

Mr Martin Cameron.
2F 2 Morningside Gardens
Edinburgh
EH10 5LA

Decision date: 31 January 2022

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

Replace the existing aluminium windows with uPVC windows.
At 2F 2 Morningside Gardens Edinburgh EH10 5LA

Application No: 21/05446/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 14 December 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 **Granted** 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;

1. The new windows shall not have horns at the bottom of the upper sashes. In addition, trickle vents should be concealed in the meeting bars and should not be visible on the face of the windows.

Reasons:-

1. In order to safeguard the character of the conservation area.

Informatives:-

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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

Drawings 01-09, 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 works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused.

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 Nancy Jamieson directly on nancy.jamieson@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.

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Report of Handling

Application for Planning Permission
2F 2 Morningside Gardens, Edinburgh, EH10 5LA

Proposal: Replace the existing aluminium windows with uPVC windows.

Item – Local Delegated Decision
Application Number – 21/05446/FUL
Ward – B10 - Morningside

Recommendation

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

Summary

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused.

SECTION A – Application Background

Site Description

The application property is a top floor flat in a traditional tenement in Plewlands Conservation Area. It currently has 10 aluminium sash and case windows.

Description Of The Proposal

It is proposed to replace the aluminium windows with sliding sash and case windows in UPVC.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 31 January 2022

Date of Advertisement: 7 January 2022

Date of Site Notice: 7 January 2022

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

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

a) The impact on the character and appearance of the conservation area is acceptable?

The Plewlands Conservation Area is mainly comprised of two storey residential terraced development. The predominant height is two storeys with a small number of flatted elements of mainly three and four storeys. The buildings are complemented by

mature trees, extensive garden settings, shallow stone boundary walls and spacious roads.

Whilst the use of UPVC in conservation areas is not normally acceptable, in this case the windows are already non-conforming. In terms of the appearance of the conservation area, the change from aluminium to UPVC at this high level will be largely imperceptible. Whilst the frames will be slightly thicker, this is unlikely to be noticeable.

In terms of the character of the conservation area, there are a number of properties within the area where UPVC was installed prior to designation. Overall, the introduction of UPVC in place of aluminium in this particular property will not affect the special character of the conservation area. An exception to the non-statutory guidance is acceptable on this basis.

However, the design of the windows needs some adjustment to minimise the impact. In particular, horns are not a traditional feature and the trickle vent should not be visible. A condition has been added with regard to these features.

The works will preserve the special character and appearance of the conservation area as they will have a neutral impact.

Conclusion in relation to the conservation area

The proposals comply to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant policies to be considered are:

- LDP Environment policy Env 6
- LDP Design policy Des 12

The non-statutory Listed Building and Conservation Area Guidance and Householder Guidance is a material consideration that is relevant when considering policies Env 6 and Des 12.

Scale, form, design and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the character and appearance of the conservation area as detailed in section a) of the report.

Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory Guidance for Householders. The proposals will not result in any unreasonable loss to neighbouring amenity.

Conclusion in relation to the Development Plan

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the special character and appearance of the conservation area as they will have a neutral impact.

Therefore, the proposals comply with LDP policy Env 6 and Des 12 and the overall objectives of the Development Plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

One objection has been received on the basis the frames will be thicker, fake sash horns, visible trickle vent and non-traditional profiles. These points have been addressed in section a).

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

d) **Overall conclusion**

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

1. The new windows shall not have horns at the bottom of the upper sashes. In addition, trickle vents should be concealed in the meeting bars and should not be visible on the face of the windows.

Reasons

1. In order to safeguard the character of the conservation area.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 14 December 2021

Drawing Numbers/Scheme

01-09

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager
E-mail: nancy.jamieson@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 21/05446/FUL

Application Summary

Application Number: 21/05446/FUL

Address: 2F 2 Morningside Gardens Edinburgh EH10 5LA

Proposal: Replace the existing aluminium windows with uPVC windows.

Case Officer: Nancy Jamieson

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel objects to use of uPVC on this attractive block of three-storey tenements which extends up Morningside Gardens.

The majority of windows in these flats maintain the slim frames of wooden sash and case. Some replacement has been done in aluminium, but this is strong enough to match the slim widths of wood, so the visual impact of a non-compliant window is minimised. The proposed uPVC windows would be to the considerable detriment of the block, due to:

- 1) the much thicker frames, especially the visible case which is an unwelcome feature of all uPVC sash installations,
- 2) the fake sash horns, which are not a feature of this block,
- 3) the visible trickle vent, contrary to Edinburgh policy,
- 4) the non-traditional profiles.

This is contrary to Edinburgh policy and would detract from the largely uniform appearance of this block. We note that the few apparently uPVC windows in this block all seem to pre-date 2008, and therefore have not been assessed under present Edinburgh guidance. We also note that 2F 4 Morningside Gardens appears to have had its pre-2008 uPVC windows replaced with compliant wooden sash and case windows in 2013 (13/02561/FUL) and therefore the restoration of this terrace to its original appearance is underway and should not be subverted by a worsening in appearance of this prominent corner flat.