

CM Architects.
FAO: Alistair Cruickshank
202 Bath Street
Glasgow
G2 4HW

Strathedin Properties Limited.
FAO: Dr H Reza
21 Hill Street
Edinburgh
EH2 3JP

Decision date: 18 January 2023

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

Change of use from nursing home to 6 private domestic residential dwellings including car parking, private external amenity space, refuse and recycling storage, and cycle provision.

At Strathmore House 4 Church Hill Edinburgh EH10 4BQ

Application No: 22/05336/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 21 October 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;

Reason for Refusal:-

1. The proposed two storey extension elements scale, massing and height will fail to respect the setting of the B listed (LB27048) Strathmore House. The proposals are therefore unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. The proposed two storey extension elements scale, massing and height will fail to preserve or enhance the established character of the Merchiston and Greenhill

Conservation Area. The proposals are therefore unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

3. The proposals are contrary to LDP policy Env 6 - Conservation Areas, as the proposed two storey extension element on the western elevation's scale, massing and design will fail to preserve or enhance the established character of the Merchiston and Greenhill Conservation Area.

4. The proposals are contrary to LDP policy Env 3 - Listed Buildings - Setting, as the proposed two storey extension element on the western elevation's scale, massing and design will fail to respect the setting of the B listed (LB27048) Strathmore House.

5. The proposals are contrary to LDP policy Des 1 - Design Quality and Context, LDP policy Des 4 - Development Design - Impact on Setting and LDP policy Des 12 - Alterations and Extensions as the proposed two storey extension element would be damaging to the character of the wider townscape and landscape.

6. The proposals are contrary to LDP policy Hou 3 - Private Green Space in Housing Development, as there would be a shortfall in private amenity space provision to serve the proposed residential use on site and a satisfactory residential environment would not be created.

7. The proposals are contrary to LDP policy Env 12 - Trees, as the proposal will result in the substantive loss of mature trees on-site and their removal is not for good arboricultural reasons which would have a detrimental impact on the character of the conservation area and surrounding townscape.

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

Drawings 01, 02A, 03-08, 09A, 10-19, 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 proposals are unacceptable with regard to sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed two storey extension element on the western elevation by way of scale, massing and design will fail to preserve or enhance the defined character of the Merchiston and Greenhill Conservation Area. The proposed two storey extension element by way of scale, massing and height will fail to respect the setting of the B listed (LB27048) Strathmore House.

Additionally, the proposals would result in the loss of several protected trees, which would have a detrimental impact on the established tree presence which forms a key

component of the defined character of the Merchiston and Greenhill Conservation Area.

The proposals do not comply with the Edinburgh Local Development Plan.

Overall, the material considerations support the presumption against granting planning permission.

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 Jay Skinner directly at jay.skinner@edinburgh.gov.uk.

A handwritten signature in black ink, appearing to read 'Jay Skinner', with a long horizontal flourish extending to the right.

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 Strathmore House, 4 Church Hill, Edinburgh

Proposal: Change of use from nursing home to 6 private domestic residential dwellings including car parking, private external amenity space, refuse and recycling storage, and cycle provision.

Item – Local Delegated Decision Application Number – 22/05336/FUL Ward – B10 - Morningside

Recommendation

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

Summary

The proposals are unacceptable with regard to sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed two storey extension element on the western elevation by way of scale, massing and design will fail to preserve or enhance the defined character of the Merchiston and Greenhill Conservation Area. The proposed two storey extension element by way of scale, massing and height will fail to respect the setting of the B listed (LB27048) Strathmore House.

Additionally, the proposals would result in the loss of several protected trees, which would have a detrimental impact on the established tree presence which forms a key component of the defined character of the Merchiston and Greenhill Conservation Area.

The proposals do not comply with the Edinburgh Local Development Plan.

Overall, the material considerations support the presumption against granting planning permission.

SECTION A – Application Background

Site Description

The application property is a B listed building (Reference: LB27048, designated 30th March 1993). The site lies within the Merchiston and Greenhill Conservation Area. It currently shares a site access with a flatted retirement complex to the rear, a modern brick building. The established use is a care/nursing home but the building is currently vacant, with use as a nursing home ceasing over a year ago.

The building dates from Circa 1860, addition 1886. 2-storey and basement 3-bay symmetrical rectangular-plan villa. There is a modern conservatory at the lower level of the west side. A flanking wall hides this from the streets. There is a ramping system on the east side which leads to a basement door.

The interior has good quality rooms at the rear on the ground and first floor but otherwise the remaining rooms are plain. There have been numerous internal interventions as part of the buildings most recent nursing home use.

There is some parking on the site to the side and rear, and the presence of several good quality trees surround the site.

The surrounding area is of mixed use character. Morningside town centre lies to the west and there are residential and institutional uses around.

The wider spatial pattern surrounding the site to the east and north is characterised by large detached residential properties set in large garden grounds located along Greenhill Park, Chamberlain Road and Pitsligo Road. Heavy tree coverage is a defining feature of the residential properties located north and east of the site. The spatial pattern changes to a higher density as characterised by residential properties located further south and east of the site along Newbattle Terrace and Strathearn Place.

Description Of The Proposal

The proposal is for the development of six apartments by way of conversion with associated parking and provision of soft and hard landscaping. To facilitate the proposed residential use, the removal of the existing single storey extension on the west elevation, and addition of a new single and two storey extension where the existing extension stands is proposed.

The residential mix comprises six apartments totalling three two bed and three bed properties with a single parking space allocated to each and 10 cycle parking spaces located within the grounds next to the proposed bin store. Access to the proposed residential properties will be taken from the existing site access to the site off Church Hill Road.

The corresponding listed building consent application (22/05607/LBC) for the site and associated proposals was refused on the 9th January 2023 under delegated powers.

Relevant Site History

22/05607/LBC
Strathmore House
4 Church Hill
Edinburgh

EH10 4BQ

Change use of former nursing home to provide 6x dwellings including parking, private amenity space, refuse storage and provision of bicycle storage.

Refused

9 January 2023

01/04509/FUL

4 Church Hill

Edinburgh

EH10 4BQ

Alterations and extension of existing residential care home for the elderly. (Single storey extension only).

Granted

8 April 2002

01/04509/LBC

4 Church Hill

Edinburgh

EH10 4BQ

Alterations and extension of existing residential care home for the elderly. (Single storey extension only).

Granted

3 May 2002

Other Relevant Site History

Consultation Engagement

Archaeology

Flood Planning

Publicity and Public Engagement

Date of Neighbour Notification: 3 November 2022

Date of Advertisement: 11 November 2022

Date of Site Notice: 11 November 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: Extensions
- Managing Change: Reuse and Adaption of Listed Buildings

As the proposed internal alterations do not constitute development they have not been assessed for the purpose of this planning application.

Guidance outlined in Managing Change: Extensions states "An addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations."

In assessing the suitability of the proposed two storey extension element on the west elevation, the proposals are not considered acceptable as they would result in a detrimental impact on the setting of the listed building. The scale, size and height of the

proposed extension would unbalance the symmetrical design of the front facing, principal elevation, and rear elevation by being overly dominant. The symmetry of both the front and rear elevations are considered key components of the buildings listing. The proposed two storey element of the extension will result in a detrimental impact on the special architectural interest of the listed building.

Guidance outlined in Managing Change: Reuse and Adaption of Listed Buildings states: "The best solution for a listed building will be one that secures its long-term future, while preserving as much as possible of its historic character."

Whilst the proposed residential use is considered to safeguard the listed buildings long term future, the proposed external alterations will not preserve the historic character to an acceptable standard.

Conclusion in relation to the listed building

The proposal will have a detrimental impact on the special architectural and historic interest of the listed building and is not acceptable with regards to Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

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

The Merchiston and Greenhill Conservation Area Character Appraisal emphasises the character of the street layouts being dominated by Victorian villas. Within Church Hill exists a formal low density development pattern in an unmistakably suburban setting with very large houses set in generous landscape settings. The architectural significance of individually designed villas is also highlighted as a defining feature of the conservation area.

The Merchiston and Greenhill Conservation Area Character Appraisal is a key consideration in assessing the key elements which contribute to the character of the conservation area.

Where new development in the conservation area is concerned, the Merchiston and Greenhill Conservation Area Character Appraisal states that development should take into consideration the spatial pattern, scale, proportions, and design of traditional properties present within the conservation area.

The proposed introduction of a two storey extension element on the western elevation of the building would not present a sensitive or appropriate addition with associated issues over scale, proportions and height when considering the contribution the former villa building makes to the character of the Conservation Area. The introduction of the proposed two storey extension element would detract from the traditional character of the former villa building, by being overly dominant when viewing the building within the site, as the current symmetrical design and structure in isolation within the site is a key element of the traditional villa character. An extension of the nature proposed would lead to a significant erosion of the character of this part of the Conservation Area.

The submission identifies modern development in the form of extensions as a precedent in other parts of the Merchiston and Greenhill Conservation Area, situated in relatively close proximity to the site. However, each planning application must be

assessed on its own merits. The application site is situated within an area characterised by a lower density of development than elsewhere in the Conservation Area. Whilst a detailed review of the developments highlighted by the agent has not been undertaken, provision of larger plot sizes, difference in streetscapes, higher development density and site specific planning history may have all played a part in the approval of the other schemes referenced.

With regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposed two storey extension element in scale, massing and height fails to preserve or enhance the character of the Merchiston and Greenhill Conservation Area relative to the site and traditional nature of the property and setting within the site being characteristic of that part of the conservation area.

There is therefore a strong presumption against granting planning permission under the terms of this act.

Conclusion in relation to the conservation area

The proposal fails to preserve or enhance the character of the conservation area. Therefore, it is not acceptable with 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 Housing policy Hou 1 Housing Development
- LDP Housing policy Hou 3 Private Green Space in Housing Development
- LDP Housing policy Hou 5 Conversion to Housing
- LDP Design policy Des 1 Design Quality and Context
- LDP Design policy Des 3 Existing and Potential Features
- LDP Design policy Des 4 Development Design - Impact on Setting
- LDP Amenity policy Des 5 Development Design - Amenity
- LDP Amenity policy Des 12 Alterations and Extensions
- LDP Historic Environment policy Env 3 Listed Buildings - Setting
- LDP Historic Environment policy Env 6 Conservation Areas Development
- LDP Natural Environment policy Env 12 Trees
- LDP Protection of Natural Resources policy Env 21 Flood Prevention
- LDP Transport policies Tra 2 Private Car Parking
- LDP Transport policies Tra 3 Private Cycle Parking
- LDP Transport policies Tra 4 Design of Off-Street Car Parking

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

Principle

Policy Hou 1 (Housing Development) in the Edinburgh Local Development Plan (LDP) supports the delivery of housing on suitable sites in the urban area, provided proposals are compatible with other policies in the Plan.

Policy Hou 5 (Conversion to Housing) in the Edinburgh Local Development Plan (LDP) supports the change of use of non-residential use to housing in instances where a satisfactory residential environment can be achieved, the residential use would be compatible with nearby uses and an appropriate level of open space, level of amenity and car and cycle parking can be provided.

The application site is within the designated urban area as defined by the LDP. The principle of residential development is acceptable in this location. The proposals comply with Policy Hou 1.

It is considered that the proposed change of use from a non-residential use to residential use would result in a satisfactory residential environment being achieved, The proposals comply with Policy Hou 5.

Character and Appearance of Conservation Area

LDP policy Env 6 (Conservation Area - Development) states development will be permitted which preserves or enhances the special character or appearance of the conservation area. These includes preservation of features that contribute positively to the character of the area.

In regard to LDP policy Env 6, this has been assessed in section a). The proposals fail to preserve or enhance the spatial character of the Merchiston and Greenhill Conservation Area and are therefore contrary to this policy.

Setting of Listed Building

LDP policy Env 3 (Setting) states development within the curtilage or affecting the setting of a listed building will only be supported if proposals are not detrimental to the architectural character, appearance or historic interest of the building or to its setting.

LDP policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter or extend a listed building will be supported where extensions or alterations are justified, as a result of development there would be no unnecessary damage to historic structures or diminution of interest, and where additions are in keeping with other parts of the building.

In regard to LDP policies Env 3 and Env 4, this has been assessed in section a). The proposal will have a detrimental impact on the special architectural and historic interest of the listed building and are therefore contrary to both policies.

Protected Trees

LDP policy Env 12 (Trees) states development will not be permitted likely to have a damaging impact on protected trees, or trees worthy of retention unless necessary for good arboricultural reasons.

Edinburgh Design Guidance (EDG) states that design considerations for new development should include consideration of factors including impact of trees on daylight, shading of buildings and open spaces.

The submitted Arboricultural Report states that a single tree (T8) is proposed for removal, and the pruning in height of a further two trees (T10 and T11) in order to facilitate the proposals is required.

The quality of the tree coverage on site is principally part of the character of the wider site, and the designated Merchiston and Greenhill Conservation Area.

There is a presumption in policy for protected trees to only be removed for good arboriculture reasons. These specimens are to be removed to accommodate residential development, which is not considered to be a 'good arboriculture reason' and is therefore contrary to policy.

In addition, the extent of tree removal would result in incremental erosion of the quality and value of the character of both the site from a natural heritage perspective and the conservation area, given they are deemed contributing features.

The Council's Arboricultural Officer has been consulted on the proposal and raised several points regarding the proposed tree loss/works, wider scope for detrimental impact on mature trees resultant from development and the mitigation measures proposed.

The points raised in the review included the reference to the three mature lime trees (T1 - T3) growing along the eastern boundary at the site entrance which were all surveyed as category B trees and shown as being retained. Concerns were raised over the detrimental impact of the proposed bin storage and cycle storage areas in connection to these trees, as these areas would likely lead to the loss of these trees which form an attractive element of the site frontage.

Regarding the trees flagged as being of particular importance in the submitted Arboricultural Report, the importance of the tree group marked as G1 (holly, wych elm and yew) on the plan and growing along the western boundary was flagged. This grouping is classed as category A trees, and the proposed demolition on site and extent of the extension proposed along the western boundary would have a detrimental impact on, and could lead to the eventual loss of these category A trees.

On review of the proposed mitigation measures outlined, the proposed tree protection fence is shown erected within the Root Protection Area (RPA) of several trees as well as a mature sycamore (marked as T7, category B). Due to the growing location of these trees next to a stone boundary wall the impact on any works, especially excavation within the significant area of the RPA would be detrimental to the long-term health of these trees and could potentially lead to the loss of the trees.

Regarding the potential loss of trees on site, a sufficient level of information has not been provided by the agent to address the concerns raised by the Council's Arboricultural Officer. As the scheme is recommended for refusal, it was not deemed reasonable to ask the applicant to undertake further work in relation to this matter. However, if the scheme is recommended for approval in any subsequent appeal, it is recommended that further supporting information is provided by the applicant to demonstrate that the proposed development of the site would not lead to any detrimental impact on tree presence on site.

The proposal will have a damaging impact on several mature trees and is deemed to have a detrimental impact on the character of the conservation area given that extensive tree cover is deemed a key feature of the character of the conservation area.

In light of the above, the proposal is contrary to LDP policy Env 12. The proposed tree loss is also considered a contributing factor to the non-compliance of the proposal with LDP policy Env 6 as covered in section b).

Flood Risk

LDP policy Env 21 (Flood Protection) states that planning permission will not be granted for development that will increase flood risk or be at risk of flood risk itself.

The Council's Flood Planning team has been consulted on the proposal and advised that a flood risk assessment is not required, however a Surface Water Management Plan was requested.

No detailed information in the form of a Surface Water Management Plan has been provided in support of the proposals. As the scheme is recommended for refusal, it was not deemed reasonable to ask the applicant to undertake further work in relation to this matter. However, if the scheme is recommended for approval in any subsequent appeal, it is recommended that further supporting information is provided by the applicant to demonstrate that the proposal would have the necessary drainage provision in place.

In light of the above, the proposal is contrary to LDP policy Env 21 as the proposals are considered to increase the likelihood of flood risk to both future occupiers and nearby residential properties.

Scale, Form and Design

LDP policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP policy Des 3 (Existing and Potential Features) states permission will be granted for development where existing characteristics and features worthy of retention on the site and surrounding area have been identified, incorporated and enhanced through design.

LDP policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

LDP policy Des 12 (Alterations and Extensions) requires proposals for alterations or extensions to existing buildings to be compatible in their design, form, material selection and positioning relevant to the character of the existing building, and safeguard levels of existing privacy and amenity of neighbouring residential properties, as well as not being detrimental to the neighbourhood amenity and character.

The proposed extension to facilitate the proposed residential use would utilise high-quality materials

The proposed two storey extension element on the west elevation of the property does not comply with the applicable design policies of the adopted LDP. The scale, massing, form and overall height of the proposed two storey element of the extension would not represent a positive addition to the existing built environment and have a detrimental impact on the character of the wider townscape when considering the contribution that the existing building makes to the defined street frontage. The proposed addition would unsettle the symmetry of the principal elevation and rear elevation of the existing building, and as a result have a detrimental impact on the character of both the site, and surrounding townscape by way of being dominant in a design context.

The proposal conflicts with aspects of the above design policies, however principally the scale, form, massing and overall height of the proposed two storey element of the extension on the west elevation will have a detrimental impact on the character of the wider townscape area. It is therefore contrary to LDP policy Des 1 (Design Quality and Context) and LDP policy Des 4 (Development Design - Impact on Setting) and LDP policy Des 12 (Alterations and Extensions).

Developer Contributions

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development. The current version of the LDP Action Programme, December 2021, sets out the actions to deliver the Plan.

Education-

The Council's Communities and Families team have been consulted on the proposals and no response has been issued to date.

However, if the scheme is recommended for approval in any subsequent appeal, it is recommended that further engagement with the Council's Communities and Families team would be required to review the need for any contribution towards education infrastructure

Residential Amenity

LDP Policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that neighbouring amenity of a development will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. It further requires new development to offer suitable level of amenity to future residents.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

Amenity of Future Occupiers-

Edinburgh Design Guidance (EDG) states it is important that buildings are spaced far enough apart that reasonable levels of privacy, outlook daylight and sunlight can be achieved. Further, that people value the ability to look outside, to gardens, streets or more long-distance views. Additionally, EDG requires provision of well defined, functional, good quality private gardens to all houses and ground floor flats.

EDG refers to spaces having different sunlight requirements, however generally half the area of gardens should be capable of receiving sunlight for more than two hours during the spring equinox.

The internal layouts across both the flatted apartments and townhouse options exceed the minimum space standards set out in the EDG.

Proposed openings in some of the residential units are positioned near retained trees which will reduce the amount of light entering certain rooms. However, the number of window openings incorporated in tandem with the size of rooms will ensure adequate levels of daylight will be achieved internally in the applicable residential units.

The close proximity of retained trees on-site to gardens will significantly impact on available light to these spaces. However, the size of these spaces will ensure an overall adequate living environment will be achieved, with no excessive shading in place.

On review of private amenity space provision to serve the development, not all flatted units would be served by the required 10 sqm as outlined in LDP policy Hou 3. On review of the proposed Site Plan, only three of the six apartments proposed would have dedicated private garden ground. The private amenity space provision is not considered acceptable per the provisions of LDP policy Hou 3.

In light of the above, the proposal is contrary to LDP policy Hou 3 as the proposals would not benefit from the creation of an acceptable residential living environment.

Amenity of Neighbouring Properties-

Given the proposed introduction of a residential use to the site with associated alterations such as the two storey extension element, an assessment of any potential detrimental impact on neighbouring residential amenity was undertaken. .

On review of separation distances, 8.9 metres would separate the proposed two storey extension element on the western boundary with the closest neighbouring residential property at 2 Church Hill. In assessing the existing boundary treatment in place formed by a stone boundary wall and tree cover, coupled with the omission of glazed openings on the proposed western elevation of the proposed extension, and the building orientation of the existing neighbouring property and two storey element of the proposed extension, there would be no significant detrimental impact on the amenity of the occupiers of 2 Church Hill by way of overlooking or unacceptable loss of daylight and sunlight.

To the south there would be a separation distance of 26.7 metres from the south facing elevation of the proposed two storey extension to the closest neighbouring residential properties at Chartwell House. The separation distance from the existing south elevation of the property to Chartwell House is 24.5 metres. Given the separation

distances in place there would be no significant detrimental impact on the amenity of the occupiers of Chartwell House by way of overlooking or unacceptable loss of daylight and sunlight.

To the east there would be a separation distance of 15.5 metres from the existing east facing elevation to the closest neighbouring residential properties at 4 and 5 Churchill Drive. In assessing the existing boundary treatment in place formed by a stone boundary wall and extensive tree cover, coupled with the existing extent of window openings on the existing eastern elevation to be retained. There would be no significant detrimental impact on the amenity of the occupiers of 4 and 5 Churchill Drive by way of overlooking or unacceptable loss of daylight and sunlight.

In regard to neighbours' amenity, the proposal complies with LDP policy Des 5.

Transport and Access

Policy Tra 2 requires proposed car parking provision to comply with and not exceed the parking levels set out in Council Guidance.

The application site is located within Zone 1 of the Parking Standards outlined in the Edinburgh Design Guidance. Residential developments in Zone 1 should have a maximum car parking provision of one space per dwelling. The standards also detail that the proposal should have a minimum of 12 cycle parking spaces.

The proposals provide the required number of car parking spaces (1 space per residential unit) for the flatted units, with an excess of 1 car parking space proposed. Regarding provision of cycle parking the submitted Site Plan shows a total provision of 10 cycle stands. In light of the shortfall of 2 cycle parking stands, it is considered that additional cycle storage could be provided elsewhere within the building/site if the scheme is recommended for approval in any subsequent appeal.

The proposal does not raise any issues in respect of parking and road safety and complies with LDP policies Tra 2, Tra 3 and Tra 4.

Conclusion in relation to the Development Plan

The proposed two storey extension element on the western elevation by way of scale, massing and design will fail to preserve or enhance the defined character of the Merchiston and Greenhill Conservation Area. The proposed two storey extension element by way of scale, massing and height proposed will fail to respect the setting of the B listed (LB27048) Strathmore House.

Additionally, the proposals would result in the loss of several protected trees, which would have a detrimental impact on the established tree presence which forms a key component of the defined character of the Merchiston and Greenhill Conservation Area.

The proposals do not comply with policies Env 3, Env 6, Env 12, Hou 3 and Des 12 of the Edinburgh Local Development Plan.

Overall, the material considerations support the presumption against granting planning permission.

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 complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023 to proceed to adoption. On adoption the Revised Draft NPF 4 (2022) will form part of the Council's Development Plan, but at present it remains a material consideration. As adoption of the Revised Draft NPF 4 (2022) is understood to be imminent, and it is now the settled position of Scottish Ministers and the Scottish Parliament, it requires to be given significant weight. Revised Draft NPF 4 (2022) lists various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

Policy 1 of the Draft NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions.

While the proposal will retain the listed building and involve conserving and recycling assets, these considerations are outweighed by the adverse impacts of the proposal and non-compliance with the detailed policies which form part of the development plan.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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:

A single representation was received.

The material considerations in support included:

-Bringing a redundant building back into use

The points raised in the representations are addressed in section b).

Conclusion in relation to identified material considerations

Although the proposals would see a currently redundant listed building brought back into use, the proposed two storey element of the extension on the west elevation is not acceptable with regards to scale, massing and overall height in conflict with the setting of the listed building, character of the conservation area and wider townscape. Furthermore, the proposals would result in the unacceptable loss of trees on site and the shortfall in private garden ground proposed would not create a satisfactory living environment for future occupiers.

Overall conclusion

The proposals are unacceptable with regard to sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed two storey extension element on the western elevation by way of scale, massing and design will fail to preserve or enhance the defined character of the Merchiston and Greenhill Conservation Area. The proposed two storey extension element by way of scale, massing and height proposed will fail to respect the setting of the B listed (LB27048) Strathmore House.

Additionally, the proposals would result in the loss of several protected trees, which would have a detrimental impact on the established tree presence which forms a key component of the defined character of the Merchiston and Greenhill Conservation Area.

The proposals do not comply with the Edinburgh Local Development Plan.

Overall, the material considerations support the presumption against granting planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposed two storey extension elements scale, massing and height will fail to respect the setting of the B listed (LB27048) Strathmore House. The proposals are therefore unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

2. The proposed two storey extension elements scale, massing and height will fail to preserve or enhance the established character of the Merchiston and Greenhill Conservation Area. The proposals are therefore unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
3. The proposals are contrary to LDP policy Env 6 - Conservation Areas, as the proposed two storey extension element on the western elevation's scale, massing and design will fail to preserve or enhance the established character of the Merchiston and Greenhill Conservation Area.
4. The proposals are contrary to LDP policy Env 3 - Listed Buildings - Setting, as the proposed two storey extension element on the western elevation's scale, massing and design will fail to respect the setting of the B listed (LB27048) Strathmore House.
5. The proposals are contrary to LDP policy Des 1 - Design Quality and Context, LDP policy Des 4 - Development Design - Impact on Setting and LDP policy Des 12 - Alterations and Extensions as the proposed two storey extension element would be damaging to the character of the wider townscape and landscape.
6. The proposals are contrary to LDP policy Hou 3 - Private Green Space in Housing Development, as there would be a shortfall in private amenity space provision to serve the proposed residential use on site and a satisfactory residential environment would not be created.
7. The proposals are contrary to LDP policy Env 12 - Trees, as the proposal will result in the substantive loss of mature trees on-site and their removal is not for good arboricultural reasons which would have a detrimental impact on the character of the conservation area and surrounding townscape.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 21 October 2022

Drawing Numbers/Scheme

01, 02A, 03-08, 09A, 10-19

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jay Skinner, Planning Officer
E-mail: jay.skinner@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Archaeology
COMMENT: No objection to proposals.
DATE: 19 December 2022

NAME: Flood Planning
COMMENT: SWMP required in support of proposals.
DATE: 25 November 2022

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