



Appeal Decision Notice

Decision by Andrew Fleming, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-230-2248
- Site address: Flat 1, 7 Strathearn Place, Edinburgh, EH9 2AL
- Appeal by Dr Iain Wilson against the decision by the City of Edinburgh Council
- Application for listed building consent 22/03237/LBC dated 21 June 2022 refused by notice dated 1 September 2022
- The works proposed: removal of existing extension and internal alterations. Erection of a new extension and garden room to the rear of the property.
- Date of site visit by Reporter: 23 January 2023

Date of appeal decision: 14th February 2023

Decision

I dismiss the appeal and refuse listed building consent.

Reasoning

1. I am required by section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving this building or its setting or any features of special architectural or historic interest which it possesses. I am also required by section 64(1) of that act to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in which the building is located. The determining issues in this appeal are the effect of the proposals on the category B listed building and on the character and appearance of the Merchiston and Greenhill Conservation Area.
2. According to the listing, the property, built by Robert Reid Raeburn, dates from 1877 and forms part of a 2-storey with mansard attic, symmetrical terrace of 2-bay villas (5 -11 Strathearn Place). The entire terrace is category B listed and constructed from natural stone with slate tiles and metal cladding covering the roof. The street (north) elevation incorporates various architectural details and ornamentation. The rear (south) elevation is much simpler in its appearance. However, there is a strong symmetry and repetition in its design which is illustrated by the position of window openings and dormer windows and by the various outshots. The form, positioning of and use of materials in the construction of the outshots contributes to the special architectural and historic interest of this terrace.
3. The original villa (no. 7) has been divided into three separate flats and there has been an extension to the ground floor flat into the rear garden. The original outshot to the rear of the property remains intact and in good condition. A single storey flat roof extension, subordinate to the outshot, has been added to the rear of the property and includes two sets of uPVC French windows, two roof lights and is finished in a cream-coloured render. The outshot and the more recent extension, accommodate a bedroom, toilet, office space

and small seating area. The appellant has advised that the proposal is intended to provide additional space for a family and to rectify the poor configuration of the space to the rear of the property. I accept that the current layout is not particularly practical. Similarly, I consider that the design of the rear extension does not contribute positively to the listed building.

4. According to Historic Environment Scotland guidance 'Managing change in the historic environment: extensions': extensions must protect the character and appearance of the building; they should be subordinate in scale and form; they should be located on a secondary elevation; and must be designed in a high quality manner using appropriate materials. The proposal would result in the removal of the outshot and non-original extension and their replacement with a modern single storey extension providing an additional area for open plan living as well as a bedroom and ensuite bathroom. The latter two rooms would be incorporated within the footprint of the original outshot together with a reconfigured circulation space, linking to a courtyard. The outshot and connecting non-original extension cover the entire rear façade of the ground floor of this building and so the proposal would not be at odds with this existing feature of the building. However, the area of proposed 'new building' extends to 28 square metres and extends further into the plot than the original outshot. This would represent a significant increase in the building footprint to the rear of the property.

5. Whilst the proposal is for a single storey extension, this would involve two roof pitches, separated by a section of flat roof, which would be higher with a steeper pitch than the existing roof on the outshot. Notwithstanding my observations on the non-original extension, the proposal would represent an extension that would be significantly greater than the existing arrangement. Due to its scale and massing, the proposal would dominate the rear façade and would adversely affect the character and appearance of the building as a result. The proposed garden room would be located to the rear of the garden, along the southern site boundary and would be of a scale and massing appropriate to its siting.

6. The proposed extension would be constructed with wood cladding for the walls with timber framed windows and doors and a slate roof for the sloping roof sections. The design is contemporary and would allow the proposal to be clearly read as a new extension. The proposed large areas of glazing would create a degree of transparency. However, I do not consider that this would mitigate the overall scale and massing of the extension in relation to the rear façade. I consider that the proposal would fail to comply with the Historic Environment Scotland guidance on extensions.

7. The council's non-statutory guidance on Listed Buildings and Conservation Areas advises that an extension to a listed building should be subservient to the main building and that extensions should not normally exceed 50% of the width of any elevation. The proposal would clearly exceed this width as do the existing extension and outshot. That said, the guidance seeks to restrict the width of extensions on any elevation in order to ensure extensions are subservient to the main building. Given my findings above, the proposal is also in conflict with the council's non-statutory guidance.

8. With regards to the proposed internal alterations, the insertion of a new door opening in the front room would not significantly affect the overall integrity of that room. However, the appellant's proposal to reuse the door with glazed panels, currently separating the rear bedroom and outshot, would be at odds with the guidance produced by Historic Environment Scotland entitled 'Managing change in the historic environment: interiors'. The guidance advises that when considering the subdivision or amalgamation of spaces, new openings should be carefully designed to minimise disruption to the appearance and

character of the space being linked with solid doors more appropriate for retaining the sense of enclosure.

9. The appellant has drawn my attention to approved works to the rear of 10 Strathearn Place (also a listed building) which involve the removal of the original outshot and the erection of an extension, similar to that proposed by the appellant. I appreciate that there are similarities between these proposals and those, subject of this appeal. However, from submissions it is clear that these approved works were subject to a particular set of circumstances before permission was granted. Similarly, the physical aspects of the site led to certain conclusions which cannot be easily applied to this appeal. The differences demonstrate the requirement for each case to be determined on its own merits. It therefore follows that I am entitled to draw a different conclusion to that of my reporter colleague on what appear, at first hand, to be very similar proposals within proximity to each other.

10. The appellant has referred me to what they term a 'supporting letter' from the council's chief planning officer. Whilst the chief planning officer acknowledges that the council's reports of handling on the application, subject of this appeal, should have included reference to the nearby permission/ consent at 10 Strathearn Place, this letter also reiterates that each application is to be considered on its own merits. The appellant also refers to the consultation response from Historic Environment Scotland which raises no objection to the proposal. However, despite Historic Environment Scotland not commenting on the proposals, this should not to be taken as implied support for the proposals. The consultation response is clear that the proposal should be determined in accordance with policy on listed building/ conservation area consent together with related guidance.

11. Policy Env 4 of the local development plan deals specifically with alterations and extensions to listed buildings. It states that proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified; where there will be no unnecessary damage to historic structures or diminution of its interest; and where any additions are in keeping with other parts of the building. In light of my conclusions above, I consider that the proposal is contrary to policy ENV 4.

12. The proposal falls within the Merchiston and Greenhill Conservation Area. The Character Appraisal for the conservation area refers to the architectural significance of individually designed villas and substantial terraces in the area. The appraisal refers to the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas. The appraisal also refers to the significant degree of uniformity resulting from the predominant use of traditional building materials which are local sandstone for buildings and boundary walls and Scots slate for roofs.

13. The proposal is located within a deep plot with the garden area relatively enclosed to the east and west allowing a degree of privacy with adjoining neighbours. The southern boundary of the appeal site is defined by a tall stone wall beyond which there is a line of mature trees and tall shrubs and beyond this, a private car park associated with a flatted development. During my site inspection, it was possible to see the rear elevation of the terrace (5 -11 Strathearn Place) from this car park area, although it was not possible, at ground level, to obtain a clear view of the ground floor property. It was not possible to obtain a clear view of the appeal site from Whitehouse Loan to the east. Given the lack of views of the appeal site from public areas, I do not consider that the proposal would negatively affect the character or appearance of the Merchiston and Greenhill Conservation Area. Therefore, I must conclude that the character and appearance of the conservation area would be preserved.

14. For the reasons given, I conclude that the proposal is harmful to the architectural character of the listed building and contrary to section 14(2) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, to Historic Environment Scotland's guidance 'Managing change in the historic environment: extensions', to development plan policy ENV4 and to the council's own non-statutory guidance. There are no other material considerations which would lead me to alter my conclusions. The appeal is therefore dismissed.

Andrew Fleming

Reporter