

Mr Jack Causley.
40 Summerside Place
Edinburgh
United Kingdom
EH6 4NY

Decision date: 5 May 2020

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

The current timber sash and case single glazed windows will be upgraded to double glazed uPVC sash and case windows and the rear door will be upgraded to a uPVC double glazed door.

At 40 Summerside Place Edinburgh EH6 4NY

Application No: 20/00014/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 27 January 2020, 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 not of an acceptable form and design, would be detrimental to character and appearance of the conservation area and does not comply with Local Development Plan Policies Des 12 or Env 06, with the non-statutory guidance on Listed Buildings and Conservation Areas or with the Victoria Park Conservation Area Character Appraisal.

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

Drawings 01-05, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal does not comply with the development plan and the non-statutory guidance as it will neither preserve or enhance the character and appearance of the conservation area. The proposal will have no detrimental impact on residential amenity but this does not outweigh the concerns regarding impact on the conservation area. There are no other material considerations which 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 Ross Irvine directly on 0131 529 7897.

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

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

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Report of Handling

Application for Planning Permission 20/00014/FUL

At 40 Summerside Place, Edinburgh, EH6 4NY

The current timber sash and case single glazed windows will be upgraded to double glazed uPVC sash and case windows and the rear door will be upgraded to a uPVC double glazed door.

Item	Local Delegated Decision
Application number	20/00014/FUL
Wards	B04 - Forth

Summary

The proposal does not comply with the development plan and the non-statutory guidance as it will neither preserve or enhance the character and appearance of the conservation area. The proposal will have no detrimental impact on residential amenity but this does not outweigh the concerns regarding impact on the conservation area. There are no other material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LDES12, LEN06, NSG, NSHOU, NSLBCA, OTH, CRPVIC,
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Report of handling

Recommendations

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

Background

2.1 Site description

The application relates to the windows of 40 Summerside Place, a mid-terrace Victorian house.

This application site is located within the Victoria Park Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Proposal to replace existing timber sash and case single glazed windows to double glazed uPVC sash and case windows and to replace the rear door with a uPVC double glazed door.

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 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 is an acceptable scale, form and design, and will preserve or enhance the character or appearance of the conservation area;
- b) The proposal will cause unreasonable loss to neighbouring amenity;
- c) Any comments raised have been addressed.

a) The Victoria Park Conservation Area sets out that housing in this area is characterised by the uniformity of design - two storey terraces decorated with stone urns and cast iron cresting, much of which has survived to the present day.

The adopted Edinburgh Local Development Plan Policy Des 12 requires alterations to existing buildings to be compatible with their character and to preserve neighbourhood amenity and character. Local Development Plan Policy Env 06 requires development within conservation areas to preserve or enhance their special character or appearance, be consistent with the conservation area character appraisal and to utilise materials appropriate to the historic environment. The non-statutory guidance on Listed Buildings and Conservation Areas advises that the use of uPVC as a window material in conservation areas is not acceptable.

The uniformity of windows in terms of materials and design is a key part of the character and appearance of the conservation area; adding to the visual coherence and consistency. It is important that the original window materials and proportions are maintained to preserve the character and appearance of the conservation area. The windows on this property and on the other houses of the street are of a timber design, and no other applications have been granted for uPVC windows. The introduction of uPVC would be an inappropriate material and would not maintain the visual uniformity of the street. The proposals would not preserve the character of the conservation area.

The proposal is not of an acceptable form and design, would be detrimental to neighbourhood character and does not comply with Local Development Plan Policies Des 12 or Env 06, with the non-statutory guidance Listed Buildings and Conservation Areas or with the Victoria Park Conservation Area Character Appraisal.

b) In terms of neighbouring amenity, the proposal will not have any impact in terms of daylight, sunlight or privacy and therefore complies with Local Development Plan Policy Des 12 in terms of amenity only and with the non-statutory guidance for householders.

c) There has been one representation received in objection to the proposal. The following material issue was raised:

- Use of uPVC windows in the conservation area, addressed in Section 3.3(a).

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is not of an acceptable form and design, would be detrimental to character and appearance of the conservation area and does not comply with Local Development Plan Policies Des 12 or Env 06, with the non-statutory guidance on Listed Buildings and Conservation Areas or with the Victoria Park Conservation Area Character Appraisal.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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 5 February 2020. There has been one representation received in objection to the proposal. The following material issue was raised:

- Use of uPVC windows in the conservation area, addressed in Section 3.3(a).

Background reading / external references

- [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 as defined in the 2016 Edinburgh Local Development Plan.

Date registered

27 January 2020

Drawing numbers/Scheme

01-05,
Scheme 1

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

Contact: Ross Irvine, Assistant Planning Officer
E-mail:ross.irvine@edinburgh.gov.uk Tel:0131 529 7897

Links - Policies

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 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 Victoria Park Conservation Area Character Appraisal emphasises the predominance of Georgian and Victorian villas and terraced blocks constructed in stone with slate roofs, and the predominately residential use.

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 20/00014/FUL

Application Summary

Application Number: 20/00014/FUL

Address: 40 Summerside Place Edinburgh EH6 4NY

Proposal: The current timber sash and case single glazed windows will be upgraded to double glazed uPVC sash and case windows and the rear door will be upgraded to a uPVC double glazed door.

Case Officer: Ross Irvine

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 applicant proposes to replace existing windows with UPVC window units.

UPVC is not an appropriate material for a conservation area. Edinburgh Council's Listed Building and Conservation Area Guidance states that "replacement windows and doors on all elevations of unlisted properties must match the original proportions, appearance, materials and opening method... Alternative materials such as uPVC will not be acceptable" (p. 25); this proposal does not follow this guidance. All replacement windows within the conservation area should be made to match the original historical design in timber.

Accordingly, the cases panel wishes to object to this application.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100253281-001

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

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"/>
First Name: *	<input type="text" value="Jack"/>	Building Number:	<input type="text" value="40"/>
Last Name: *	<input type="text" value="Causley"/>	Address 1 (Street): *	<input type="text" value="Summerside Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH6 4NY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

40 SUMMERSIDE PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH6 4NY

Please identify/describe the location of the site or sites

Northing

676451

Easting

325961

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)

The current single glazed windows are to be upgraded to double glazed uPVC sash and case windows and the rear door will be upgraded to a uPVC double glazed door

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.

My statement is attached as a separate document in the Supporting Documents section

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)

Supporting Statement Photos of neighbouring properties with uPVC windows.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00014/FUL

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

27/01/2020

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

05/05/2020

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

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 Jack Causley

Declaration Date: 14/05/2020

Proposal Details

Proposal Name	100253281
Proposal Description	Propose to replace single glazed wooden sash and case windows with double glazed uPVC sash and case windows
Address	40 SUMMERSIDE PLACE, EDINBURGH, EH6 4NY
Local Authority	City of Edinburgh Council
Application Online Reference	100253281-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Supporting statement	Attached	A4
Photos	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Statement of reasons for seeking review

I do not agree that my proposal would be detrimental to the character and appearance of the conservation area given the number of properties on my street that already have uPVC windows. For example, two out of three of my next door neighbours to the left (number 37 and 38) and my next door neighbour to the right (number 41) all have uPVC windows as does the property on Summerside Street that my house backs on to (see photos attached). Furthermore, planning permission has been granted to neighbouring properties to replace windows with non-timber sliding doors which certainly do not preserve or enhance the appearance of the conservation area. Whereas my proposal is in keeping with the original sash and case design.

Given the global climate emergency and Edinburgh Council's stated goal to reach net-zero emissions by 2030 I'm disappointed at being denied a chance to improve the energy efficiency of my house and cut my carbon emissions at a cost that I can afford.

37 Summerside Place



38 Summerside Place



Rear Windows of 41 Summerside Place



Rear of Summerside Street that backs on to my property's garden

