

Bryant & Cairns.
Fao. Neil Gourlay.
2/3 Borthwick View
Pentland Industrial Estate
Loanhead
EH20 9QH

Mr A. Murray.
13 Corstorphine House Avenue
Edinburgh
EH12 7AD

Decision date: 29 October 2021

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

Remove exiting timber conservatory roof and windows from base walls and install new Chartwell Green uPVC windows and roof onto existing base walls.
At 13 Corstorphine House Avenue Edinburgh EH12 7AD

Application No: 21/04263/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 11 August 2021, 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:-

1. The proposed uPVC windows are not a traditional feature of the Corstorphine Conservation Area and would not preserve either its character or appearance. The application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development).

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

Drawings 01-02, 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 application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). It is not compatible with the existing building and does not preserve the special character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Jane Iannarelli directly at jane.iannarelli@edinburgh.gov.uk.



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

13 Corstorphine House Avenue, Edinburgh, EH12 7AD

Proposal: Remove existing timber conservatory roof and windows from base walls and install new Chartwell Green uPVC windows and roof onto existing base walls.

Item – Local Delegated Decision

Application Number – 21/04263/FUL

Ward – B06 - Corstorphine/Murrayfield

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The application for development is not in accordance with the Edinburgh Local Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). It is not compatible with the existing building and does not preserve the special character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a semi detached dwelling located on the north side of Corstorphine House Avenue. The property bounds Kirk Loan to the west.

The site is located within the Corstorphine Conservation Area.

Description Of The Proposal

The proposal is seeking planning permission to replace the existing timber conservatory roof and windows with Green uPVC windows and roof. The existing conservatory base will remain.

Relevant Site History

19/04671/FUL

Demolish existing garage including cracked concrete floor and leaking asbestos roof sheets. Erect new garage.

Granted

27 November 2019

17/00988/FUL

Erection of aluminium framed greenhouse attached to existing building.

Granted

25 April 2017

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 20 August 2021

Date of Advertisement: 27 August 2021

Date of Site Notice: 27 August 2021

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

Assessment

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

a) the proposed scale, form and design is acceptable and will not be detrimental to the conservation area;

b) the proposal will cause an unreasonable loss to neighbouring amenity;

c) any impacts on equalities or human rights are acceptable; and

d) any comments raised have been addressed.

a) Scale, form, design and the conservation area

The Corstorphine Conservation Area Character Appraisal emphasises the retention of the village character and vernacular architecture, the varied grain of the area, the retention of the informal street layout and footpath network, the consistency in the use of traditional materials, and the prevalence of residential uses.

The proposals involve replacing the windows and roof of an existing timber conservatory with a modern material that is not a part of the essential character of the conservation area. Given its historic importance and the prominence of the property within the conservation area, including frontages to both Kirk Loan and Corstorphine House Avenue, the use of uPVC in this location would adversely impact the character and appearance of the Conservation Area.

The proposals do not comply with Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

b) Neighbouring amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

No comments were received.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposed uPVC windows are not a traditional feature of the Corstorphine Conservation Area and would not preserve either its character or appearance. The application for development is not in accordance with the Edinburgh Local

Development Plan as it does not comply with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development).

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 11 August 2021

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jane Iannarelli, Planning Officer
E-mail: jane.iannarelli@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

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 100493951-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|------------|------------------------------------------------------|---------------------------|
| Title: | Mr | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | |
| First Name: * | Alan | Building Number: | 13 |
| Last Name: * | Murray | Address 1 (Street): * | Corstorphine House Avenue |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | [REDACTED] | Town/City: * | Edinburgh |
| Extension Number: | | Country: * | Scotland |
| Mobile Number: | | Postcode: * | EH12 7AD |
| Fax Number: | | | |
| Email Address: * | [REDACTED] | | |

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

13 Corstorphine House Avenue

Northing

672835

Easting

320080

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)

Ref: 21/04263/FUL Replace existing timber windows and roof of conservatory with Chartwell green (to match original colour) wood grain upvc

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.

Firstly. Your department stated that the property is a semi detached house,when it is in fact a ground floor flat that has had many alterations over the years. I need to replace the existing conservatory as it is leaking and the timber is rotten and consider that a wood grain/painted upvc replacement would look exactly the same. I note there have been no comments from any surrounding properties as again it would,even close-up,be an identical replacement for existing, in colour and design.

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)

As I have explained the conservatory cannot be seen from the street and is well secluded in our large garden. Even close-up would look like an identical replacement of existing, and in fact would look much better considering the bad state of repair of the original. We are also adjacent to a 70/80's council office to the rear of the building.

Application Details

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

21/04263/FUL

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

11/08/2021

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

28/10/2021

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)

I have electric gates which would require to be opened to allow access but there is someone home most of the time.

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 Alan Murray

Declaration Date: 29/10/2021