



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 100288022-001

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

Agent Details

Please enter Agent details

Company/Organisation:	Environment & Planning Scotland Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	Nisbet Stables
Last Name: *	Campbell	Building Number:	
Telephone Number: *	07931776217	Address 1 (Street): *	Nisbet
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Duns
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD11 3HU
Email Address: *	jcampbellqc@advocates.org.uk		

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"/>
First Name: *	<input type="text" value="Jamie"/>	Building Number:	<input type="text" value="37"/>
Last Name: *	<input type="text" value="Allason"/>	Address 1 (Street): *	<input type="text" value="Manor 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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH3 7EB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="jamie@allason.com"/>		

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="37 MANOR PLACE"/>
Address 2:	<input type="text"/>
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="EH3 7EB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673587"/>	Easting	<input type="text" value="324173"/>
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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)

Appeal against the refusal by LPA of application No 20/01844/FUL for Planning Permission to form a roof terrace with glass balustrade and access hatch.

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.

This application has been refused for substantially the same reasons as refused App No 20/01845/LBC, an appeal for which was submitted to SMinisters on 27 July 2020. The same arguments apply. The proposal has been wrongly characterised as having an adverse impact on the LB at No 37 and on the Conservation Area. It has also been wrongly stated that it will be visible and intrusive from the street, which it will not. The application accords with the LDP and all relevant Guidance.

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)

Application form Location Plan Proposed roof access deg Proposed roof terrace deg Proposed section Sightline Study Report by JM Planning HES Consultation Response Handling report Decision letter

Application Details

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

20/01844/FUL

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

30/04/2020

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

27/07/2020

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

N/A

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 John Campbell

Declaration Date: 28/07/2020

Proposal Details

Proposal Name	100288022
Proposal Description	This is an appeal against the decision to refuse application No 20/01844/FUL for Planning Permission for alterations to the roof at 37 Manor Place.
Address	37 MANOR PLACE, EDINBURGH, EH3 7EB
Local Authority	City of Edinburgh Council
Application Online Reference	100288022-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Application	Attached	A4
Location Deg	Attached	A3
Proposed Roof Terrace	Attached	A3
Proposed Roof Access	Attached	A3
Proposed Section	Attached	A3
Handling Report	Attached	A4
Decision Letter for LBC	Attached	A4
HES Consultation Response	Attached	A4
Report by JM Planning Services	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Report of Handling

Application for Listed Building Consent 20/01845/LBC At 37 Manor Place, Edinburgh, EH3 7EB Form a roof terrace with glass balustrade and access hatch.

Item	Delegated Decision
Application number	20/01845/LBC
Wards	B11 - City Centre

Summary

The proposed roof terrace and associated works fail to preserve the listed building and its setting and have an adverse impact on the character and appearance of the conservation area.

Links

<u>Policies and guidance for this application</u>	LDPP, LEN04, LEN03, LEN06, NSG, NSLBCA, CRPNEW, HES, HESROF,
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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. The building is currently authorised for office use.

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)

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 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) The proposals preserve the special interest of the listed building;
- b) The proposals preserve or enhance the character or appearance of the conservation area; and
- c) Any comments have been raised and addressed.

a) Listed Building

The Historic Environment Policy for Scotland (HEPS) outlines how the Council should undertake the collective duty of care whenever a decision in the planning system will affect the historic environment. There are three key areas which define how the historic environment should be understood, recognised and managed to support participation and positive outcomes, including "Managing Change" under policies HEP2, HEP3 and HEP4.

HES *Managing Change in the Historic Environment guidance on Roofs* offers guidance on assessing proposals.

Policy Env 4 in the Edinburgh Local Plan (LDP) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result unnecessary damage to historic structures or result in an diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

The Council's non-statutory Guidance for Listed Buildings and Conservation Areas sets out additional guidance.

HES Managing Change Guidance: Roofs states that *the interest of a historic roof is derived from a number of factors including its shape or form, structure, covering materials, and associated features. The roof can play an important part in the architectural design of a historic building. In terms of alterations, it states that new work should normally match the original as closely as possible. The alteration of a roof can create additional space to allow the building as a whole to remain in use and develop with the needs of the occupants. In considering how to alter a roof it is important to understand the impact of the works on the roof itself and the appearance of the building or street as a whole. The potential for cumulative effects of similar developments should also be considered*

The roof form in this case is quite distinctive with an almost flat section to the front behind the stone balustrade and then a pitch further back. The proposed roof terrace would be a discordant feature creating a level of intervention in the front roof area that is not characteristic of the building and surrounding similar buildings in this largely uniform terrace. The extent of glass barriers, decking and large access hatch is at odds with the roofscape of the building and its functionality and 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, are not justified and would result in a diminution of its interest.

The proposals are contrary to the policy guidance published by Historic Environment Scotland and the Council's non-statutory guidance.

b) Character or Appearance of the Conservation Area

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities. Policy Env 6 of the Local Development Plan permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

In terms of the roof terrace, this 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 hatch will not be visible from the street, the roofscape of these New Town buildings will be severely altered. Aerial views of the New Town are particularly important and radical interventions to traditional roofscapes such as this are unnecessary and unacceptable interventions. The proposals fail to either preserve or enhance the character and appearance of the conservation area.

c) Public Comments

One letter from the Architectural Heritage Society was received.

Material Issues:

- Impact of the roof terrace and handrail on listed building - addressed in sections 3.3(a) and (b).

Community Council

The West End Community Council were not statutory consultees but they have objected to the application.

Material issues:

- Impact on A listed terrace, addressed in sections 3.3(a) and (b).

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposals fail to preserve or enhance the character and appearance of the conservation area which is particularly important in terms of its roofscapes as the introduction of the glass barriers, a large area of roof decking and a large access hatch on the front roof slope are incongruous interventions which affect the uniformity of New Town buildings.
2. The proposed roof terrace and associated works fail to preserve the listed building and its setting and have an adverse impact on the character and appearance of the conservation area

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.

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

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building 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 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

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. The proposals would see the addition of a roof terrace.

Proposals to alter a listed building should be informed by, and respond to the particular character, appearance and architectural interest of the building. The significance of a listed building's exterior is usually derived from factors including the extent to which the form, massing and elevational treatment remains intact from key periods of its history. The form and arrangement of original or historic features such as doorways and windows is a key component of the character and special interest of a listed building.

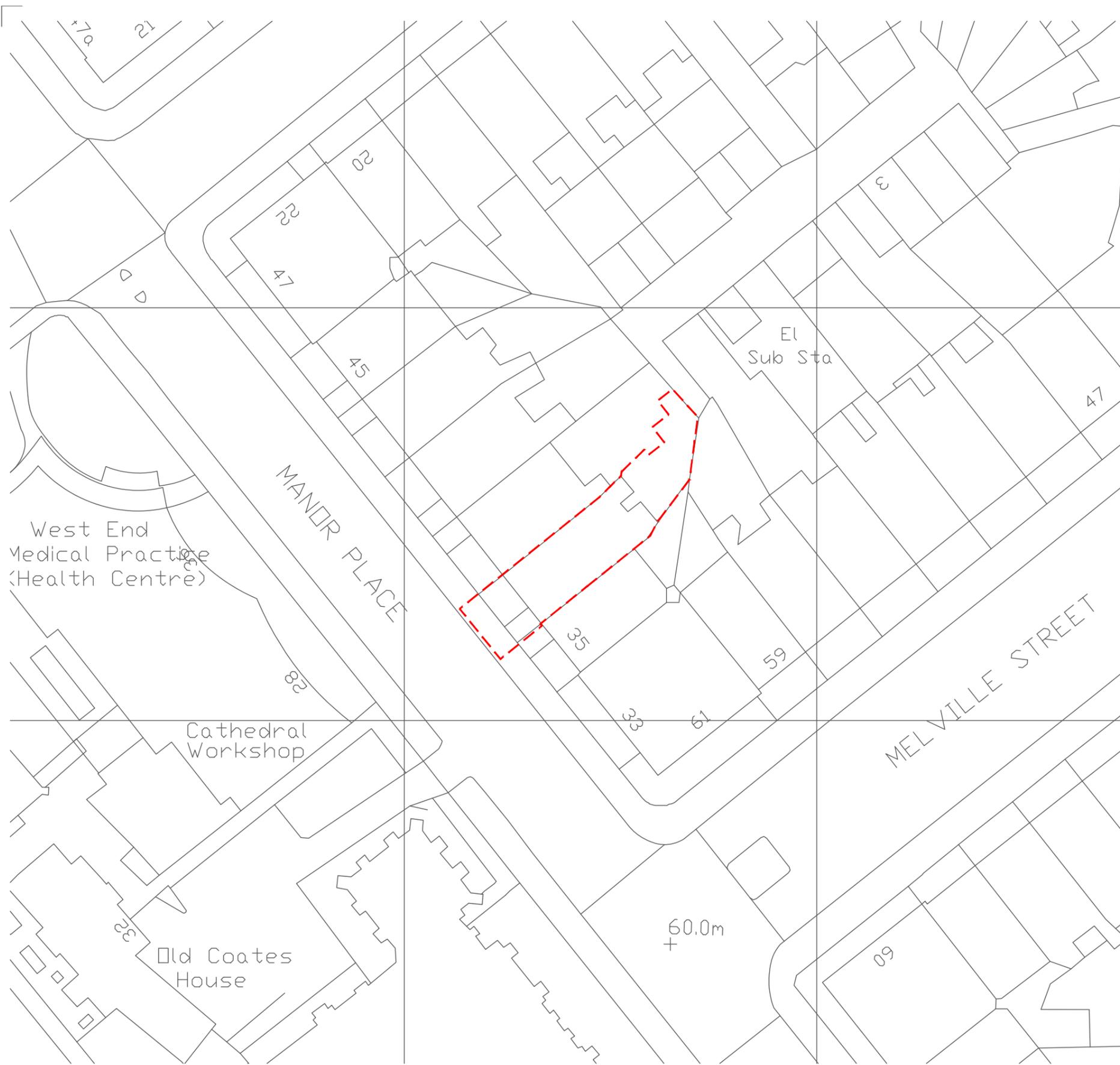
Our comments on the proposals are set out below:

Roof terrace

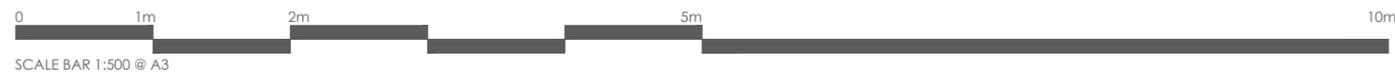
The proposed introduction of a roof terrace along the full width of the street facing section of roof would see the raising of the existing roof to form a level timber deck. A new glazed parapet would sit behind, and rise above, the full length of the townhouse's ashlar balustraded parapet.

In our view, the proposed continuous glass balustrade, rising above the townhouse's open stone balustrade would visually disrupt the continuous, linear form of building's distinctive wall head balustrade. It would diminish the character and appearance of the category A listed building. This proposal should be reconsidered

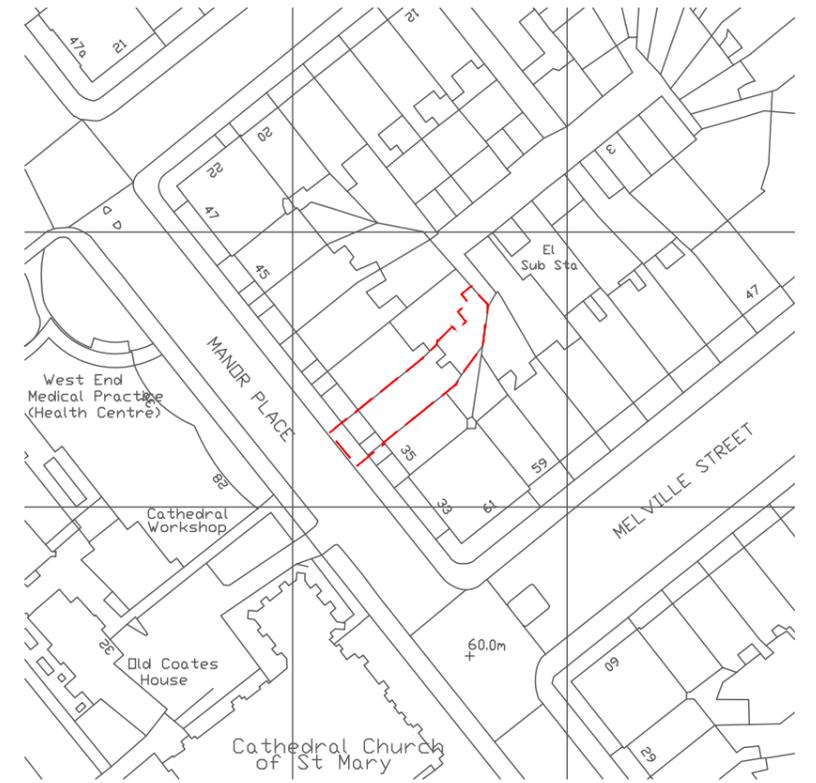
END



BLOCK PLAN. SCALE 1:500 @ A3



SCALE BAR 1:500 @ A3



LOCATION PLAN. SCALE 1:1250 @ A3

Important		
The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from this drawing.		
Revision	Date	By
A	30/04/2019	[Signature]

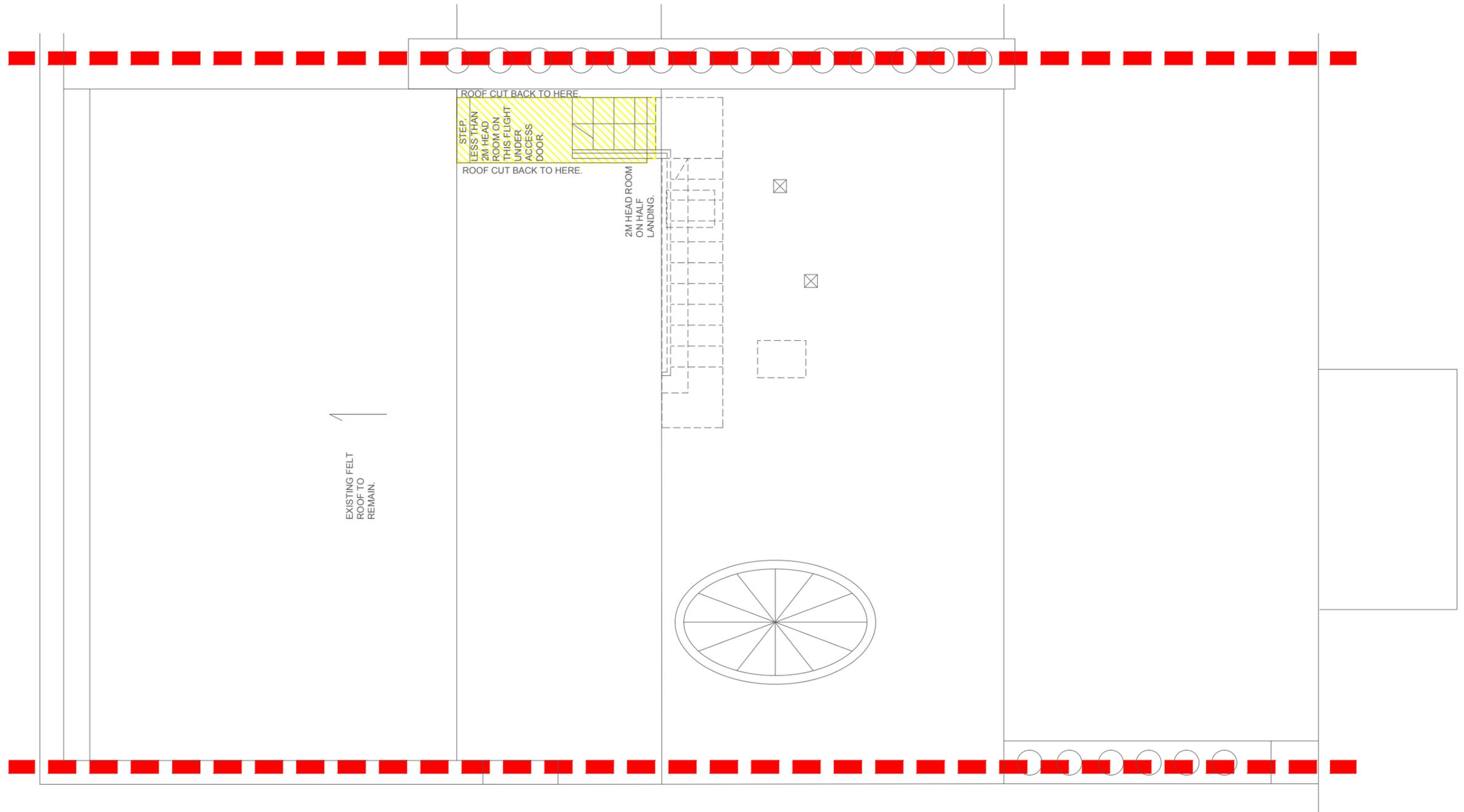
NOTE:
This red line boundary is taken from an Ordnance Survey map. Its validity as a title deed boundary must be confirmed by others.

Crown copyright 2015. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).
Unique plan reference: v2c/329604/448212

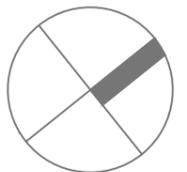
capital A
Architecture Ltd.

8 Cameron Drive, Falkland, Fife, KY15 7DL
Tel: 0131 208 2075
e-mail: Project@capitalA.co.uk
www.capitalA.co.uk

EXISTING		
Client JAMIE ALLASON		
Project Title ALTERATION AND CHANGE OF USE 37 MANOR PLACE EDINBURGH		
Drawing Title LOCATION AND BLOCK PLAN		
Scale VARIES	Date 25/03/2019	Drawn by Checked by
Job No. 19/102	Drawing No. (00) 002	Rev. A



SCALE BAR 1:50 @ A3



PROPOSED

Client
JAMIE ALLASON

Project Title
ROOF TERRACE
37 MANOR PLACE, EDINBURGH

Drawing Title
ROOF PLAN
SHOWING ACCESS STAIRS

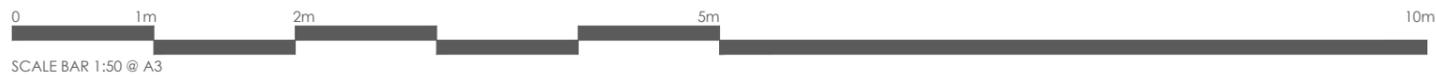
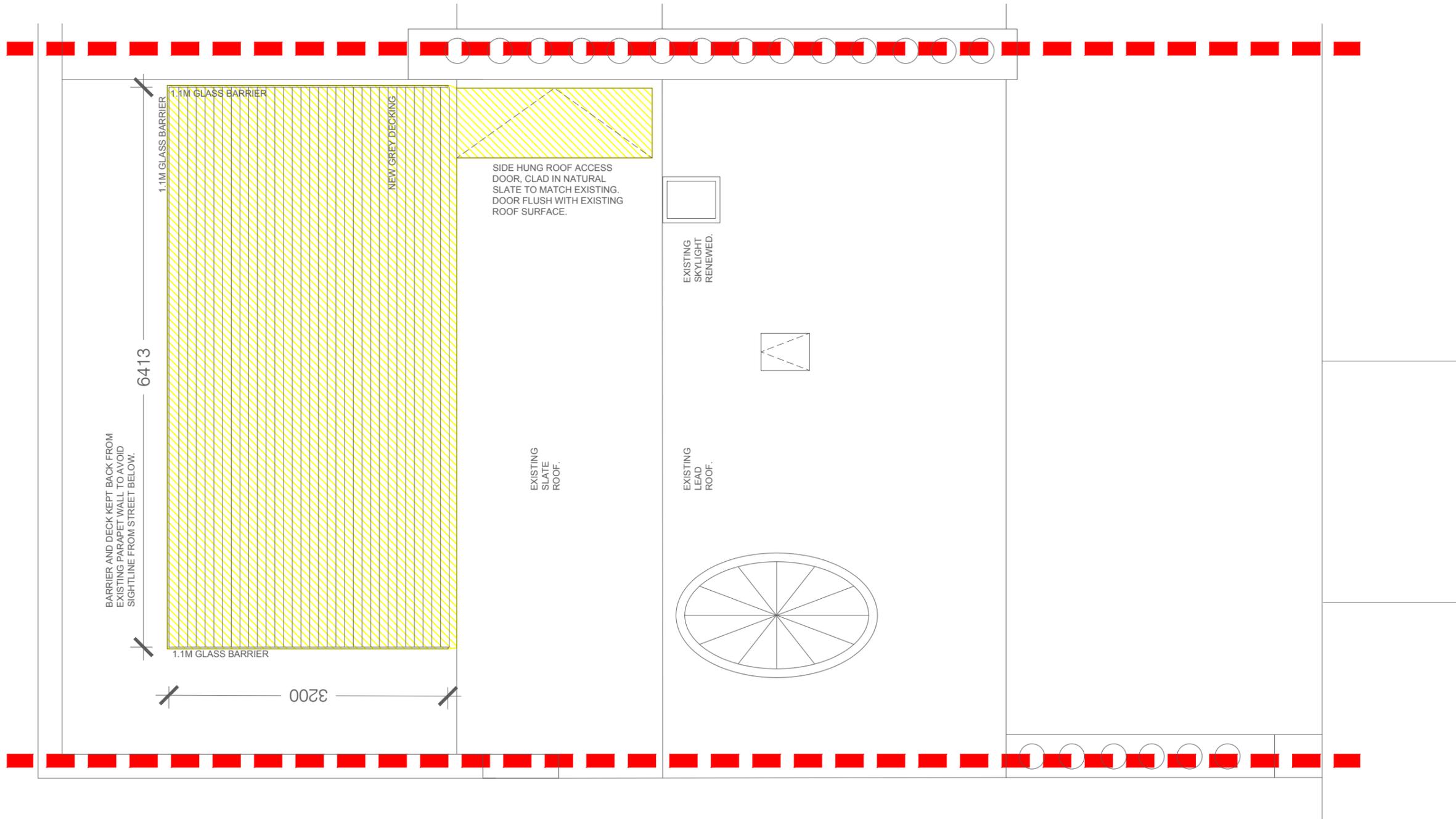
Scale 1:50 @ A3	Date 15/10/2019
Drawn by NH	Checked by

Job No. 19/102	Drawing No. (01) 022	Rev.
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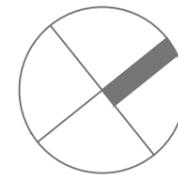
Important

The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from this drawing.

Revision	Date	By



SCALE BAR 1:50 @ A3



PROPOSED

Client
JAMIE ALLASON

Project Title
ROOF TERRACE
37 MANOR PLACE, EDINBURGH

Drawing Title
ROOF PLAN
EXTERIOR

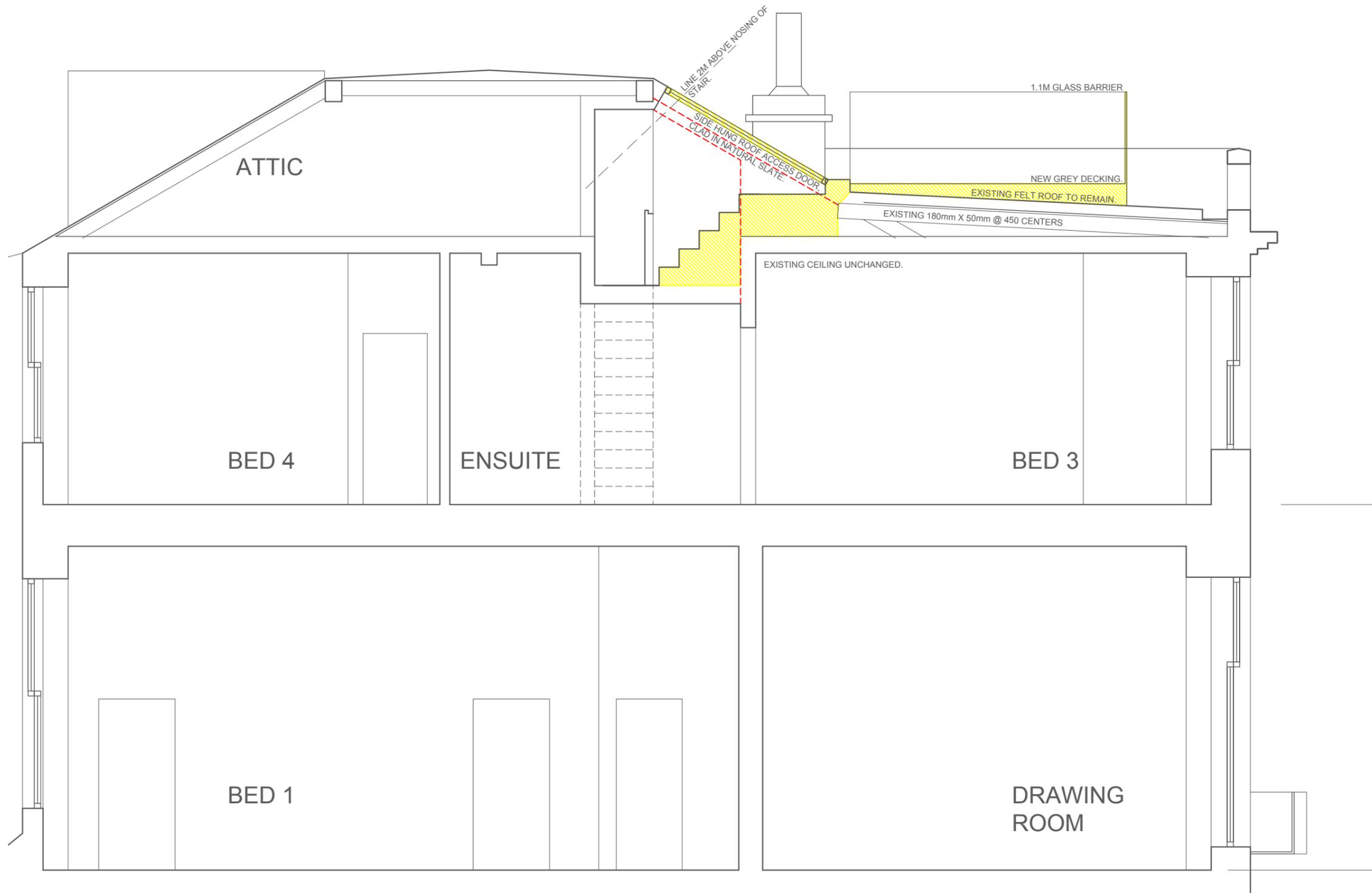
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Drawn by NH	Checked by

Job No. 19/102	Drawing No. (01) 026	Rev.
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Important

The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from this drawing.

Revision	Date	By
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Important
 The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from this drawing.

Revision	Date	By
A	26/03/2019	
B	27/03/2019	
C	02/04/2019	
D	19/04/2019	
E	22/08/2019	
F	03/09/2019	
G	15/10/2019	

capital **A**
 Architecture Ltd.

8 Cameron Drive,
 Falkland,
 Fife,
 KY15 7DL
 Tel: 0131 208 2075
 e-mail: Project@capitalA.co.uk
 www.capitalA.co.uk

PROPOSED

Client
JAMIE ALLASON

Project Title
**ROOF TERRACE
 37 MANOR PLACE, EDINBURGH**

Drawing Title
SECTION

Scale 1:50 @ A3	Date 14/03/2019
Drawn by	Checked by

Job No. 19/102	Drawing No. (03) 003	Rev. G
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Capital A Architecture Ltd.
Fao Niall Hedderman
.8 Cameron Drive
Falkland
KY15 2DL

Mr Jamie Allason.
3 Manor Place
Edinburgh
EH3 8EB

Decision date: 22 July 2020

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT
1

Form a roof terrace with glass balustrade and access hatch.
At 3 Manor Place Edinburgh EH3 8EB

Application No: 20/01845 LBC

DECISION NOTICE

With reference to your application for Listed Building Consent registered on 30 April 2020, this has been decided by **Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below

Conditions:

Reasons:

1. The proposals fail to preserve or enhance the character and appearance of the conservation area which is particularly important in terms of its roofscapes as the introduction of the glass barriers, a large area of roof decking and a large access hatch on the front roof slope are incongruous interventions which affect the uniformity of New Town buildings.
2. The proposed roof terrace and associated works fail to preserve the listed building and its setting and have an adverse impact on the character and appearance of the conservation area

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 proposed roof terrace and associated works fail to preserve the listed building and its setting and have an adverse impact on the character and appearance of the conservation area.

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 of the planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant such consent subject to conditions, he may, by notice served within 3 months of the receipt of this notice, appeal to the Scottish Ministers (on a form obtainable at <https://eplanning.scotland.gov.uk/WAM/> or addressed to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.) in accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, as also applied to buildings in conservation areas by section 66 of that Act.
2. If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the planning authority or Scottish Ministers and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the planning authority in whose district the land is situated, a listed building purchase notice requiring that authority to purchase his interest in the land in accordance with the provisions of section 28 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, as also applied to buildings in conservation areas by section 66 of that Act.

SUPPORTING STATEMENT

Applications for Planning Permission
And
Listed Building Consent

THE FORMATION OF A NEW ROOF TERRACE
WITH GLASS BARRIER AND ACCESS HATCH

AT

3 MANOR PLACE, EDINBURGH

Prepared by

JM PLANNING SERVICES

On behalf of

Mr amie Allason

2th April 2020

FINAL

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Figure 1 – View of 3 Manor Place from across the street.

Figure 2 – Longer View from the west at the public path adjacent to the Church

Figure 3 – View of the Cupolas and steel framed balustrade at 8 Moray Place

Appendix 1 LIST OF EXAMPLES OF CONSENTED ROOF TERRACES AND OTHER TYPES OF ROOF TOP STRUCTURES AND FEATURES ON PROPERTIES IN EDINBURGH CITY

Ref: PL A CAA MPE 84
Supporting Statement V2.FINAL
2th April 2020
John MacCallum BSc (Hons), MRTPI
Planning Consultant

1.0 Introduction and Background

Introduction

1.1 This Statement has been prepared by M Planning Services to support corresponding applications for Planning Permission and Listed Building Consent submitted by Capital A Architecture on behalf of Mr. Jamie Allason for the formation of a new roof terrace with associated glass barrier and access hatch at No. 3 Manor Place, Edinburgh.

1.2 The property is a Category A Listed Building forming part of a group listing for Nos. 35 to 4 (odd numbers) Manor Place, Edinburgh (under HES reference LB2 2 8).

1.3 The applications are being pursued further to previous applications (Ref 1 01 3 LBC and 1 01 4 FUL) part of which were refused and part approved in mediated decisions issued by the Council dated 5th August 201 . The approvals now being sought relate to a revised scheme for the roof terrace which had been previously refused.

1.4 The revised scheme seeks to overcome the previous concerns raised by way of the following:

- (i) setting back the proposed glass barrier, combined with using a frameless glass balustrade, to make it even less visible from street level compared to the previous scheme,
- (ii) proposing a material for the roof decking to match the colour on the existing flat roof and
- (iii) forming an access hatch clad in slate to match the existing slate roof covering.

1.5 These revised proposals have been devised in order to make these features less visible on the existing roof profiles on the building, thereby addressing the concerns raised in connection with the original scheme. However, they represent works to an existing roof which involve changes that will not be visible or conspicuous from street level, with the exception of only a small top part of the proposed 1.1 metre high frameless, glass balustrade set back from the roof edge, to be explained in more detail within this Statement.

Background

1. No. 3 Manor Place has been converted from an office to residential by way of implementing the aforementioned decisions, with a lower basement flat (No. 3 a) created and a ground floor to attic storey flat (No.3) above.

1. The properties being created have limited external space for useable garden ground which is not uncommon for a city centre location. The Council has accepted the extent of garden ground being provided for the approved scheme. However, the creation of a useable area dedicated to the upper flat in the form of a roof terrace will assist in providing additional external useable space which will not be overlooked at all and so will be more private than the garden at ground level.

1.8 The roof terrace proposal has always been part of the overall proposals for the conversion of this property, having been included in the initial applications in 201 relating to the proposal to convert the building to 2 flats, and is seen as an integral element of the

modernising and upgrading of the property, which is being carried out in sympathy and in keeping with the architectural and historical qualities that the building has.

2.0 Details of the Proposal

2.1 The proposed roof terrace is an integral part of the refurbishment and upgrading of this property. The existing flat roof on the building presents the opportunity to form a functional, dedicated outdoor space for the occupiers of the upper flat to utilize rather than the very limited space able to be provided at ground level to the rear which is also not as easily accessible.

2.2 The specific details of the roof terrace proposal in this revised application are shown on the application drawings but they are also explained further below.

2.3 It is proposed to form a decking area measuring approximately 2.4 metres by 3.2 metres (footprint of 20.5 sq. m.) on the existing flat roof section of the building. The existing felt material on the flat roof section will remain with the decking positioned over it. The decking will be set on the level but as the flat roof has a very slight gradient towards the west roof edge (Manor Place side), the deck will sit just above the roof at its western point.

2.4 Specifically, it is proposed to use an adjustable aluminium decking system (one that is manufactured by Ryno). The decking will be finished in a grey colour (Coded RAL 7016 – as detailed on the application drawings) which will blend in with the existing slate and felt roof coverings. The decking system is comprised of relatively lightweight aluminium deck boards and joists, with adjustable support pedestals and can be sized to suit the area required, and is designed specifically for inset balconies, roof terraces and waterproofed concrete balconies. It is a fully non-combustible material which complies with the required Fire Regulations, as confirmed by the applicant's consultant Fire Engineer.

2.5 Access to the roof terrace will be via a new internal stair at upper floor level which was approved as part of the internal alterations and which will provide access to the existing attic space. It is proposed that this staircase will be further extended internally by forming 5 new steps at right angles to provide access on to the roof terrace. A new opening will be formed in the existing sloping roof on the rooftop to gain access out on to the roof terrace. The opening will have a side hung door set flush with the existing roof slope and it is proposed to clad this door opening externally in slate to match that on the existing roof slope.

2.6 The decking will be enclosed on 3 sides by a 1.1 metre high glass barrier (when measured above deck level), with the open side (east) facing the slate clad sloping roof opposite to the front roof edge (west). The glass barrier (and decking edge closest to the west roof edge Manor Place side) will be set back approximately 1.48 metres from the front roof edge. The glass balustrade will be frameless, without any steel metal rails or upstands.

3.0 Planning Policy and Listed Buildings Policy and Guidance

3.1 As this statement has been prepared in support of both applications submitted for planning permission and listed building consent, it is necessary to differentiate between planning policy requirements and legislative and policy guidance requirements for listed buildings. This is outlined below.

3.2 Planning Policy Context

3.2.1 The planning policy context is provided for by the Council's Edinburgh Local Development Plan (LDP) which was adopted in November 2011. The relevant policies for a planning application of this nature include the following:

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.

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.

3.3 Listed Buildings Policy and Guidance

3.3.1 In determining applications for listed building consent, it is not necessary for them to be determined in accordance with the Development Plan in the way planning applications are. Nevertheless, the policies of the Development Plan, in this case, the adopted Local Development Plan, as referred to above, are a material consideration.

3.3.2 In that regard, Policy Env 4 in the adopted LDP is of relevance. It states that proposals to alter a listed building will be permitted where those alterations are justified will not result in unnecessary damage to historic structures or result in a diminution of the building's interest and any additions would be in keeping with other parts of the building.

3.3.3 Supplementary Guidance also applies in the form of the Council's non statutory Guidance for Listed Buildings and Conservation Areas.

3.3.4 Of more importance for assessing alterations to listed buildings is the legislative framework set by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1987. Section 14 of the Act states that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, before deciding to grant Listed Building Consent.

3.3.5 The Historic Environment Policy for Scotland (HEPS) which was published in April 2011 as an update to the first HEPS is a statement of policy produced by Historic Environment Scotland (HES) which seeks to provide guidance for managing changes to the historic environment, including listed buildings. To supplement this policy statement, HES also provides further guidance in its Managing Change series and the guidance on Roofs is relevant to the proposed roof terrace for this property.

4.0 Planning Assessment

4.1 This assessment will seek to address the key issues raised as part of the previous refusal, both in terms of planning policy and listed building legislation, policy and guidance. These key issues relate to the potential impacts of the roof terrace on the listed building, the New Town Conservation Area and on the World Heritage Site designation.

4.2 It is not intended to refer to amenity issues (under Policy Des 12 in the LDP) as the proposal was previously compliant with those aspects of the policy and there are no changes to the proposal that would require any further re assessment in that regard.

4.3 General

4.3.1 The applicant accepts that some of the concerns previously raised by the Council and Historic Environment Scotland (HES) in respect of the original roof terrace proposal were justified to a certain degree relative only to some of the features, such as the glass barrier and the skylight. However, the applicant does not share the Council's or HES's views that the principle of a roof terrace is not acceptable for this type of property. Hence, the proposal represented by this revised scheme is an attempt to demonstrate that even for a listed building located within a historical environment, it can be achieved in a way that respects the character and integrity of the listed building and without being detrimental to the New Town Conservation Area or the Outstanding Universal World Heritage Site designation.

4.3.2 The applicant believes that the Council and HES can adopt a more sympathetic approach to the proposed introduction of a roof terrace on this property on the basis that traditional buildings of architectural and historical interest and character are able to adapt to changing circumstance over time, including a category A Listed Building.

4.3.3 The degree to which change is proposed for this property is not so significant that should justify the Council and HES in precluding a roof terrace. The building is being improved substantially and brought up to modern day living standards but in keeping with its listed status. All aspects of the proposed changes to create the 2 flats within the building as per the previously approved details demonstrate that this listed building's overall character and integrity are being respected and will be safeguarded in the main.

4.3.4 Therefore, the introduction of a roof terrace is not considered to be a feature that would compromise the character or integrity of the listed building. The impact on the Conservation Area and the Outstanding Universal World Heritage Site designation are also considered to be negligible.

4.3.5 The following justifications are presented which the applicant considers should have a material bearing on how the proposal for a roof terrace under the terms of this revised scheme is re assessed by both the Council and HES.

4.4 Potential Impact on the Listed Building

4.4.1 The roof deck will not change the nature of the flat roof section as the existing felt covering will remain intact with the new deck merely being positioned over it. However, the extent of deck covering has been scaled back from the original proposal, with the footprint reduced from 27.5 sq. m. to 20.5 sq. m. It is also proposed to be set back further from the

front roof edge parapet: 1.48 metres instead of 800mm previously. A grey decking material to match the roof felt colour will ensure it is not a noticeable feature from above.

4.4.2 It is important to state therefore that the decking in itself is not likely to have any detrimental impact on the character or integrity of the Listed Building as it will not be a visible feature from anywhere except from directly above. Even then, with the colour of decking material to match the existing felt covering, it will not be instantly recognisable as decking when viewed from a distance, which will be the case. The applicant considers the Council and HES should have greater regard to this when they assess this revised proposal.

4.4.3 It is only the introduction of the glass barrier in combination with the decking area which will make the roof terrace feature seem apparent. Having taken cognisance of the comments associated with the previous application, the position of the glass barrier will correspond with the edge of the decking which has been reduced in area, resulting in the west facing glass barrier being set further back from the front roof edge parapet than previously: 1.48 metres compared to 800mm. This will help to lessen the amount of glass barrier that would be visible from the west.

4.4.4 In addition, the purpose of the glass design is to ensure that whatever part might be visible, will still allow the existing roof features behind to remain visible when viewed from longer views to the west. The balustrade will also be frameless with no visible steel metal railings or upstands, therefore helping to further reduce its visual prominence. This was an important element of the design thought process which recognised the importance of protecting the character and integrity of the listed building features, including those on the rooftop.

4.4.5 The previously proposed skylight has been removed and replaced by an access hatch which will be clad with slate so that it will appear as an integral part of the existing pitched roof when closed, as the door will be set flush with the existing roof slope. The hatch will be in its closed position at all times with the exception of when it is opened to gain access to and from the roof terrace, whereupon it will be immediately closed. This overcomes the previous concern of the roofscape being severely altered associated with the previous skylight proposed.

4.4. A further consideration in assessing the suitability of a roof terrace on a listed building is a reference to HES's Managing Change Guidance on Roofs. The Report of Handling for the original application refers to relevant sections in the documents, notably the following:

"In terms of alterations, it states that new work should normally match the original as closely as possible. The alteration of a roof can create additional space to allow the building as a whole to remain in use and develop with the needs of the occupants. In considering how to alter a roof it is important to understand the impact of the works on the roof itself and the appearance of the building or street as a whole. The potential for cumulative effects of similar developments should also be considered."

4.4. Notably, there is no mention in the guidance document that refers specifically to roof terraces. However, the document does contain guidance on roof eave tensions as follows:

*“A roof extension may not fit comfortably where long views are important to the profile of a building. Where streets are narrow, the buildings are tall, and the new work is **recessed from the wallhead**, the visual impact of a roof extension is likely to be less.” (HES Managing Change Guidance: Roofs - paragraph 4.12)*

4.4.8 In the absence of any specific guidance on the formation of roof terraces on listed buildings, it could reasonably be interpreted from the above that works on a roof are likely to be more acceptable where they are set back to ensure the visual impact of a change alteration to a roof on a listed building will be lessened: in this case, negligible.

4.4. The proposals demonstrate an attempt to achieve that purpose and, as stated above, the only visible part of the roof terrace is likely to be the glass balustrade, but even then, the combination of its set back from the front edge/parapet and its “all glass” frameless appearance without any steel metal rails and upstands, it is unlikely to be conspicuous from street level.

4.4.10 Lastly, in response to the Case Officer’s comment previously that the roof terrace is “not required for the beneficial use of the building, are not justified and would result in a diminution of its interest”, the applicant does not share this view. Private space for buildings in city centre locations is at a premium but where it can be provided, it should be welcomed, particularly if the roof terrace will have minimal visual impact. As it has been demonstrated in the above paragraphs, the revised scheme for the proposed roof terrace clearly will achieve that objective. They are also in line with other examples permitted in the New Town which will be illustrated further below.

4.4.11 Consequently, the revised proposals are considered to be in line with the general purpose of policy guidance published by Historic Environment Scotland relative to reducing the potential visual impact of roof alterations on listed buildings. The proposal is also therefore compliant with adopted LDP Policy Env 4 and the appropriate Policy and Guidance on listed buildings under the terms of listed building legislation.

4.5 Examples of Consented Roof Terraces in Edinburgh New Town

4.5.1 In addition to the merits of the revised proposal for the application property alone, the Council’s attention is drawn to 3 relevant examples of similar roof terraces which the Council, and HES, have permitted under very similar circumstances – category A listed buildings located within the New Town Conservation Area and in the Outstanding Universal World Heritage Site designation.

(i) 12 Abercromby Place, Edinburgh (Consent References **16/05922/FUL and 16/05923/LBC**).

These applications have been reviewed and it is noted that, in that instance, the proposed balustrading was set back at the request of Historic Environment Scotland to reduce its visual impact as it was initially proposed too close to the flat roof edge and front parapet. The Planning Committee Report provided the following planning justification:

“(a) *Character*

The roofscape character of this section of Abercromby Place is atypical of many streets within the Second New Town which have single or double pitched slate roofs. No. 12 Abercromby Place and the two adjoining buildings on either side have added floors with flat lead-covered roofs with cupolas and access hatches.

*While roof terraces are not historic characteristic features of the New Town, **these have become desirable features for modern urban living and have been approved in locations where they are not conspicuous from street level.***

Given the historic and architectural significance of the layout of the New Town, aerial views are also important, so any alterations to form roof terraces need to respect this "fifth dimension".

*In this case, the proposed alterations to form the roof terrace involve the installation of a flush rooflight of modest dimensions and **minimalist glass balustrades which will not be conspicuous from street level in the proposed set back positions.** No change to the lead roof covering is proposed and the added features on the roof will visually blend with the existing roof structures in this row, when viewed from above. **The proposed roof terrace is therefore justified in this particular context.**"*

4.5.2 Following an appraisal of the approved drawings for these applications, it is noted that the design of the balustrade incorporated steel metal rails and upstands form part of the design for the glass balustrade, which is different to that proposed for No. 3 Manor Place, which is to be frameless.

4.5.3 This example demonstrates that the Council has permitted a roof terrace on a similar building in an inconspicuous position and so not noticeably visible from street level, even with the same height of balustrade at 1.1 metres. In addition, however, it is evident from the revised proposal for No. 3 Manor Place that the same or better would be achieved compared to this example highlighted, given that the proposed glass barrier will be frameless with no metal steel upstands or rails, making it even less apparent from street level.

(ii) 8 Moray Place, Edinburgh (Consent References **17/04243/FUL**)

4.5.4 The planning history for this property has been reviewed and the first important aspect of this example is that planning permission was granted in 2011 following a Listed Building Consent having been granted on appeal, after a Listed Building Enforcement Notice (reference 10052 ENCOMP) had been served by the Council. It is noted that an original approved scheme for alterations and refurbishment of existing roof access house and roof protrusions under application references 1404238 FUL and 1404238 LBC was not complied with and that material changes were the subject of enforcement action to rectify the breach under listed building legislation. The planning permission granted was in retrospect to align with the listed building consent granted on appeal.

4.5.5 The following extract is from the Planning Committee Report:

*“The Reporter concludes that.....The installed glazed balustrade appears more prominent from this lane, but not to the extent of having a detrimental impact on the character or appearance of Moray Place or the wider conservation area.....No specific reference was made to the glass balustrade in either the planning or listed building enforcement notices and the Reporter only mentions the balustrade in terms of its visibility from Gloucester Lane. Listed building consent has been granted for all retrospective works as constructed and these include the glass balustrade. **The visibility of this feature is no greater than that of the roof-top extension. The same conclusion has therefore been reached regarding the impact of the balustrade, that it does not have an adverse effect on the listed building or conservation area.**”*

4.5. In the case of the proposal for No. 3 Manor Place, it is considered that the glass barrier, particularly the top which will not be defined by any metal steel rail, will not be visible at all as it will be obscured by the existing stone parapet, when glimpsed from the opposite side of the street, although in this scenario, a person would have to be looking up to see it. This is demonstrated in the photo below in Figure 1.



Figure 1 – View of 3 Manor Place from across the street.

4.5. Even from a slightly longer range view further to the west from the public footpath next to the church opposite, heading east towards the property, none of the other roof features proposed will be visible at all and it is likely that even the top of the glazed barrier above the stone parapet will hardly be visible at all when viewed at this distance, as illustrated in the photograph below in Figure 2.



Figure 2 – Longer View from the west at the public path adjacent to the Church

4.5.8 It is possible to conclude, therefore, that where, in the case of the proposal for No 3 Manor Place, a part of the glazed balustrade might be visible, the degree to which it may impact on the listed building or Conservation Area can be considered to be negligible and so be acceptable, since the glass barrier will be frameless and it likely to be even less prominent than one which is framed by metal steel upstands and rails, as in the case of 8 Moray Place illustrated in the photograph on the next page in Figure 3 taken from Google Streetview.



Figure 3 – View of the Cupolas and steel framed balustrade at 8 Moray Place

4.5. It is also noted in the Committee Report that reference is made to precedents (as quoted below) and the applicant accepts that by citing this example (and others) it is not to suggest that it represents a precedent but merely an example of where a similar proposal has been accepted and that, by comparison, the proposal under consideration would have less of an impact on the same category of an A Listed Building, New Town Conservation Area and Outstanding Universal Value of World Heritage designation. See also the justification in paragraphs 4.5.10 and 4.5.11 in the following section (iii) below relative to precedent.

“As regards the issue of using flat roofs in the New Town for living accommodation and the development setting an undesirable precedent, each proposal needs to be assessed on its own merits in terms of its impacts on the historic environment and residential amenity.....”

Historic Environment Scotland has stated concern that approving this balustrade could set an undesirable precedent.....Any future applications for similar balustrades will be judged on their own merits.”

(iii) 4F 44 Queen Street Edinburgh (Consent References **17/03180/FUL** and **17/03182/LBC**)

These applications have been reviewed and, based on the applications being determined under delegated powers, the following is a summary of the assessment

by the Case Officer contained in the Report of Handling for both the LBC application and planning application:

“The roof of the facade of No. 43 has the raised crenelated parapet which will obscure any views from street level or prominent longer views. The glazed extension is considered within this context and is acceptable in this particular location.” (LBC application)

The above comments represent the assessment of this proposal in terms of impact on the Category A listed building, which is concise and illustrates how the proposal was deemed to be relatively uncontentious. They do, however, demonstrate again that, provided mitigation is incorporated into a proposal, a roof terrace is able to be permitted on a building of traditional character with architectural and historical qualities. The revised proposal for No. 3 Manor Place with the set back of the glass barrier, its frameless construction and it being set behind the existing stone parapet along the front of the roof is directly comparable in that regard.

4.5.10 It is accepted that, in each of the examples illustrated above, each decision should be founded on the merits of the individual case under consideration. Nevertheless, it is noted that in a recent appeal case (Gladman Developments Limited v The Scottish Ministers (201)) it is made clear that “recent (appeal) decisions in which the same issues arise, should be regarded as material considerations in any subsequent determinations. Whilst such decisions should not be followed as precedents, there is a requirement to refer to them, and if departing from the reasoning in those (appeals), to explain why.”

4.5.11 It is contended that a similar approach can be taken by the Council and HES in their respective considerations of the consents sought for 3 Manor Place and that the similar examples illustrated are material considerations that lend support to these proposals and which have significant weight in the determination of these applications.

4.5.12 In addition, a list is provided in Appendix 1 of this Statement of a number of other examples of roof terraces and other types of structures and features on roof tops of a range of properties in Edinburgh which have been supported by the Council. This further demonstrates that, in principle, the creation of roof terraces and other features on rooftops is acceptable and that, while each case is judged on its own merits, the proposals under consideration are clearly justified as they represent a roof top feature which is minimal by comparison. As a consequence, they will have a negligible impact on the character and appearance of the listed building, the Conservation Area and the street within which the property is located and in this case also, the Outstanding Universal Value of the World Heritage designation.

4.6 Potential Impact on the New Town Conservation Area and World Heritage Site

4.6.1 The relevant issue to address is whether any of the features of the proposed roof terrace would be visible and if so, if they would potentially harm the character and appearance of the Conservation Area or impact adversely on the Outstanding Value of the World Heritage Site designation. The Case Officer previously stated in his report of handling:

“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.”

4. .2 It has been stated earlier that the proposed decking and access hatch would not be visible features from street level below by virtue of the decking being set level on the flat roof and the hatch being set flush with an existing sloping roof. Matching materials and colours also assist to blend in the new features with the existing roof coverings (as accepted in the example at 12 Abercromby Place as highlighted above). These features would not have any adverse impact on the Conservation Area since they would not be readily visible from public vantage points within the Conservation Area.

4. .3 The concern raised previously related to the prominence of the glass barrier. This revised proposal has sought to address that concern by reducing the extent of decking footprint which will result in the glass barrier being set back 1.48 metres from the west roof edge and further behind the stone parapet, compared to 800mm previously. As explained earlier in this Section of the Statement, this will significantly reduce the prominence of the glass barrier by being mostly obscured by the stone parapet, with a narrow section of the top of the barrier likely to be the only aspect of the roof terrace that might be visible. This extent of glass barrier would not amount to a significant visual intrusion on the roof and when this is combined with the balustrade being of frameless construction, the barrier will be even less visible. Therefore, it is contended that this one feature of the roof terrace proposal which will be either not visible at all or hardly visible when glimpsed from the street opposite, is unlikely to have a significantly detrimental impact on the character and appearance of the New Town Conservation Area or of the Outstanding Universal Value of the World Heritage Site designation that would merit refusal of the applications.

4. .4 To illustrate how the revised roof terrace could be given favourable consideration, the assessment in the report for the planning application relating to the roof terrace for 44 Queen Street is again a useful reference point. It states:

“In terms of the impact of the proposal on the conservation area, the existing site is set above any street elevation and is obscured by the very distinctive crenelated stone parapet.....Long views from both the east and west along Queen Street are therefore restricted to glimpses of this raised site.

There was some concern regarding the reflective qualities of the glass balustrade and dormer. The revised images show the reduced scheme and amended materials for the balustrade and west facing dormer cheek. The impact of the new glazed addition is therefore unlikely to be significant. The proposed extension will not adversely impact on the character or appearance of the conservation area, World Heritage Site or the setting of the adjacent listed buildings.”

4. .5 The same considerations could equally apply to the property at 3 Manor Place which could then reasonably lead to the conclusion that this one small visible feature of the

roof terrace proposal would not have a detrimental impact on the character and appearance of the New Town Conservation Area, the World Heritage Site designation or the setting of the listed building.

4. . However, the concern raised previously by the Council and HES e tends to a perception that the roof terrace will be a visible feature from above and in particular aerial views. This is not clearly e plained but it is understood that it could be in relation to views from Google Maps searches as the roof is not otherwise readily visible from other high public vantage points around the property. The report of handling does however state:

“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 severely altered. Aerial views of the New Town are particularly important and radical interventions to traditional roofscapes such as this are unnecessary and unacceptable interventions. The proposals fail to either preserve or enhance the character and appearance of the conservation area.”

4. . It is worth reiterating that, in response to the concern raised previously, the matching colours of the decking to the flat roof felt material and the slate covering on the hatch door opening over the access stairway to match the sloping slate roof will mean neither of these features will be readily visible from above. The revised proposal could not now be regarded as a “radical intervention”, particularly when considered in combination with the reduced footprint of the deck area. The glass balustrade around the decking also will not be a visible feature from directly above and so it is not relevant to this consideration.

4. .8 Consequently, it is considered that the revised proposals will preserve the special character and appearance of the New Town Conservation Area nor will they cause harm to the qualities that ustified the inscription of the World Heritage Site designation or have a detrimental impact on the Site's setting. The application can therefore be considered to be compliant with adopted LDP Policies Env and Env 1.

5.0 Summary and Conclusions

5.1 In the case of the planning application, Section 25 of the Town and Country Planning (Scotland) Act 1990 as amended states that applications shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 In determining applications for listed building consent, it is not necessary for them to be determined in accordance with the Development Plan in the way planning applications are. Nevertheless, the policies of the Development Plan are a material consideration.

5.3 The proposals represent a revised scheme to a previous proposal which was deemed unacceptable. It has been demonstrated in this Statement that the new proposals overcome the previous concerns raised by way of the following:

(i) setting back the proposed glass barrier, combined with using a frameless glass balustrade, which help to make it inconspicuous and not visible at all with the exception where it might be glimpsed slightly, but still hardly visible at all from street level

(ii) proposing a material for the roof decking to match the colour on the other roof coverings (slates and felt flat roof covering): a feature that will not be visible at all from street level and only evident from a bird's eye view above and

(iii) forming an access hatch clad in slate to match the existing slate roof covering: a feature that will not be visible when the hatch is in its closed position which will be at all times with the exception of when it is opened to gain access to and from the roof terrace, whereupon it will be immediately closed.

5.4 It is considered that the revised proposals comprising the roof terrace with associated works represent betterment from the previous proposal and address all of the previous concerns raised. In that regard, the applications can now be deemed to be compliant with the Council's adopted Local Development Plan policies Env 1, Env 2 and Des 12.

5.5 In terms of specific guidance on changes to Listed Buildings, the setting back of the roof terrace and balustrade from the wall head, to make it less conspicuous from street level, is in accordance the principles of guidance on alterations to roofs, as set out in the HES Managing Change Guidance series on Roofs. The materials and grey finish proposed for the roof terrace and the cladding of the hatch to match the slates in the existing sloping roof are all aspects of the roof terrace proposals that can be supported by HES guidance as these features will protect the character and appearance of the A Listed Building as they will not be visible at all.

5.6 The Council and HES have accepted other similar proposals in the Edinburgh New Town, on A Grade Listed Buildings and within the New Town Conservation Area and within the Outstanding Universal Value of the World Heritage Site designation. The three similar examples illustrated are material considerations that lend further support to these proposals and which have significant weight in the determination of the applications, as do the listed examples of other roof top features which demonstrate also that, in principle, they can be

acceptable, subject to the merits of each individual case being assessed. It is notable that one Council Planning Official states that roof terraces *“have become desirable features for modern urban living and have been approved in locations where they are not conspicuous from street level.”* A similar approach adopted for the current proposals for 3 Manor Place would be justified that would allow the proposals to be supported in line with national planning policy and guidance and Council planning policy and guidance.

5. It is contended therefore that the applications as submitted are able to be supported by the City of Edinburgh Council in that the planning application is in accordance with the Development Plan and that the listed building consent application can be supported by LDP policy and HES guidance. Consequently, it is respectfully requested that the respective applications are approved accordingly.

**LIST OF EXAMPLES OF CONSENTED ROOF TERRACES
AND OTHER TYPES OF ROOF TOP STRUCTURES AND FEATURES ON PROPERTIES
IN EDINBURGH CITY**

1. 3 Inverleith Place Lane
Application Ref 18 012 1 FUL
2. 11 15 South St Andrews Street (Commercial Property)
Application Ref 1 03350 FUL
3. 24 Rothesay Terrace
Application Ref 04 03054 FUL
4. 30 Dean Street (Recessed)
Application Ref 15 04218 LBC
5. 30 Royal Circus
Application Ref 14 048 LBC
- . 34 Hamilton Place
Application Ref 13 02443 LBC
- . 3 Polwarth Gardens
Application Ref 1 0 1 8 FUL
8. 3 Atholl Crescent Lane
Application Ref 1 03 50 FUL
- . 38 Sciennes (Steel Balustrade)
Application Ref 13 0158 FUL
10. 1 Leamington Terrace
Application Ref 10 02 5 FUL
11. 8 Montpellier Park (Recessed)
Application Ref 1 04 FUL
12. 10 George Street (Commercial Property)
Application Ref 14 040 5 FUL



By email to:
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East Market Street
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EH8 8BG

Longmore House
Salisbury Place
Edinburgh
EH 1SH

Enquiry Line: 0131 8 8 1
HMConsultations@hes.scot

Our case ID: 300044 52
Your ref: 20 01845 LBC
14 May 2020

Dear Sir Madam

Planning (Listed Building Consent and Conservation Area Consent Procedure)
(Scotland) Regulations 2015

3 Manor Place Edinburgh EH3 EB Form a roof terrace with glass balustrade and access hatch

Thank you for your consultation which we received on 01 May 2020. The proposals affect the following:

Ref	Name	Designation Type
LB2 2 8	35 4 (ODD NUMBERS) MANOR PLACE, INCLUDING RAILINGS	Listed Building

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 182 to 18 , the extensive classical terrace comprises a unified facade of 2 and 3 storey attic and basement townhouses. The proposals would see the addition of a roof terrace.

Proposals to alter a listed building should be informed by, and respond to the particular character, appearance and architectural interest of the building. The significance of a listed building's exterior is usually derived from factors including the extent to which the form, massing and elevational treatment remains intact from key periods of its history. The form and arrangement of original or historic features such as doorways and windows is a key component of the character and special interest of a listed building.



Our comments on the proposals are set out below:

Roof terrace

The proposed introduction of a roof terrace along the full width of the street facing section of roof would see the raising of the existing roof to form a level timber deck. A new glazed parapet would sit behind, and rise above, the full length of the townhouse's ashlar balustraded parapet.

In our view, the proposed continuous glass balustrade, rising above the townhouse's open stone balustrade would visually disrupt the continuous, linear form of building's distinctive wall head balustrade. It would diminish the character and appearance of the category A listed building. This proposal 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 listed building conservation area consent, 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.engineshed.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 88 828 or by email on Gordon.Mackie@hes.scot.

Yours faithfully

Historic Environment Scotland