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1 Damhead Farm  
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Edinburgh  
EH10 7DZ

Mr Roger Kung.  
4 Glenorchy Terrace  
Edinburgh  
EH9 2DQ

**Decision date: 20 January 2022**

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

Replace existing bathroom timber sash and case window with UPVC.  
At 4 Glenorchy Terrace Edinburgh EH9 2DQ

**Application No:** 21/06280/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 29 November 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:-**

**Reasons:-**

1. The proposed UPVC windows introduce a material which is not characteristic of the conservation area. As it is on a publicly visible elevation it would fail to preserve either the character or appearance of the conservation area and is contrary to Local Development Plan Policies Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

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 proposals do not comply with Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas. The proposed UPVC window of an indeterminate design would fail to preserve the character or 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 Nancy Jamieson directly at [nancy.jamieson@edinburgh.gov.uk](mailto: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](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 Glenorchy Terrace, Edinburgh, EH9 2DQ**

**Proposal: Replace existing bathroom timber sash and case window with UPVC.**

**Item – Local Delegated Decision**  
**Application Number – 21/06280/FUL**  
**Ward – B15 - Southside/Newington**

## **Recommendation**

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

## **Summary**

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. The proposed UPVC window of an indeterminate design would fail to preserve the character or appearance of the conservation area.

## **SECTION A – Application Background**

### **Site Description**

The application property is a semi-detached villa in Craigmillar Park Conservation Area.

### **Description Of The Proposal**

It is proposed to replace a timber sash and case window on the side elevation with a UPVC replacement. The drawings state it will emulate a sash and case window but there are no sections or details to illustrate this.

### **Relevant Site History**

11/03733/FUL  
New velux windows.  
Granted  
11 January 2012

21/05025/FUL

Existing window openings on rear elevation increased to form double door openings to rear garden. Existing wall at rear of ground floor removed to create larger room.

Granted

9 November 2021

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 December 2021

**Date of Advertisement:** 10 December 2021

**Date of Site Notice:** 10 December 2021

**Number of Contributors:** 2

## **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;
- d) any comments raised have been addressed; and
- e) other material matters are considered

#### a) Scale, form, design and the conservation area

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

The introduction of a UPVC window on a publicly visible side elevation to an indeterminate design would harm both the character and appearance of the conservation area. The surrounding area is one of timber sash and case windows and this would not be compatible with that character.

The proposals are not compatible with the existing dwelling and will not preserve 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

Two objections were received both of which have been addressed above.

#### e) Other material considerations

##### *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 accords with Paragraph 29 of SPP.

##### *Emerging Policy Context*

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

City Plan 2030 - While the proposed City Plan is 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.

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

The recommendation is subject to the following;

### **Reasons**

1. The proposed UPVC windows introduce a material which is not characteristic of the conservation area. As it is on a publicly visible elevation it would fail to preserve either the character or appearance of the conservation area and is contrary to Local Development Plan Policies Des 12, Env 6 and the non-statutory Guidance for Listed Buildings and Conservation Areas.

### **Background Reading/External References**

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

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

**Date Registered:** 29 November 2021

### **Drawing Numbers/Scheme**

01-04

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](mailto:nancy.jamieson@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

# Comments for Planning Application 21/06280/FUL

## Application Summary

Application Number: 21/06280/FUL

Address: 4 Glenorchy Terrace Edinburgh EH9 2DQ

Proposal: Replace existing bathroom timber sash and case window with UPVC.

Case Officer: Householder Team

## Customer Details

Name: Mr Alexander Bloomer

Address: 6A Glenorchy Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We do not feel that the removal of a traditional window and replacement with UPVC is a suitable alteration to a Victorian Villa which is within the conservation area.

There are suitable alternatives such as double-glazed sash & case windows that provide the same level of insulation etc.

The property is currently undergoing considerable alternation which we agree is a big improvement and exciting project in sympathy with the original building using materials within the buildings traditional context.

# Comments for Planning Application 21/06280/FUL

## Application Summary

Application Number: 21/06280/FUL

Address: 4 Glenorchy Terrace Edinburgh EH9 2DQ

Proposal: Replace existing bathroom timber sash and case window with UPVC.

Case Officer: Householder Team

## 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 has examined this application and objects. The inappropriateness of uPVC in traditional buildings in conservation areas (due to its thicker frames and material differences) is well established in Edinburgh and HES guidance.

Here the first floor side windows are unusually visible for a semi-detached villa street, especially at numbers 4 and 6 due to the wide gap between their properties. There is some seasonal masking due to deciduous large shrubs/small trees but this is impermanent. We note that all visible windows to the fronts and sides of houses on this street appear to be timber sash and case, and that an inappropriate tilt-and-turn window to the first floor of number 8 has been replaced with a sash window in the last decade. It would therefore be odd to permit this uniformity to be eroded through this proposal, and detract from the present character of the conservation area. We therefore object.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100468072-004

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:	Gray Macpherson Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gray Macpherson	Building Name:	Tigh-na-geat House
Last Name: *	Architects	Building Number:	1
Telephone Number: *	0131 445 2223	Address 1 (Street): *	Damhead Farm
Extension Number:		Address 2:	Lothianburn
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH10 7DZ
Email Address: *	mich@graymacphersonarchitects.co.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="Roger"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Kung"/>	Address 1 (Street): *	<input type="text" value="Glenorchy Terrace"/>
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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 2DQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## 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="4 GLENORCHY TERRACE"/>
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="EH9 2DQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671642"/>	Easting	<input type="text" value="326751"/>
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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)

Replace existing bathroom sash and case windows with upvc sash and case window.

## 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.

Many of the surrounding buildings have upvc windows. See additional documentation of additional information.

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)

Written statement containing photographs which show the upvc windows in the surrounding houses.

## Application Details

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

21/06280/FUL

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

29/11/2021

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

20/01/2022

## 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

## 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 Gray Macpherson Architects

Declaration Date: 03/03/2022

4 GLENORCHY TERRACE – APPEAL STATEMENT. DATED 2.3.2022

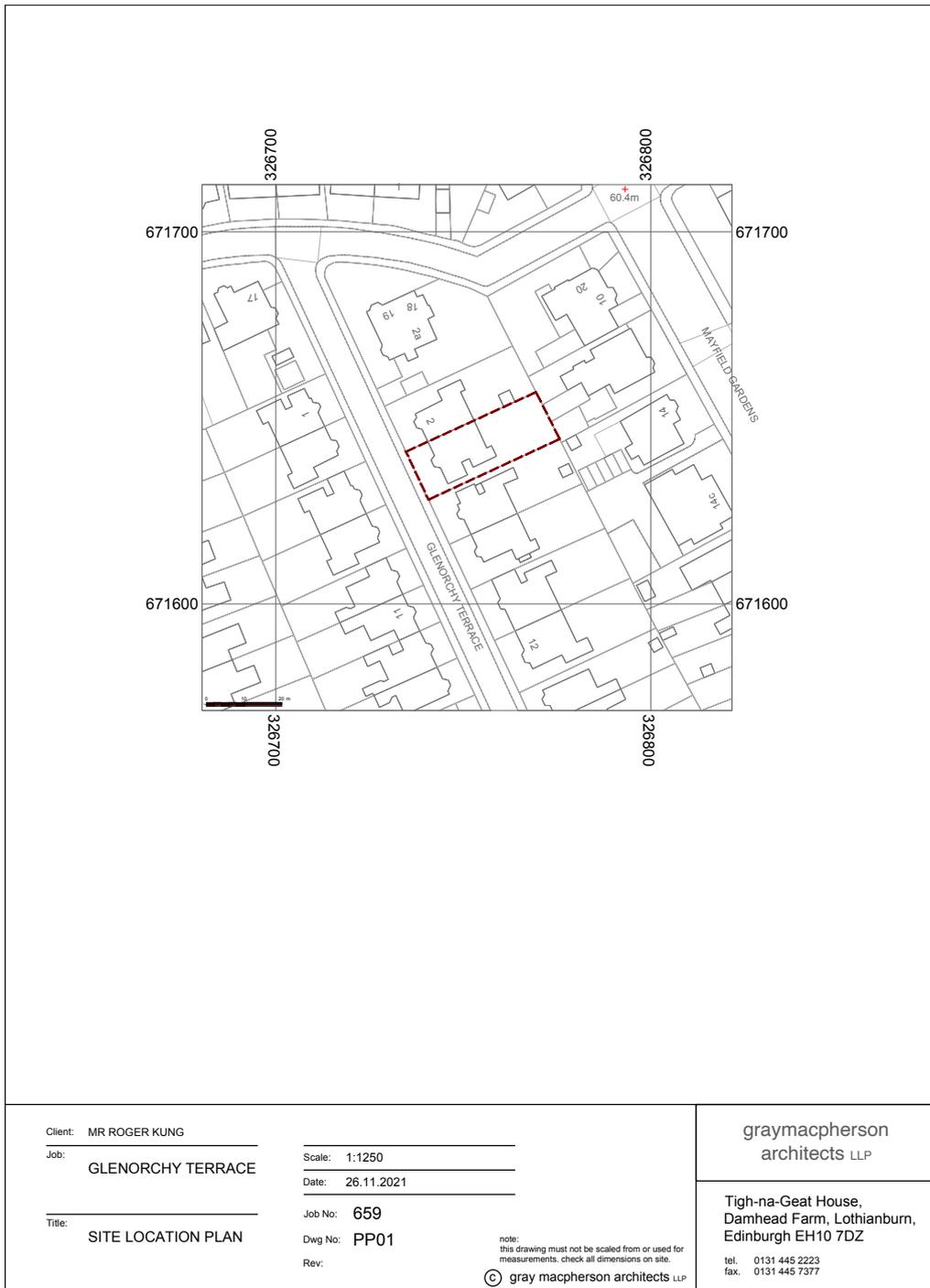


Figure 1 - Site location plan



Figure 2 - Image shows the first floor side window that is to be replaced.

We do not agree that the inclusion of a replacement UPVC window on the side elevation of the building will affect the character of the area.

The reasons for this are as follows: -

1 - the elevation is not a primary elevation.

2 - the size of the window is insignificant compared to surrounding windows.

3 - Many of the houses in the street have already got UPVC windows. These are listed as follows: -

All of the windows to the top floor of the villa immediately adjacent to number 2/4 on the corner of Bright's Crescent and Glenorchy Terrace are UPVC. This includes the windows facing the street and the side windows. These are large significant windows.



Figure 3 - Villa at corner of Glenorchy Terrace and Bright's Crescent. Top floor windows replaced with upvc.



Figure 4 - Side view of corner villa. Upvc windows.

The villa opposite, number 3 Glenorchy Terrace has a small upvc dormer window at high level. This has the same level of significance as the proposed window at number 4 Glenorchy Terrace.



Figure 5 - 3 Glenorchy Terrace - high level upvc window opposite number 4.

Several of the houses backing onto the rear garden of 4 Glenorchy Terrace have upvc windows. These can be clearly seen from Glenorchy Terrace between the villas.



Figure 6 - View of upvc windows at the back of Mayfield Gardens viewed from Glenorchy Terrace.



Figure 7 - View of UPVC windows to rear of 12 Mayfield Gardens. These can be seen from Glenorchy Terrace between the villas.



Figure 8 - 14 Mayfield Gardens - upvc windows that can be viewed between villas from Glenorchy Terrace.

Number 6 Glenorchy Terrace has a upvc window – although this can only be seen from the garden of number 4.



Figure 9 - Upvc window to the house next door to 4 Glenorchy Terrace.

Conclusion.

We have demonstrated that many of the houses in the immediate vicinity have upvc windows fitted. The character of the area has already been altered.

On the evidence provided, we simply do not accept that the replacement of one small insignificant side window will affect the character of the street and therefore, the refusal should be over turned and planning consent should be granted for the proposal.