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**Decision date: 27 July 2021**

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

Internal alterations and enlargement of existing house.  
At 4 Harbour Lane South Queensferry EH30 9PT

**Application No:** 21/01809/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 6 April 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 alterations to the roof and windows; including the proposed materials, design of the dormer window and change in pitch do not comply with non-statutory guidance and are not in keeping with character of the area or the building itself. The proposals are contrary to Local Development Plan Policy Des 12 (Alterations and Extensions).
2. The proposals alterations to the roof and the replacement of windows conflicts with Queensferry Character Appraisal and will have a detrimental impact on the character of the Conservation Area. The proposals are Contrary to Local Development Plan Policy Env 6 (Conservation Areas - Development).

3. The proposal does not identify and retain features worthy of retention and existing features are not incorporated or enhanced through the proposed design. The proposals are contrary to Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features).

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

Drawings 01-04, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance. It is recommended the proposal is refused on this basis.

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 Christopher Sillick directly at [christopher.sillick@edinburgh.gov.uk](mailto:christopher.sillick@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](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

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

# Report of Handling

**Application for Planning Permission  
4 Harbour Lane, South Queensferry, EH30 9PT**

**Proposal: Internal alterations and enlargement of existing house.**

**Item – Local Delegated Decision  
Application Number – 21/01809/FUL  
Ward – B01 - Almond**

## **Recommendation**

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

## **Summary**

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance. It is recommended the proposal is refused on this basis.

## **SECTION A – Application Background**

### **Site Description**

The application site is a first floor flat set within a converted two storey dwelling. To site is partially visible from the Forth to the north, though some screening is provided by modern residential development. To the south of the site is a cluster of five listed buildings.

The application site is located within the Queensferry Conservation Area.

### **Description Of The Proposal**

The proposals include the following;

#### Principal Elevation

- Change in roof pitch;
- Replacement of existing slate with Spanish slate;
- Formation of three new windows at first floor level;
- Replacement of upper floor timber framed windows with alu-clad double glazed units;

- Replacement of existing velux windows with three conservation style units.

### Rear Elevation

- Replacement of existing dormer windows with new box dormer with slate cheeks, alu-clad window units and metal roofing.
- Alteration of roof pitch;
- Formation of new balcony with glass balustrade;
- Replacement of first floor windows with alu-clad double glazed units,

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

Archaeologist

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 14 April 2021

**Date of Advertisement:** 23 April 2021

**Date of Site Notice:** 20 April 2021

**Number of Contributors:** 1

## **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 proposals will adversely affect the character and appearance of the conservation area;
- b) the proposal will result in an unreasonable loss of neighbouring amenity;
- c) any impacts on equalities and human rights are acceptable; and
- d) any comments received are addressed.

a) Character and appearance of conservation area

Local Development Plan policy Des 12 (Alterations and Extensions) states that 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 and will not be detrimental to neighbourhood amenity and character.

LDP policy Des 3 states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Env 6 (Conservation Areas - Development) states that development within a conservation area or affecting its setting will be permitted where it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The Queensferry Conservation Area Character Appraisal emphasises the importance of the use of traditional materials including; stone and harl, slate and pantiles, timber windows and doors. On materials, the Character Appraisal notes a significant level of uniformity is achieved from the use of local building materials, despite the considerable range of building styles. The predominant materials form a restricted palette of rubble and dressed sandstone, render and slate roofing. The Character Appraisal also notes the importance of the roofscape in the Conservation Area and the importance of traditional buildings on the shoreline.

The existing dwelling is characterised by the use of stone, Scottish slate and timber framed windows. Although the roof has been modified through the formation of two dormer windows to the rear and velux windows on the principal elevation, the roof retains the traditional appearance of the original design. The proposal would result in a significant change to the existing roof and indeed to the building itself. The removal of slates to the rear of the building and the use of metal would be a modern intervention which is unprecedented in the area. The colour and texture of different roof covering materials make a substantial contribution to the character of a building. Many traditional roofing materials can also develop attractive long term weathering patterns. Alterations and repairs to roofs and their associated features should protect the character of the traditional buildings. The alteration of the roof pitch to the principal elevation and the significant increase in the extent of the dormer window coverage to the rear, along with the introduction of a new balcony would unbalance the property and unnecessarily replace a traditional roof. This conflicts with the Conservation Area Character Appraisal and would result in harm to the building itself.

The design of the dormer windows does not comply with design guidance set out in the Council's 'Guidance for Householders' which states that dormers in conservation areas will be acceptable when they are compatible with the building and the character of the surrounding area. Dormers should be of such a size that they do not dominate the form of the roof. If there are two or more dormers, their combined width should be less than 50% of the average width of the single roof plane on which they are located. In this instance the proposed dormer will cover more than 50% of the roof plane, the proposed dormer will dominate the roof plane and does not relate to the traditional appearance of the building or the design approach taken with other traditional buildings in the area. The proposed fenestration to the rear does not reflect the existing pattern and will further unbalance the appearance of the property.

The proposed replacement of existing timber framed windows with aluminium framed windows is also not supported. Guidance set out in the Council's 'Listed Buildings and Conservation Areas' document states that replacement windows and doors on all elevations of unlisted properties of a traditional design within conservation areas must match the original proportions, appearance, materials, and opening method. Appropriate timber sealed unit double glazing will normally be considered acceptable. As the application site is a top floor flat and the windows on the ground floor are to remain unchanged, the introduction of new alu-clad modern windows on the upper floors will further unbalance the appearance of the property.

Research undertaken by the applicant indicates that the application site used to be a windmill and that the dwelling that stands today was formed from a roofless shell. It is clear however, that in its design form and choice of materials the intention was for this building to mirror the surrounding traditional development which characterised the shore. The Planning Authority recognises that the elevations provided in support of this application are not true elevations in the sense that existing modern development to the north of the site provides some screening. However, the alterations to the rear will not be entirely screened and the alterations to the principal elevations will be entirely visible. However, it is also important to emphasise that Conservation Area character is not derived solely from what is visible. With regard to the Conservation Area Character Appraisal, the traditional elements of this building are worthy of retention, making a positive contribution to the Conservation Area.

It is clear that there are modern buildings surrounding the property which do not contribute positively to the Conservation Area. However, this does not justify further development which conflicts with the Local Development Plan and the Conservation Area Character Appraisal. Indeed, the surrounding modern development highlights the importance of retaining traditional development across the shoreline to prevent further erosion of the Conservation Area's character. The change to the roof in particular will result in damage to the building itself and will erode the remaining character of the shoreline.

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance set out in *Guidance for Householders* and in the *Listed Buildings and Conservation Areas* guidance document. It is recommended the proposal is refused on this basis.

#### b) Residential 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.

#### c) Equalities and human rights

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

#### d) Public Comments

The application received one comment from the Architectural Heritage Society Scotland, objecting to the proposals.

#### Material Comments

- The application proposes the use of several different building materials that overwhelm the original traditional character of the building and diminish its material and design integrity; this is addressed in section 3.3a) of the report.
- New windows with the original proposed are not consistent with original design of the building in their proportions, style, and opening method; this is addressed in section 3.3a) of the report.
- The proposed change to the roof does not reflect or relate to any of the traditional roof types in the conservation area. The proposed roof design will have a detrimental impact on character of the building and negatively affects the roofscape of the conservation area; this is addressed in section 3.3a) of the report.

#### CONCLUSION

The proposal is contrary to Local Development Plan policies Des 3, Des 12 and Env 6. The proposal conflicts with the Queensferry Conservation Area Character Appraisal and also conflicts with non-statutory guidance. It is recommended the proposal is refused on this basis.

### **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

#### **Reasons**

1. The proposed alterations to the roof and windows; including the proposed materials, design of the dormer window and change in pitch do not comply with non-statutory guidance and are not in keeping with character of the area or the building itself. The proposals are contrary to Local Development Plan Policy Des 12 (Alterations and Extensions).
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### **Background Reading/External References**

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 6 April 2021**

### **Drawing Numbers/Scheme**

01-04

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Christopher Sillick, Planning Officer  
E-mail: [christopher.sillick@edinburgh.gov.uk](mailto:christopher.sillick@edinburgh.gov.uk)

Appendix 1

**Consultations**

NAME:

COMMENT: