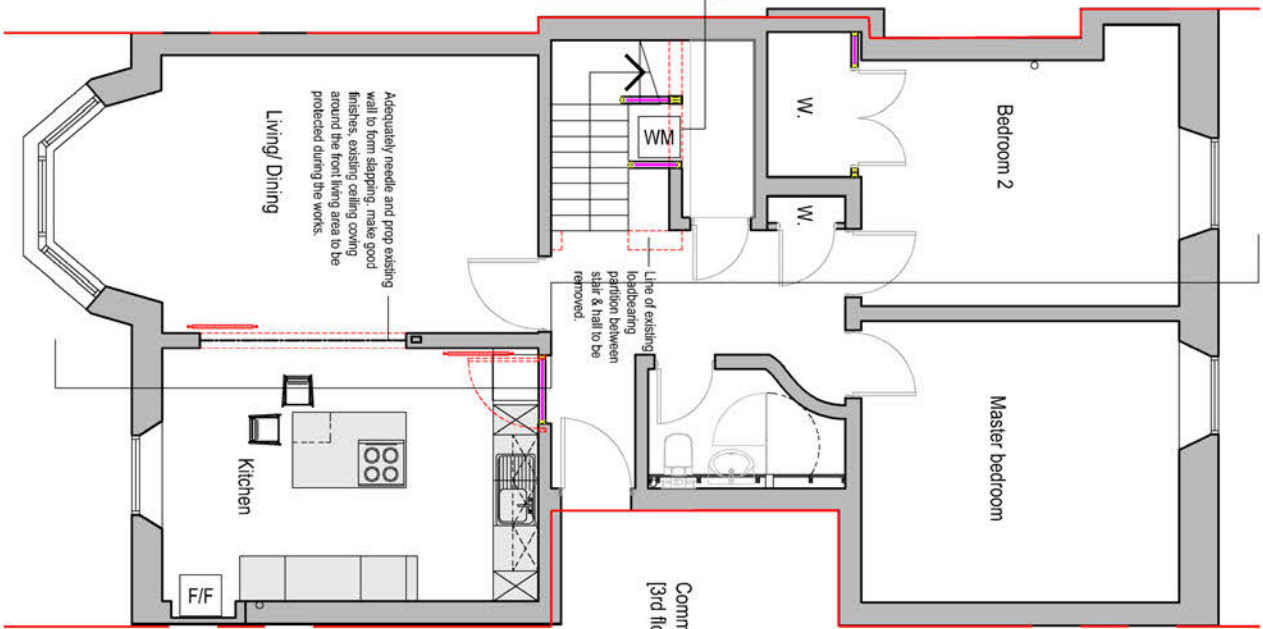
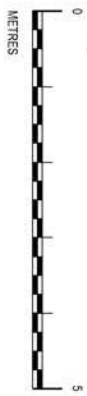




Proposed Roof Plan [1:100]

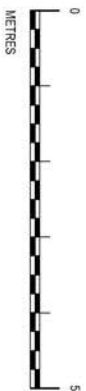


Proposed Upper Floor Plan [1:100]

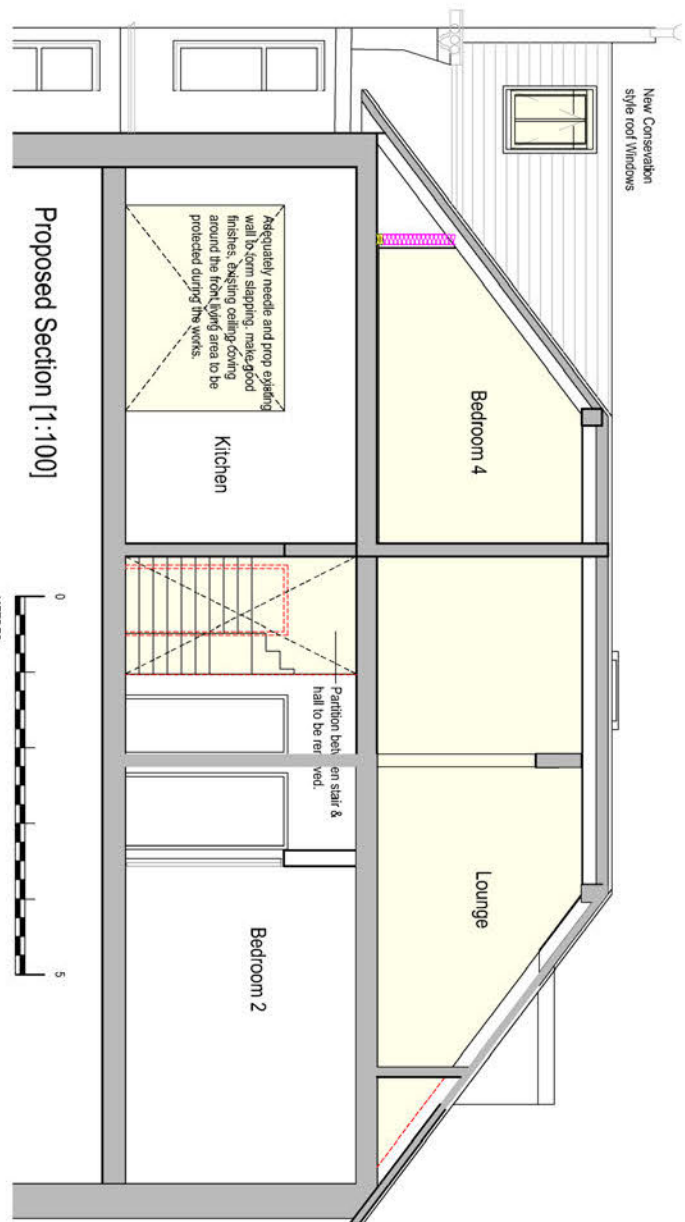
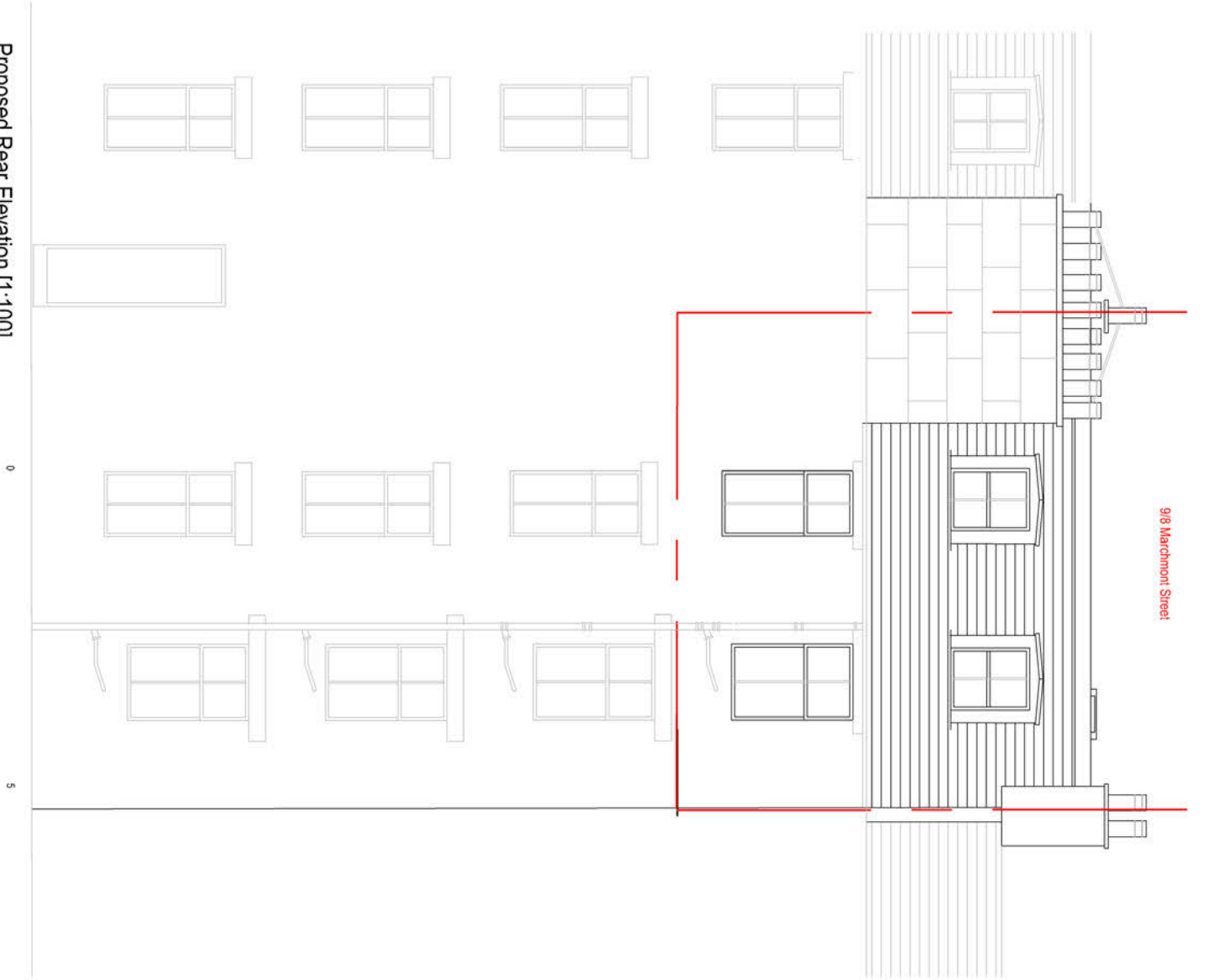


Proposed Lower Floor Plan [1:100]

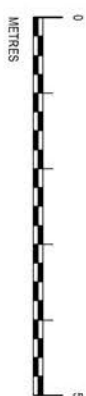
Proposed Front Elevation [1:100]



Proposed Rear Elevation [1:100]



Proposed Section [1:100]



**JBA**  
JAVIER BLAZQUEZ ARCHITECT

client  
**JONES**

project title  
**9 MARCHMONT STREET  
EDINBURGH, EH9 1EL**

drawing title  
**PROPOSED PLANS, ELEVATIONS & SECTION**

size  
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date  
03/05/22

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JB

checked by

job no.  
M9-22

drawing no.  
P-002

revision  
P01



## *Overview*

The proposal intends to extend, restore and modernise a current House of Multiple Occupation (HMO) double upper flat (FLAT 9 3f2) back into a stylist, energy-efficient modern residential home.

These renovations and proposed alterations will convert and updated a tired four-bedroom student flat, returning the property to its original layout by bring the kitchen and sitting room back to the lower floor and reinstalling and enhancing the property's period features.

The proposal aims to extend the property to include the unconverted attic area to retain all four bedrooms and modernise the roof area to ensure its environmental performance with modern roof lights and insulation.

9/8 (3f2) Marchmont Street,  
Edinburgh, EH71EL



## Introduction and Context

The property is a Grade B listed building located within the Marchmont, Meadows & Bruntsfield Conservation Area. Designed by Alexander MacNaughton for the builder James Miller in 1882, the property was converted into a HMO rental in the early 1990s changing its original character and along with quick and cheap renovations, for example new toilet layouts, along with repairs from roof leaks, unsympathetic pipework, all to keep the HMO running, have resulted in a flat which has lost many of its period features.

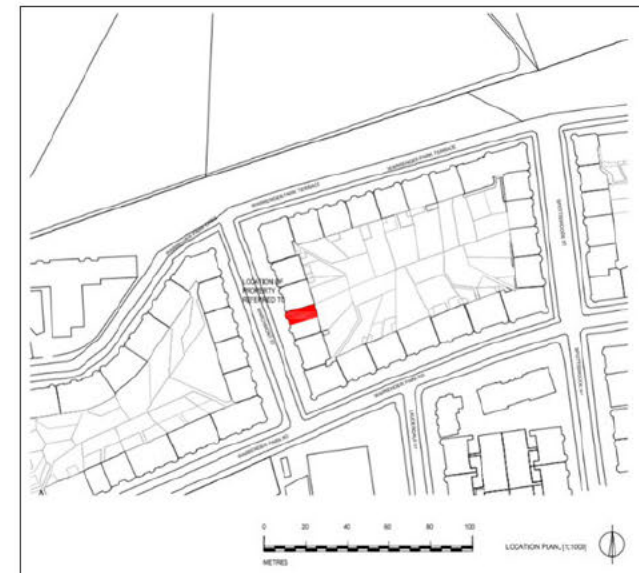
The proposed plan will return this property to its original use and layout, whilst modernising to meet Building Regulations and environmental standards. The proposal will not increase the number of bedrooms or bathrooms.

Neighbouring and other nearby Grade B properties, in the conservation area have successfully carried out similar renovations and upper floor conversions which provide useful precedents and context for this proposal, example of which are presented in this document.

## Site Details

Marchmont Street is located to the south of Edinburgh city centre, in the residential area of Bruntsfield on the edge of Bruntsfield Links and is the main access route from the park to James Gillespie High School. The area is well served by shops and restaurants and is within walking distance of the city centre.

**9 Marchmont Street is a four storey, 4-bay tenement with a shared stairwell which provides access to two flats per level, with 8 (3f2) being the last, top floor flat of the block.**



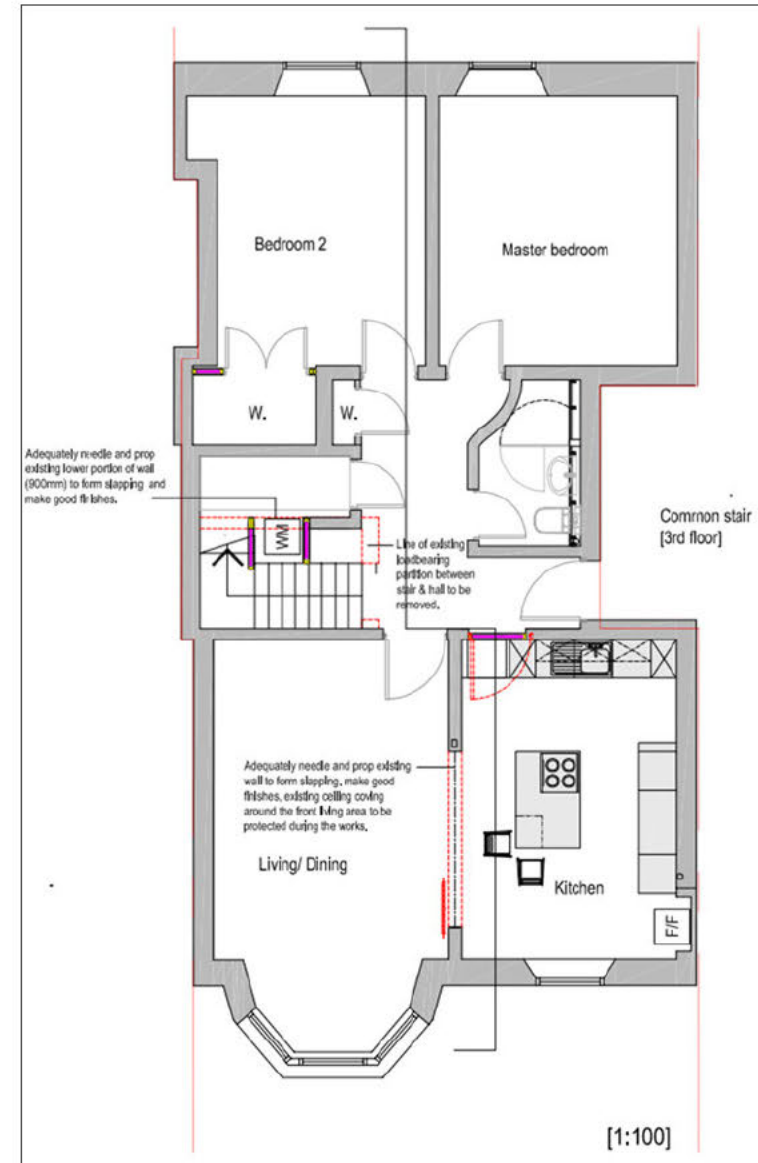
## *The Proposal: Lower Floor*

On the lower floor, the two front rooms (currently bedrooms) are proposed to be connected to create a flow-through, from a newly installed kitchen (using all current outlets) to the re-instated lounge.

This will involve creating an opening in the dividing internal wall, keeping and renovating all the original cornicing, the sash and case windows (one of which is a bay window) renovating the original Edinburgh presses and excavating and reinstalling the original fireplace.

In front of the stairs leading to the upper floor we propose removing the wall which creates the doorway to achieve Building standards as currently residents risk hitting their head due to the door clearance being too low. To utilise available space, we proposed two internal opening to connect the storage cupboard to the understairs area to house a washing machine and provide additional storage.

The two remaining rear bedrooms will be renovated and original features reinstated where possible.



Proposed Lower Floor



## *The Proposal: Upper Floor*

On the upper floor, we propose converting the current space to include the attic area to add in the two bedrooms removed from downstairs. This will involve installing two conservation roof windows in the sloping roofs over the gable and two roof windows on the pitched roof at the front to bring in light to the bedrooms.

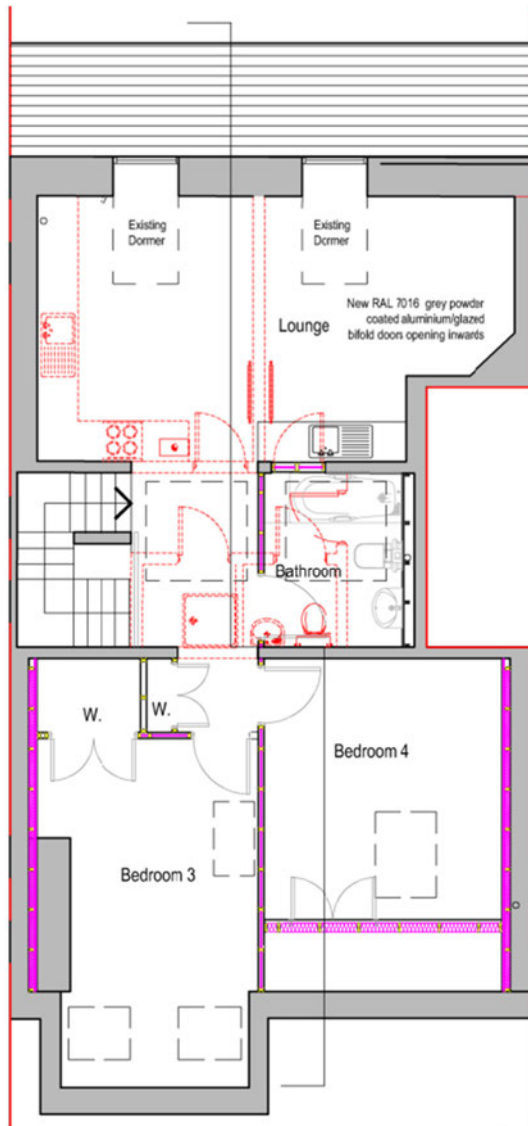
**The same approach has been carried out in a number of neighbouring Grade B listed flats in the conservation area** (examples 7 Marchmont Street, 115 Warrender Park Road and 20 Warrender Park Crescent) where windows have been placed in the gables, and windows in the front elevations, which is common throughout this and neighbouring blocks. See images.

At the centre of the upper floor, two roof lights are proposed in the flat and the whole area will be modernised and made energy efficient with high grade insulation.

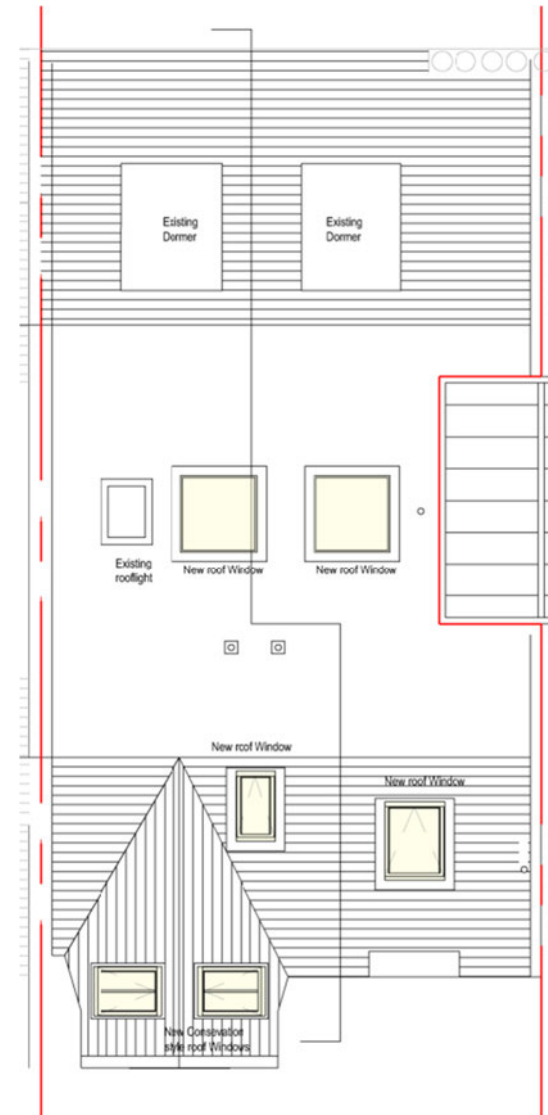


Photo: Red outlines neighbouring properties with windows in gables and windows on front elevation. Yellow highlights property in this proposal.





Proposed Upper Floor



Proposed Roof