

Capital A Architecture Ltd.
FAO: Niall Hedderman
8 Cameron Drive
Falkland
KY15 7DL

Mr Jamie Allason.
37 Manor Place
Edinburgh
EH3 7EB

Decision date: 27 July 2020

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

Form new roof terrace, glass balustrade and an access door on the existing roof.
At 37 Manor Place Edinburgh EH3 7EB

Application No: 20/01844/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 30 April 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 contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the introduction of the glass barriers, a large area of roof decking and a large roof access hatch on the front roof slope fails to preserve or enhance the character and appearance of the conservation area which is particularly important in terms of its roofscapes
2. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as a key characteristic of the Site is the

stepped/ pitched angled roofscapes articulated by various traditional features. The introduction of glass barriers, decking and access hatch would undermine this attribute and potentially harm the WHS as the cumulative impact of these smaller interventions can have a negative impact.

3. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the formation of the roof terrace and associated works are not justified and cause a diminution of the special interest of the listed building by the addition of decking, glass barriers and a large roof access hatch which are not in keeping with the character of the building and so fail to preserve it and its setting.

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

Drawings 1-5, 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 proposals do not comply with the Local Development Plan and non-statutory guidelines. The proposed roof terrace and associated works are not acceptable as they fail to preserve the special character of the listed building, they fail to preserve or enhance the character and appearance of the conservation area and they would harm the qualities which justified the inscription of the World Heritage Site.

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 Diana Garrett directly at diana.garrett@edinburgh.gov.uk.

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.

Report of Handling

**Application for Planning Permission 20/01844/FUL
At 37 Manor Place, Edinburgh, EH3 7EB
Form new roof terrace, glass balustrade and an access door
on the existing roof.**

Item	Local Delegated Decision
Application number	20/01844/FUL
Wards	B11 - City Centre

Summary

The proposals do not comply with the Local Development Plan and non-statutory guidelines. The proposed roof terrace and associated works are not acceptable as they fail to preserve the special character of the listed building, they fail to preserve or enhance the character and appearance of the conservation area and they would harm the qualities which justified the inscription of the World Heritage Site.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN01, LEN06, LEN04, LDES12, NSG, NSLBCA, OTH, CRPNEW, CRPWHS,
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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 site is an A listed (reference: 29298, date: 14/12/1970) classical terrace comprising unified façade of 2- and 3-storey attic and basement townhouses, designed by Robert Brown and John Lessels 1867.

The building is on four floors with the basement floor being a separate unit but the proposals include the rear parking area.

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

2.2 Site History

03.07.1992 - Listed Building Consent granted for internal alterations (application reference; 92/00858/LBC);

19.05.1994 - Listed Building Consent granted for internal alterations (application reference; 94/00104/LBC);

24.06.1994 - Listed Building Consent granted to alter and refurbish the listed building (application reference; 94/00358/LBC);

21.08.2007 - Listed Building Consent granted to remove two partitions in top floor rooms (application reference; 07/02740/LBC);

15.06.2018 - Planning Application granted for the change of use from office to two residential properties (application reference; 18/01477/FUL);

15.06.2018 - Listed Building Consent granted for the conversion of office to residential (house with basement granny flat) with minor internal alterations (application reference; 18/01478/LBC);

19.09.2018 - Planning Application granted for the change of use from office to dwelling - single house (application reference; 18/04377/FUL);

08.10.2018 - Listed Building Consent granted to convert and alter from office to dwelling, including fitting of new bathrooms, kitchen, electrical alterations, some structural and non - structural wall removals and general refurbishment works (application reference; 18/04363/LBC);

13.06.2019 - Planning Application granted for the sub-division of the basement and change of use from office to domestic flat (application reference; 19/01548/FUL); and

19.06.2019 - Listed Building Consent granted for the sub-division of the basement (application reference; 19/01549/LBC).

05.08.2019 - Listed Building Consent - mixed decision to alter internal layout, new walls and gates to the rear and new roof terrace (as amended) (19/01673/LBC). Roof terrace and balustrade refused as part of this application.

05.08.2019 - Planning Application - mixed decision for change of use to residential. Alter internal layout, new walls and gates to the rear and new roof terrace (as amended).and new roof terrace (as amended) (19/01674/FUL) Roof terrace and balustrade refused as part of this application.

22.01.2020 - Listed Building Consent granted to erect stone wall and timber gate (19/05618/FUL)

22.07.2020 - Listed Building Consent refused to form a roof terrace with glass balustrade and access hatch (20/01845/LBC)

Main report

3.1 Description Of The Proposal

The application proposes a new roof terrace. The associated works to the roof terrace include decking, glass barriers and a large roof access hatch.

This current application is a reduced scheme from the 2019 applications. The roof terrace has been reduced from 29.6 sq m to 20.5 sq m. The glass barrier has been pulled back from the ballustrade by 1.48 m. The 2019 scheme proposed a set back of 800mm.

Supporting Statement

The agent has provided a supporting statement.

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 proposals will have an adverse impact on the character or appearance of the conservation area and the qualities of the World Heritage Site;
- b) The proposals affect the character or setting of the listed building;
- c) The proposals are detrimental to the residential amenity of neighbours; and
- d) Any comments have been raised and addressed.

a) Character and Appearance of the Conservation Area and World Heritage Site

Policy Env 1 - World Heritage Sites states that development which would harm the qualities that justified the inscription of the World heritage Sites or would have a detrimental impact on the Site's setting will not be permitted.

Policy Env 6 Conservation Areas- 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 character appraisal.

The New Town Conservation Area Character Appraisal (NTCACA) stress the following key elements;

- Terminated vista within the grid layouts and the long distance views across and out of the Conservation Area are important features.
- The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area.
- There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs.

The NTCACA states that in terms of assessing new development:-

Development should be in harmony with, or complimentary to, its neighbours having regard to the adjoining architectural styles. The use of materials generally matching those which are historically dominant in the area is important, as is the need for the development not to have a visually disruptive impact on the existing townscape.

Very careful consideration will be required for alterations and extensions affecting the roof of a property, as these may be particularly detrimental to the character and appearance of the Conservation Area.

In addition, the non-statutory Guidance on Listed Buildings and Conservation Areas states - The roof, which includes parapets, skewes, 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 proposed roof terrace is a discordant intervention which is not characteristic of these early Victorian terraced buildings. In terms of the appearance of the conservation area, the glass barrier behind the stone balustrade will be evident in both long and short views and its reflective qualities will be apparent and be disruptive to the uniformity of the terrace. In addition, roof terraces are not traditional features of the New Town Conservation Area and whilst the timber decking and roof skylight will not be visible from the street, the roofscape of these New Town buildings will be altered considerably. Aerial views of the New Town are particularly important and radical interventions to traditional roofscapes such as this are unacceptable interventions. The proposals fail to either preserve or enhance the character and appearance of the conservation area.

In terms of the World Heritage Site (WHS), the Management Plan sets out the key characteristics or attributes of the WHS. This includes the stepped/ pitched angled roofscapes articulated by various traditional features. The introduction of glass barriers, decking and a roof access hatch would undermine this attribute and potentially harm the WHS as the cumulative impact of these smaller interventions can have a negative impact.

The proposals do not comply with policies Env 6 and Env 1.

b) Character and Setting of 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.

The proposed roof terrace would be a discordant feature in terms of the character of the listed building. The building has its original roof with front stone balustrade and the level of intervention in terms of a glass barrier, access hatch and timber decking would fundamentally change the character of the roof and an important part of the building's special interest. The proposals are not required for the beneficial use of the building and are not justified and would result in a diminution of its interest.

Policy Env 4 is not complied with.

c) Neighbouring Amenity

Policy Des 12 states planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building; will not result in an unreasonable loss of privacy or natural light to neighbouring properties; and will not be detrimental to neighbourhood amenity and character.

As stated above, the alterations to form the roof terrace are not compatible with the character of the building or the area. In terms of neighbouring amenity, there are no concerns regarding the loss of daylight or privacy for neighbouring properties.

In respect of privacy, the proposed roof terrace is set back from the roof edge and will offer views across the front of the property rather than overlook a private garden area. In view of this, the proposal raises no privacy concerns.

The proposed development does not cause any detrimental impact to residential amenity.

d) Public Comments

The application received two objection comments, including one letter from the Architectural Heritage Society of Scotland, a summary of the comments are below:

Material Objections

- visibility of terrace and reflection from glass, addressed in section 3.3 a) and b)
- loss of fabric from roof, addressed in section 3.3 a) and b)

Conclusion

The proposals do not comply with the Local Development Plan and non-statutory guidelines. The proposed roof terrace is not acceptable as it fails to preserve the special character of the listed building and fails to preserve or enhance the character and appearance of the conservation area and the qualities of the World Heritage Site. There are no material considerations that 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 introduction of the glass barriers, a large area of roof decking and a large roof access hatch on the front roof slope fails to

preserve or enhance the character and appearance of the conservation area which is particularly important in terms of its roofscapes

2. The proposal is contrary to the Local Development Plan Policy Env 1 in respect of Old and New Towns World Heritage Site, as a key characteristic of the Site is the stepped/ pitched angled roofscapes articulated by various traditional features. The introduction of glass barriers, decking and access hatch would undermine this attribute and potentially harm the WHS as the cumulative impact of these smaller interventions can have a negative impact.

3. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the formation of the roof terrace and associated works are not justified and cause a diminution of the special interest of the listed building by the addition of decking, glass barriers and a large roof access hatch which are not in keeping with the character of the building and so fail to preserve it and its setting.

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 the 8 May.

Two letters of representation were received.

Background reading / external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan - City Centre

Date registered

30 April 2020

**Drawing
numbers/Scheme**

1-5,

Scheme 1

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

Contact: Diana Garrett, Planning officer
E-mail:diana.garrett@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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

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

Relevant Non-Statutory Guidelines

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.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Consultations

HISTORIC ENVIRONMENT SCOTLAND

The property forms part of a category A listed, well-proportioned and detailed Classical style terrace and is an important component of the Walker Estate and Western New Town. Designed by Robert Brown and John Lessels from 1827 to 1867, the extensive classical terrace comprises a unified façade of 2- and 3-storey attic and basement townhouses. A significant, characteristic feature of the terrace is its continuous, open ashlar wall-head balustrade which extends from No. 37 Manor Place northwards to No. 47 Manor Place where the terrace turns the corner in Chester Street. The proposals are for the addition of a roof terrace.

Proposals should be able to demonstrate that they would not have a detrimental impact on the Category A listed buildings or their setting.

The proposed roof terrace, on the street facing section of the townhouse's roof, would see the building up of the existing roof to form a level timber deck. A new glazed parapet would sit on this deck, and rise above the level of townhouse's ashlar balustraded parapet. It would extend across the full length of the front of the building. In our view, the proposed continuous glass balustrade, rising above the townhouse's open stone balustrade would visually disrupt the continuous, linear form of Manor Place's distinctive wall head balustrade and should be reconsidered

END



By email to:
diana.garrett@edinburgh.gov.uk

City of Edinburgh Council
Planning and Strategy
4 Waverley Court
East Market Street
Edinburgh
EH8 8BG

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300044652
Your ref: 20/01844/FUL
14 May 2020

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
37 Manor Place Edinburgh EH3 7EB - Form new roof terrace, glass balustrade and an
access door on the existing roof.

Thank you for your consultation which we received on 01 May 2020. We have assessed
it for our historic environment interests and consider that the proposals affect the
following:

Ref	Name	Designation Type
LB29298	35-47 (ODD NUMBERS) MANOR PLACE, INCLUDING RAILINGS	Listed Building

You should also seek advice from your archaeology and conservation service for matters
including unscheduled archaeology and category B and C-listed buildings.

Our Advice

The property forms part of a category A listed, well-proportioned and detailed Classical
style terrace and is an important component of the Walker Estate and Western New
Town. Designed by Robert Brown and John Lessels from 1827 to 1867, the extensive
classical terrace comprises a unified façade of 2- and 3-storey attic and basement
townhouses. A significant, characteristic feature of the terrace is its continuous, open
ashlar wall-head balustrade which extends from No. 37 Manor Place northwards to No.
47 Manor Place where the terrace turns the corner in Chester Street. The proposals are
for the addition of a roof terrace.



Proposals should be able to demonstrate that they would not have a detrimental impact on the Category A listed buildings or their setting.

The proposed roof terrace, on the street facing section of the townhouse's roof, would see the building up of the existing roof to form a level timber deck. A new glazed parapet would sit on this deck, and rise above the level of townhouse's ashlar balustraded parapet. It would extend across the full length of the front of the building.

In our view, the proposed continuous glass balustrade, rising above the townhouse's open stone balustrade would visually disrupt the continuous, linear form of Manor Place's distinctive wall head balustrade and should be reconsidered.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org.

Please contact us if you have any questions about this response. The officer managing this case is Gordon Mackie who can be contacted by phone on 0131 668 8628 or by email on Gordon.Mackie@hes.scot.

Yours faithfully

Historic Environment Scotland

Comments for Planning Application 20/01844/FUL

Application Summary

Application Number: 20/01844/FUL

Address: 37 Manor Place Edinburgh EH3 7EB

Proposal: Form new roof terrace, glass balustrade and an access door on the existing roof.

Case Officer: Diana Garrett

Customer Details

Name: Mr Roger Taylor

Address: Tod & Taylor Architects 43 Manor Place Edinburgh

Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I agree with the response from HES. This is part of an A-listed block.

It has an open balustrade which therefore means that despite the glass being set back it will still be visible between the balusters. This elevation faces West and the bright light will reflect from the glass altering the way this part of the elevation looks from the street and the Cathedral grounds. It is therefore contrary to the requirement not to have a detrimental impact on a Category A listed building or its setting.

As a secondary point, the cross section showing a slate covered hatch appears to be an unrealistic detail which would be very difficult to successfully make fully weathertight particularly at the foot. In reality a much more robust detail will be required which will no doubt alter the external appearance.

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Case Officer: Diana Garrett

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 relate to an A-listed classical terrace, constructed in the mid-19th century as part of Robert Brown's Walker Estate. Situated within the New Town conservation area and World Heritage site, this unified row of properties serves as a significant artefact of contemporary planning.

The submitted plan involves the creation of a roof terrace, accessed via an extended internal staircase and accompanying hatch. Safety is to be ensured with the use of a glass balustrade, terminating above the existing stone parapet.

Having discussed the case, the panel wishes to express their concern. The formation of a large new opening occasions the significant loss of historic building fabric. Retention of original roofing elements, including the underlying structure is deemed 'important' within the city's guidance (Listed Buildings and Conservation Areas; 2019:7).

Furthermore, installation of an incongruous glass balustrade would visually disrupt the unified facade of this important A-listed ensemble. This proposal contravenes the city's guidance regarding conservation areas; 'handrails should be carefully designed and sensitively located to avoid being visually intrusive. (Listed Buildings and Conservation Areas; 2019:24).

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

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