



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100626314-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: Felsham Planning and Development

Ref. Number: You must enter a Building Name or Number, or both: \*

First Name: \* Philip Building Name:

Last Name: \* Neaves Building Number: 1

Telephone Number: \* 07446897144 Address 1 (Street): \* 1 Western Terrace

Extension Number: Address 2:

Mobile Number: Town/City: \* Edinburgh

Fax Number: Country: \* Scotland

Postcode: \* EH12 5QF

Email Address: \* philip@felshampd.co.uk

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Graeme"/>	Building Number: <input type="text" value="31"/>
Last Name: *	<input type="text" value="Fulton"/>	Address 1 (Street): * <input type="text" value="Dean Park Mews"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH4 1EE"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="philip@felshampd.co.uk"/>	

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="31 DEAN PARK MEWS"/>
Address 2:	<input type="text" value="STOCKBRIDGE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH4 1EE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674618"/>	Easting	<input type="text" value="324200"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see the attached Notice of Review Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Decision Notice 22-05264-FUL Report of Handling 22-05264-FUL Design Statement Proposed Illustrative View 05A Proposed Illustrative View 04A Proposed Daylight Study Location Plan Proposed Sections General Arrangement Proposed Roof Elevation General Arrangement Proposed GF FF General Arrangement Existing West Elevation General Arrangement Existing Roof Elevation General Arrangement Existing GF FF General Arrangement

## Application Details

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

22-05264-FUL

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

18/10/2022

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

01/03/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The proposal is at roof height and at the back garden of the property



## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Philip Neaves

Declaration Date: 12/05/2023

# 31 Dean Park Mews, Edinburgh

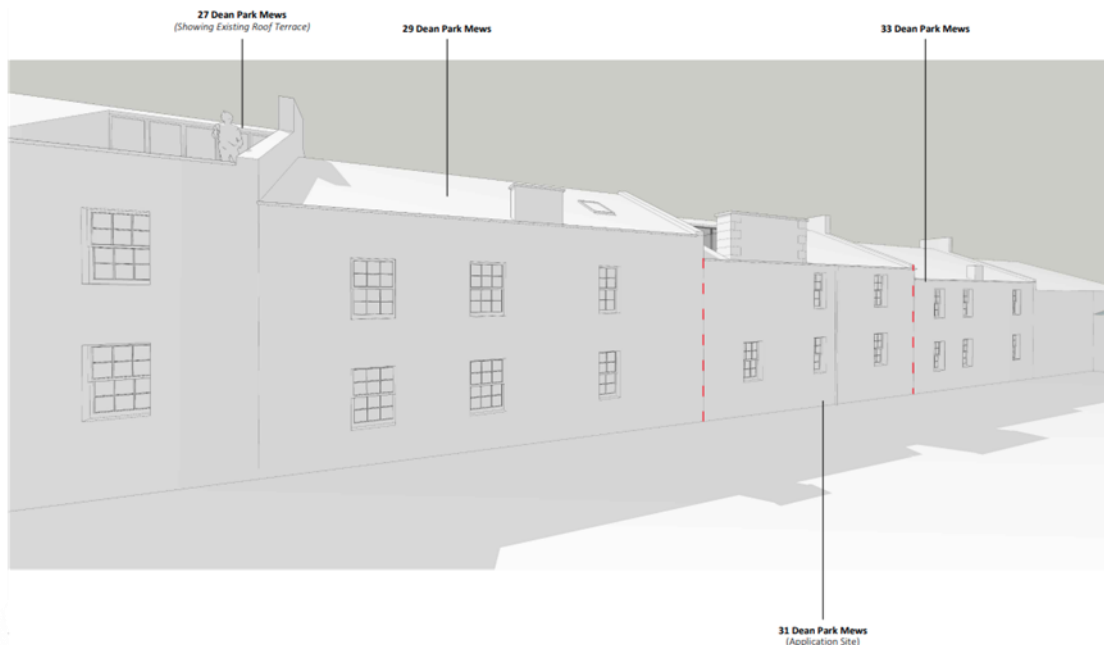
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

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

APPEAL AGAINST REFUSAL—22/05264/FUL

FOR

**Alteration to roof and associated formation of roof terrace to rear  
elevation (resubmission relating to 22/00498/FUL within 12  
months).**



Felsham Planning &  
Development  
1 Western Terrace  
Edinburgh  
EH12 5QF

Phone: +44 7446 897144

Email:

[philip@felshampd.co.uk](mailto:philip@felshampd.co.uk)

## 1.0 Introduction

Felsham Planning & Development Ltd (FPD) are planning advisor to Mr Graeme Fulton (the Applicant). We are instructed to submit an appeal against the refusal of planning permission on 1 March 2023 in respect of planning application ref 22/05264/FUL for:

*Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).*

at 31 Dean Park Mews, Edinburgh, EH4 1EE.

The application was submitted on 18 October 2022 and registered on 28 October 2022. The application was determined under delegated powers on 1 March 2023, refusing the application.

The Council refused the application on the following grounds:-

1. *The proposal does not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the proposal does not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.*
2. *The proposal does not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area. 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.*
3. *The proposal does not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.*
4. *The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.*

### Important Points to Note about the Application

- The application site is not within a conservation area or a listed building;
- The application site does not have any outside space or garden ground;
- Historic Environment Scotland did not object to the proposals;
- The proposals are located on the rear roof of the property and not visible from the front of the property;
- The site is very close (within ~14m to a **permitted** roof terrace that sets a precedent for this type of development;
- Reason for Refusal - 2 is not relevant as the proposal is not within or adjacent to the Conservation Area.



Figure 1 a - (green dot) existing roof terrace consented in 2002. Red dot is the application site.



Figure 1 b - (green dot) consented roof terrace. Red dot is the application site.



Figure 1 c – Property Front Elevation (existing & proposed).

- there are no views of the proposals from the street (Figure 1 c).
- Sunlight/daylight is stated as acceptable in the Report of Handling for – 22/05264/FUL
- Privacy is stated as acceptable in the Report of Handling for – 22/05264/FUL
- Overlooking is stated as acceptable in the Report of Handling for – 22/05264/FUL
- The proposal conforms with Policy 1 of NPF4 *by making use of existing residential properties and adapting them to meet the diverse needs of the user* as stated as acceptable in the Report of Handling for – 22/05264/FUL

## 2.0 The Site & Proposal

This planning application follows a previous application (reference 22/00498/FUL) for ‘*alteration to roof and associated formation of roof terrace*’. The previous application was refused and the current proposal has been developed to consider the material matters and policy raised in assessment of the previous application.

The overall proposed scale, form and design of the proposed roof terrace is similar to the previous proposal however, addresses the issue of the roof terrace on the front of the property and changes the proposed position to the rear (east) of the property.

There are no alterations to the principal (west) elevation to preserve the existing uniform roofscape on the front elevation of the mews (west side).

The roofscape to the rear (east) of Dean Park Mews is less uniform in character – a mix of chimney stacks interrupt the eaves line of several adjacent properties and notably to the south of the application site a roof terrace is located to the rear of 27 Dean Park Mews.

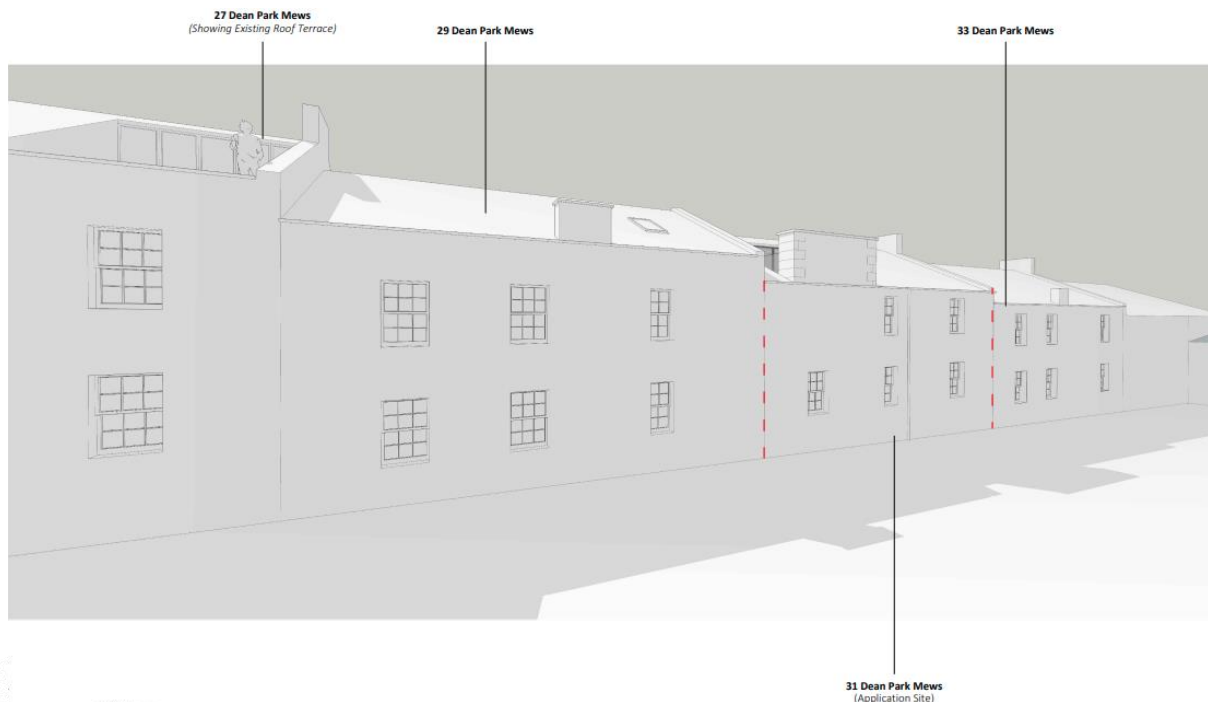


Figure 2 – Proposed Illustrative View & existing roof terrace (No. 27).

### 3.0 Planning History

#### 31 Dean Park Mews Edinburgh EH4 1EE

- 07/04981/FUL  
*Replace garage doors with UPVC framed screens/windows, replace windows throughout in UPVC and alter dwelling to incorporate existing lock-ups as habitable accommodation*  
Permitted Development 19 December 2007
- 09/01308/FUL  
*Form access to the roof and a roof terrace* Refused 22 July 2009
- 22/00498/FUL  
*Alteration to roof and associated formation of roof terrace.* Refused 24 May 2022

#### 27-27B Dean Park Mews Edinburgh EH4 1EE

- Ref. No: 02/02749/FUL  
*Proposed alterations to mews house and **formation of terrace at roof level to rear***  
Application Granted 5 September 2002

### 4.0 Basis for Determining a Planning Application

Section 25 of the Town & Country Planning (Scotland) Act 1997 states:

*‘Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise’.*

Section 37 should be read alongside Section 25. Section 37 (2) states:

*'In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations.'*

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

*'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'*

The judgement set out the following approach to determining a planning application:

1. Identify any provisions of the Development Plan that are relevant to the decision;
2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies;
3. Consider whether or not the proposal accords with the Development Plan;
4. Identify and consider relevant material considerations for and against the proposal; and
5. Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the Development Plan should be used.

The determining authority must first consider whether the proposal accords with the Development Plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the Development Plan, it follows that consent should be granted unless any site-specific matters preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

There may be circumstances where the achievement of one policy objective requires another policy to be waived or reduced in impact.

In assessing this proposal would be successful, we believe that it is also relevant to refer to two further court decisions Tesco Stores v. Dundee [2012] PTSR 983.

Paragraph 18 of the Dundee decision states:

*The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority... the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.*

Paragraph 19 continues:

*The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or*



*contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract... development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another... many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.*

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

The key is that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5-step procedure set out in the 1998 City of Edinburgh Council House of Lords case to be followed. The planning authority must take a view on a case by case basis with the development plan the starting point for its assessment but not the concluding point. It may be the case that a policy intended to apply across the Local Plan area is clearly not applicable to specific circumstances of a particular site.

The decision-maker will only be entitled to conclude that development is unsustainable if the evidence demonstrates that the dis-benefits significantly outweigh its benefits when tested against each of the 13 sustainability principles. If having applied this test, the conclusion is that the proposal is unsustainable the presumption in favour of planning permission being granted will not require to be given weight when tested against the development plan and other relevant material considerations.

If the conclusion is that the proposal will contribute towards sustainable development, the decision-maker is then expected to test the proposal against the development plan and other relevant material considerations and, in doing so, to attach significant weight to the presumption that planning permission should be granted on the basis that the development is sustainable.

A key consideration is therefore the Councils acceptance that the proposals comply with NPF4 - Policy 1 a policy that makes the climate a priority. The application site does not have any existing outside space or garden ground and would therefore comply with NPF4 by enabling *Contributing to the circular economy by making use of existing residential properties and adapting them to meet the diverse needs of the user.*

## 5.0 Planning Policy & Assessment

The Council refused the application on the following grounds:-

1. *The proposal does not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the proposal does not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.*
2. *The proposal does not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area. 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.*
3. *The proposal does not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.*

4. *The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.*

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed.

The Council has accepted that several policies in the Edinburgh Local Development Plan (LDP) are superseded by policies within NPF4 as they are more up to date. The relevant NPF4 and LDP policies to be considered are:

- NPF4 Policy 1;
- NPF4 Policy 14c;
- NPF4 Policy 16g;
- LDP Design policy Des 1; and
- LDP Design policy Des 12.

The Report of Handling confirms that the proposal confirms with NPF4 Policy 1.

The proposal would also comply with NPF 4 policy 16g)ii) and LDP Policy Des 12b) and c) as there is no issue with privacy, overlooking and sunlight. The proposals are in compliance with guidance and policy as accepted in the Report of Handling. Therefore, the proposal would comply with NPF 4 policy 16g)ii) and LDP Policy Des 12b) and c).

The overall proposal is an appropriate design which would be a beneficial addition to the mews and the wider area. The design would not conflict with the distinctive local architectural style, traditional identity, and sense of place achieved by the neighbourhood. In terms of scale, form, and design, the proposal is compatible with the existing dwelling or the surrounding area. The proposal complies with NPF4 policies 14c, 16g)i) and LDP Policies Des 1 and Des 12a)

The proposal would add a roof terrace at first floor level and was judged to provide a new external noise source at a raised level which may impact the neighbourhood amenity. The roof terrace would present the opportunity for the resident to enjoy outdoor space. The proposal conforms with Policy 1 of NPF4 by 'making use of existing residential properties and adapting them to meet the diverse needs of the user'. Noise would be mitigated by the privacy screen, there will be no significant noise impact as a result.

The introduction of a new noise source at a high level would not be substantially different to windows being open and is characteristic of the existing neighbouring amenity, and therefore would not be an unreasonable impact to the neighbouring amenity.

Compliance with privacy, overlooking and sunlight guidance and policy is accepted in the Report of Handling. Therefore, the proposal would comply with NPF 4 policy 16g)ii) and LDP Policy Des 12b) and c) in terms of amenity and design.

It should also be noted that the applicant is not proposing to introduce an alien feature into this area. The precedence is set by the local example of a roof terrace (Figure 1) adjacent to the application site.

The proposals accord with policy in both the NPF4 and the LDP.



## Material Considerations

The Planning Consent 02/02749/FUL - Granted 05 September 2002 at 27-27B Dean Park Mews Edinburgh EH4 1EE for:-

*Proposed alterations to mews house and formation of terrace at roof level to rear.*

Is a significant material consideration. It established that a roof terrace was an acceptable use and form of development in this location. This existing roof terrace establishes that a precedence has been set by consent 02/02749/FUL.

## 6.0 Conclusions

The Planning Act requires development to be in accordance with the Development Plan unless material considerations indicate otherwise. We have undertaken our assessment on this basis. There is a policy balance to be made.

Having assessed the aims and objectives of the relevant policies and assessed material considerations our conclusions are as follows:

- The site is neighbouring a permitted roof terrace that sets a precedent for this type of development (see permission 02/02749/FUL);
- Historic Environment Scotland did not object to the proposals.
- The application site is not within a conservation area or a listed building;
- The application site does not have any existing outside space or garden ground and would therefore comply with NPF4 by enabling *“Contributing to the circular economy by making use of existing residential properties and adapting them to meet the diverse needs of the user”*;
- The proposal complies with the aims, objectives and principles of national and local policy;
- No conflict with established land use – development is compatible with the surrounding land uses;
- Respects scale, form, design and materials – the design of the proposal has had regard to the character and appearance of the surrounding area. The scale, design and materials are appropriate to the area;
- No significant loss of daylight, sunlight or privacy to the surrounding existing residential properties.
- The development can be accommodated within the plot with no impact on its neighbours;
- Visual impact- the scale, design and materials are appropriate to the area. The design of the scheme has taken account of the characteristics of the area.
- The proposals are to the rear of the property which is proposed to take into account the comments provided on the previous application submission for the site;
- Reason for Refusal - 2 is not relevant as the proposal is not within or adjacent to the Conservation Area.

The Appellant's case is that this proposal should be judged as suitable in all respects. For these reasons we respectfully request that the appeal should be allowed.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100529701-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Alteration to roof and associated formation of roof terrace to rear elevation (resubmission within 12 months)

Has the work already been started and/ or completed? \*

☒ No   ☐ Yes - Started   ☐ Yes – Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant   ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	CLWG Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Robert	Building Name:	
Last Name: *	Willis	Building Number:	38
Telephone Number: *	01313152940	Address 1 (Street): *	Dean Park Mews
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH4 1ED
Email Address: *	robert.willis@clwg-architects.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Graeme	Building Number:	31
Last Name: *	Fulton	Address 1 (Street): *	Dean Park Mews
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH4 1EE
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

31 DEAN PARK MEWS

Address 2:

STOCKBRIDGE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH4 1EE

Please identify/describe the location of the site or sites

Northing

674618

Easting

324200

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Robert Willis

On behalf of: Mr Graeme Fulton

Date: 18/10/2022

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \* ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \* ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \* ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? \* ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? \* ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? \* ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- ☒ Existing and Proposed elevations.
- ☒ Existing and proposed floor plans.
- ☒ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☒ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \* ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Robert Willis

Declaration Date: 18/10/2022

**Proposal Details**

Proposal Name	100626314
Proposal Description	Appeal - Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).
Address	31 DEAN PARK MEWS, STOCKBRIDGE, EDINBURGH, EH4 1EE
Local Authority	City of Edinburgh Council
Application Online Reference	100626314-001

**Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

**Attachment Details**

Notice of Review	System	A4
Decision Notice	Attached	A4
Appeal Statement	Attached	A4
Report of Handling	Attached	A4
Existing General Arrangements GF FF	Attached	A3
Existing General Arrangements Roof Elevations	Attached	A3
Existing General Arrangements West Elevations	Attached	A3
Proposed GF FF General Arrangements	Attached	A3
Proposed Roof Elevations General Arrangement	Attached	A3
Proposed Sections General Arrangements	Attached	A3
Location Plan 07	Attached	A3
Application Forms	Attached	A4
Design Statement	Attached	A4
Proposed Daylight Study	Attached	A3
Proposed Illustrative View NE corner	Attached	A3
Proposed Illustrative View East Side	Attached	A3
Notice_of_Review-2.pdf	Attached	A0

Application\_Summary.pdf  
Notice of Review-001.xml

Attached  
Attached

A0  
A0



CLWG Architects.  
FAO: Robert Willis  
38 Dean Park Mews  
Edinburgh  
EH4 1ED

Mr Graeme Fulton.  
31 Dean Park Mews  
Edinburgh  
EH4 1EE

**Decision date: 1 March 2023**

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

Alteration to roof and associated formation of roof terrace to rear elevation  
(resubmission relating to 22/00498/FUL within 12 months).  
At 31 Dean Park Mews Edinburgh EH4 1EE

**Application No:** 22/05264/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 28 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 proposal does not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the proposal does not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.
2. The proposal does not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area.

3. The proposal does not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.

4. The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.

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

Drawings 01 - 07, 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 proposed works to the dwelling are not in accordance with the Development Plan. The works will have due regard to global climate and nature crisis but are an inappropriate design which is not compatible with the existing dwelling or the surrounding neighbourhood character; the works will result in the unreasonable loss of neighbouring amenity through noise impact. There are no material considerations which indicate the proposal should be approved. Therefore, the proposal is not acceptable and is refused.

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 Blair Burnett directly at [blair.burnett@edinburgh.gov.uk](mailto:blair.burnett@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.

31 Dean Park Mews, Edinburgh EH4 1EE

### **Design Statement**

Description: Alteration to roof and associated formation of roof terrace to rear elevation (resubmission within 12 months)

Summary: This planning application follows a previous application (reference 22/00498/FUL) for 'alteration to roof and associated formation of roof terrace'. The previous application was refused and the current proposal has been developed to consider the material matters and policy raised in assessment of the previous application.

### **Scale, Form, Design and Neighbourhood Character**

The overall proposed scale, form and design of the proposed roof terrace is similar to the previous proposal – the key design change is the proposed position which is now to the rear (east) of the property. There are no alterations to the principal (west) elevation to preserve the existing uniform roofscape on the front elevation of the mews (west side).

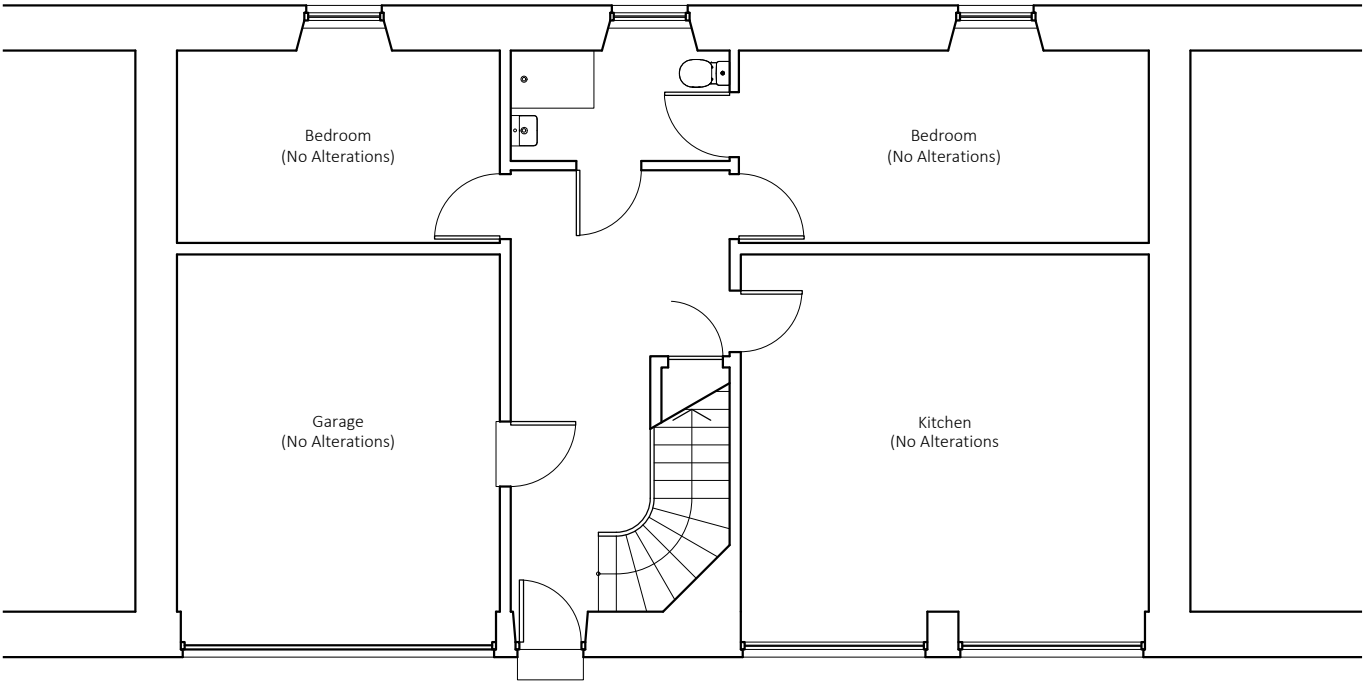
The roofscape to the rear (east) of Dean Park Mews is less uniform in character – a mix of chimney stacks interrupt the eaves line of several adjacent properties and notably to the south of the application site a roof terrace is located to the rear of 27 Dean Park Mews.

### **Neighbourhood Amenity**

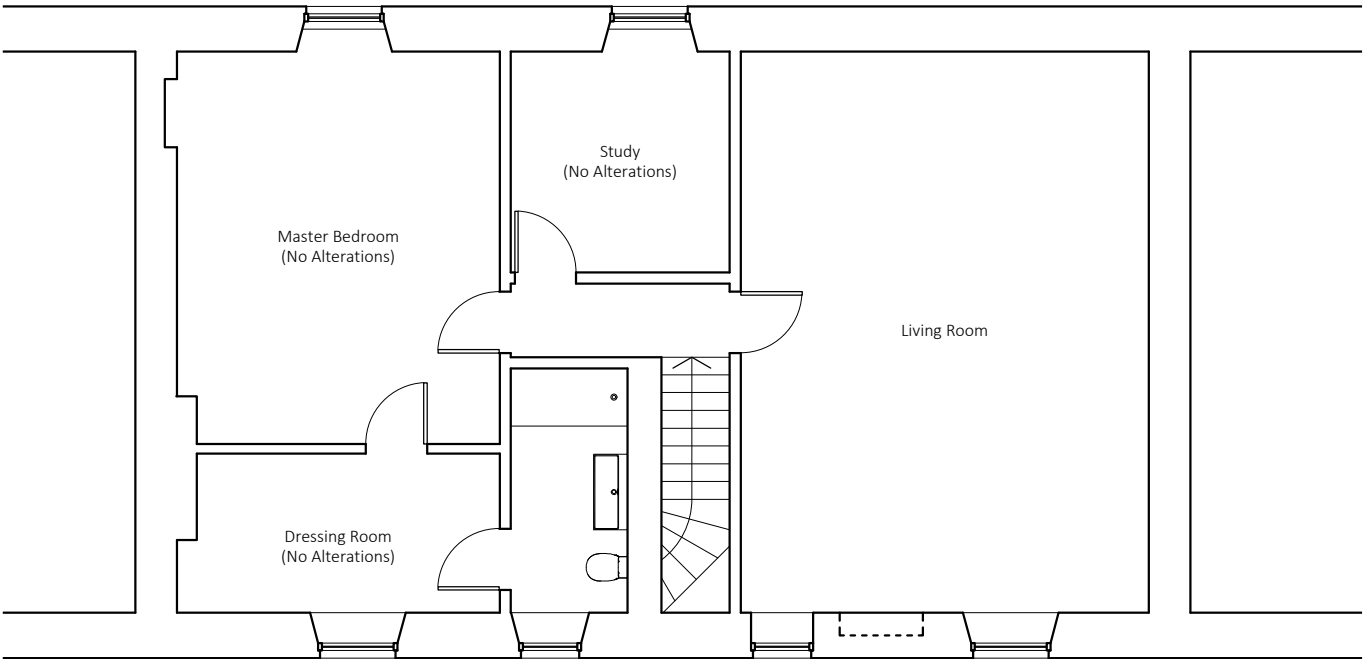
Privacy has been a key design consideration – both for the applicant and neighbouring tenemental properties to the east. The existing mews buildings generally have windows positioned on the east boundary shared with the gardens to Dean Park Street and overlook garden space occupied by these properties. The proposals have been developed to ensure that any new intervention does not directly overlook this amenity space.

The proposed masonry screen has been directly influenced and is in a form taking the lead from chimney stacks to adjacent properties and will provide a privacy screen / barrier between the proposed roof terrace and the gardens of Dean Park Street.

A daylight study has been prepared as part of the application drawings and confirms there is little impact on daylight / sunlight to the adjoining garden areas.



Existing Ground Floor  
(General Arrangement)



Existing First Floor  
(General Arrangement)



Scale (Do Not Scale for Construction Purposes)

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To be read with Preliminaries/ General Conditions.

Setting out dimensions for openings to accommodate proposed doors, windows to be sized in accordance with door, window schedules

Sizes appended '\*\*' to be site sized. All sizes to be confirmed on site prior to order / manufacturer

**All measurements in millimeters (mm) unless noted otherwise**

letter	revision	by	date
--------	----------	----	------

client	Mr G Fulton		
project	31 Dean Park Mews Roof Alterations		
drawing	Existing General Arrangements Layouts (as noted)		
scale	paper size	drawn	date
1/100	@A3	R WILLIS	01/22
status	PLANNING		

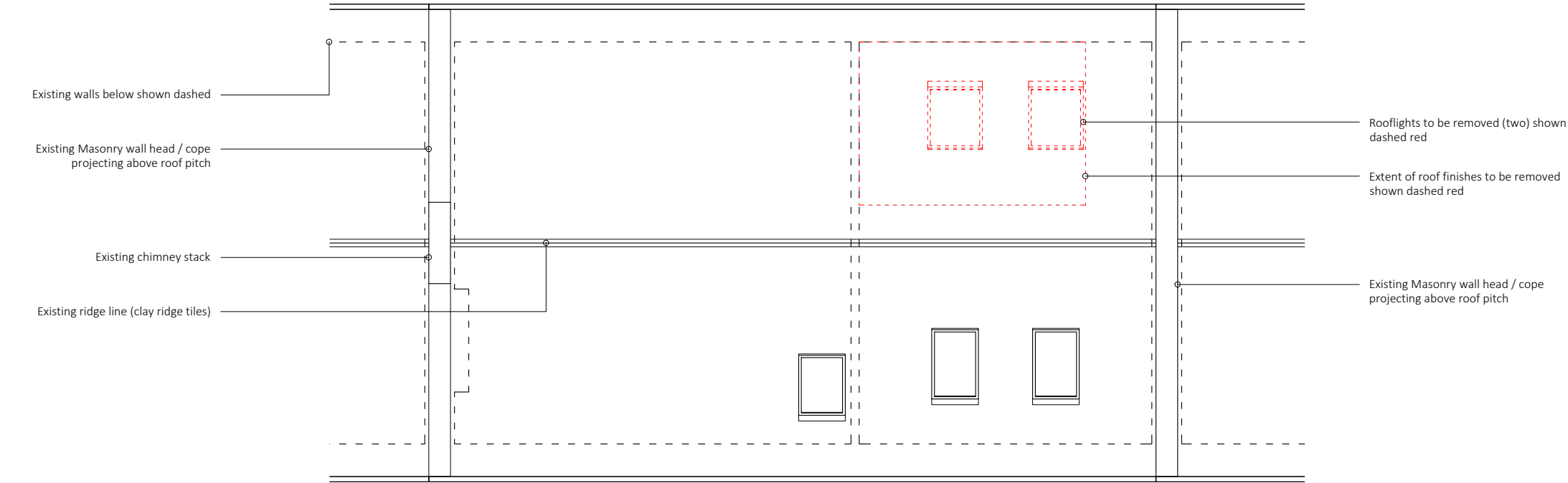


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Architects

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T 0131 315 2940 / E info@clwg-architects.com  
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drawing number  
**W 1726 / 2022 / (EX) 01**

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Existing Roof  
(General Arrangement)



Existing East Elevation / Elevation to Dean Park Street Gardens  
(General Arrangement)



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letter	revision	by	date
--------	----------	----	------

client

**Mr G Fulton**

project

**31 Dean Park Mews  
Roof Alterations**

drawing

**Existing  
General Arrangements  
Layout + Elevation (as noted)**

scale	paper size	drawn	date
<b>1/100</b>	<b>@A3</b>	R WILLIS	01/22
status			<b>N</b>
<b>PLANNING</b>			

  
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**Architects**  
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drawing number

**W 1726 / 2022 / (EX) 02**



Existing West Elevation / Elevation to Dean Park Mews - No Alterations  
(General Arrangement)



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letter	revision	by	date
--------	----------	----	------

client

**Mr G Fulton**

project

**31 Dean Park Mews  
Roof Alterations**

drawing

**Existing  
General Arrangements  
Elevation (as noted)**

scale	paper size	drawn	date
<b>1/100</b>	<b>@A3</b>	R WILLIS	01/22

status

**PLANNING**



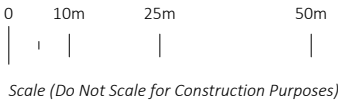
drawing number

**W 1726 / 2022 / (EX) 03**





**Location Plan**  
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To be read with Preliminaries/ General Conditions.  
Setting out dimensions for openings to accommodate proposed doors, windows to be sized in accordance with door, window schedules  
Sizes appended \*\* to be site sized. All sizes to be confirmed on site prior to order / manufacturer  
All measurements in millimeters (mm) unless noted otherwise

letter revision by date

client  
**Mr G Fulton**

project  
**31 Dean Park Mews  
Roof Alterations**

drawing  
**Location Plan**

scale paper size drawn date  
**1/1250 @A3 R WILLIS 01/22**  
status  
**PLANNING**



drawing number  
**W 1726 / 2022 / (OS) 01**





Daylight - March 21st  
09:00



Daylight - March 21st  
10:00



Daylight - March 21st  
11:00



Daylight - March 21st  
12:00



Daylight - March 21st  
13:00

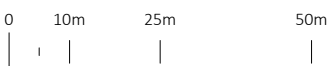


Daylight - March 21st  
14:00



Daylight - March 21st  
15:00

**NOTE** Dashed line (13:00, 14:00 and 15:00) represents shadow line as existing



Scale (Do Not Scale for Construction Purposes)

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letter revision by date

client

Mr G Fulton

project

31 Dean Park Mews  
Roof Alterations  
(Rear Elevation)

drawing

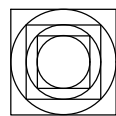
Proposed  
Daylight Study

scale paper size drawn date

1/1250 @A3 R WILLIS 10/22

status

PLANNING



CLWG

Crichton Lang, Willis & Galloway

Architects

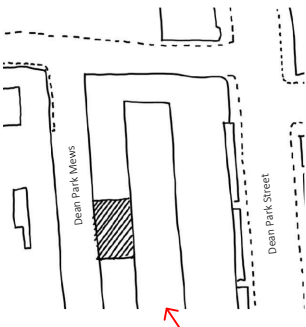
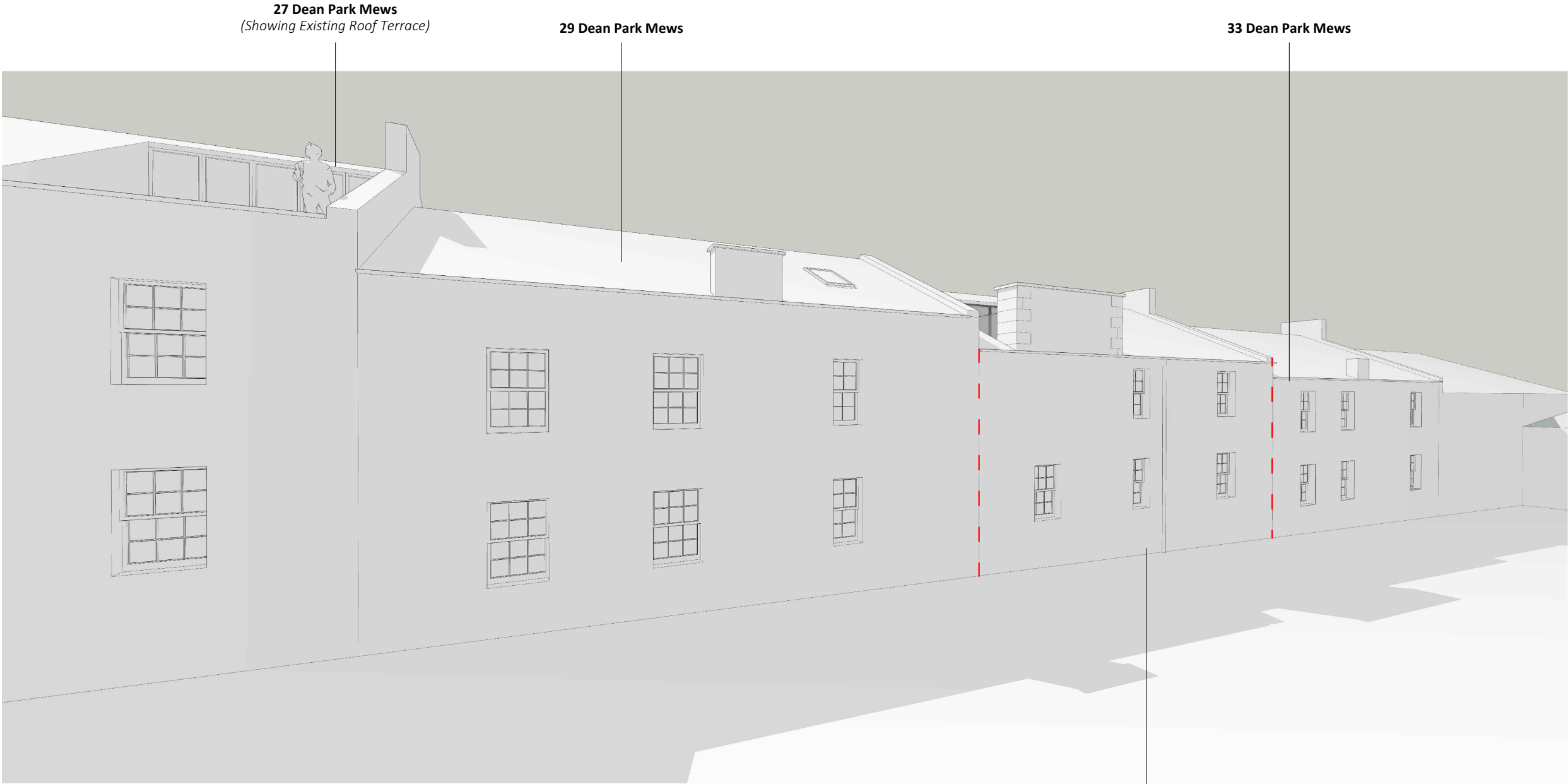
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www.clwg-architects.com

drawing number

W 1726 / 2022 / (DS) 01

Proposed Illustrative View  
(From East Side - Dean Park Street Garden)

- 24mm lens ('Wide Angle')
- Lens 1750mm above external ground level
- Application property shown between red boundary lines



Indicative View Direction

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**All measurements in millimeters (mm) unless noted otherwise**

A	Terrace position revised	RW	09/22
letter	revision	by	date

client  
**Mr G Fulton**

project  
**31 Dean Park Mews  
Roof Alterations**

drawing  
**Proposed Illustrative View  
(From East Side  
- Dean Park Street Garden)**

scale	paper size	drawn	date
<b>NA</b>	<b>@A3</b>	R WILLIS	01/22

status  
**PLANNING**

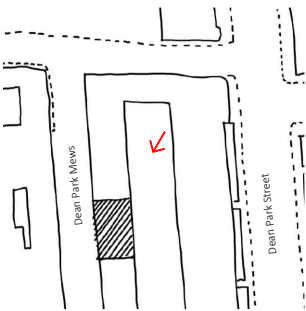


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drawing number  
**W 1726 / 2022 / (GA) 05A**

Proposed Illustrative View  
(From North East Corner - Dean Park Street Garden)

- 24mm lens ('Wide Angle')
- Lens 1750mm above external ground level
- Application property shown between red boundary lines



Indicative View Direction

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A	Terrace position revised	RW	09/22
letter	revision	by	date

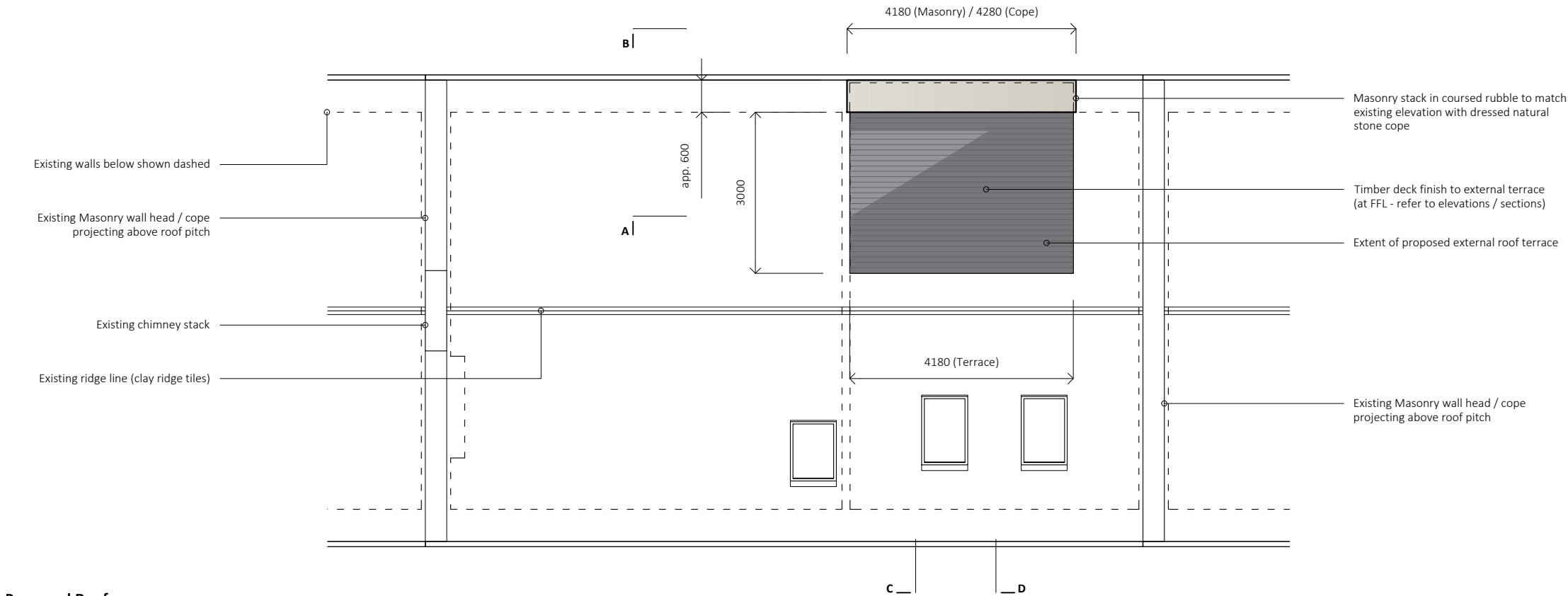
client	Mr G Fulton		
project	31 Dean Park Mews Roof Alterations		
drawing	Proposed Illustrative View (From North East Corner - Dean Park Street Garden)		
scale	paper size	drawn	date
NA	@A3	R WILLIS	01/22
status	PLANNING		



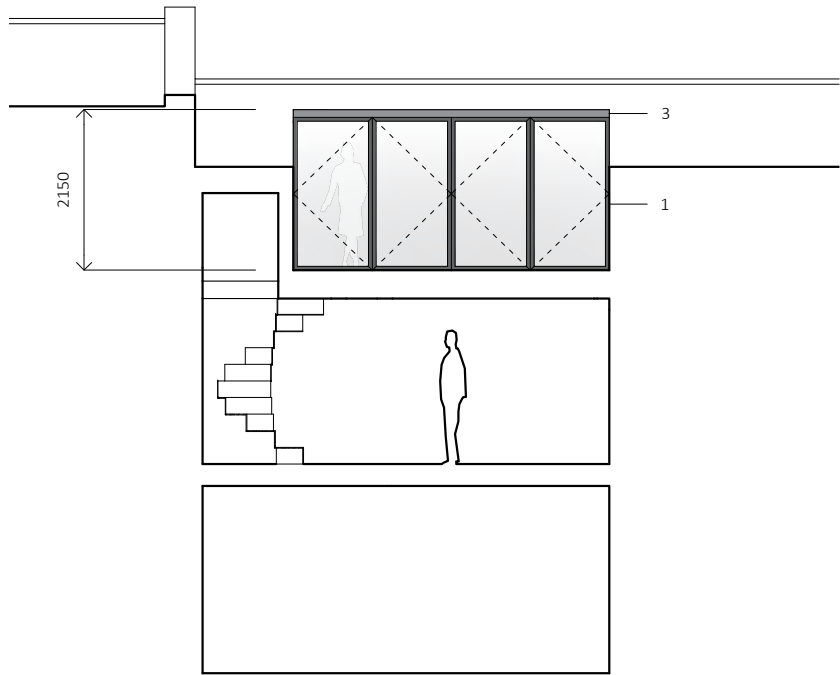
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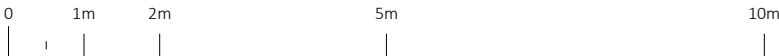
drawing number  
**W 1726 / 2022 / (GA) 04A**



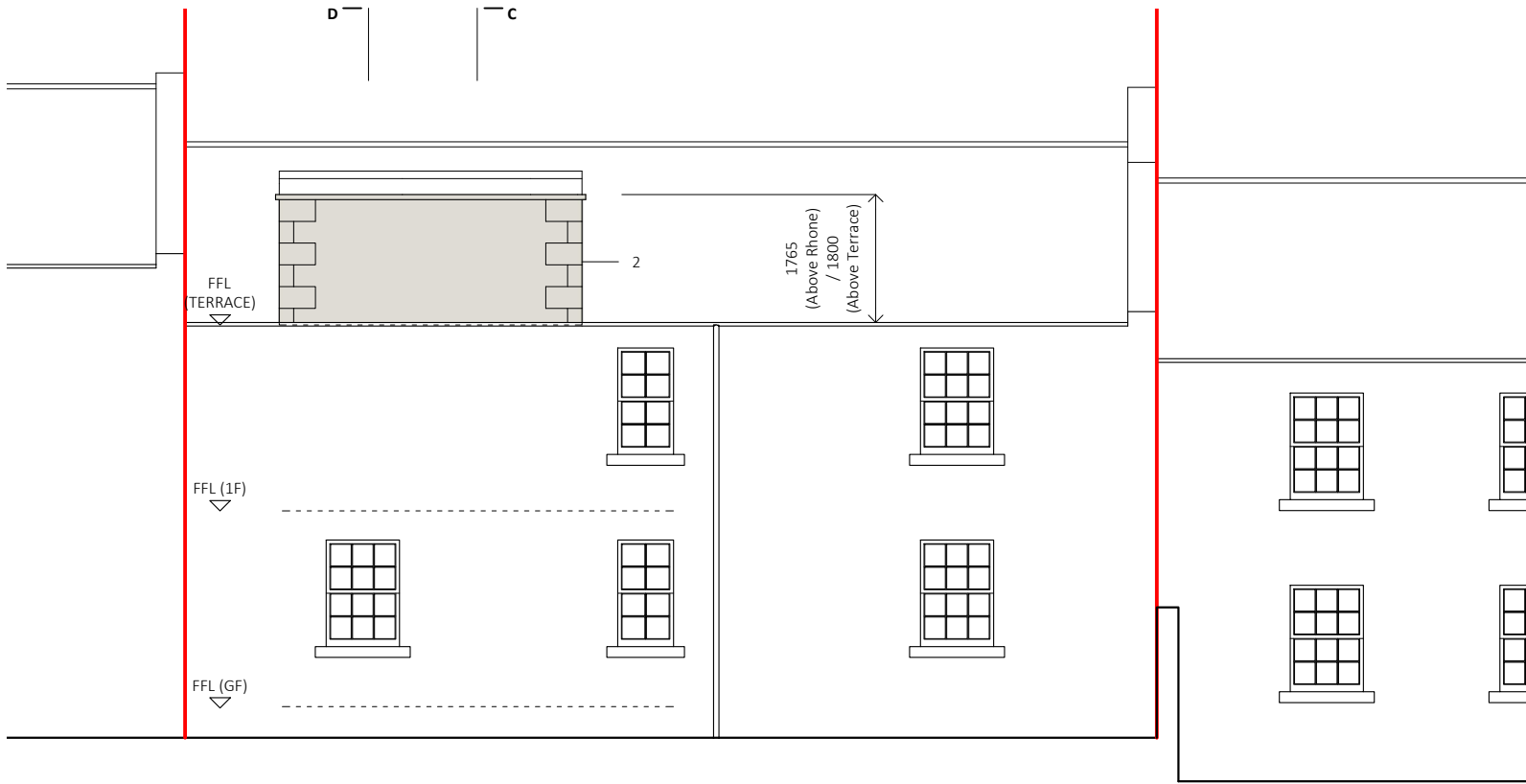
**Proposed Roof**  
(General Arrangement - Proposed External Work Coloured)



**Proposed East Elevation - Section A**  
(General Arrangement - Proposed External Work Coloured)



Scale (Do Not Scale for Construction Purposes)



**Proposed East Elevation - Section B**  
(General Arrangement - Proposed External Work Coloured)

**Materials**

- 1 Aluminium (PPC - dark grey) framed / DGU infill opening doors
- 2 Natural stone with dressed rybats
- 3 Lead cover flashing
- 4 VM Zinc panels with standing seam finish (colour 'Anthra Zinc')
- 5 Glass protective barrier

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A	Terrace position revised	RW	09/22
letter	revision	by	date

client

**Mr G Fulton**

project

**31 Dean Park Mews  
Roof Alterations  
(Rear Elevation)**

drawing

**Proposed  
General Arrangements  
Layout + Elevation (as noted)**

scale	paper size	drawn	date
<b>1/100</b>	<b>@A3</b>	R WILLIS	01/22
status			
<b>PLANNING</b>			

N



drawing number

**W 1726 / 2022 / (GA) 02A**



(General Arrangement - Proposed External Work Coloured)



(General Arrangement - Proposed External Work Coloured)



- 1 Aluminium (PPC - dark grey) framed / DGU infill opening doors
- 2 Natural stone with dressed rybats
- 3 Lead cover flashing
- 4 VM Zinc panels with standing seam finish (colour 'Anthra Zinc')
- 5 Glass protective barrier

A	Terrace position revised	RW	09/22
letter	revision	by	date

W 1726 / 2022 / (GA) 03A

# Report of Handling

**Application for Planning Permission  
31 Dean Park Mews, Edinburgh, EH4 1EE**

**Proposal: Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).**

**Item – Local Delegated Decision  
Application Number – 22/05264/FUL  
Ward – B05 - Inverleith**

## **Recommendation**

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

## **Summary**

The proposed works to the dwelling are not in accordance with the Development Plan. The works will have due regard to global climate and nature crisis but are an inappropriate design which is not compatible with the existing dwelling or the surrounding neighbourhood character; the works will result in the unreasonable loss of neighbouring amenity through noise impact. There are no material considerations which indicate the proposal should be approved. Therefore, the proposal is not acceptable and is refused.

## **SECTION A – Application Background**

### **Site Description**

The application refers to a two storey mews building located within a residential area. The immediate area is characterised by similar traditional mews properties, surrounded by four storey traditional tenement properties.

The mews building is not located within a conservation area, but the architectural style and design of the mews and surrounding tenements are not dissimilar to those protected by designation of the New Town Conservation Area 50 metres. The site is also 100 metres from the Inverleith Conservation Area, and 150 metres from the Old and New Town World Heritage Site.

### **Description Of The Proposal**

It is proposed for the addition of a rear roof terrace with a 12.5sqm floor area; and the addition of a 4.18 meter wide, 1.765 meter tall masonry privacy screen.

### **Supporting Information**

- Design statement
- Illustrated visualisations
- Proposed sunlight analysis

### **Relevant Site History**

07/04981/FUL

31 Dean Park Mews

Edinburgh

EH4 1EE

Replace garage doors with UPVC framed screens/windows, replace windows throughout in UPVC and alter dwelling to incorporate existing lock-ups as habitable accommodation

Permitted Development

19 December 2007

09/01308/FUL

31 Dean Park Mews

Edinburgh

EH4 1EE

Form access to the roof and a roof terrace

Refused

22 July 2009

22/00498/FUL

31 Dean Park Mews

Edinburgh

EH4 1EE

Alteration to roof and associated formation of roof terrace.

Refused

24 May 2022

### **Other Relevant Site History**

Neighbouring roof terrace previously given permission:

02/02749/FUL

27-27B Dean Park Mews Edinburgh EH4 1EE

Proposed alterations to mews house and formation of terrace at roof level to rear

Granted

05 September 2002

## **Consultation Engagement**

No consultations.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 1 November 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 7

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- 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 comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Policy 1.
- NPF4 Policy 14c.
- NPF4 Policy 16g.



- LDP Design policy Des 1
- LDP Design policy Des 12.

The non-statutory Guidance for Householders is a material consideration that is relevant when considering NPF4 policies 1, 14c and 16g, and LDP policies Des 1 and Des 12.

### Global climate and nature crisis

Policy 1 of 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. The application addresses this by:

- Contributing to the circular economy by making use of existing residential properties and adapting them to meet the diverse needs of the user.
- Further energy saving standards and carbon reduction measures will be considered during the building standards process.

The proposals comply with NPF4 Policy 1.

### Scale, Form, Design, and Neighbourhood Character

The property is not located within a conservation area; however, Dean Park Mews has a very distinctive traditional character which is similar to properties found in the nearby conservation area. This character enforces the identity of the properties as traditional, stone built mews which contribute to Edinburgh's overall historic character. The distinct architectural style makes use of stone materials and unified roofscapes.

While the roofscapes of many properties have been altered through permitted development for the addition of rooflights, there is a single rear roof terrace previously given permission in 2002. Nevertheless, a singular example does not represent the intended traditional character of these properties and the Guidance for Householders also states: "alterations in the surrounding area that were granted permission in the past and which do not comply with these guidelines will NOT be taken as setting any form of precedent, and should not be used as examples to follow". Therefore, the principle of a large scale roof terrace would not be acceptable within this area.

Firstly, looking at the removal of materials the rear roof plane of the existing property is largely undeveloped with the exception of two rooflights which occupy 4.36% of the roof plane. The introduction of the roof terrace would remove 15.56 square meters or 24.22% of the roof materials in order to accommodate the large opening. However, the creation of such a large opening would not be in keeping with the character of the existing property as this will dramatically alter the unified roof form of the mews properties.

Next, the proposal would include a large masonry privacy screen measuring 4.18 meters wide and 1.765 meters tall. The design of this privacy screen is intended to replicate a chimney stack, however, a typical chimney stack on the terrace measures 1.5 meters wide and 1 meter tall, therefore the proposed design is a severely enlarged scale. Although there is no uniform pattern to the location of chimney stacks on the terrace, the proposal would also alter the roof by occupying 32% of the previously unaltered roof ridge. It is recognised this aspect of the proposal is required to mitigate

impact to neighbouring amenity, however, the benefits of such a structure would not outweigh the damaging impact this would have on the property.

The overall proposal is an inappropriate design which would be an incongruous addition to the terrace and the wider area. The design would conflict with the distinctive local architectural style, traditional identity, and sense of place achieved by the neighbourhood. In terms of scale, form, and design, the proposal is not compatible with the existing dwelling or the surrounding area.

The proposal does not comply with NPF4 policies 14c, 16g)i) and LDP Policies Des 1 and Des 12a).

### Neighbouring Amenity

Neighbouring amenity has been assessed against requirements set out in the non-statutory 'Guidance for Householders'.

With respect to privacy, the proposal does not introduce any direct internal window to window conflict. There will be no unreasonable impact on privacy.

With respect to overlooking, the direct outlook from the roof terrace would be screened by the masonry privacy screen. While minor overlooking opportunities may be available to the side, the impact from this would be less than the current overlooking from rear windows. There will be no unreasonable impact from overlooking.

In terms of overshadowing, the hour by hour sunlight analysis demonstrates the proposal will introduce some overshadowing, however, there is a minimal difference in sunlight impact between the existing and proposed. There will be no unreasonable impact to sunlight.

In terms of physical impact, the scale, form and design of the proposal has been assessed above and demonstrated the visual impact the proposal would have on the properties. While the distance of the privacy wall to the neighbouring windows would benefit the proposal, the overall scale of this wall in relation to the existing condition would introduce a physical impact to the outlook of these properties.

Similarly, the introduction of a roof terrace at first floor level would provide a new external noise source at a raised level which may impact the neighbourhood amenity. The scale of the roof terrace at 12 square meters would present the opportunity for a long dwell time in this new external area and while noise may be partially mitigated by the privacy screen, there will likely be an increased noise impact as a result. The introduction of a new noise source at a high level would not be characteristic of the neighbouring amenity, and therefore would be an unreasonable impact to the neighbouring amenity.

While the proposal would present a conflicting assessment of neighbouring amenity, compliance with the Development Plan is expected. Therefore, compliance with privacy, overlooking and sunlight would not justify the acceptance of noise impact from the proposed roof terrace. Therefore, the proposal would not comply with NPF 4 policy 16g)ii) and LDP Policy Des 12b) and c).

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

The proposals will have due regard for the global climate, but the proposed design would be damaging for the character of the surrounding area as it does not reinforce the distinct traditional architectural style of the area. The proposal is not an acceptable scale, form, and design, and is not compatible with both the existing building or the wider area. The proposal would introduce a noise impact which is an unreasonable loss of neighbouring amenity. Therefore, proposals do not comply with the overall objectives of the Development Plan.

**b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

Emerging policy context

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

Seven objections have been received, summarised as:

*material considerations*

Impact on the traditional character and setting - addressed in section a) above.

Impact from overshadowing - addressed in section a) above.

Impact from overlooking - addressed in section a) above.

Impact on privacy - addressed in section a) above.

Impact from noise - addressed in section a) above.

*non-material considerations*

Impact from construction access - This is a non-material planning consideration as access cannot be controlled through Planning legislation and would be a civil matter between owners.

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

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

### **Overall conclusion**

The proposed works to the dwelling are not in accordance with the Development Plan. The works will have due regard to global climate and nature crisis but are an inappropriate design which is not compatible with the existing dwelling or the surrounding neighbourhood character; the works will result in the unreasonable loss of neighbouring amenity through noise impact. There are no material considerations which indicate the proposal should be approved. Therefore, the proposal is not acceptable and is refused.

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

The recommendation is subject to the following;  
**Conditions**

### **Reasons**

#### **Reason for Refusal**

1. The proposal does not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the proposal does not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.
2. The proposal does not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area.
3. The proposal does not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.
4. The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.

## **Background Reading/External References**

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

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

**Date Registered: 28 October 2022**

**Drawing Numbers/Scheme**

01 - 07

Scheme 1

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

Contact: Blair Burnett, Assistant Planning Officer  
E-mail: [blair.burnett@edinburgh.gov.uk](mailto:blair.burnett@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

No consultations undertaken.