

Development Management Sub-Committee Report

Wednesday 6 December 2023

**Application for Planning Permission
29 Paisley Gardens, Edinburgh, EH8 7JN**

**Proposal: Reform the existing roof to create more bedroom space.
(AS AMENDED)**

**Item – Committee Decision
Application Number – 23/03834/FUL
Ward – B14 - Craigentiny/Duddingston**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because it has received twenty-six objections and is recommended to be approved. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposed works to the dwelling are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character, are considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable and complies with National Planning Framework 4 Policy 1, Policy 16g, Edinburgh Local Development Plan Policy Des 12, and the non-statutory Guidance for Householders.

SECTION A – Application Background

Site Description

The application refers to a 1.5 storey detached bungalow located at the end of a cul-de-sac in Paisley Gardens, Willowbrae.

The site features a front and rear garden, with an existing single storey rear extension and detached garage. The bungalow has a hipped roof with a front dormer, gable end to the rear with a dormer bay window, and rooflights on the north and south roof elevations.

The surrounding area is residential, predominately with detached properties of various styles. The property sits at an elevated position and backs on to Holyrood Park a designated Garden and Designed Landscape, Scheduled Monument, and area of Green Belt and Open Space.

Description of the Proposal

It is proposed to replace the property's existing hipped roof with a new hipped roof at a 50-degree pitch with a replacement dormer, rooflights and a Juliet balcony to the rear.

Amendments

The proposal was updated to remove two large north elevation rooflights serving a bedroom, these were replaced with a single small rooflight. Drawing information notes were updated and a section drawing provided to provide more clarity. These changes alleviate concerns raised in public representations and do not raise new material planning considerations; therefore, no further neighbourhood notification was required.

Relevant Site History

07/02372/FUL
29 Paisley Gardens
Edinburgh
EH8 7JN
Garage/playroom + studio
Granted
10 September 2007

15/01228/FUL
29 Paisley Gardens
Edinburgh
EH8 7JN
Rear extension and detached garage (as amended).
Granted
22 May 2015

15/01228/VARY.
29 Paisley Gardens
Edinburgh
EH8 7JN
Non-material variation for 15/01228/FUL.
VARIED
23 December 2015

Other Relevant Site History

None

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 5 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 26

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 16g.
- LDP Design policy Des 12.

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

Global climate and nature crisis

Policy 1 of National Planning Framework 4 prioritises the climate and nature crisis in all decisions. It has been applied together with other policies in NPF4 and the overall intended outcome of NPF4. The proposal will have a neutral impact on sustainability and the environment. On balance, the proposed development does not conflict with the intended outcomes of NPF4 and thus, complies with NPF4 Policy 1.

Scale, Form, Design, and Neighbourhood Character

Policy 16g) i) of National Planning Framework 4 states development will be supported where there is no detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design, and materials.

Policy Des 12a) and c) of the Edinburgh Local Development Plan states that planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building; and will not be detrimental to neighbourhood character.

The non-statutory 'Guidance for Householders' sets out design requirements for bungalow alterations, which states that bungalow roof alterations should be in keeping with the existing hipped roof design; must respect the original design of the property; and must not imbalance the primary elevation.

The proposal would increase the pitch of the roof from 35 degrees to 50 degrees, however the property would still maintain the hipped roof appearance and the interpretation of a bungalow property would not be altered.

The proposed alteration to the front dormer and rooflights would be suitable for a residential roof. In place of an existing rear dormer bay window, the proposal would create a 'Juliet balcony' which has sliding doors opening to a fixed glass balustrade. A Juliet balcony is fixed flat to the façade of the dwelling and does not form an external rear terrace or 'walk on' balcony. This design is suitable for a residential property and would be compatible with the fenestration of the host dwelling.

The wider area of Paisley Gardens features various build types and forms, the alteration to the roof design would not be an incongruous feature within this context. The scale of the alterations is suitable for a residential property and a minor variation from the existing roof form. The proposal is not of a scale which would interrupt or harm the setting and of Holyrood Park.

Therefore, the proposals are of an acceptable scale, form and design and are compatible with the existing bungalow dwelling and the surrounding area. The proposal complies with NPF 4 policy 16g)i); LDP Policy Des 12a) and c); and the non-statutory Guidance for Householders.

Neighbouring Amenity

Policy 16g)i) of National Planning Framework 4 states development will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Policy Des 12b) and c) of the Edinburgh Local Development Plan states that planning permission will be granted for alterations and extensions to existing buildings which will not result in an unreasonable loss of privacy or natural light to neighbouring properties; and will not be detrimental to neighbourhood amenity.

The non-statutory 'Guidance for Householders' sets out tests and requirements with respect to privacy, overlooking, physical impact, overshadowing and loss of daylight or sunlight, the proposals have been assessed against these requirements.

The proposed changes to the roof would comply with the tests outlined in the Guidance for Householders and would not introduce an unreasonable impact to the neighbouring daylight or sunlight amenity.

The proposal includes replacement rooflights to side elevations. These do not introduce new privacy issues and comply with the Guidance for Householders. The guidance outlines that windows on side gables, as often found on bungalows, are not protected in terms of privacy unless they are more than 9 metres from the boundary. In this situation there are existing windows on the host and neighbouring properties, and these are already less than 9 metres from the boundary.

With respect to overlooking, there is existing potential for overlooking from the three-north elevation rooflights and rear bay window, however, there is also natural screening provided by the trees and foliage along the boundary treatment between the properties. The proposal, as amended, has replaced two large rooflights with a single small rooflight to match others on the north elevation in a manner similar to the existing fenestration. Considering the amendment, the existing situation, and natural screening provided, the proposal would not introduce an unacceptable level of overlooking and there would be no unreasonable impact to neighbouring amenity.

With regard to noise, the planning authority cannot control the use of private residential space or prejudice an application based on potential use. Residential noise which qualifies as a statutory nuisance can be mitigated through the provisions of the Environmental Protection Act 1990.

The proposals will not result in any unreasonable loss to neighbouring amenity. The proposal complies with NPF 4 policy 16g) ii), LDP Policy Des 12b) and c), and the non-statutory Guidance for Householders.

Conclusion in relation to the Development Plan

The proposals have due regard to global climate and nature crisis, are of an acceptable scale, form, and design, are compatible with both the existing building and neighbourhood character and do not result in an unreasonable loss of neighbouring amenity. Therefore, the proposals 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 on the Proposed City Plan 2030 and its supporting documents. These documents have now been submitted 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 City Plan 2030 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

There have been 26 objections received, these have been summarised as:

material considerations

- Impact to surrounding neighbourhood character - assessed in section a) above.
- Impact to natural setting of Holyrood Park - assessed in section a) above.
- Impact on neighbouring internal privacy and overlooking to gardens - assessed in section a) above.
- Concern for privacy and overlooking impact from the north/side elevation rooflights - assessed in section a) above.
- Concern for privacy and overlooking impact from the rear Juliet balcony - assessed in section a) above.
- Concern for the introduction of an external 'walk on' balcony - assessed in section a) above.

non-material considerations

- Concern for residential noise impact - This is a non-material planning consideration because the planning authority cannot control the use of private residential space. There are statutory provisions to mitigate these concerns under the Environmental Protection Act 1990.
- Concern for flue height - This is a non-material planning consideration because there are no planning requirements for flue heights. This aspect will be considered by Building Standards during a building warrant application.
- Impact on property value - This is a non-material planning consideration because private property values are not safeguarded by the planning process or legislation.

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 in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character, are considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable and complies with National Planning Framework 4 Policy 1, Policy 16g, Edinburgh Local Development Plan Policy Des 12, and the non-statutory Guidance for Householders.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The development proposal includes a flue. The associated solid fuel stove/burner, which does not require planning permission, should be an 'exempt appliance' in terms of the Clean Air Act 1993 and the City of Edinburgh Council's Smoke Control Area Orders. Advice on this matter is available at http://www.edinburgh.gov.uk/info/20237/pollution/312/smoke_control or by contacting Environmental Assessment on 0131 469 5475 / email environmentalassessment@edinburgh.gov.uk

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 30 August 2023

Drawing Numbers/Scheme

01, 02, 03, 04A

Scheme 2

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The City of Edinburgh Council

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Summary of Consultation Responses

No consultations undertaken.

Location Plan



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