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**Decision date: 24 August 2023**

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

Change of use from office to short term let.  
At 17 Fowler Terrace Edinburgh EH11 1DD

**Application No: 23/00087/FULSTL**

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 16 January 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 Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

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

Drawings 01, 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e)(i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. 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 Lesley Porteous directly at [lesley.porteous@edinburgh.gov.uk](mailto:lesley.porteous@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.

# Report of Handling

**Application for Planning Permission STL  
17 Fowler Terrace, Edinburgh, EH11 1DD**

**Proposal: Change of use from office to short term let.**

**Item – Local Delegated Decision  
Application Number – 23/00087/FULSTL  
Ward – B09 - Fountainbridge/Craiglockhart**

## **Recommendation**

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

## **Summary**

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e)(i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## **SECTION A – Application Background**

### **Site Description**

The application site is on the ground floor of a four storey tenement at 17 Fowler Terrace. The property is at the corner of Fowler Terrace and Bryson Road and is currently a commercial office. It has its own access off the main street. The change of use will create two bedrooms, a lounge/dining room, kitchen, auxiliary room, shower room and WC. There is a basement level which is currently used for office storage and this will be used for linen storage. There is access to a shared rear garden.

The immediate surrounding area is predominantly four storey residential. There is a general grocer's store at the opposite corner of Fowler Terrace. There are two commercial offices at the corner of Fowler Terrace and Watson Crescent.

### **Description Of The Proposal**

The application is for a change of use from office to short term let (sui-generis). No internal or external physical changes are proposed.

### **Supporting Information**

National Planning Framework 4 - Planning Statement.

### **Relevant Site History**

05/03337/FUL  
17 Fowler Terrace  
Edinburgh  
EH11 1DD

Alterations and change of use of existing shop to form two 1 bedroom flats  
Refused

7 November 2006

07/02803/FUL  
17 Fowler Terrace  
Edinburgh  
EH11 1DD  
Change of use from shop to office  
Granted

2 August 2007

### **Other Relevant Site History**

No other relevant planning site history.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 17 January 2023

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 9

## **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**

### **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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Guidance for Businesses' 2023 is a material consideration that is relevant when considering change of use applications.

### Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relates to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to a short term let will have regard to:

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

### *Amenity*

The application property has its own main door access off Fowler Terrace. The character of the surrounding area is predominantly residential with a grocer's shop opposite and two offices at the south end of Fowler Terrace.

The applicant has provided a planning statement highlighting that the STL use will not impact on the amenity of the area as it has its own main door entrance, only has two bedrooms so will not attract large groups, and there will be no access provided to the rear shared garden. The statement also offers that there is a good bus service accessible from the site so there will be no impact on parking in the street.

As the area is primarily residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling at unsociable hours. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise described above would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The property is currently a commercial office, therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

### *Parking standards*

There is no allocated car parking at the application property. The site is accessible by public transport within a 5-minute walk. There is no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

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

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. There is no loss of residential accommodation. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) (i) and LDP policy Hou 7.

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

The following material planning considerations have been identified:

#### Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

A summary of the representations is provided below:

##### *material considerations*

- Negative impact on residential amenity. Addressed in a) above.
- Negative impact on the character of the area. Addressed in a) above.
- Destroys sense of community and threatens security. Addressed in a) above.
- Negative impact on parking. Addressed in a) above.

##### *non-material considerations*

- Negative impact on housing stock. There is no loss of housing with this application.
- Bins are already overflowing. A waste strategy should be agreed with CEC Waste services.
- No mention of trees on the plan. The application is assessed on the information included on the plans.



- The basement is prone to flooding. This is not a material planning consideration as the application is for change of use.
- There are too many short term lets in the area. The application must be assessed on its individual merits.
- There are plenty hotels in the city. This is not a material planning consideration.

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

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

### **Overall conclusion**

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e)(i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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

The recommendation is subject to the following;

### **Reason for Refusal**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

### **Background Reading/External References**

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

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

**Date Registered: 16 January 2023**

**Drawing Numbers/Scheme**

01, 02

Scheme 1

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

Contact: Lesley Porteous, Planning Officer  
E-mail: [lesley.porteous@edinburgh.gov.uk](mailto:lesley.porteous@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.

## Appendix 2

### **Application Certification Record**

#### **Case Officer**

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Lesley Porteous

Date: 11 August 2023

#### **Authorising Officer**

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elizabeth McCarroll

Date: 23 August 2023

# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Local1 Team

## Customer Details

Name: Ms Julie Molina

Address: 8 Bryson Road Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I assume this is to be an Airb&b property which I strongly object to. Aside from the ethical issues (lack of rental properties for residents, lack of sense of community, there are already surplus hotels in the city, the current property crisis and generation rent, high rents for substandard properties, dwindling rentals available) our flat shares a garden with this building and I do not feel safe or happy with the prospect of strangers sharing the space and the possible parties and/or barbecues as my children's bedroom is beside the garden. Personally I would prefer short term let's be banned citywide, but if the building is for longer rents (6 months plus) then I understand

# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Local1 Team

## Customer Details

Name: Mrs Christine Williamson

Address: 4 Bryson Road Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We respectfully ask that short term lets are not allowed in this property. The transient nature of them in general puts our community under more pressure as regards garbage disposal, parking and noise, plus some potential security issues for the shared gardens and flats of 4-8 Bryson Road, and 13 Fowler Terrace.

Additionally, this property is directly adjoined to mine by a common wall and the doors to the garden for both are in close proximity already. Due to long term mental health issues my husband will not cope well with a change of occupancy every few days or weeks.

A short assured tenancy would be more acceptable, especially given the housing shortage in the city.

I hope you can understand put position. Thank you

# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Local1 Team

## Customer Details

Name: Mr Benjamin Kershenbaum

Address: 3F1 Bryson Road Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a resident in this area I would like to see this neighbourhood avoid short term lets, unlike the rest of Edinburgh

# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Local1 Team

## Customer Details

Name: Mr Elliott Parry

Address: 20/9 Fowler Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed conversion of this business unit into a residential short term let on the grounds that there is already too many short term lets and lets in general in the area and concerns of anti-social behaviour having such a let in the street might have to residence and home owners in the immediate area.



# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Local1 Team

## Customer Details

Name: Mr Pablo Bessone

Address: 3F2 26 Fowler Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I find it interesting that at the same time the council is trying to crack down and limit the amount of short lets in the city, and when we are in the middle of a residential housing crisis, you are even considering letting a developer convert a shop into a short let accommodation.

Isn't the city trying to reduce residential units being converted into short term lets to increase the supply of residential units so people in the city have a place to live?

Do not convert the shop into a short term let, either convert it into a single residential unit where a family can live and supports other local businesses, or keep the premises as a shop and incentivise the owners to either let it out or open another business themselves that supports your idea of 20-minute neighbourhoods. Having a good GP practice in the neighbourhood would be ideal for instance!

# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Local1 Team

## Customer Details

Name: Ms Inger Wolff

Address: 10/9 Bryson Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Potential noise in garden from parties, late bbqs etc. Regular strangers in the garden thereby invading personal space. Will be difficult to assess strangers or criminals? Raised anxiety in nearby properties. General insecurity.

# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Improvement Team

## Customer Details

Name: Ms Rona Edington

Address: 13/9 Fowler Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Do not agree with more short-term lets in the immediate area.

There is a strong chance of extra noise and disruption to neighbours.

Extra rubbish will be added to the bins outside which are already a problem, particularly with bottles being left and not disposed off in nearest bottle bin.

No 17 is a larger space which could accommodate larger groups. Again, more unnecessary noise and disturbance for neighbours.

Security of tenement back areas. Presently, office has access to back garden/shared space.

## **Planning Application Objection . From Kay Smith 3F1 7 Bryson Road Edinburgh EH11 1ED**

I wish to object to the planning application CEC 23/00087/FULSTL regards 17 Fowler Terrace for change of use of premises from office to short term letting accommodation. Applicant is V7 Business Ltd which is a London based Real Estate private limited company. The premise is on the corner of Bryson Road (city centre end). next to no 4 Bryson road and opposite no7 where I live.

Size of premises according to the plan is 320 square feet. The refurbishment involves, on the ground floor, two bedrooms, a spacious communal area, a shower room and kitchen. In addition there is a separate laundry room.

The basement is being retained as storage, in particular for linen. This indicates the owner/manager anticipates a high turnover of customers and/ or laundry being brought in from other premises/businesses, as local intelligence has suggested.

The existing windows are to remain. These are large shop front style windows which take up the majority of the frontage space.

In the application it has been stated that there are no flooding issues. The property has a basement (earmarked for storage). I have been told by the owner/occupier of 11 Dundee Terrace (opposite side of terraced flats at the back of no 17) that his basement and those of the basements of neighbouring properties have, in periods of heavy rain, been seriously affected by internal flooding. This has been due, I'm told, to the local public drainage systems not being able to clear the extra water ie been flooded .

Another drainage problem has recently affected the basement of The Premier Store on the opposite corner of Bryson Road and the City Council has had to dig up the street and pavement and clear out sewage pipes.

Scottish Water has disclosed via FOI that in the past three years it has had 11 Waste Water Customer Contacts from Fowler Terrace/ Dundee Terrace and Bryson Road – four of which, dating back to 2021, are still active. Direct flooding from the near by canal does not appear to be a problem.

There are two large trees , planted many years ago by the Council which are within stepping distance of the front door of this corner property. No mention is made of these in the plans.

My main concern however is the impact of short term letting activities at no17 Fowler Terrace on my local area.

Bryson Road and Fowler Terrace are between but not on the main routes of Dundee Street / Fountainbridge and Polwarth Terrace. Therefore through traffic wise it is a relatively quiet location.

There are however already 614 Air BnBs in the area from mid Gorgie to Bruntisfield. Within the more immediate North Merchiston area there are 144, many scattered within tenement blocks. Under the proposed plans there would be direct main door access into 17 Fowler Terrace.

Local impacts could include increased footfall along with rattling suitcase trolleys; noise, party flat activity, vans/cars using (illegally) the wide pavement area at this corner of Bryson Road for parking and increased pressure on the existing bumper to bumper street parking.

At this corner on both sides of Bryson Road, there are multiple communal refuse bins which are already often overflowing. This is unsightly, unhygienic and a source of food for the many gulls who nest on the tenement roof tips in spring and summer. Every time temporary residents and visitors come and go, they dump their rubbish around these bins. They don't take it away with them.

Last summer there was an overpowering smell from these bins. And on more than one occasion overflowing bags of left over foodstuffs dumped beside these bins. These pressures on the local environment would increase if no17 Fowler Terrace is allowed to operate a two bedroom short term letting accommodation.

Regards Kay Smith

# Comments for Planning Application 23/00087/FULSTL

## Application Summary

Application Number: 23/00087/FULSTL

Address: 17 Fowler Terrace Edinburgh EH11 1DD

Proposal: Change of use from office to short term let.

Case Officer: Improvement Team

## Customer Details

Name: Dr Mairianna Clyde

Address: 69 Merchiston Crescent Edinburgh

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Merchiston Community Council wishes to OBJECT to this application. It is a change of use from commercial to residential but in the category of short term let. It will not provide permanent residential capacity but will be a use type of temporary residence with high turnovers aimed at holiday makers within a communal tenement building which could be disturbing to residents even though the flat will have its own entrance from the street. This is due to the tight urban fabric and the high population density in the street and surrounding streets.

We note that there are 614 AirBnBs from mid-Gorgie to Bruntsfield and closer to the proposed site, in North Merchiston there are 144. There is therefore more than adequate existing provision in this use class.

Mairianna Clyde