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**Decision date: 29 December 2021**

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

Removal of conservatory and erection of new extension to the rear. Minor interior alterations. Double glazing and reinstatement of astragals to front windows.  
At GF 47 Inverleith Row Edinburgh EH3 5PY

**Application No:** 21/05265/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 7 October 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 proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed would have a detrimental impact on the architectural merits of the host property.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the

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

Drawings 01-03, 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:

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 Conor MacGreevy directly at [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@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  
GF 47 Inverleith Row, Edinburgh, EH3 5PY**

**Proposal: Removal of conservatory and erection of new extension to the rear. Minor interior alterations. Double glazing and reinstatement of astragals to front windows.**

**Item – Local Delegated Decision  
Application Number – 21/05265/FUL  
Ward – B05 - Inverleith**

## **Recommendation**

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

## **Summary**

The proposal does not have special regard to the desirability of preserving the character and appearance of the conservation area and the character of the building, contrary to sections 59 and 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

## **SECTION A – Application Background**

### **Site Description**

The application site is a ground floor residential unit within a two storey mid-terrace property.

The property is a Statutory C Listed Building (1977).

### **Description Of The Proposal**

The proposal is for the erection of a single storey rear extension, landscaping and internal works.

### **Other Relevant History**

27.09.2021 - Enforcement case for; Alleged unauthorised stone cleaning of a listed building in a conservation area - (21/00682/ELBB).

## Relevant Site History

21/05267/LBC

Removal of conservatory and erection of new extension to the rear. Minor interior alterations. Double glazing and reinstatement of astragals to front windows.

## Consultation Engagement

No Consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 29 December 2021

**Date of Advertisement:** 22 October 2021

**Date of Site Notice:** 22 October 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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 principle of the proposal is acceptable in this location;

- b) the proposals will adversely affect the character and appearance of the conservation area;
- c) the proposals will have an adverse impact on the character of the listed building;
- d) the proposal will result in an unreasonable loss of neighbouring amenity;
- e) any impacts on equalities and human rights are acceptable;
- f) Other material considerations ;
- g) any comments received are addressed.

#### a) Principle of Development

The principle of the proposal, a single storey extension and landscaping works, would be acceptable.

#### b) Conservation Area

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

LDP Policy Env 6 (Conservation Areas - Development) 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 conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The non-statutory 'Listed Buildings and Conservation Areas' guideline states that it is usually acceptable for an addition to be different and distinguishable from the existing building, in terms of design. The use of high-quality materials which complement the main building will be required.

The non-statutory Guidance for Householders states that planning permission will be granted for alterations and extensions to existing buildings which will not be detrimental to neighbourhood amenity and character.

Although the rear garden of the property is considerable, the introduction of a development of this scale would introduce an over-dominant and unsympathetic addition, to the detriment of the important relationship between the property and its rear curtilage. This would adversely affect the character and appearance of the conservation area.

The rear gardens along Inverleith Row are characterised by their expanse and soft landscaping. The existing rear garden is characterised by large areas of soft landscaping, which creates an appropriate relationship with the overall character of the conservation area. In contrast, the proposed works to the garden would create a design

that would be dominated by areas of hard surface, with peripheral elements of soft landscaping. This would change the rear garden to one where the emphasis would be on the hard surfaces, with the areas of soft landscaping taking on a secondary role. The works would create a hard and unyielding garden form that would diminish and detract from the green areas that form an important component in the overall character of the conservation area.

The proposal would fail to comply with ELDP Policy Env 6 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### c) Listed Building

LDP Policy Env 4 (Listed Buildings - Alterations & Extensions) 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 a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

The non-statutory 'Listed Buildings and Conservation Areas' guideline states that it is usually acceptable for an addition to be different and distinguishable from the existing building, in terms of design. The use of high-quality materials which complement the main building will be required.

The non-statutory Guidance on Listed Buildings and Conservation Areas states that proposed change will be managed to protect a building's special interest while enabling it to remain in active use.

The proposed single storey extension would have a relatively simple design and would clearly be read as a modern intervention. Although it would technically exceed 50% of the width of the rear elevation, it would extend beyond the gable of the building, therefore allowing a greater element of the rear elevation to be viewed. However, it would extend approximately 9.4 metres from the rear elevation of the property into the rear garden. To this extent, the proposal would be excessive in size and would fail to respect the scale of the existing building. It would create an unsympathetic, over-dominant and incongruous form, that would detract from the building's rear elevation.

The proposal, by virtue of its length, would disrupt the appearance of the existing building, creating an over-dominant addition that would challenge the architectural integrity of the host.

The proposed materials would be acceptable.

This does not comply with ELDP Policy Env 4 or with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Des 12 (Alterations and Extensions) of the adopted Edinburgh Local Development Plan 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'.

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 proposal complies with LDP Policy Des 5 and Des 12.

f) any impacts on equalities or human rights are acceptable

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

g) Other material considerations

SPP Sustainable Development

Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. The application is contrary to SPP Principle 3 in that it would not support good design.

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.

h) Public Comments

One comment was received from a member of the public in support of the application and was later withdrawn.

Conclusion -

The proposal as a whole is unacceptable and does not comply ELDP Policies, Env 4 and Env 6 and Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The recommendation is subject to the following;

## Reasons

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposed would have a detrimental impact on the architectural merits of the host property.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the

## Background Reading/External References

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

Further Information - [Local Development Plan](#)

**Date Registered: 7 October 2021**

## Drawing Numbers/Scheme

01-03

Scheme 1

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

Contact: Conor MacGreevy, Planning Officer  
E-mail:conor.macgreevy@edinburgh.gov.uk

Appendix 1

**Consultations**

No consultations undertaken.

# Comments for Planning Application 21/05265/FUL

## Application Summary

Application Number: 21/05265/FUL

Address: GF 47 Inverleith Row Edinburgh EH3 5PY

Proposal: Removal of conservatory and erection of new extension to the rear. Minor interior alterations. Double glazing and reinstatement of astragals to front windows.

Case Officer: Local1 Team

## Customer Details

Name: Not Available

Address: Not Available

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I think the proposal is a stylish, discretely proportioned and enhancing addition in keeping with the character of the existing building.