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Dr Gill  
10 Chalmers Crescent  
Edinburgh  
EH9 1TS

**Decision date: 3 November 2022**

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

Add external stair to ground floor flat roof extension and create roof terrace.  
At 10 Chalmers Crescent Edinburgh EH9 1TS

**Application No:** 22/03157/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 26 July 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 not acceptable with regards to LDP Policy Env 4 or Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would adversely impact the special character of the listed building.
2. The proposal is not acceptable with regards to LDP Policy Env 6 or Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would not preserve or enhance the special character or appearance of the conservation area.
3. The proposal does not comply with LDP Policy Des 5 as it would adversely impact the amenity of neighbouring residents.

4. The proposal does not comply with LDP Policy Des 12 as in its design and form, choice of materials and positioning are not compatible with the character of the existing building, would result in an unreasonable loss of privacy or natural light to neighbouring properties and would be detrimental to neighbourhood amenity and character.

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

Drawings 01-08, 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 does not comply with the local development plan or associated guidance. The proposal is not acceptable with regards to scale, form and design, its impact on residential amenity or on the listed building and conservation area. There are no material considerations that 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 Murray Couston directly at [murray.couston@edinburgh.gov.uk](mailto:murray.couston@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**  
**10 Chalmers Crescent, Edinburgh, EH9 1TS**

**Proposal: Add external stair to ground floor flat roof extension and create roof terrace.**

**Item – Local Delegated Decision**  
**Application Number – 22/03157/FUL**  
**Ward – B15 - Southside/Newington**

## **Recommendation**

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

## **Summary**

The proposal does not comply with the local development plan or associated guidance. The proposal is not acceptable with regards to scale, form and design, its impact on residential amenity or on the listed building and conservation area. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application refers to B listed building (LB30349) dated circa 1868. It is a two storey, with three bay rectangular-plan baronial style villa with round castellated tower adjoining.

### **Description Of The Proposal**

Planning permission is sought to add external stair to ground floor flat roof extension and create roof terrace.

### **Supporting Information**

A design statement has been submitted.

### **Relevant Site History**

22/03156/LBC

10 Chalmers Crescent  
Edinburgh  
EH9 1TS

Add external stair to ground floor flat roof extension and create roof terrace.

Refused

3 November 2022

## **Other Relevant Site History**

## **Consultation Engagement**

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 29 July 2022

**Date of Advertisement:** 5 August 2022

**Date of Site Notice:** 5 August 2022

**Number of Contributors:** 3

## **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

The addition of sandblasted glass and a yew hedge are unsympathetic additions to the listed building. The proposal will therefore adversely impact on the special architectural or historic interest of the listed building.

### **Conclusion in relation to the listed building**

The proposal will impact on the special architectural or historic interest of the listed building and is therefore not acceptable with regards 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?**

Roof terraces are not a characteristic of the area and the proposed materials would impact the appearance of the conservation area. The works would have a detrimental impact on the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not acceptable with regards 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
- LDP Design policies Des 5 and Des 12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6. The non-statutory 'Guidance for Householders' is a material consideration that is relevant when considering policies Des 5 and Des 12.

### Scale, form and design

The proposal would introduce unsympathetic materials at a high level that are not in keeping with the character of the area. The proposal does not comply with policy Des 12.

### Amenity

The proposal is likely to adversely impact the amenity of neighbouring residents by virtue of overlooking. Although the applicant has stated an agreement has been met with one of the neighbours, it is not possible to grant consent on that basis. The proposal does not comply with policy Des 5 or Des 12.

### Listed building and conservation area

This has been addressed above. The proposal fails to comply with policies Env 4 and 6.

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

The proposal does not comply with the local development plan.

#### **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 does not comply with Paragraph 29 of SPP.

#### 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 representations is provided below:

#### *material considerations*

- amenity: this has been addressed above.

### **Conclusion in relation to identified material considerations**

The proposal is not acceptable with regards to the above.

### **Overall conclusion**

The proposal does not comply with the local development plan or associated guidance. The proposal is not acceptable with regards to scale, form and design, its impact on residential amenity or on the listed building and conservation area. There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reasons**

1. The proposal is not acceptable with regards to LDP Policy Env 4 or Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would adversely impact the special character of the listed building.
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## **Background Reading/External References**

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

**Further Information** - [Local Development Plan](#)

**Date Registered: 26 July 2022**

## **Drawing Numbers/Scheme**

01-08

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Murray Couston, Planning Officer  
E-mail: [murray.couston@edinburgh.gov.uk](mailto:murray.couston@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

The full consultation response can be viewed on the Planning & Building Standards Portal.

# Comments for Planning Application 22/03157/FUL

## Application Summary

Application Number: 22/03157/FUL

Address: 10 Chalmers Crescent Edinburgh EH9 1TS

Proposal: Add external stair to ground floor flat roof extension and create roof terrace.

Case Officer: Murray Couston

## Customer Details

Name: Dr Dagmar and Robert Weston

Address: 13 Mansionhouse Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Our property, 13 Mansionhouse Rd (together with the adjoining 11 Mansionhouse Rd), is situated directly to the east of the back garden of 10 Chalmers Crescent across Lovers' Loan, with the rear façade of our house only some 27 meters from the east side of the planned extension. We would therefore be directly impacted by the proposed, high roof terrace. The resulting significant loss of visual and sound privacy would adversely affect the quality of life in our house and garden, and thus also the value of our property. We object to the proposed scheme unless three conditions relating to overcoming this problem of overlook are met.

The three conditions which must be fulfilled to secure our support of the scheme are:

### 1. Visual screen at terrace edge

The 1.8 m high, etched-glass screen with low yew hedge, which is proposed for the south terrace elevation, will be continued all the way around the east side of the roof terrace, to the new staircase. Since it can be expected that the new roof terrace will receive considerable use, this screen must be permanent.

### 2. Hedge at garden wall

A suitable evergreen hedge will be grown along the back garden wall of 10 Chalmers Crescent, spanning from the south property line to the one-storey summerhouse at the north end. It should quickly achieve and be kept at a height of 2.7 m above the top of the garden wall. Beech, which keeps its leaves through the winter and makes an attractive hedge, may be the best option. The fast-growing, sun-blocking evergreen Leylandii should be avoided. Both parties have agreed that the existing large, disfigured conifer is to be removed. The new hedge coming in to replace it should be formed of mature trees, so that a visual barrier can be established quickly.

### 3. Agreement to continue these measures in future

These conditions need to be maintained into the future, even if 10 Chalmers Crescent is sold or minds are changed. The adherence to the visual screening requirements can be ensured by the drawing up of a legal document called a 'Real Burden'. This short document would attach to the land certain perpetual rights, in this case, the measures outlined above. This would be registered in the Land Register for 10 Chalmers Crescent and also added to the title deeds of 13 Mansionhouse Rd and 11 Mansionhouse Rd. A binding written commitment to create the Real Burden would have to be in place before we can consent to the planning application.

The historic Grange Conservation Area, in which the listed building at 10 Chalmers Crescent is located, has a much-valued quiet and private character (see Edinburgh Council's Appraisal document at <https://www.edinburgh.gov.uk/downloads/file/23375/grange-conservation-area-character-appraisal>). Our comments are in part informed by this fact. They were drawn up in consultation with our neighbours at 11 Mansionhouse Rd, Sinead Reynolds and Edward Watt, and with the owners of 10 Chalmers Cres and their architect. The extent of the potential overlook was studied in site sections.

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Name: Mr Ed Watt

Address: 11 Mansionhouse Road EDINBURGH

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Stance: Customer objects to the Planning Application

Comment Reasons:

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