

Ferguson Planning Ltd.
FAO: Sam Edwards
37 ONE
37 George Street
Edinburgh
EH2 2HN

Mr Simon And Mrs Gail Downes.
14 Brandywell Road
Abernethy
Perth
PH2 9GY

Decision date: 7 November 2022

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

Change of use (retrospective) from residential to short-term let use (Sui Generis).
At 1A Glenogle Road Edinburgh EH3 5JQ

Application No: 22/03432/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 4 July 2022, this has been decided by **Countersign**. 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:-

1. The proposal is contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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

Drawings 01,02, 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:

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 Lesley Porteous directly at lesley.porteous@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

Report of Handling

**Application for Planning Permission
1A Glenogle Road, Edinburgh, EH3 5JQ**

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

**Item – Countersign
Application Number – 22/03432/FUL
Ward – B05 - Inverleith**

Recommendation

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

Summary

The proposal is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

However, the proposal does not comply with the relevant policy of the development plan as it would have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site relates to an end-terrace ground floor studio flat in the Stockbridge Colonies at 1A Glenogle Road. The property has one bed/sitting area with a kitchen in the basement. It has its own main door access on to Glenogle Road.

Glenogle Road is within a predominantly residential area. The property is at the southern end of one of the rows of terraced colony houses off Glenogle Road (Hugh Miller Place). No 33 Hugh Miller Place is above the application property but has its access from the colony street. The nearest shops, cafes and restaurants are a five minute walk away in Stockbridge. Public transport links are accessible from Stockbridge to the west and Canonmills which is a ten minute walk away to the east.

The application property is one of a group of category B listed buildings. LB 50523, 11/10/73.

The site lies within the Stockbridge Colonies Conservation Area.

Description Of The Proposal

The application is for a change of use from residential to short term let (sui-generis). No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let since 2016. Therefore, the application is retrospective.

Supporting Information

Planning Statement.

Relevant Site History

01/00580/FUL
1A Glenogle Road
Edinburgh
EH3 5JQ
Form house from shop (as amended)
Granted
18 October 2001

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 18 July 2022

Date of Advertisement: 22 July 2022

Date of Site Notice: 22 July 2022

Number of Contributors: 9

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 in the Historic Environment: Interim Guidance on the principles of listed building consent.
- Managing Change in the Historic Environment: Setting.

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal harms neither the listed building or its setting. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

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

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Colony Conservation Areas Character Appraisals emphasise the historic importance and unique architectural form of the Colony developments in Edinburgh. They are typified by their enclosed setting, their small scale layout, high quality workmanship, detailed control of design and pedestrian emphasis.

There are no external alterations proposed and the development preserves both the character and appearance of the conservation area. The change of use from a one-bedroom domestic studio flat to a short-term holiday let (STL) will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal does not harm the conservation area. Therefore, it is 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 Environment policies Env 3 and Env 6.
- LDP Housing policy Hou 7.
- LDP Transport policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

The non-statutory Guidance for Businesses is relevant when considering policy Hou 7.

Listed Buildings and Setting

The impact on the listed building, its setting and the setting of neighbouring listed buildings has been assessed in section a) above which concluded that the special architectural and historic interest of the building would not be harmed and the setting of the listed buildings would be preserved. As the proposal complies with the statutory test, it therefore also complies with LDP policy Env 3.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in b). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

Proposed Use

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP) 2016.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses sets out a number of criteria that are considered in an assessment of the materiality of a change of use of dwellings to an STL:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of STL properties, the economic benefits are a material planning consideration. The location of the application property is convenient for local services and will generate footfall and income for local businesses. However, this is unlikely to be dissimilar from that provided by a permanent residential use.

The use of this property as a short term let would have the potential to introduce an increased frequency of movement to the flat, and to the area in front of the flat, at unsociable hours. Although the property is not located within a Colonies street, it is on the very end of one, with a separate flatted unit above. The property fronts on to Glenogle Road which is not an overly busy thoroughfare. Vehicular access from Glenogle Road to Stockbridge was closed off several years ago. Consequently, it is only used for local access and ambient noise levels are relatively low, particularly in the evening. Moreover, the property is in close proximity to residential flats, as is the nature of all Colonies developments. The proposed one bedroom short stay use would enable two or more visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents. This would be significantly different from the ambient

background noise that residents might reasonably expect and may also have a negative impact on community cohesion.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. Therefore, it does not comply with LDP policy Hou 7.

Parking Standards

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

There is no on-street parking available. This is acceptable and there is no requirement for cycle parking for short term lets.

The proposal complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. There are no material considerations that would justify approval.

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 all thirteen principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development.

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 objections

- Negative impact on residential amenity. Addressed in c) above.
- Doesn't comply with the residential nature of the Colonies. Addressed in c) above.
- Erodes communities. Addressed in c) above.
- Does not comply with LDP policy Hou 7. Addressed in c) above.

non-material objection

- There are three short term let units in this block, not just one. This application has to be assessed on its merits.

material comments of support

- No negative impact on residential amenity. Addressed in c) above.
- Has own main door access. Addressed in c) above.
- It is very convenient for services. Addressed in c) above.
- Will generate footfall and income for local businesses. Addressed in c) above.

non-material comments of support

- The property is responsibly managed. This is not a material planning consideration.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

However, the proposal does not comply with the relevant policy of the development plan as it would have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

1. The proposal is contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 4 July 2022

Drawing Numbers/Scheme

01,02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail:lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mrs Diane Murray

Address: 26 Rintoul Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My stance isn't entirely covered by the choices above.

I want to supply further information which appears to have been omitted by the applicant.

1A Glenogle Road is only one part of a threesome of attached addresses, being 1 Glenogle Road and 33 Hugh Miller Place.

Two of these addresses, 1 and 1A, were not previously residences but were formerly the corner shop which was then split into two.

33 Glenogle Road, above the former corner shop, was a small flat.

Since that change, all three have been operated by the owner as short stay accommodation.

I don't know why the owner should only be applying for retrospective change of use for one property. They are all being operated as short term lets.

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mr Malcolm Walls

Address: 9 Braehead Loan Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mr Malcolm Walls

Address: 9 Braehead Loan Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mrs Rona Grant

Address: Seton Mill House Longniddry

Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I lived in Stockbridge for 5 years and I know this property well. It provides very unique accommodation and is perfect for those that do not necessarily wish to stay in a hotel, providing a premium 'home from home' environment. The property is accessed by a main door and is detached. There is no interaction with or disturbance to other residential neighbours. The property is responsibly and professionally managed, and the hosts contribute to the local community through maintaining their property to the highest standard and providing space for the community notice board. For the above reasons, this property is ideal for short term lets and is exactly the sort of property that attracts visitors to Edinburgh, benefitting local businesses.

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Dr Alison Whyte

Address: 15 Roseneath Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed use as short term let accommodation does not comply with the residential nature of the Stockbridge Colonies, not to mention the fact the applicant owns three STL's on this block, each contributing to noise, distress for neighbours and erosion of community.

The high turnover of visitors will cause extreme disturbance and the transient visitors will have an adverse effect on long standing residents and amenities.

This proposal should be objected to immediately to help preserve our community and conservation area.

It is obvious that the support for this proposal has not come from residents, as this STL has had an adverse effect on the community.

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mrs Vivienne Richmond

Address: 43 Glenorchil View Auchterarder

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The property is unique to the Stockbridge Colonies due to its location relative to neighbours facing Glenogle Road and is accessed by a main door and is detached. And so there is no interaction with or disturbance to other residential neighbours. The property is professionally managed and maintained and is of a real benefit to the tourist economy and personally for ourselves when visiting friends in Edinburgh as it provides a luxury home from home. I fully support this application.

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mr Nick Munro

Address: 14/3 Roseneath Place, Midlothian Midlothian Edinburgh

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the application for the following reasons.

Bearing in mind the new legislation coming in in September making Edinburgh a Control Zone, I consider this application to be the perfect example of how short term lets are eroding amenity and indeed community within the City of Edinburgh.

Edinburgh's unique colony areas are delicate ecosystems, based on the quite obvious useage of homes for full time residence. Short term lets by their very nature undermine this ecosystem and not only leave gaps in the community with transient guests instead of permanent residents, but also become catalysts for the erosion of the entire ideal of community.

Add to this the cultural disruption of endless arrivals and departures, the dragging of suitcases, guests standing outside to socialise and smoke and you have a demonstrable loss of amenity to residents.

This even reflects on the safety of children and parents' willingness to let them play freely in the quiet access streets as has gone on since the building of these streets. We can't happily let our children play outside when there is a constantly changing flow of strangers at the end of the street.

Policy Hou 7 of the Edinburgh City Local Development Plan states that developments, including a change of use which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. It is not possible to consider this application as escaping the 'will not be permitted' of the above policy.

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mr David Dowey

Address: 3 Carlowrie Avenue Dalmeny South Queensferry

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I work very nearby this property and have had several friends and family rent it on a short term basis. It is extremely well kept and, as it is a small property, it mainly attracts couples. This means that the additional noise/disruption that the rental creates is basically nil, when compared to a permanent resident. It is in a very convenient position for the many businesses and services that Stockbridge and central Edinburgh provide and this is why I have recommended it to so many people, for both business and leisure purposes. The landlords are extremely polite and professional and I would expect them to be the type of people to be particularly considerate to their neighbours and local community. Both I and my various colleagues would be very disappointed if this fabulous rental property were to be no longer available. It is reasonably priced and we would have to use more expensive and less convenient hotels in town for clients.

Comments for Planning Application 22/03432/FUL

Application Summary

Application Number: 22/03432/FUL

Address: 1A Glenogle Road Edinburgh EH3 5JQ

Proposal: Change of use (retrospective) from residential to short-term let use (Sui Generis).

Case Officer: Lesley Porteous

Customer Details

Name: Mr Struan Robb

Address: 1/2 Cumberland Street Lane North West Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This property provides visitors to the city with short term accommodation and generates footfall and income for the local restaurants, cafes and shops.

I fully support this application.