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Mr Marshall
9 Kinleith Mill Road
Currie
EH14 6AX

Decision date: 5 June 2024

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

Proposed rear dormer loft conversion.
At 9 Kinleith Mill Road Currie EH14 6AX

Application No: 24/01781/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 15 April 2024, this has been decided by **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 (NPF) 4 policy 16 g) i as it would have a detrimental impact on the character of the surrounding area in terms of size and design.
2. The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) as its design, form and positioning are not compatible with the character of the existing building and it would be detrimental to neighbouring character.

3. The proposal is contrary to the Council's Non-Statutory Guidance for Householders as its design, form and positioning are not compatible with the character of the existing building and it would be detrimental to neighbouring character.

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

Drawings 01-04, 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 proposed works provide due regard to global climate and nature crisis, and will not result in an unreasonable loss of neighbouring amenity. However, the works are not compatible with the existing dwelling and surrounding neighbourhood character. There are no material considerations which indicate that the proposal should be approved. Therefore, the proposal is not acceptable.

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 Alex Wilson directly at alex.wilson@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision of the planning authority 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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division (DPEA), Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Falkirk, FK1 1XR

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission
9 Kinleith Mill Road, Currie, EH14 6AX**

Proposal: Proposed rear dormer loft conversion.

**Item – Delegated Decision
Application Number – 24/01781/FUL
Ward – B02 - Pentland Hills**

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 proposed works provide due regard to global climate and nature crisis, and will not result in an unreasonable loss of neighbouring amenity. However, the works are not compatible with the existing dwelling and surrounding neighbourhood character. There are no material considerations which indicate that the proposal should be approved. Therefore, the proposal is not acceptable.

SECTION A – Application Background

Site Description

The application relates to a two storey end of terrace dwelling located to the south eastern side of Kinleith Mill Road. The surrounding area is residential in character.

Description Of The Proposal

The application proposes the erection of a flat roofed rear dormer window located to the south eastern roof slope.

Permitted Development & Not Development

The internal alterations do not constitute development under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). No assessment of its merits is therefore required as part of this planning application.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 15 April 2024

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

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 policies to be considered are:

- NPF4 Policy 1
- NPF4 Policy 16g
- LDP Design policies 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 NPF4 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

Edinburgh Local Development Plan (LDP) policy Des 12 (alterations and extensions) states that permission will be granted for alterations and extensions that in design, form, materials and positioning are compatible with the character of the existing building and will not be detrimental to the neighbourhood character. Furthermore, the Guidance for Householders states the relationship between a dormer and its surroundings is particularly important. Dormers should not dominate the form of the roof.

The application dwelling forms part of a row of terrace dwellings of which are uniform in appearance, including materials and window detailing. The roof forms of these dwellings are unaltered as viewed from the Kinleith Mill Road and the Water of Leith Walkway to the rear.

The width of the dormer measuring 5.199 metres, as indicated, would occupy approximately 88% of the existing roof width. This width, in combination with the overall height and depth of the proposed dormer would represent an addition that is disproportionate in scale compared to the existing host dwelling. Whilst the dormer will be sited to the rear, it will be clearly visible from public vantage points to the south of the property, for instance when viewed from the Water of Leith Walkway and the car parking area to the side of the property.

The scale of dormer would result in a dominant, bulky addition to the roof slope at odds and harmful to the character of this row of unaltered terraced properties and uncharacteristic in the context of the surrounding area. It is acknowledged that there are dormer windows featured to properties located to the northern side of Wintour Lane. However, these dormer windows feature a pitched roof and are moderate in size and scale, being set down from the roof ridge and moderate in width. There are no large flat roof dormers in the wider area.

The proposal does not comply with NPF 4 policy 16g)i) and LDP Policy Des 12a).

Neighbouring Amenity

With respect to privacy, overlooking, physical impact, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. Given the rearward projection of the proposed dormer towards the Water of Leith, it will not result in harmful overlooking onto neighbouring properties.

The proposal complies with NPF 4 policy 16g)iii) and LDP Policy Des 12b) and c).

Conclusion in relation to the Development Plan

The proposals have due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the proposal is not of an acceptable scale, form and design, and is not compatible the existing building and neighbourhood character.

Therefore, the proposal does 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 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

No comments have been received.

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 proposed works are considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring amenity. However, the works are not compatible with the existing dwelling and surrounding neighbourhood character. There are no material considerations which indicate that the proposal should be approved. Therefore, the proposal is not acceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to National Planning Framework (NPF) 4 policy 16 g) i as it would have a detrimental impact on the character of the surrounding area in terms of size and design.
2. The proposal is contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) as its design, form and positioning are not compatible with the character of the existing building and it would be detrimental to neighbouring character.
3. The proposal is contrary to the Council's Non-Statutory Guidance for Householders as its design, form and positioning are not compatible with the character of the existing building and it would be detrimental to neighbouring character.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 15 April 2024

Drawing Numbers/Scheme

01-04

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Alex Wilson, Assistant Planning Officer
E-mail: alex.wilson@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 Delegated Decision, decision-making route.

Case Officer: Alex Wilson

Date: 5 June 2024

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): Emma Fitzgerald

Date: 5 June 2024