

Studio DuB.  
FAO: Gordon Duffy  
17A-2 West Crosscauseway  
EDINBURGH  
United Kingdom  
EH8 9JW

Mr Dean Kerslake.  
Flat 6  
14 York Place  
Edinburgh  
EH1 3EP

**Decision date: 24 September 2019**

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

Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.  
At Flat 6 14 York Place Edinburgh EH1 3EP

**Application No:** 19/03581/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 29 July 2019, 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;

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would detract from the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed alterations will not be in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.

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

Drawings 1-9, 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 proposal does not comply with the development plan and Council's non-statutory guidance as the alterations would be detrimental to the character and appearance of the New Town Conservation Area. It will have an adverse impact on the unique architectural and historical character of the listed building. There are no other material considerations to outweigh this conclusion.

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 Jennifer Zochowska directly on 0131 529 3793.

*D R Leech*

**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 19/03581/FUL

At Flat 6, 14 York Place, Edinburgh

Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

Item	Local Delegated Decision
Application number	19/03581/FUL
Wards	B11 - City Centre

## Summary

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The proposal does not comply with the development plan and Council's non-statutory guidance as the alterations would be detrimental to the character and appearance of the New Town Conservation Area. It will have an adverse impact on the unique architectural and historical character of the listed building. There are no other material considerations to outweigh this conclusion.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES12, LEN04, LEN06, NSG, NSHOU, NSLBCA, OTH, CRPNEW,
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# Report of handling

## Recommendations

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**1.1** It is recommended that this application be Refused for the reasons below.

## Background

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### 2.1 Site description

The site lies on the north side of York Place. The property is a top floor flat of a 18th century terraced classical stone built house. It is Category A listed building and was listed on 14.09.1966 (LB ref 29980). It is within a street of similar designed properties. The surrounding area is predominantly residential in nature and is characterised by classical style houses and flats.

This application site is located within the New Town Conservation Area.

### 2.2 Site History

29 July 2019 - An application for listed building consent was submitted to replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights (application number 19/03582/LBC). This is pending decision.

## Main report

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### 3.1 Description Of The Proposal

The proposal is to replace the existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

To address these determining issues, it needs to be considered whether:

- a) The proposal will preserve or enhance the character and appearance of the New Town Conservation Area;
- b) The proposal will have an adverse impact on the unique architectural and historical character of the listed building,
- c) The proposal will have an adverse impact on residential amenity; and
- d) Any comments raised have been addressed.

#### a) Character and Appearance of the New Town Conservation Area

Policy Env 6 of the LDP states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal. The New Town Conservation Area Character Appraisal highlights the important role which original historic buildings play in contributing to the wider character of the area , stating: *The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, strongly contributes to the character of the area.*

The rear of the building is visible from Dublin Street Lane South and the proposed alterations to the roof profile will be visible from this public elevation. The proposed dormer by way of its design and relationship with the existing bow -fronted dormer will have a detrimental impact on the character and appearance of the conservation area.

The proposal will have a detrimental impact on the character and appearance of the New Town Conservation Area.

The proposal does not comply with LDP policy Env 6.

#### b) Impact on the Unique Architectural and Historical Character of the Listed Building

Policy Env 4 of the adopted Edinburgh Local Development Plan (LDP) states that proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures

or diminish its interest and where any additions are in keeping with other parts of the building.

While the rear elevations along the north side York Place exhibit a mix of dormers,, they are generally traditional in their appearance and do not incorporate the features proposed here. Historic Environment Scotland have concerns that the proposed dormer would negatively impact on the appearance and character of this former townhouse.

The non-traditional form of the proposed structure and visibility from street level would have an adverse impact on the unique architectural and historical character of the listed building and does not comply with LDP policy Env 4.

#### c ) Residential Amenity

There is existing overlooking at upper levels so the proposal will have no significant effect on the residential amenity.

#### d) Public Comment

No comments have been received.

#### Conclusion

The proposal does not comply with the development plan and Council's non-statutory guidance as the alterations would be detrimental to the character and appearance of the New Town Conservation Area. It will have an adverse impact on the unique architectural and historical character of the listed building. There are no other material considerations to outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would detract from the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed alterations will not be

in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.

## **Risk, Policy, compliance and governance impact**

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**4.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **5.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Consultation and engagement**

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### **6.1 Pre-Application Process**

There is no pre-application process history.

### **6.2 Publicity summary of representations and Community Council comments**

The application was advertised on 9th August 2019 and no representations were received.

## **Background reading / external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

## **Statutory Development**

### **Plan Provision**

The site lies within the urban area of the Edinburgh Local Development Plan where it is designated as lying within New Town Conservation Area.

### **Date registered**

29 July 2019

### **Drawing numbers/Scheme**

1-9,  
Scheme 1

David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer  
E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

#### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

#### **Other Relevant policy guidance**

**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.

# Appendix 1

## Consultations

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No consultations undertaken.

END

# Comments for Planning Application 19/03581/FUL

## Application Summary

Application Number: 19/03581/FUL

Address: Flat 6 14 York Place Edinburgh EH1 3EP

Proposal: Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

Case Officer: Jennifer Zochowska

## 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: Thank you for the opportunity to comment on the above planning application. The proposals are for alterations to a category A Listed building in the New Town Conservation Area, within Edinburgh's World Heritage Site. The Forth & Borders Cases Panel of the AHSS has considered the proposal and wishes to make the following comments.

While considering these alterations we must note the considerable changes being made to the roof of this A listed building. As a panel we fundamentally disagree with the section of the design statement which states "A change to the roof scape of the subjects would make little difference to the context either of this particular former single house, or to the group as a whole." We feel that adding a dormer to this roof would be considerably detrimental to both the original curved dormers and the roof in general. Council "Listed Buildings and Conservation Area" Guidance, under the heading "Roofs" on page 7, clearly states "The roof, which includes parapets, skews, chimney heads and chimney pots, is an important feature of a building. The retention of original structure, shape, pitch, cladding (particularly colour, weight, texture and origin of slate and ridge material) and ornament is important". The panel firmly agrees that adding a dormer to this roof structure is not acceptable. Furthermore, adding even more roof lights would further contravene the aforementioned guidance.

Accordingly, the AHSS wishes to object to the proposal.

**From:** Gina Bellhouse  
**Sent:** Tue, 10 Mar 2020 11:15:33 +0000  
**To:** Local Review Body;Blair Ritchie;Aidan McMillan  
**Subject:** FW: planning local review body

Hi Aidan,

Please can you ensure that the attached response is added to the LRB papers for 14 York Place on 25 March 2020.

Many thanks,  
Gina.

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**From:** Gordon Duffy <studiodub@mac.com>  
**Sent:** 04 March 2020 17:02  
**To:** Gina Bellhouse <Gina.Bellhouse@edinburgh.gov.uk>  
**Subject:** Re: planning local review body

Gina,

Thanks for confirming the position.

I'm aware that although the LBC Appeal having been decided on 17th Feb '20 in the applicants favour the Reporter's findings were not included or the decision even referred to for information in the previous agenda papers, albeit I am happy that the Panel have sought to continue the Appeal to take the Sc. Gvt's Reporter findings on board.

It appears reasonable to me for the Panel to at least be aware of the outcome of the LBC Appeal, of course i do understand it is for the Panel to decide whether to take the Reporter's findings into account.

For brevity only I copy below the key findings of the Sc Gvt Reporter:

"8. ....On balance therefore I conclude that the proposals would preserve the special architectural or historic features of the building and would in consequence not be contrary to the statutory duty and policies referred to above.

9. Having concluded that the proposals would not impact adversely on the listed building, and being mindful that the principal visual impact would be to the rear overlooking the back service alley and back yard/parking area of the building I conclude that the proposal would preserve the character and appearance of the conservation area and would not be in conflict with the statutory duty and policies outlined above.

10. The council have not suggested any conditions which should be attached to any consent. I consider that the detailed specification contained within the submitted drawings adequately covers all relevant matters related to design and use of materials. I do not therefore consider conditions necessary.

11. Having regard to all the above I conclude that the proposal does not conflict with statute, national or development plan policy and that in consequence listed building consent should be granted. There are no material considerations which lead me to conclude otherwise. “

I would also like to point out an error in the comment by the AHSS which I only just read on issue of the previous set of LRB agenda papers namely that they suggested the proposal was "adding even more roof lights". This is not the case, rather two number existing were being replaced and two other number existing are to be removed.

Kind regards, Gordon

Gordon Duffy Dip ID, MA(RCA), RIBA, FRIAS  
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Chartered Architects, Interior and Urban Designers  
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Decision by Don Rankin, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-230-2188
- Site address: Flat 6, 14 York Place, Edinburgh, EH1 3EP
- Appeal by Mr Dean Kerslake against the decision by City of Edinburgh Council
- Application for listed building consent 19/03582/LBC dated 29 July 2019 refused by notice dated 24 September 2019
- The works proposed: Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights
- Application drawings: 1 to 9
- Date of site visit by Reporter: 11 February 2020

Date of appeal decision: 17 February 2020

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## Decision

I allow the appeal and grant listed building consent. Attention is also drawn to the advisory note at the end of this notice.

## Reasoning

1. The determining issues in this appeal are: (1) whether the proposed alterations, with particular reference to the proposed dormer feature, would alter the architectural integrity of the building to the detriment of the building's special architectural or historic interest and the character and appearance of the conservation area; and (2) whether other material considerations warrant the grant or refusal of consent.

2. The appeal property is a category 'A' listed building. The building was listed in 1966 and forms one of a terrace of such listed buildings on York Place. It falls within the Edinburgh New Town Conservation Area. The building is described in the listing citation as a later 18<sup>th</sup> Century 3 storey, attic and basement, 3 bay terraced classical house. The rear of the property, where the most significant part of the proposed alteration would occur, is described as having predominantly four pane timber sash windows and a grey slate mansard roof with a bow front slate hung dormer. There is also an acknowledgement of the existence of modern skylights. The building is of special interest as it forms part of the Edinburgh New Town 'A' group, a significant surviving part of one of the most important and best preserved examples of urban planning in Britain. The building is clearly of significant architectural and historic interest.



3. The Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 imposes a duty at section 14(2) to have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. The same act imposes a duty at section 64(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Guidance for the implementation of this duty is provided in Historic Environment Policy for Scotland (HEPS) and is also carried forward into the Edinburgh City Development Plan Policies 4 & 6. Essentially there are two strands to these policies. The first is a presumption against alterations to the fabric of a listed building which may result in disproportionate damage likely to adversely impact the architectural or historical significance of the building. The second strand is an acceptance that the best form of preservation of a listed building is the continued beneficial use of such a building and in consequence, without significant damage to its special features of architectural or historic interest, its adaption to modern living standards.
4. Both the council and Historic Environment Scotland accept that the interior of the attic area of the building, the location of the appeal property, has been extensively adapted over the years and now retains very few, if any, original features worthy of preservation. Objections to the proposal are therefore confined to the external impact of the proposed changes. Similarly, various modern skylight features have at different times been introduced into the roofscape. The proposal to alter these skylight features is to update them using approved conservation grade materials. Again, this proposal to update the skylights has not resulted in any objection from either Historic Environment Scotland or the council. I see no reason to disagree with the Historic Environment Scotland's or the council's conclusions regarding the internal alterations and the updating of the skylights.
5. Turning to the proposed new catslip dormer and balcony, both Historic Environment Scotland and the council accept that a new dormer feature which accommodates the enlarged kitchen space and headroom sought by the appellant could be acceptable. They consider however that proposed to be inappropriate and to damage the view of the building from Dublin Street Lane South. This objection appears to centre on a perception that any new dormer feature should more closely match those on the roofscape surrounding to reduce any impact which the new structure would have on the integrity of the listed building.
6. The existing north facing roof of the attic apartment has at present a substantial bow fronted slate hung dormer. This is a historic feature and is noted in the listing citation. Apart from this and some skylights the roof retains its original form. The same can not however be said about the roofs of the surrounding buildings which are adorned with a variety of both historic and modern dormer features of widely differing size. The roofscape of the terrace has clearly evolved over time to accommodate different uses for the attic space to such an extent that it now represents the norm. Both Historic Environment Scotland and the council accept this with their willingness to consider a new dormer. The issue is whether the specific design proposed would represent such a significant intrusion as to conflict with the statutory duty and policies noted above.
7. The dormer proposed would be a relatively modest feature alongside both the existing bow fronted and slate hung dormer and the other dormers on the surrounding buildings. It would differ from those others only in that it would be set back about 1 metre and incorporate an opening French window and glass fronted balcony. The balcony would

extend forward to the same extent as the existing bow fronted dormer and match the height of the dormer eaves.

8. Individuals standing on the balcony or in the open doorway would be a novel feature on the traditional roofscape. They would however be observed in a terrace roofscape including many large and more incongruous features. In that context I consider that the balcony rail feature would not appear anachronistic to observers from Dublin Street Lane South, or from the surrounding buildings. It is important to note that Dublin Street Lane South is itself flanked on both sides with mews buildings which obscure the vista upwards to the eaves of the main terrace. The proposal would be sited on the rear roof and not that facing York Place at the front of the building. It would only be observed from the rear service alley and back yard of the building, and only then as a minor feature partially hidden by the roof edge. Viewed from the back the proposed dormer would appear simply as a modest adaption to modern living. On balance therefore I conclude that the proposals would preserve the special architectural or historic features of the building and would in consequence not be contrary to the statutory duty and policies referred to above.

9. Having concluded that the proposals would not impact adversely on the listed building, and being mindful that the principal visual impact would be to the rear overlooking the back service alley and back yard/parking area of the building I conclude that the proposal would preserve the character and appearance of the conservation area and would not be in conflict with the statutory duty and policies outlined above.

10. The council have not suggested any conditions which should be attached to any consent. I consider that the detailed specification contained within the submitted drawings adequately covers all relevant matters related to design and use of materials. I do not therefore consider conditions necessary.

11. Having regard to all the above I conclude that the proposal does not conflict with statute, national or development plan policy and that in consequence listed building consent should be granted. There are no material considerations which lead me to conclude otherwise.

*Don Rankin*  
Reporter

### Advisory note

**The length of the consent:** This listed building consent will last only for three years from the date of this decision notice, unless the works have been started within that period. (See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended))

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: [planning.systems@edinburgh.gov.uk](mailto:planning.systems@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 100174760-006

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:	Studio DuB		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gordon	Building Name:	
Last Name: *	Duffy	Building Number:	17A-2
Telephone Number: *		Address 1 (Street): *	West Crosscauseway
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	EDINBURGH
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH8 9JW
Email Address: *			

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" value="Flat 6"/>
First Name: *	<input type="text" value="Dean"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="Kerslake"/>	Address 1 (Street): *	<input type="text" value="York Place"/>
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="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 3EP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## 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="FLAT 6"/>
Address 2:	<input type="text" value="14 YORK PLACE"/>
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="EH1 3EP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674328"/>	Easting	<input type="text" value="325679"/>
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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)

Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.

## 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.

Our Appeal, based on the supporting documentation attached hereto demonstrates: We have gone to great pains to arrive at a carefully thought through proposal designed to be in keeping with the "character and appearance of the conservation area". The proposal will be in keeping with the rest of the buildings and will not cause "unnecessary harm to the historic structure". Analysis and design show the proposals would not diminish the historic interests of the building and are "justified".

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)

FUL\_Grounds of Appeal rear of 17 Dublin St 11.03 Proposed Perspective Views 15\_02774\_LBC-02\_-  
\_EXISTING\_SITE\_LAYOUT-3124140 15\_02774\_LBC-03\_-\_PROPOSED\_WORKS\_TO\_REAR\_YARD-3124142 16\_03285\_LBC-  
EXISTING\_\_PROPOSED\_FLOOR\_PLAN\_\_ELEVATION-3447717 18\_06714\_LBC-  
REPORT\_DETAILING\_PROPOSED\_AND\_PAST\_WORK-4036349 Ariel view front 2-42 York Place Ariel view rear 2-42 York  
Place rear 8-18 York Place rear 26 & 28 York Place Rooftop view 2-18 York place

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/03581/FUL

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

29/07/2019

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

24/09/2019

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Such that review body members can truly understand the context

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

## 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 Gordon Duffy

Declaration Date: 23/12/2019

## Proposal Details

Proposal Name	100174760
Proposal Description	Replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights.
Address	FLAT 6, 14 YORK PLACE, EDINBURGH, EH1 3EP
Local Authority	City of Edinburgh Council
Application Online Reference	100174760-006

## Application Status

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

## Attachment Details

Notice of Review	System	A4
11-03 Proposed Perspective Views	Attached	A3
15_02774_LBC-02_-_EXISTING_SITE_LAYOUT-3124140	Attached	A3
15_02774_LBC-03_-_PROPOSED_WORKS_TO_REAR_YARD-3124142	Attached	A3
16_03285_LBC-EXISTING___PROPOSED_FLOOR_PLAN___ELEVATION-3447717	Attached	A3
18_06714_LBC-REPORT_DETAILING_PROPOSED_AND_PAST_WORK-4036349	Attached	A4
Ariel view front 2-42 York Place	Attached	Not Applicable
Ariel view rear 2-42 York Place	Attached	Not Applicable
FUL_Grounds of Appeal	Attached	A4
Rootop view 2-18 York place	Attached	Not Applicable
rear 8-18 York Place	Attached	Not Applicable
rear 26 and 28 York Place	Attached	Not

rear of 17 Dublin St	Attached	Applicable Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-006.xml	Attached	A0

Dear Sir or Madam

I purchased the garden flat (BF2, also known as 6/1 on electoral role) in October 1994. The patio doors and windows had been installed many years prior to this and, I was informed, were Crittall iron metal windows. These were draughty, insecure and inefficient in terms of heat retention. Any original 1800's timber / sash windows had disappeared many years prior to this – so there was no real precedent. Historical plans, of which I have a copy c1947, do not even correspond to the window openings that I inherited e.g. a single door opening shown leading to a back green. So, to an extent, it is unknown what the original configuration may have been.

For the reasons above I decided that replacement was necessary. For all other alterations I was aware that I must contact the Council for various consents and obtained the necessary warrants and completion certificates. These are on file at the Planning Department e.g. drainage, ventilation etc. Given this, I asked a Council representative and was told that I would not need permission since what I was proposing was on a “like for like” basis. When one is told that something is not needed it is not obvious that this should be obtained in writing.

For installation I chose a well respected company that was funded entirely by the Council called Blindcraft. “Like for like” was specified and the order was given to them on that basis. Visually the new French doors and two fixed windows were very similar – see attached photos – to the Crittall. I also specified “Georgian bars” to make the windows resemble Georgian panes. **At no time was I told that there would be a requirement for timber or that the units should be single glazed.** The finished product was a vast improvement (visually and environmentally) over the metal windows and, in my opinion, enhance the property. Given this I duly paid with a cheque made payable to “Edinburgh City Council”. In fact the windows probably look far more like the original windows that were there. Heat loss is also greatly minimised.

I was at ease with my decision given that I thought I had done the right thing. I would never intestinally cause negative impact to a listed building and am satisfied personally that the impact is positive.

Fourteen years later during the sale of the property the purchasers solicitor requested that he be shown the certificate of “Listed Building Consent” and this was the first time that I became aware that this may need to be obtained.

The sale concludes on 21<sup>st</sup> September and thus I would request that early attention may be given to this matter and that an assessment on the impact on the character of the listed building be carried out as soon as possible.

Thank you for your help.



Chartered Architects Interior and Urban Designers

17a/2 West Crosscauseway

EDINBURGH EH8 9JW

tel: 0131 668 1536

e-mail: StudioDuB@mac.com

Grounds of Appeal  
Flat 6, 14 York Place, Edinburgh, EH1 3EP

**“Application No:** 19/03581/FUL

#### DECISION NOTICE

With reference to your application for Planning Permission registered on 29 July 2019, 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;

#### **Conditions:-**

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would detract from the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed alterations will not be in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.”

#### Grounds:

I would like to demonstrate with some site photos and drawings that we have gone to great pains to arrive at a proposal designed to enhance rather than **“detract from the character and appearance of the conservation area”**, ensuring that our proposal would have minimal impact:

Please refer to three photos of the Listed urban block as seen from the Mews and and three ariel screenshots. I think that our proposal -as also shown in

the attached computer views- achieves through modest intervention an acceptable balance between enhanced amenity for the applicant with minimal intervention of the Listed fabric viewed from the back court adjoining the subjects *and* from the Mews, especially in comparison with other more visible, bulky additions here and elsewhere.

The status quo of the rear roofscape and elevations of York Place are heterogeneous as seen today compared with the front face and tell the story of evolving historic fabric in the City, therefore we invite you to consider our proposal with these present day views in mind. I expect you will concur with the case officer there is indeed “a mix of dormers” and therefore we invite you to consider the impact of our proposal as “in keeping with the rest of the buildings” ie part of this evolving tradition.

We cannot force other owners to return the Listed fabric to what it was when first built. As such the City, to move forward accepts the “mis-en-scène” and I would hope that our proposal could be viewed as a carefully thought through alteration that *does not cause* “harm to the historic structure”, please note the following:

- The face of the proposed dormer will align with the others either side, this means it has been designed to be set back from the original curved dormer ie is subservient and will not compete with it or its neighbours in terms of alignment and design and clearly *does not cause any* “diminution of its interest”.
- The scale of our proposal is very modest in comparison with the existing over-arching roofscape context hereto.
- No character of the original building has been retained within the apartment further to the 2001 change of use of the subjects
- A close examination of the context shows that the dormer and features proposed here (in lieu of the existing modern pattern roof windows) would have minimal impact to the subjects, would be invisible from the Mews street scene (the eye being drawn to the unsympathetic roof alterations, balconies, stairs and the like) and thus have a negligible impact overall and as such are “justified”.

I also cite 3 applications *granted* Planning and/or Listed Building Consent at the 2-42 York Place urban block within the last 5 years and I invite you to review and to compare the grounds for refusal hereto / set against our application proposals with these applications with benefit of Consent:

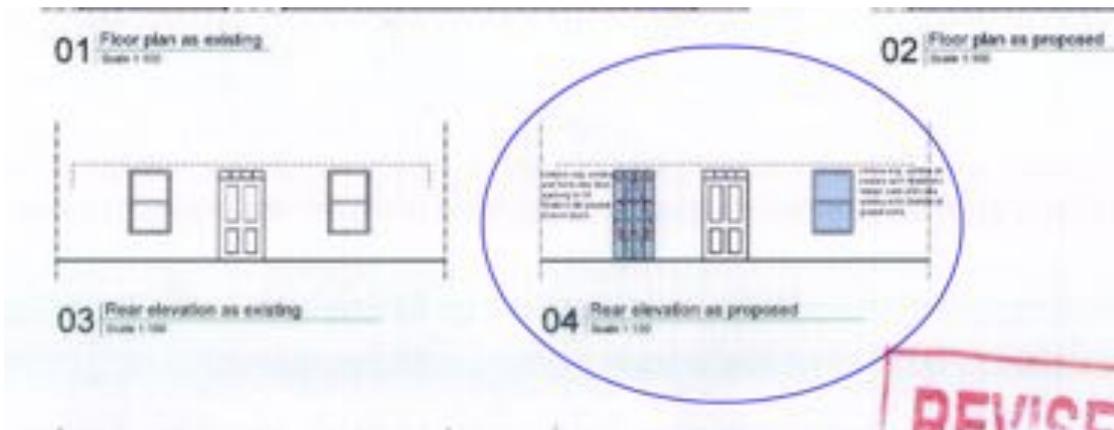
15/02431/FUL & 15/02774/LBC\_22 York Place:

Consent granted to remove a 4m wide section of garden wall and excavate / remove garden ground to enable an opening to provide 3 additional car parking spaces and platform lift - The platform lift could have been installed and garden ground preserved without the creation of the additional car spaces...the existing provision already being in excess of Zone 1 requirements for business use per extract from Edinburgh Design Guide



Class 4: Business	1 per 500m <sup>2</sup>
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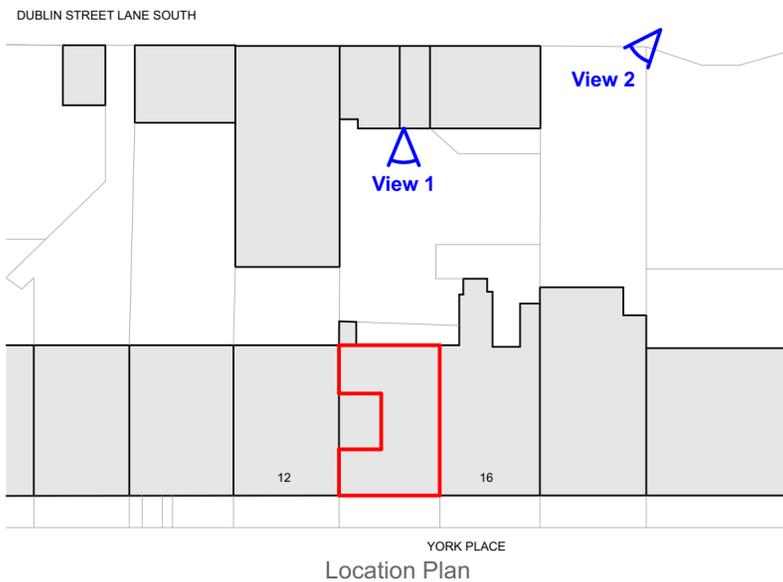
16/03288/FUL & 16/03285/LBC\_Flat 1 14 York Place:  
Consent granted to form a French door to increase amenity within - Per application drawings, directly visible at the rear of the subjects



18/06714/LBC\_BF2 6 York Place:

Consent granted for ugly plastic windows 'in retrospect' - **The unsuitability of the proposal is clearly evident in terms of materials, size and proportion regardless of the nature of the application**





Studio DUB  
17a/2 West Crosscauseway  
Edinburgh  
EH8 9JW  
0131 668 1536  
studiodub@mac.com

**14/6 YORK PLACE**  
**EH1 3EP**

Dean Kerslake

Proposed Perspective Views

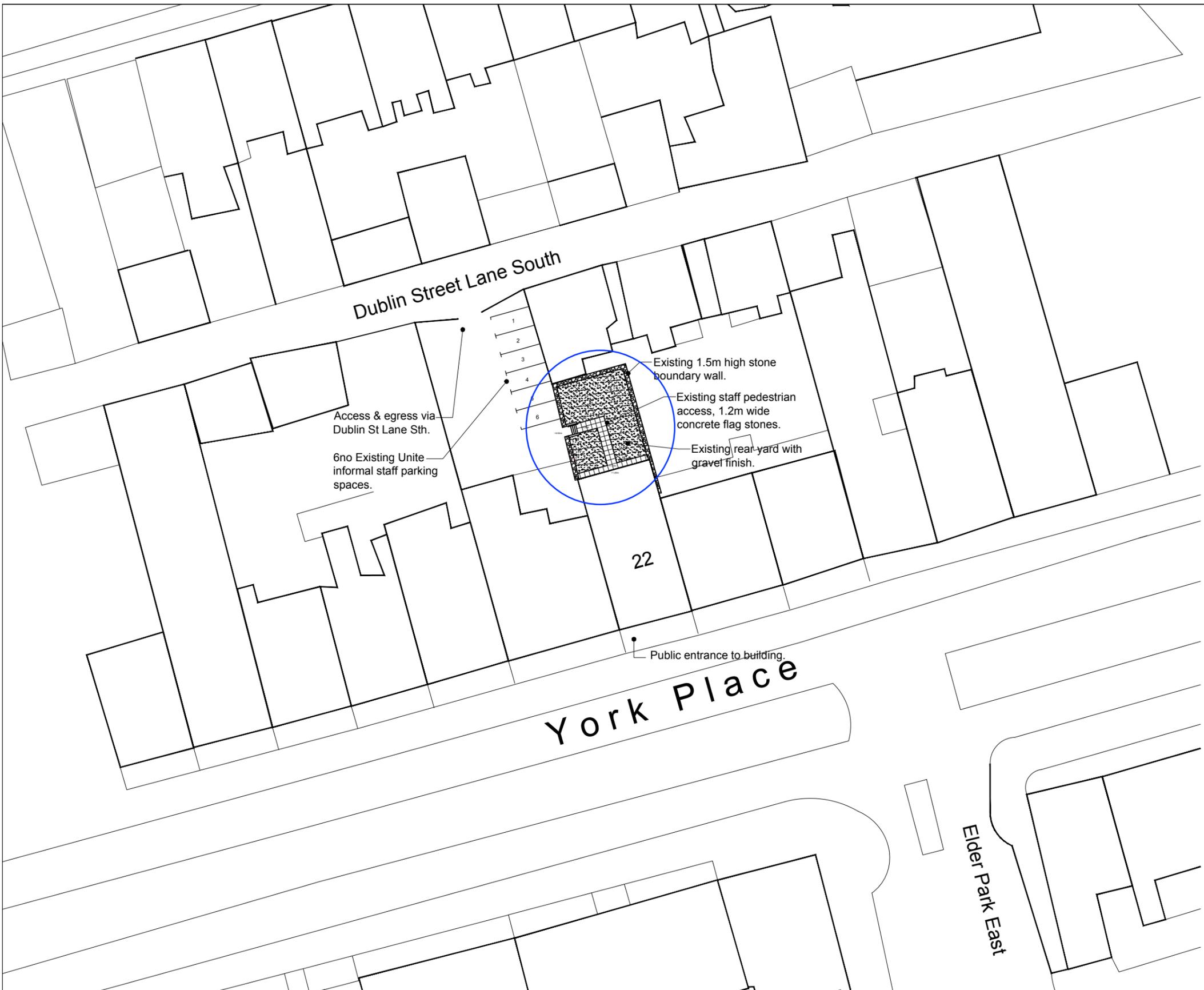
**927.11.03**

Scale:  
**1:500**  
Drawing Status:  
**Planning**

Drawn by: Remi Lecomte  
Checked by: Gordon Duffy  
**Date: 12/12/2019**

3 cm ACTUAL

IF THE ABOVE DIMENSION DOES NOT MEASURE THREE CENTIMETERS (3 cm) EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.



1. Existing Rear Yard.



2. Existing Rear Yard.



3. Existing Rear Yard.

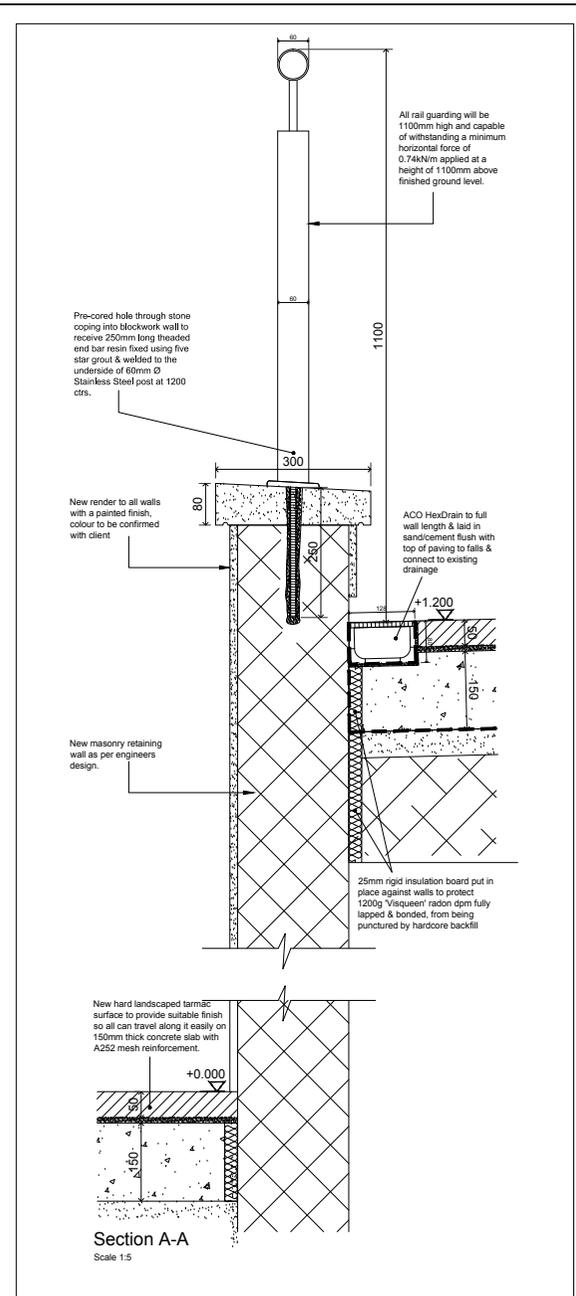
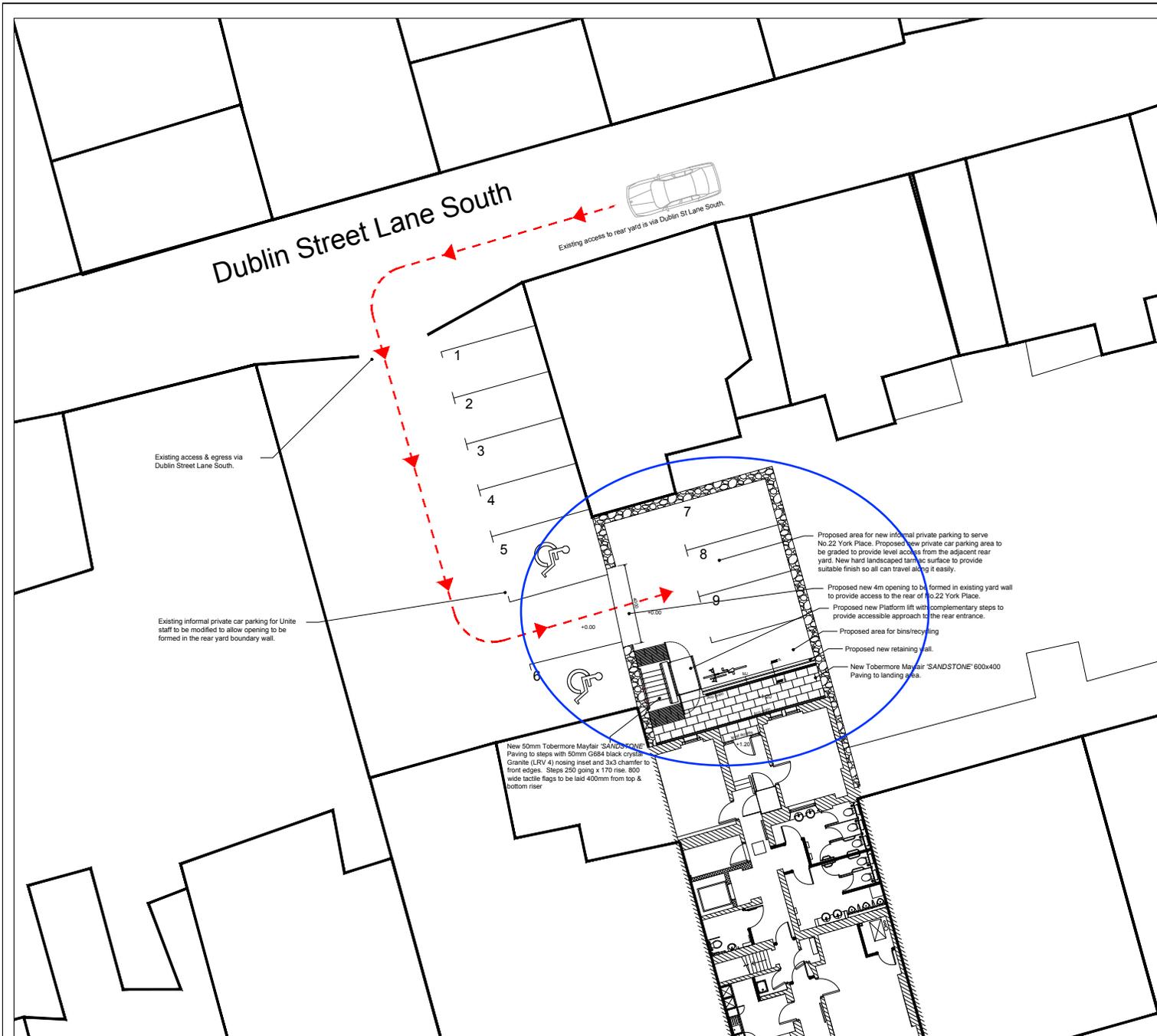
revision	drawn	approved	date	description
-	-	-	-	-

Notes:

PROJECT Alterations to Office UNITE Edinburgh, 22 York Place		CLIENT UNITE The Union	
CONTENT EXISTING SITE LAYOUT			
SCALE 1:500	SIZE A3	DATE 23.02.2015	NORTH STATUS FOR PLANNING
DRAWN pk	CHECKED RY	APPROVED BM	JOB NO. B13-1373 DRAWING NO. PL002 REVISION -

**CONSARC CONSERVATION**  
THE GAS OFFICE | 4 CROMAC QUAY | ORMEAU ROAD | BELFAST | BT7 2JD  
 consarc-design.co.uk | TEL: +44 (0)28 9082 8400 | mail@consarc-design.co.uk

Figured dimensions to be taken in preference to scaled dimensions. Site dimensions are to be checked prior to commencement of all work and discrepancies reported immediately. All dimensions are in millimetres. © Consarc Design Group Ltd



revision	drawn	approved	date	description

Notes:

Notes:

PROJECT	Alterations to Office	CLIENT	UNITE The Union
	UNITE Edinburgh, 22 York Place		
PROPOSED WORKS TO REAR YARD			
SCALE	A1	DATE	12.02.2015
1:100		PROJECT	FOR PLANNING
DESIGNER	RY	REVISIONS	BM
		PROJECT NO.	B13-1373
		PLANNING NO.	PL003

**CONSARC CONSERVATION**  
THE SAS OFFICE | 4 CROMBIE QUAY | GLENHAY ROAD, BELFAST BT7 2JG  
CONSARC DESIGN CO. LTD. | TEL: +44 (0)28 9682 8800 | email@consarc-design.co.uk

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**Homogeneous nature of front face 2-42 York Place**



**14 York Place, EH1,  
Edinburgh EH1 3**



14 York Place, EH1,  
Edinburgh EH1 3

Heterogeneous nature of rear of 2-42 York Place



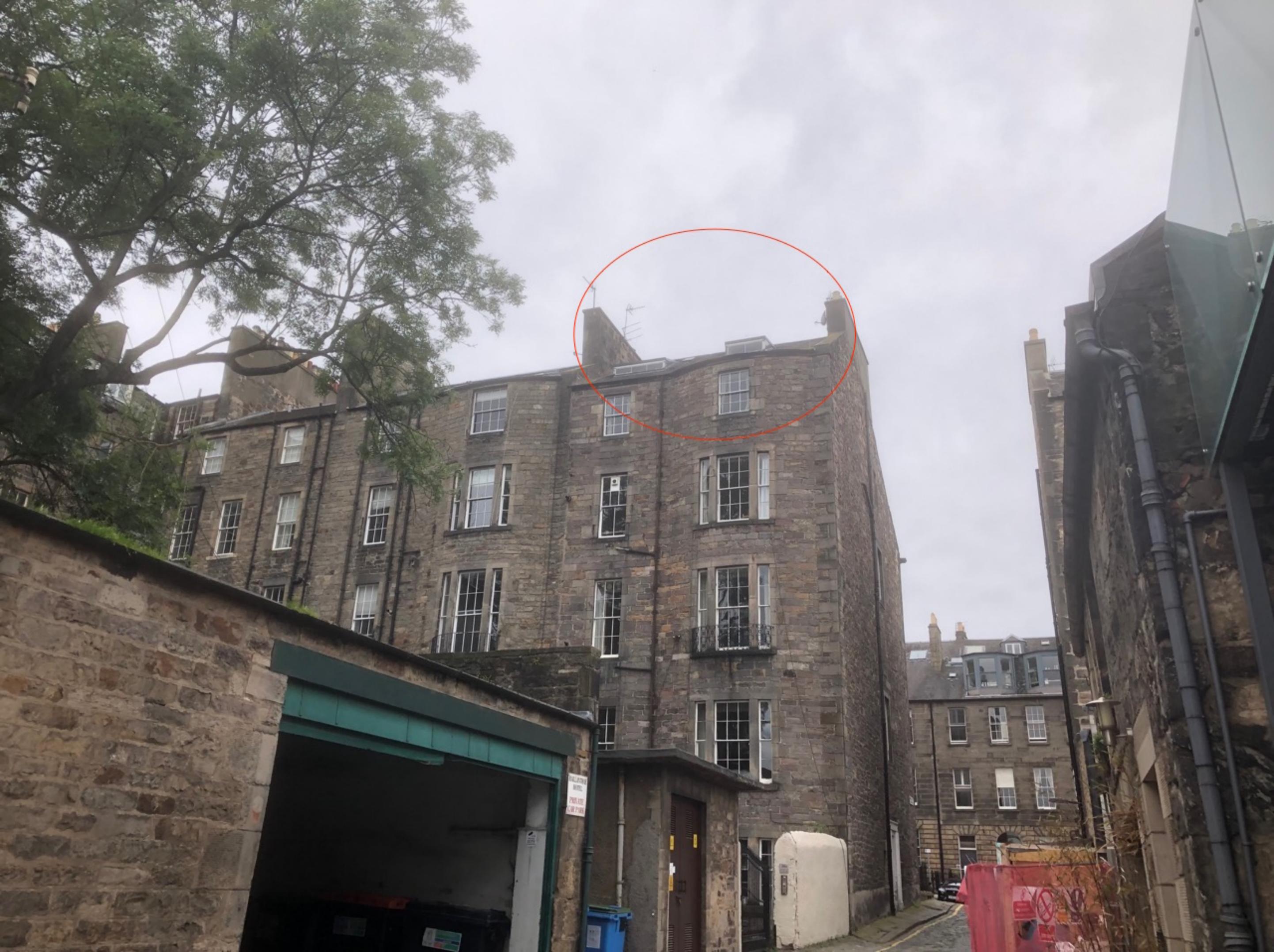
PRIVATE PROPERTY  
P  
PRIVATE PARKING ONLY



SECOR

PRIVATE PARKING ONLY  
CLASSIFIED AREA  
BY  
BYE-LINE





Call-slip dormer type  
referred to in photo

Unsympathetic alteration  
to roof of 18 York Place

Non homogenous mix of number &  
type of dormers 6 to 18 York Place

Much altered rear elevations  
12, 16, 18, 22, 28 & 32-38 York Place

14 York Place

