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Decision date: 1 May 2023

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

Replace 3 single glazed windows with double glazed units. Style and opening method will match existing but replacement units to be uPVC instead of timber.
At 1F2 16 Eyre Place Edinburgh EH3 5EP

Application No: 23/00555/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 14 March 2023, 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 is contrary to National Planning Framework Policy 7(d) and 7(e) in respect of proposals in or affecting conservation areas as the proposed works would not preserve or enhance the character and appearance of the New Town Conservation Area.
2. The proposal is contrary to National Planning Framework Policy 16 (g) (i) in respect of householder development as the proposed works would have a detrimental impact on the character of the home and the surrounding area in terms of materials.

3. The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan as the proposed works are not compatible with the character of the existing building and will be detrimental to neighbourhood amenity and character.

4. The proposal is contrary to the Council's Non-Statutory Guidance for Listed Buildings and Conservation Areas as it would involve the installation of UPVC windows to a property in a conservation area.

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

Drawings 01 - 05, 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 or section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. While the proposals will provide due regard to the global climate and nature crisis, the works are incompatible with the existing dwelling and surrounding neighbourhood character and would have an adverse impact on the character and appearance of the New Town Conservation Area. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is unacceptable.

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 James Armstrong directly at james.armstrong@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 or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Report of Handling

Application for Planning Permission
1F2 16 Eyre Place, Edinburgh, EH3 5EP

Proposal: Replace 3 single glazed windows with double glazed units. Style and opening method will match existing but replacement units to be uPVC instead of timber.

Item – Local Delegated Decision
Application Number – 23/00555/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 or section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. While the proposals will provide due regard to the global climate and nature crisis, the works are incompatible with the existing dwelling and surrounding neighbourhood character and would have an adverse impact on the character and appearance of the New Town Conservation Area. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a first floor flat situated within a tenement building located on the southern side of Eyre Place. The surrounding area is predominately residential in character.

The application site is located within the New Town Conservation Area and New Town Gardens and Dean Historic Garden Designed Landscape.

Description Of The Proposal

The proposal seeks planning permission to replace three single glazed timber windows on the principal elevation of the building with UPVC double glazed units. The window style and opening method of the replacement windows will match the existing windows.

Supporting Information

- Photo of new window style

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history was identified.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 15 March 2023

Date of Advertisement: 24 March 2023

Date of Site Notice: 24 March 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- 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 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 harm the character or appearance of the conservation area?

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The proposals would result in harm to the character or appearance of the conservation area as the proposed windows do not match the original materials used. The predominant material used for window frames in this tenement building and other buildings in the surrounding area is timber, an element that contributes to the appearance of surrounding buildings and the character of the wider area. The proposed uPVC double glazed windows would contribute to the erosion of this predominance, and would have an adverse impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

The works will harm the special character and appearance of the conservation area.

The proposals are not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) 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 policies to be considered are:

- NPF4 Policy 1
- NPF4 Policy 7d
- NPF4 Policy 7e

- NPF4 Policy 16g
- LDP Design policies Des 12

The non-statutory 'Listed Building and Conservation Area' guidance and 'Guidance for Householders' are material considerations that are relevant when considering NPF4 policies 1, 7d, 7e and 16g and LDP policy Des 12.

Global climate and nature crisis

Policy 1 of the NPF4 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 through:

Enabling development and empowering people to shape their places.

Further energy saving standards and carbon reduction measures will be considered during the building standards process.

There is not considered to be any significant conflict with Policy 1 of NPF4.

Scale, form, design and neighbourhood character

The proposals are incompatible with the design of the existing dwelling. As detailed in section a) of the assessment, the proposals will not preserve the character and appearance of the conservation area and built features which contribute to character. Whilst the building is not listed, it is of a traditional design and located in a conservation area. The replacement windows will not match the original timber material used. In addition, the Council's Non-Statutory Guidance for Listed Building and Conservation Area guidance states that replacement windows and doors on all elevations of unlisted properties of a traditional design within conservation areas must match the original proportions, appearance, materials, and opening method, and that alternative materials such as uPVC will not be acceptable.

The proposals do not comply with NPF4 policies 7 (d) (e), 16g(i), LDP policy Des 12 and the Council's Non-Statutory Guidance for Listed Buildings and Conservation Areas.

Conclusion in relation to the Development Plan

The proposals will have due regard for the global climate and nature crisis. However, the proposals would involve the installation of windows which are incompatible with the character and appearance of the existing dwelling and the surrounding neighbourhood character. The proposals do not comply with the overall objectives of the Development Plan and are contrary to NPF4 policies 7 (d) (e), 16g(i), LDP policy Des 12 or the Council's Non-Statutory Guidance for Listed Buildings and Conservation Areas.

c) 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.

Objection Comments

material considerations

- Proposal is contrary to the development plan and non-statutory guidance - addressed in Section (b) of the main report.
- Proposal does not preserve the character or appearance of the conservation area - addressed in Sections (a) and (b) of the main report.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposals are not in accordance with the Development Plan and are unacceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed works to the dwelling would have an adverse impact on the character and appearance of the New Town Conservation Area and the works are not compatible with the existing dwelling or surrounding neighbourhood character. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is unacceptable and it is recommended that the application be refused.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposal is contrary to National Planning Framework Policy 7(d) and 7(e) in respect of proposals in or affecting conservation areas as the proposed works would

not preserve or enhance the character and appearance of the New Town Conservation Area.

2. The proposal is contrary to National Planning Framework Policy 16 (g) (i) in respect of householder development as the proposed works would have a detrimental impact on the character of the home and the surrounding area in terms of materials.

3. The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan as the proposed works are not compatible with the character of the existing building and will be detrimental to neighbourhood amenity and character.

4. The proposal is contrary to the Council's Non-Statutory Guidance for Listed Buildings and Conservation Areas as it would involve the installation of UPVC windows to a property in a conservation area.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 14 March 2023

Drawing Numbers/Scheme

01 - 05

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 23/00555/FUL

Application Summary

Application Number: 23/00555/FUL

Address: 1F2 16 Eyre Place Edinburgh EH3 5EP

Proposal: Replace 3 single glazed windows with double glazed units. Style and opening method will match existing but replacement units to be uPVC instead of timber.

Case Officer: Householder Team

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined the proposal for replacement windows to a tenement flat which lies within the New Town Conservation Area, and we object.

The proposal is to replace the existing two-over-one asymmetric timber sash and case windows with uPVC sliding sashes. These are non-traditional in material and form, and the use of uPVC is contrary to Edinburgh Council Guidance for Listed Buildings and Conservation Areas (Oct 2022) which is explicit that 'uPVC will not be acceptable.' New windows should be formed in timber, traditionally detailed with weights and pulleys, in line with HES Managing Change in the Historic Environment: Windows (Feb 2020), which states 'replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials.'

No dimensions or profiles are included for the proposed astragals. In line with HES guidance (above), these should accurately match the existing slender astragals to maintain the unified aesthetic of the streetscape.

The dimensions of the proposed Insulated Glass units (IGUs) have a cavity of 16mm. In line with Edinburgh Council guidance (above), this should be slimline with a cavity of a maximum of 6mm.

These elements of the proposal fail to preserve or enhance the character of the conservation area, contradict Edinburgh Council guidance and conflicts with the Local Development Plan policy ENV 6. We therefore object to these proposals.