

Andrew Megginson Architecture.  
FAO: Andrew Megginson  
128 Dundas Street  
Edinburgh  
EH3 5DQ

Mr Lo Rizzo  
Flat 5 61 Falcon Avenue  
Edinburgh  
EH10 4AN

**Decision date: 3 March 2022**

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

Roof extension of flat (as amended)  
At 3F1 61 Falcon Avenue Edinburgh EH10 4AN

**Application No:** 21/06522/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 13 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 **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 fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.
2. The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.

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

Drawings 01-05, 06A, 07, 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, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. The proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan. 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 Graham Fraser directly at [graham.fraser@edinburgh.gov.uk](mailto:graham.fraser@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**  
**3F1 61 Falcon Avenue, Edinburgh, EH10 4AN**

**Proposal: Roof extension of flat (as amended)**

**Item – Local Delegated Decision**  
**Application Number – 21/06522/FUL**  
**Ward – B10 - Morningside**

## **Recommendation**

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

## **Summary**

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. The proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

Roof of a top floor flat within a 4-storey mid-terrace tenement block.

### **Description of the Proposal**

Planning Permission is sought for the erection of a roof extension with terrace to rear roof plane. The proposals will involve the reconfiguration of the flat roof to accommodate the roof extension including increasing the roof height.

The application was amended prior to this delegated decision. Scheme 2 reduces the height of the extension where it connects to the pitched roof and the footprint of the bedroom and terrace. An air source heat pump has also been removed.

### **Supporting Information**

A Design Statement relating to Scheme 1 was provided in support. Drawing 07, a contextual street view section, was provided in support of Scheme 2.

## Relevant Site History

No relevant site history.

## Consultation Engagement

No Consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 20 December 2021

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 21

## Section B - Assessment

### Determining Issues

This report will 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 proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP policy Des 12.

The non-statutory 'Guidance for Householders' is a material consideration that is relevant when considering LDP policy Des 12.

Scale, form, design and impact on the existing building and neighbourhood character

The application site sits within 47 to 75 Falcon Avenue, a five block row of traditional in character and appearance tenements. It appears on the 1914 Ordnance Survey maps but it is not listed or located within a conservation area. The block and tenement row to which the proposal relates has not been subject to any significant physical alteration and are highly uniform in appearance. Each block follows the same largely symmetrical pattern including bay windows at each end and a centrally positioned chimney stack. The ground floors have three doors, two to the left of centre and one to the right. A window accompanies the door to the right and it would be reasonable to suggest this was influenced in part by a desire to continue the symmetrical concept. Nos 5 to 45 Falcon Avenue sits to the west and is near identical in character and appearance. Whilst separated, they would appear continuous when viewed from the eastern and westernmost extents of Falcon Avenue.

Uniformity, a lack of significant physical alteration and individual block symmetry is repeated with the roofscape. The roof of 47 to 75 Falcon Avenue is pitched to the front and largely flat to the rear. Each block is marked by the presence of chimney stacks and feature a centrally positioned historic cupola providing light to communal stairwells. The most notable alterations to the roof of the existing building and 47 to 75 Falcon Avenue would be confined to the creation of rooflights outwith repairs or maintenance works.

The Merchiston and Greenhill Conservation Area reaches Morningside Road and Newbattle Terrace. The Grange Conservation Area extends to the rear curtilages of 1 to 49 Falcon Gardens. The proposal would be broadly obscured from large parts of the public realm by the pitched roof and scale and nature of bounding development. The possible exception to this would be from Falcon Gardens to the north of St Peter's RC Church and the southernmost point of Falcon Road West. However, this is unlikely in respect of the former given the wall to this street, in leaf trees and the position and massing of the Church.

The existing building has an established character and appearance which is defined by the lack of significant physical alteration, uniformity, symmetry and a maximum four-storey height. The contemporary design and use of a single material is not considered to be appropriate for this traditional in character and appearance tenement where significant modern interventions are rare. Whilst the proposal will be broadly obscured from large parts of the public realm, it is not accepted that it will be wholly concealed from large parts of the public realm and any ability to glimpse the proposal, given its incongruous design, would result in a detrimental impact on the appearance of the existing building.

As 47 to 75 Falcon Avenue, the row to which the proposal relates, form a near continuous row with 5 to 45 Falcon Avenue, the proposal would also have an adverse effect on this element of neighbourhood character through the disruption of uniformity and symmetry. Furthermore, these tenement rows are very similar in character and appearance to 52 to 74 Falcon Avenue, 53 to 75 Falcon Road and 1 to 49 Falcon Gardens which do not feature roof top extensions. Whilst 14 to 20 Falcon Avenue, 2 to 6 Falcon Road and 50 to 54 Newbattle Terrace nearby are more modern, the latter being the most modern, they also do not feature roof top extensions. Such additions are not part of the neighbourhood and the proposal would accordingly have an adverse effect on surrounding character.

There is one roof level extension in the immediate neighbourhood relating to 30 and 32 Newbattle Terrace, a mid-terrace two-storey dwellinghouse which has been subdivided into flats. This property does not appear on the ca. 1944 Ordnance Survey maps, and none of three planning applications on record (01567/82, 00088/52 and 15/04095/FUL) reference a roof extension. It is not clear when this addition was made and it could also have formed part of the development as built. However, since it is of traditional construction and relates to dwellinghouse, albeit one that has been altered through subdivision, it is not accepted that this is representative of neighbourhood character and its existence has been given little weight.

### Neighbouring Amenity

The proposal will have no material impact on the levels of natural light to the rear curtilages. The height to ridge of the proposal means that it is likely to have some effect on the levels of natural light for the historic cupola. However, this feature is to provide daylight for a communal stairwell and the proposal would not impede this to a materially unacceptable degree. It also appears to be obscured glass.

The terrace is small and unlikely to result in noise that would be detrimental to residential amenity. The rear curtilages of 47 to 75 Falcon Avenue are overlooked currently by the associated flats as well as from the windows and balconies of 50 to 54 Newbattle Terrace. It is not accepted that the terrace would unacceptably intensify any pre-existing overlooking effects.

It was suggested that an assessment be undertaken in respect of a rooflight to the east of the proposal. None was received but there is no specific assessment for rooflights in the 'Guidance for Householders' given the rarity of such a scenario. The proposal will measure 2m to 2.7m in height to ridge and the centre point of this rooflight sits within 1.5m. The existing chimney stack will also be raised and sit above the 2.7m maximum height to ridge. The levels of natural light for this rooflight, which is angled to the north and sits below the pitched roof of the tenement, is likely to be poor due to its aspect and siting and the further intensification of this should be resisted in the interests of neighbouring amenity. Accordingly, it is concluded that the height to ridge and close siting is likely to result in an unreasonable loss of natural light for this rooflight.

### **Conclusion in relation to the Development Plan**

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result in an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. Therefore, the proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan.

### **b) 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.

When assessed against the relevant sustainable development principles, the proposal is not considered to protect the historic environment and constitutes over development of a building with little capacity for above ground floor extensions. There would be no wider economic benefit from approval the application and the proposal is not regarded to constitute good design. The inclusion of solar panels between zinc seams of the proposals flat roof does not outweigh this conclusion.

The proposal does not comply with the relevant sustainable development principles of 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

21 letters of representation were received; 20 objections and 1 supporting.

#### *material considerations in objection*

- Impact on natural light to rear curtilages - this is addressed in paragraph a).
- Impact on natural light to common internal spaces - this is addressed in paragraph a).
- Impact on natural light to neighbouring roof top openings - this is addressed in paragraph a).
- Impact on amenity in respect of overlooking and noise - this is addressed in paragraph a).
- Proposal is not in keeping with the character of the tenement - this is addressed in paragraph a).

#### *non-material considerations in objection*

- Potential use of the property as short-term holiday letting.
- Impact on the Morningside Conservation Area.
- Scaffolding, appearance and noise from installation.

- Impact on property prices.
- Delayed receipt of neighbour notification due to festive period.
- Impact on trees.
- Leaks or water ingress from poorly maintained rainwater infrastructure.
- Creation of precedence.
- Land / building ownership and developmental restriction in title deeds.
- Risk of terrace users walking along the neighbouring roofs.
- Potential for increase in roof maintenance costs.
- The existence of underground springs.
- The potential of subsidence and structural issues as well as the potential for legal action against the Council regarding this should the application be approved.
- Out of date Location Plan - *whilst this does fail to show the new development of 50 to 54 Newbattle Terrace, the properties within 50 and 52 were neighbour notified. 54 fails outwith the 20metre notification boundary.*

*material considerations in support*

- Terrace valuable for health and well-being.
- Minimal impact on the outlook of neighbours and the proposal will not be visible from Falcon Avenue.
- Materials and finishes fit with that of the existing roof.
- Design mirrors 50 to 54 Newbattle Terrace and will be lower than this development.

**Conclusion in relation to identified material considerations**

The proposal does not comply with the relevant sustainable development principles of Paragraph 29 of SPP. The proposal does not raise any issues in relation to the other identified material considerations.

**c) Overall conclusion**

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. The proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan. There are no material considerations which outweigh this conclusion.

Therefore, the proposal is recommended for refusal.

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

The recommendation is subject to the following;

**Reasons**

1. The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable

loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.

2. The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.

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

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

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

**Date Registered: 13 December 2021**

### **Drawing Numbers/Scheme**

01-05, 06A, 07

Scheme 2

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

Contact: Graham Fraser, Assistant Planning Officer  
E-mail: [graham.fraser@edinburgh.gov.uk](mailto:graham.fraser@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Ian Sladen

Address: 61/2 Falcon Avenue Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Increasing the height of the block will have a detrimental effect on the sun light and daylight in the back garden of the property 61 Falcon Avenue. It will increase overshadowing and reduce direct sunlight. There is no assessment of how much light / direct sunlight will be lost, the sun currently directly hits the back garden between April and September when it is high enough in the sky to shine over the block, this will be reduced by increasing the height of the block and further reduced by moving the peak height towards the rear of the block. The proposal is also not in keeping with the style of the stone tenement. I would also question the Land Ownership statement given the flat is part of a tenement therefore the 'land' is jointly owned by all flats in the block

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mrs Rita Simaske

Address: 67/6 Falcon Avenue Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I am writing in regards to the application for planning permission 21/06522/FUL. I am the top floor neighbour (house 67, flat 6) and I will be directly affected by the proposed roof extension as it will block the only source of external light in my kitchen. After analysing the plans and documents of the proposed roof extension, it is obvious that the proposed roof extension does not meet the 45 degree rule and it will block the light and cast shadow to my kitchen's window which is the only external source of light.

Once the roof extension drawings are adjusted, I am happy to review my objection.

Kind regards,

Rita Simaske.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Miss Lisa Cairns

Address: 55 Falcon Avenue 3F1 Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Today I received the planning application for the property at 61 Falcon Avenue ref no. 21/06522/FUL.

Upon first reading and look at the proposed application, I had to check it wasn't April the 1st. I couldn't believe my eyes, never mind the fact that to my mind, the application is a mixture of greed, selfishness and stupidity all rolled into one. Am I really reading that Mr Lo Rizzo wants to turn his building into a hi Rizzo ? Is someone making this up?

Firstly, these buildings are over a hundred years old and were never built for 5 levels. Aesthetically it looks out of place. No other tenement in Morningside or the surrounding area has this kind of extension and therefore it would be setting an ugly precedent.

Secondly, I live in a top flat right next to this proposed extension. The heightened security risk of having someone with easy access to the rooftops to wander as they want is unacceptable . We have already suffered a break in through a skylight at this address. I see from the plans this resident would have an area where they could sit outside therefore allowing access to the rest of the roofs.

We have paid a huge amount of money over the years to keep our roof in top condition. To think that this could be compromised by someone with the access to walk on it as they please or even the spillover from the workmen and their materials as they build the extension is not on!

In Falcon Avenue we have an underground spring which is a worry and also bad subsidence which can be seen at no. 16 Falcon Avenue. The pressure of another level being built, not to mention the detrimental effect of this work reverberating through the surrounding buildings is utter madness.

I have lived a long time in Edinburgh and I've seen some crazy suggestions but this one takes the cake. I especially like the way this planning application was sneaked through under the cover of Xmas.

I suspect I will not be alone in my amazement that someone would have the audacity to suggest this monstrosity.

If the council let this go ahead, I would suggest you put aside a large sum of money to cover the legal bills if this building crumbles in the same way we have seen down in London when councils allow the underneath of buildings to be hollowed out to create more space and the building collapses as a result.

I would like to thank Mr Rizzo for having quite some imagination, even if it threatens to be at the cost of his neighbours and the aesthetics of the area.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr ian sladen

Address: 61/2 Falcon Avenue Morningside Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The land Registry title deeds for my flat in 61 Falcon Avenue state .....dwelling houses four storeys in height and built wholly of stone.....external appearance of the said buildings shall not be altered.....no buildings or erections other than the said four tenements of dwelling houses.....shall be placed on the said area of ground. In addition the deeds specifically note ....59, 61 and 63... upholding and keeping in repair the roof.....and all other burdens common or mutual to the proprietors of said tenement. These 2 specifications exclude the right to increase the number of floors in the block, confirm the external appearance of front and back elevations requiring to be stone and also confirm that the roof is owned by all flats not owned solely by the top flat - as joint owner I object to any changes to the external roof.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr ian sladen

Address: 61/2 Falcon Avenue Morningside Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The foundations of the tenement were built to support a 4 storey block, adding the extra weight of another storey could undermine the structural stability of the block. In addition as per my other comment Flat 61 deeds preclude the tenement being more than 4 storeys and define the external materials that the tenement is to be constructed of to be stone. In addition the roof cupola was designed to light the stairwell from the ground floor with natural light during daylight hours thus not requiring artificial lighting during the day. The cupola was not designed to have a 1 storey wall built right round the edge of the eastern side and round half of the northern side of it. This can only have a detrimental effect on the amount of light in the stairwell particularly lower floors and could mean that there is a health and safety issue at ground floor and first floor level with too little light getting in to the common stairwell. If permission is given to do this that will set a precedent that every top floor flat could do the same - in which case our cupola would then be fully surrounded by a 1 storey wall on east, west and northern sides

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Ian Sladen

Address: 61/2 Falcon Avenue Morningside Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The land Registry title deeds for my flat in 61 Falcon Avenue state .....dwelling houses four storeys in height and built wholly of stone.....external appearance of the said buildings shall not be altered.....no buildings or erections other than the said four tenements of dwelling houses.....shall be placed on the said area of ground. In addition the deeds specifically note ....59, 61 and 63... upholding and keeping in repair the roof.....and all other burdens common or mutual to the proprietors of said tenement. These 2 specifications exclude the right to increase the number of floors in the block, state the external appearance requires to be stone and also that the roof is owned by all flats not owned solely by the top flat. As a joint owner of the roof I do not consent to any changes to it. In addition I would note the foundations of the tenement were built to support a 4 storey block, adding the extra weight of another storey could undermine the structural stability of the block. As per my previous comment Flat 61 deeds preclude the tenement being more than 4 storeys and define the external materials that the tenement is to be constructed of to be stone. Also separately I would note the roof cupola was designed to light the stairwell from the ground floor with natural light during daylight hours thus not requiring artificial lighting during the day. The cupola was not designed to have a 1 storey wall built right round the edge of the eastern side and round half of the northern side of it. This can only have a detrimental effect on the amount of light in the stairwell particularly ground and lower floors and could mean that there is a health and safety issue at ground floor and first floor level with too little light getting in to the common stairwell. If permission is given to do this that will set a precedent that every top floor flat in the area could do the same - in which case our cupola would then be fully surrounded by a 1 storey wall on east, west and northern sides. I separately added a comment which I can no longer see which noted increasing the height of the block will have a detrimental effect on the sunlight and daylight in the back garden of the property 61 Falcon Avenue, it will increase overshadowing and reduce direct sunlight, there is no assessment of how much light / direct sunlight will be lost. The sun currently directly hits the back garden between Apr and Sep when it is high enough in the

sky to shine over the block, this would be reduced by increasing the height of the block and further reduced by moving the peak height of the block towards the rear of the block. The proposal is also not in keeping with the style of the stone tenement and I would also question the land ownership statement given the flat is part of a tenement therefore the land (and roof) is jointly owned by all flats in the roof - as noted in the title deeds

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Martin Leyland

Address: Flat 2 52 Newbattle Terrace Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The extension is out of character and unsatisfactory in design terms and damages the consistent architectural style of the existing rear elevation.

2. Consent for the extension would create a damaging precedent leading to the likelihood that similar applications for the same terrace and other tenement buildings within the locality will be consented also. The cumulative effect of further consents, especially if planned and developed in a piecemeal manner, would be incongruent and extremely damaging to the strong architectural style this group of tenements represents.

3. The proposed extension introduces a balcony and large window areas to the rear in a manner that would form a new storey height, leading to an unacceptable intrusion into the amenities of adjoining and facing properties.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Ms Doreen Boa

Address: 55 Falcon Avenue Flat 5, 3F1 Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to planning application no. 21/06522/FUL.

I am the owner of a top floor flat , next to and metres from the proposed roof extension at 61 Falcon Avenue. As a result I am very concerned about this extension for a number of reasons.

I object on the grounds of noise. I see there will be an outdoor seating deck. This could easily become a noise issue. I have experienced previous noise issues with people on the roof of 61 Falcon Avenue. I have an opening skylight metres from this proposed extension supplying light and ventilation for my kitchen, this means any noise from the roof filters right through my flat.

I strongly object on the grounds of aesthetics. Edinburgh is a city with an iconic skyline. Tenement buildings are a strong identity of the city. The tenement flats in Falcon Avenue were built in approx 1900 . To have a modern block stacked on top of a Victorian building, 120 years later, seems absurd and highly unsightly. It is concerning to think of the precedent this could set and the resulting effect on the look of Edinburgh's tenements if owners and speculators see they can double their profits and values by crudely attaching modern blocks to our historic old tenement buildings.

I also worry about light issues. I am not sure if this building would cause overshadowing within my kitchen which uses the skylight as a light source and sits metres from this proposed extension. I also worry about any light at night from this extension and the impact it will have coming from an elevated position above my skylight.

There is also the concern of flood issues given there will be plumbing sitting above the original flat roof level, again metres from my own flat. Given these buildings are not level, any leaks could

easily turn into a big problem for neighbours.

Most importantly I object to the impact on the structure of my building. In an area that suffers subsidence, in a building with settlement cracks inside and out, I am highly concerned about the impact of cutting into the rafters of the apex roof mere metres from my own roof and adding the pressure of another floor to a building designed to hold 4 storeys. It seems highly possible that this type of work could impact the adjoining roofs and structures surrounding 61 Falcon Avenue. This is an aspect my neighbours and I will need to seek professional advice on should these plans go ahead.

It seems to fly in the face of common sense to try turning the old into the new with no regard of how it will impact the integrity of parts of Victorian Edinburgh. I have no problem with modern buildings , I enjoy seeing the modernisation of old buildings as they are turned into highly modern flats. What I find highly offensive is the idea of the skyline of my street and city turned into a tasteless mishmash of modern shanty blocks stuck , out of place, onto old buildings. I really hope the council sees sense and turns this planning application down.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Robert Crawford

Address: Flat 2 50 Newbattle Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal on the grounds that it will overshadow and cause loss of sunlight to my property, and is not in keeping with the appearance of the area.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mrs Monica Thompson

Address: 59 Falcon Avenue Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The applicant has answered 'yes' to trees being adjacent to the site - no trees are marked on the drawing as required therefore cannot I respond to this question.

2. The applicant indicates they are the sole owner of all the land. I assume this means the roof space; if so this is incorrect as I have 1/36th responsibility for upkeep of the roof, chimneys, water pipes rain conductors and all others common or mutual. The proposed 4th floor plan would suggest my access to all areas of the roof for which I have joint responsibility is compromised. It is not clear where responsibility lies for the new roof structure and roof terrace.

3. The proposed changes not only alters the front and rear aspects, but the roof line is elevated. At the front there appears to be 'velux' type windows which would be visible from the road, and at the rear, there appears to be 'french doors' as well as additional windows and a terrace balustrade. These proposed changes are not in keeping with the architecture of the tenements on the street. Essentially this is a fifth floor construction which is out of keeping with a four floored tenement street.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Stuart Strong

Address: Flat 5 52 Newbattle Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The blocks of flats in Falcon Avenue, Falcon Gardens and Falcon Road are of similar design and age. As far as we know none of these flats have rooftop extensions. This proposed box shaped roof extension would be a total eyesore and not in keeping with the attractive traditional character of these buildings. Also, if approved, this would set a precedent and the possibility of other flat owners following suit and even further ruining the character of the area.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Dr Roshan Maini

Address: Flat 7 50 Newbattle Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The extension is out of character and damages the consistent architectural style of the existing rear elevation.

The roof of the extension is higher than the current roofline to the front of the tenement and may necessitate vents for services to all flats being even higher.

Consent for the extension would create a damaging precedent for similar tenements in Falcon Avenue and, perhaps, for other venerable tenements in Edinburgh.

The proposed extension introduces a balcony and large window areas to the rear at a higher elevation leading to unacceptable intrusion into the amenities of adjoining and facing properties.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mrs Angela Bassi

Address: Flat 9 50 Newbattle Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The planned extension increases the height of the traditional tenement by a complete storey, above the height of the original roof and interrupts the traditional skyline. It will also obscure many neighbouring properties' views the hills beyond.

2. The extension design is out of character with the surrounding materials used for traditional Edinburgh tenements. If planning consent is given, this would set a precedence, leading to many more roof top extensions, irreversibly changing the nature of the building and neighbourhood.

Additionally we would like to raise the following issues with the consultation notification itself :

3. The posted consultation letter dated 20 December 2021 was received on the 30th, half way through the 21 day response period. Given this is also during the Festive Holiday period, while many residents are away, many effected parties will not be able to respond by the deadline set. The consultation period should be extended to take account of this.

4. The Location Plan 5236670 which has been submitted as part of the proposal, is outdated and no longer represents the neighbouring buildings. It shows only 3 effected properties on Newbattle Terrace. In reality the terraced development that has replaced those properties has 24 addresses across numbers 50, 52, and 54. As a result , all residents at number 54 have been neglected in the consultation.

The map should be corrected and the consultation reissued to include all effected parties.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mrs Linda Hunter

Address: 50/1 Newbattle Terrace Edinburgh Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the above planning to extend the roof height to build an extra room and balcony within the tenement opposite my apartment.

It would result in the invasion of my outward south view.

If planning was granted for the proposed window area and balcony it would encourage others within the street and elsewhere in Edinburgh to follow. This is not in keeping with the style and design of Scottish tenements.

(As a matter of interest, the form issued to myself and other residents living here is out of date and doesn't show the 24 flats which have now been constructed here for 4 years.)

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr John Laurie

Address: Flat 1 52 Newbattle Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The development is completely inappropriate to the style and heritage of the building in which it is located. It is an eyesore stand out in a traditional Edinburgh tenement.

It would set a very unfortunate precedent with many other owners in the same block likely to seek similar developments, transforming the skyline. Many other blocks in the area could suffer the same,

It is a very obvious and unfortunate intrusion on the privacy and amenity of our home.

The works, scaffolding etc would be extremely disruptive

There would be a deleterious effect on the value of our home and many others.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Ms Lindy Patterson

Address: 21 Midmar Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am the owner of 63 Falcon Avenue, Edinburgh EH 10 4AN. I was formerly of 41 Nile Grove, Edinburgh EH0 4RE occupied by my parents George Dennis Patterson and Margaret Patterson.

I object to planning application number 21/06522/FUL dated 20 December 2021 submitted by Mr Lo Rizzo on the following grounds:

1. The proposal is completely out of character for a tenement of this age and in this location. To break into the roof space; create a new area of roof and introduce double doors/windows and a terrace is wholly inappropriate. The proposed rear elevation on the plan makes this absolutely evident.
2. This will affect the structural integrity of the tenement. This tenement is over 100 years old and the applicant is proposing to add a new floor and break into and add a new section to the existing roof. No detail is given as to how this will affect the remainder of the roof or how a watertight seal will be achieved between the new and existing roof.
3. If granted, this would open the floodgates for the owners of all top floor flats of tenements to apply to do the same. The plan states that the raised height of roof would not be visible from Falcon Avenue. That is not the issue. This will be visible from a distance and alter the roofline and skyline from the front elevation. In addition, there will be a marked difference to the rear elevation of this particular building. Subsequent applications in relation to other buildings will serve only to exacerbate patchy, inconsistent, one-off treatment of the elevations.
4. There are fundamental title issues raised by this. I appreciate that this may not be for the Planning Department but given all the issues with maintenance of common parts in tenements, it is important that the Planning Department is aware of these. Each of the proprietors in the tenement has a one eighth share in maintaining the roof. As such they have a right to object to any works which would affect adversely this burden. The integrity of the existing roof would be wholly

compromised if the top floor flat owner were to break open the roof and build a new area including solar panels as well as raising the height of chimney pots. I am unaware of any right the applicant has to do so.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Ms Lindy Patterson

Address: 21 Midmar Gardens, Edinburgh EH10 6DY

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am the owner of 63 Falcon Avenue, Edinburgh EH 10 4AN. I was formerly of 41 Nile Grove, Edinburgh EH0 4RE occupied by my parents George Dennis Patterson and Margaret Patterson.

I object to planning application number 21/06522/FUL dated 20 December 2021 submitted by Mr Lo Rizzo on the following grounds:

1. The proposal is completely out of character for a tenement of this age and in this location. To break into the roof space; create a new area of roof and introduce double doors/windows and a terrace is wholly inappropriate. The proposed rear elevation on the plan makes this absolutely evident.
2. This will affect the structural integrity of the tenement. This tenement is over 100 years old and the applicant is proposing to add a new floor and break into and add a new section to the existing roof. No detail is given as to how this will affect the remainder of the roof or how a watertight seal will be achieved between the new and existing roof.
3. If granted, this would open the floodgates for the owners of all top floor flats of tenements to apply to do the same. The plan states that the raised height of roof would not be visible from Falcon Avenue. That is not the issue. This will be visible from a distance and alter the roofline and skyline from the front elevation. In addition, there will be a marked difference to the rear elevation of this particular building. Subsequent applications in relation to other buildings will serve only to exacerbate patchy, inconsistent, one-off treatment of the elevations.
4. There are fundamental title issues raised by this. I appreciate that this may not be for the Planning Department but given all the issues with maintenance of common parts in tenements, it is important that the Planning Department is aware of these. Each of the proprietors in the tenement has a one eighth share in maintaining the roof. As such they have a right to object to any works which would affect adversely this burden. The integrity of the existing roof would be wholly compromised if the top floor flat owner were to break open the roof and build a new area including

solar panels as well as raising the height of chimney pots. I am unaware of any right the applicant has to do so.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Ben Tier

Address: 3F2 55 Falcon Avenue Morningside Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Whilst I acknowledge the proposed roof extension appears to have been designed not to be visible from Falcon Avenue, the modifications will not be in keeping with the appearance of an original 100+ year old Edinburgh tenement block. In and of itself, a single roof extension adversely impacts the appearance from the rear of the property, both in terms of visibility from the shared gardens and the general skyline across Edinburgh. In addition, the choice of windows and facade for the extension do not appear to be in keeping with the rest of the property, i.e. to minimise the impact on the appearance of the tenement block, all windows, facade, structure and ancillary fixtures should match existing building features and materials. Furthermore, I object to what I believe is the first extension for this tenement block on the grounds that it may encourage further sporadic roof extensions of variables sizes/designs, thereby setting a precedent that will greatly impact the appearance of the building and the area beyond this single proposal.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Steven Gray

Address: 73/5 Falcon Avenue Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My reasons for supporting this application are:

1. The proposed roof extension is a clever design turning an average 2 bedroom flat into a stunning 4 bedroom family home.
2. The outdoor space provided is valuable for health and well being in these days of lockdowns and isolating.
3. The design of the rear elevation of the new extension mirrors the Newbattle Terrace flatted development opposite including decking and balcony.
4. There will be minimal impact on neighbours outlook to the front and rear elevations.
5. The new extension will not be seen from road level. (Falcon Avenue).
6. The height of the new extension will still be lower than the recently built 5 storey flatted development to the rear (Newbattle Terrace).
7. The choice of materials and colours fit with the existing roof materials.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Robert Campbell

Address: 61/3 Falcon Avenue Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As the owner of 61/3 Falcon Avenue I object to this proposal on the following grounds:

- The roof comes under shared ownership of those in the tenement. As one of said owners I do not consent to the modifications detailed by this application. Maintenance of the roof is the shared responsibility of the residents of the tenement and as stated on Under One Roof Scotland "owners should not interfere with parts of the building that give support or shelter".
- The modifications detailed by the application will have a negative impact on the appearance of the area making the tenement appear out of character with neighbouring tenements. Works such as these are not in keeping with the conservation area of Morningside.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Neil Matheson

Address: 61/1 Falcon Avenue Morninside Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the above planning request on the following grounds -

1. The proposed extension has a wall surrounding the communal hall roof light which will significantly reduce the light the hall. This would be a particular problem when the sun is rising in the winter months.
2. The height of this extension would mean it was visible as you approach from Falcon Road and this would spoil the roofline of these attractive tenement block.
3. The roof is shared between all the flats and maintenance costs are shared. I would not give permission for a hole to be cut into the jointly owned roof.
4. This extension would likely make this flat a multi-tenant or Airbnb property which would change the atmosphere in the block. I surprised the Council are even considering such a development.
5. I'm very concerned about the future maintenance of this property if the complete roof has been changed and additional weight has been placed on the foundations. Subsidence and a new leak would be a very real threat.
6. New solar panels appear to be placed on the shared roof.
7. If this goes ahead, I'll be selling our flat as the almost inevitable structural problems ahead are going to be a nightmare. I suspect that even planning permission could take thousands of the value of our property.

# Comments for Planning Application 21/06522/FUL

## Application Summary

Application Number: 21/06522/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension of flat.

Case Officer: Householder Team

## Customer Details

Name: Mrs Julie Hufstetler

Address: 52/4 Newbattle Terrace Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection the the proposed extension due to invasion on privacy with direct line of sight into my property

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 100515254-003

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:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr./ Mrs."/>	Building Name:	<input type="text" value="61/ 5"/>
First Name: *	<input type="text" value="V"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Lo Rizzo"/>	Address 1 (Street): *	<input type="text" value="Falcon Avenue"/>
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="EH10 4AN"/>
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="3F1"/>
Address 2:	<input type="text" value="61 FALCON AVENUE"/>
Address 3:	<input type="text" value="NEWBATTLE"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH10 4AN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671467"/>	Easting	<input type="text" value="324687"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Roof extension of flat (as amended) At 3F1 61 Falcon Avenue Edinburgh EH10 4AN

## 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.

See review statment

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)

Review Document 1 Decision Notice Review Document 2 Planning Application Form Review Document 3 Location Plan Review Document 4 Existing Plans Review Document 5 Proposed Plans Review Document 6 Proposed Context Section Review Document 7 Design Statement (as amended) Review Document 8 Daylight Assessment Review Document 9 Structural Engineer Letter Review Document 10 Handling Report

## Application Details

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

21/06522/FUL

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

13/12/2021

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

03/03/2022

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To fully understand building and area.

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 Andrew Megginson

Declaration Date: 27/04/2022

Andrew Megginson Architecture.  
FAO: Andrew Megginson  
128 Dundas Street  
Edinburgh  
EH3 5DQ

Mr Lo Rizzo  
Flat 5 61 Falcon Avenue  
Edinburgh  
EH10 4AN

**Decision date: 3 March 2022**

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

Roof extension of flat (as amended)  
At 3F1 61 Falcon Avenue Edinburgh EH10 4AN

**Application No:** 21/06522/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 13 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 **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 fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.
2. The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.

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

Drawings 01-05, 06A, 07, 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, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. The proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan. 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 Graham Fraser directly at [graham.fraser@edinburgh.gov.uk](mailto:graham.fraser@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.

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 100515254-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Roof extension of flat.

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## 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:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	61/ 5
First Name: *	Vilfrido	Building Number:	61
Last Name: *	Lo Rizzo	Address 1 (Street): *	Falcon Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH10 4AN
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:

3F1

Address 2:

61 FALCON AVENUE

Address 3:

NEWBATTLE

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH10 4AN

Please identify/describe the location of the site or sites

Northing

671467

Easting

324687

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

100.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Residential

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

### Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

### Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

### Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Provision as existing.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Megginson

On behalf of: Mr Vilfrido Lo Rizzo

Date: 13/12/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |   |   |
|--|---|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

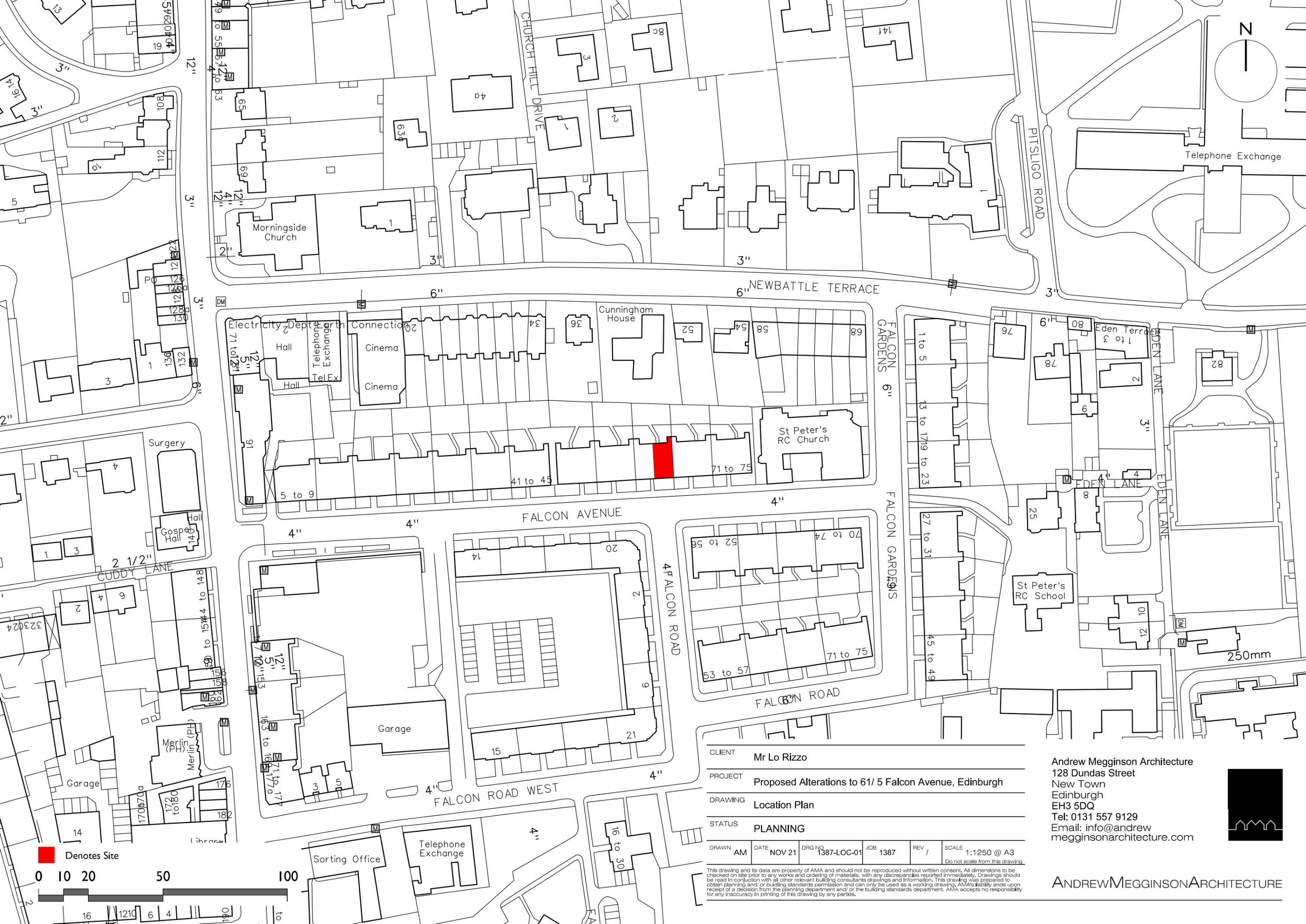
Declaration Name: Mr Andrew Megginson

Declaration Date: 13/12/2021

## Payment Details

Online payment: XXXXXXXXXX  
Payment date: XXXXXXXXXX

Created: 13/12/2021 09:35



Denotes Site



CLIENT	Mr Lo Rizzo										
PROJECT	Proposed Alterations to 61/ 5 Falcon Avenue, Edinburgh										
DRAWING	Location Plan										
STATUS	PLANNING										
DRAWN	AM	DATE	NOV 21	DRG NO	1387-LOC-01	JOB	1387	REV	/	SCALE	1:1250 @ A3
Do not scale from this drawing.											

This drawing and its data are property of AMA and should not be reproduced without written consent. All dimensions to be checked on site prior to any works and ordering of materials, with any discrepancies reported immediately. Drawings should be read in conjunction with all other relevant building consultants drawings and information. This drawing was prepared to obtain planning and/or building standards permission and can only be used as a working drawing. AMA's liability ends upon receipt of a decision from the planning department and/or the building standards department. AMA accepts no responsibility for any inaccuracy in printing of this drawing by any parties.

Andrew Megginson Architecture  
 128 Dundas Street  
 New Town  
 Edinburgh  
 EH3 5DQ  
 Tel: 0131 557 9129  
 Email: info@andrewmegginsonarchitecture.com



ANDREWMEGGINSONARCHITECTURE

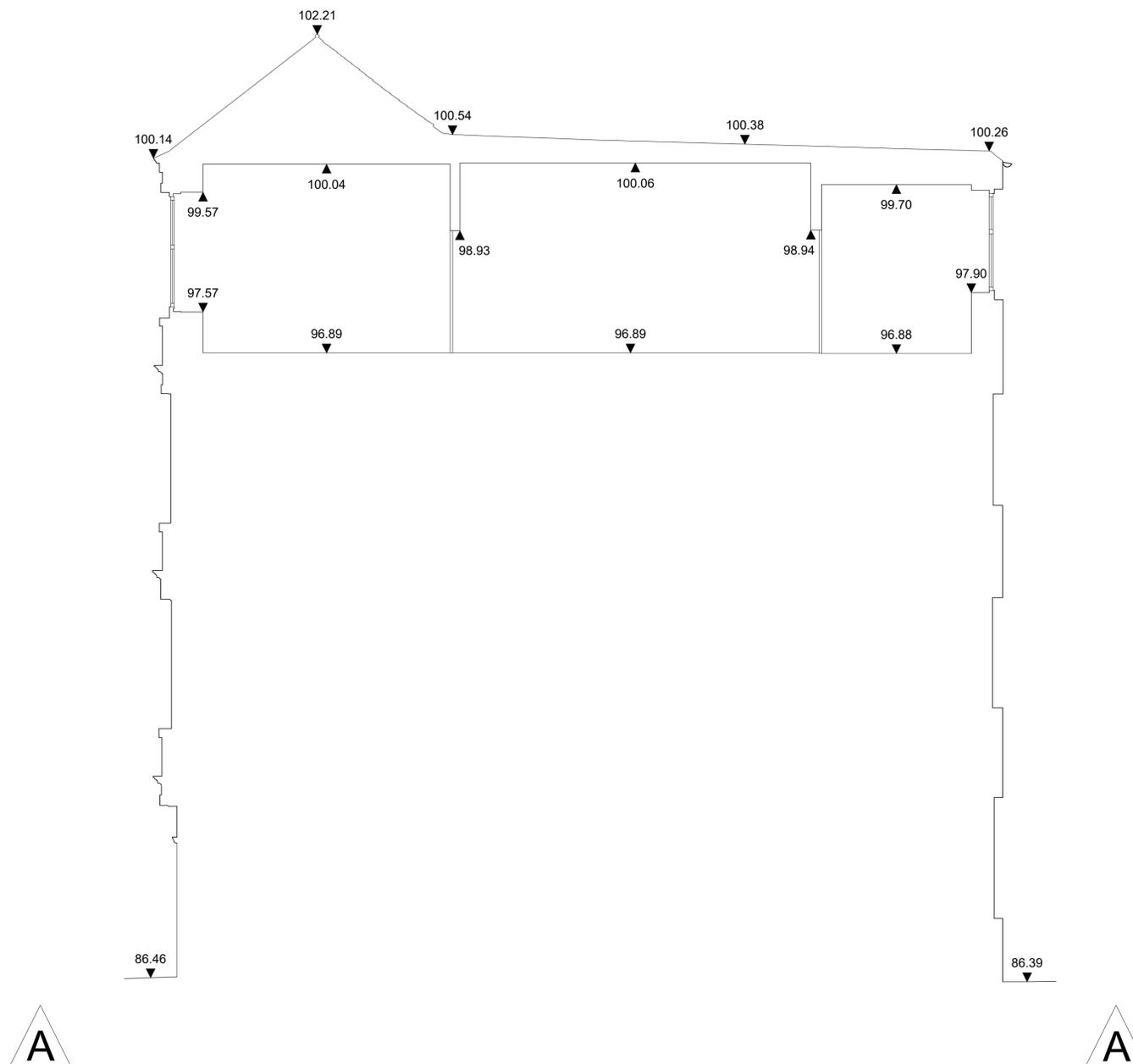
105m

100m

95m

90m

85m



SECTION A-A

105m

100m

95m

90m

85m



PAVILION 2  
BUCHANAN BUSINESS PARK  
GLASGOW  
G3 7JZ  
TEL: 0141 772 9991  
WWW.SIGMASURVEYS.COM

10 LOCHSIDE PLACE  
EDINBURGH PARK  
EDINBURGH  
EH12 9RG  
TEL: 0131 222 7861  
QUOTE@SIGMASURVEYS.COM

SURVEYED	C. DOWDS	SCALE
DRAWN	C. DOWDS	1:50 (A1 Sheet)
CHECKED	J. ROMAN	

ANDREW MEGGINSON ARCHITECTURE

61/5 FALCON AVENUE, EDINBURGH

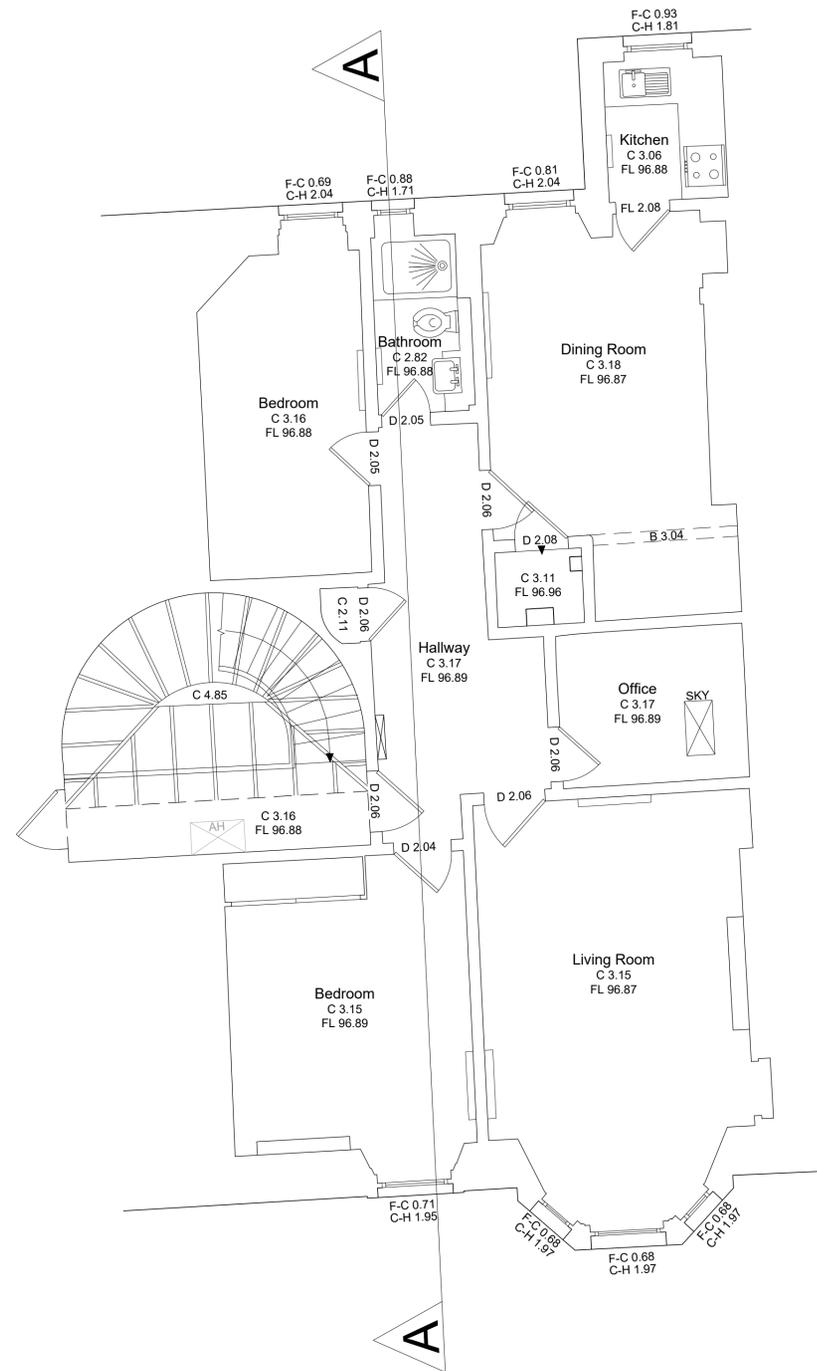
SECTION SURVEY  
SECTION A-A

Job No.	Drawing No.	Date	Revision
21/680	21/680/04	November 2021	

REVISION	NOTES	DATE

Notes:  
Grid is arbitrary.  
All levels relate to OS Datum OSGM15.





LEGEND

- ACCESS HATCH
- AIR CONDITIONING
- A/C CONTROL PANEL
- ALARM SENSOR
- ARCH HEAD HEIGHT
- ARCH SPRINGER HEIGHT
- BEAM HEIGHT
- BELL
- BLANKING PLATE
- BREAK GLASS
- CEILING
- CEILING LIGHT
- CILL TO HEAD
- CLOSE CIRCUIT CAMERA
- DISTRIBUTION BOARD
- DOOR HEAD HEIGHT
- DOOR RELEASE
- DOUBLE SOCKET
- DUCTING
- EMERGENCY DOOR RELEASE
- EMERGENCY EXIT LIGHTING
- EMERGENCY LIGHTING
- EXTRACTOR FAN
- FALSE / SUSPENDED CEILING
- FAN
- FIRE ALARM BELL
- FIRE EXTINGUISHER
- FLOOR TO CILL
- FLOURESCENT LIGHTING
- FLOOR LEVEL
- FUSED SPUR
- HAND DRYER
- HOSE REEL
- HOT WATER BOILER
- INSPECTION COVER
- LINTEL HEIGHT
- LIGHT SWITCH / SINGLE
- LIGHT SWITCH / DOUBLE
- LIGHT SWITCH / TRIPLE
- LIGHT SWITCH / QUADRUPLE
- LOW VOLTAGE SUPPLY
- PHONE / DATA POINT
- PULL CORD SWITCH
- RADIATOR
- RAIN WATER PIPE
- SINGLE SOCKET
- SKYLIGHT
- SLOPED CEILING
- SMOKE DETECTOR
- SERVICE PIPE
- SPOTLIGHT
- SWITCH
- SWITCHED FUSED SPUR
- THERMOSTAT
- UNKNOWN SERVICE
- WALL LIGHT

Accuracy commensurate with scale of drawing.



PAVILION 2  
BUCHANAN BUSINESS PARK  
GLASGOW  
TEL: 0141 770 7971  
WWW.SIGMA-SURVEYS.COM

10 LOCHSIDE PLACE  
EDINBURGH PARK  
EDINBURGH  
EH12 9RB  
TEL: 0131 303 7861  
QUOTE@SIGMA-SURVEYS.COM

SURVEYED	C. DOWDS	SCALE
DRAWN	C. DOWDS	1:50 (A1 Sheet)
CHECKED	J. ROMAN	

ANDREW MEGGINSON ARCHITECTURE

61/5 FALCON AVENUE, EDINBURGH

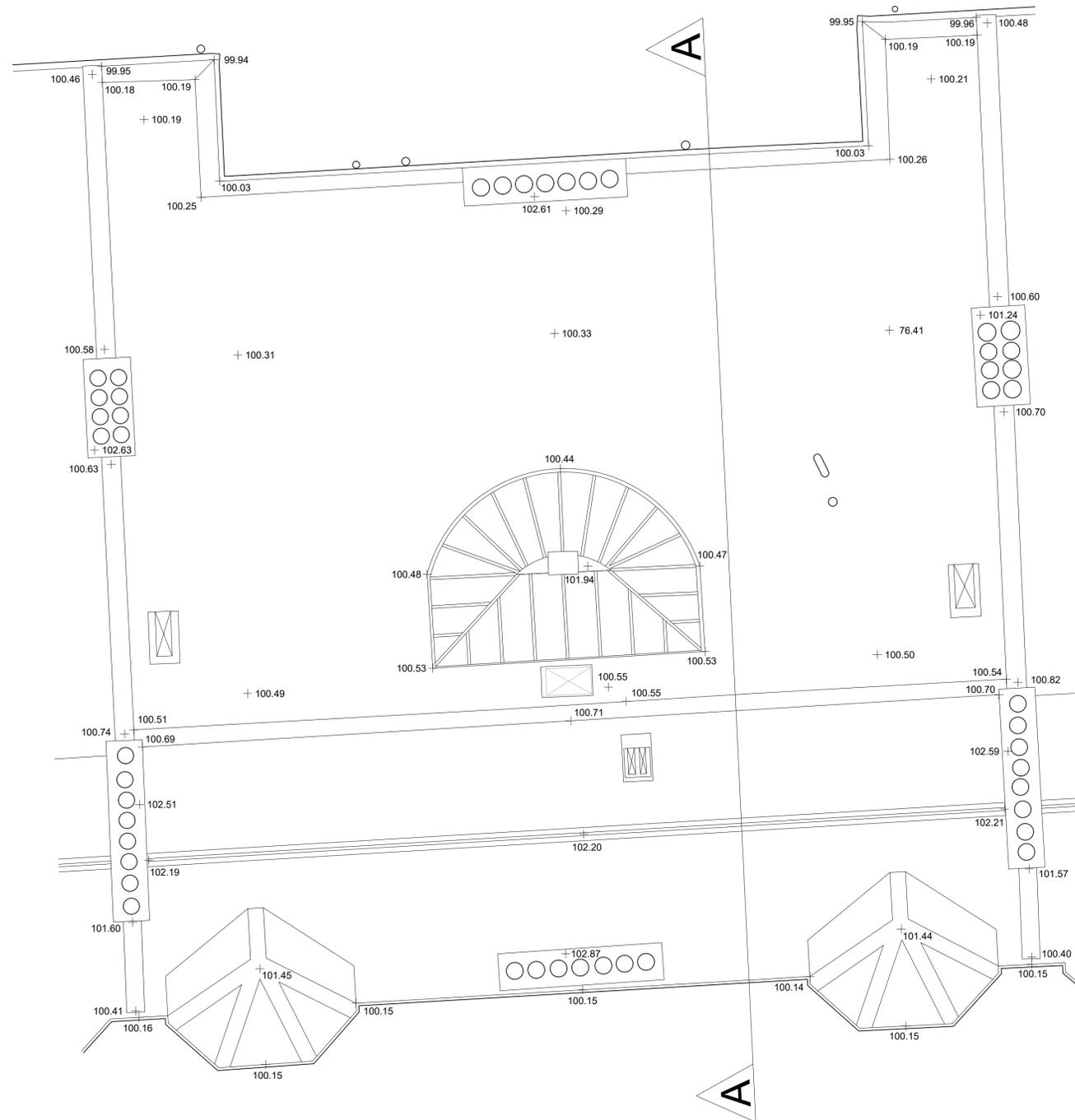
MEASURED BUILDING SURVEY  
FLOORPLAN

Job No.	Drawing No.	Date	Revision
21/680	21/680/01	November 2021	

REVISION	NOTES	DATE

Notes:  
Grid relates to OS Active Network OSTN15.  
All levels relate to OS Datum OSGM15.





PAVILION 3  
 BUCHANAN BUSINESS PARK  
 GLASGOW  
 G3 3HZ  
 TEL: 0141 770 7971  
 WWW.SIGMASURVEYS.COM

10 LOCHSIDE PLACE  
 EDINBURGH PARK  
 EDINBURGH  
 EH12 9RS  
 TEL: 0131 202 7861  
 QUOTE@SIGMA-SURVEYS.COM

SURVEYED	C. DOWDS	SCALE
DRAWN	C. DOWDS	1:50 (A1 Sheet)
CHECKED	J. ROMAN	

ANDREW MEGGINSON ARCHITECTURE

61/5 FALCON AVENUE, EDINBURGH

MEASURED BUILDING SURVEY  
ROOF PLAN

Job No.	Drawing No.	Date	Revision
21/680	21/680/02	November 2021	

REVISION	NOTES	DATE

Notes:  
 Grid relates to OS Active Network OSTN15.  
 All levels relate to OS Datum OSGM15.



100m

95m

90m

85m



FRONT ELEVATION

100m

95m

90m

85m

100m

95m

90m

85m



REAR ELEVATION

100m

95m

90m

85m



PAVILION 2  
 BUCHANAN BUSINESS PARK  
 GLASGOW  
 G2 3 6JZ  
 TEL: 0141 779 7971  
 WWW.SIGMA-SURVEYS.COM

10 LECHSIDE PLACE  
 EDINBURGH PARK  
 EDINBURGH  
 EH12 9ED  
 TEL: 0131 202 7861  
 QUOTE@SIGMA-SURVEYS.COM

SURVEYED	C. DOWDS	SCALE
DRAWN	J. TAYLOR	1:50 (A0 Sheet)
CHECKED	J. ROMAN	

ANDREW MEGGINSON ARCHITECTURE

61/5 FALCON AVENUE, EDINBURGH

ELEVATION SURVEY  
FRONT & REAR ELEVATIONS

Job No.	Drawing No.	Date	Revision
21/680	21/680/03	November 2021	

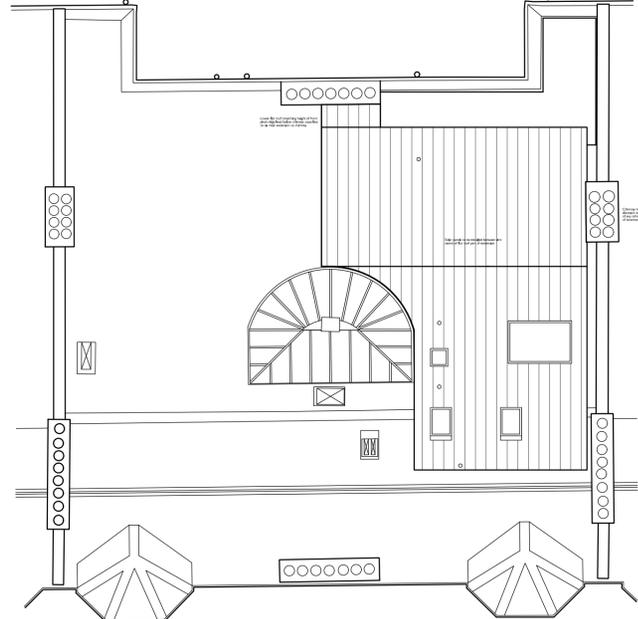
REVISION	NOTES	DATE

Notes:

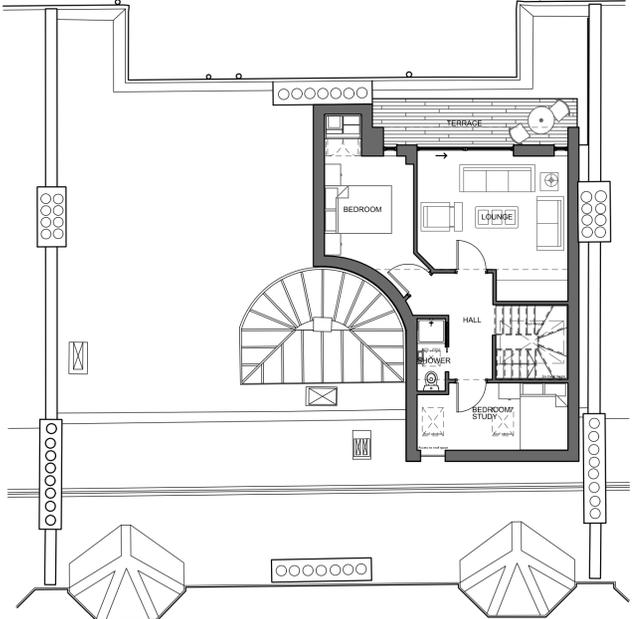
Grid is arbitrary.

All levels relate to OS Datum OSGM15.

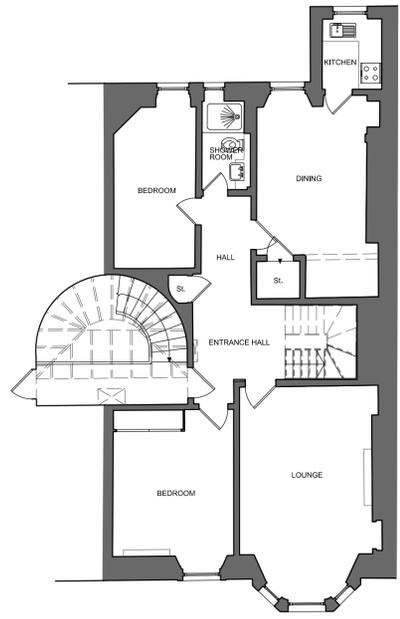




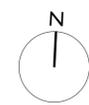
Proposed Roof Plan



Proposed Fourth Floor Plan



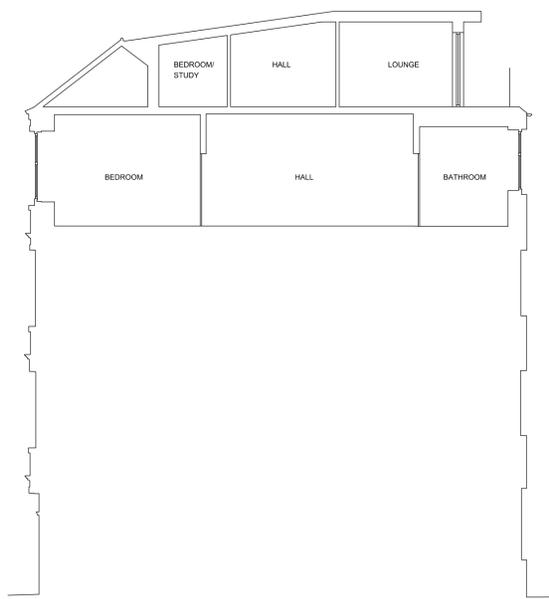
Proposed Third Floor Plan



Proposed Front Elevation (South)



Proposed Rear Elevation (North)



Proposed Section Thru



Rev	Drawn Date	Revisions
Rev E AM	23/2/22	Proposals amended following dialogue from CEC
Rev D AM	10/2/22	Proposals amended following dialogue from CEC
Rev C AM	13/12/20	Proposals amended following client AMA discussions
Rev B AM	13/12/20	Proposals amended following client AMA discussions
Rev A AM	21/2/20	Proposals amended following client AMA discussions

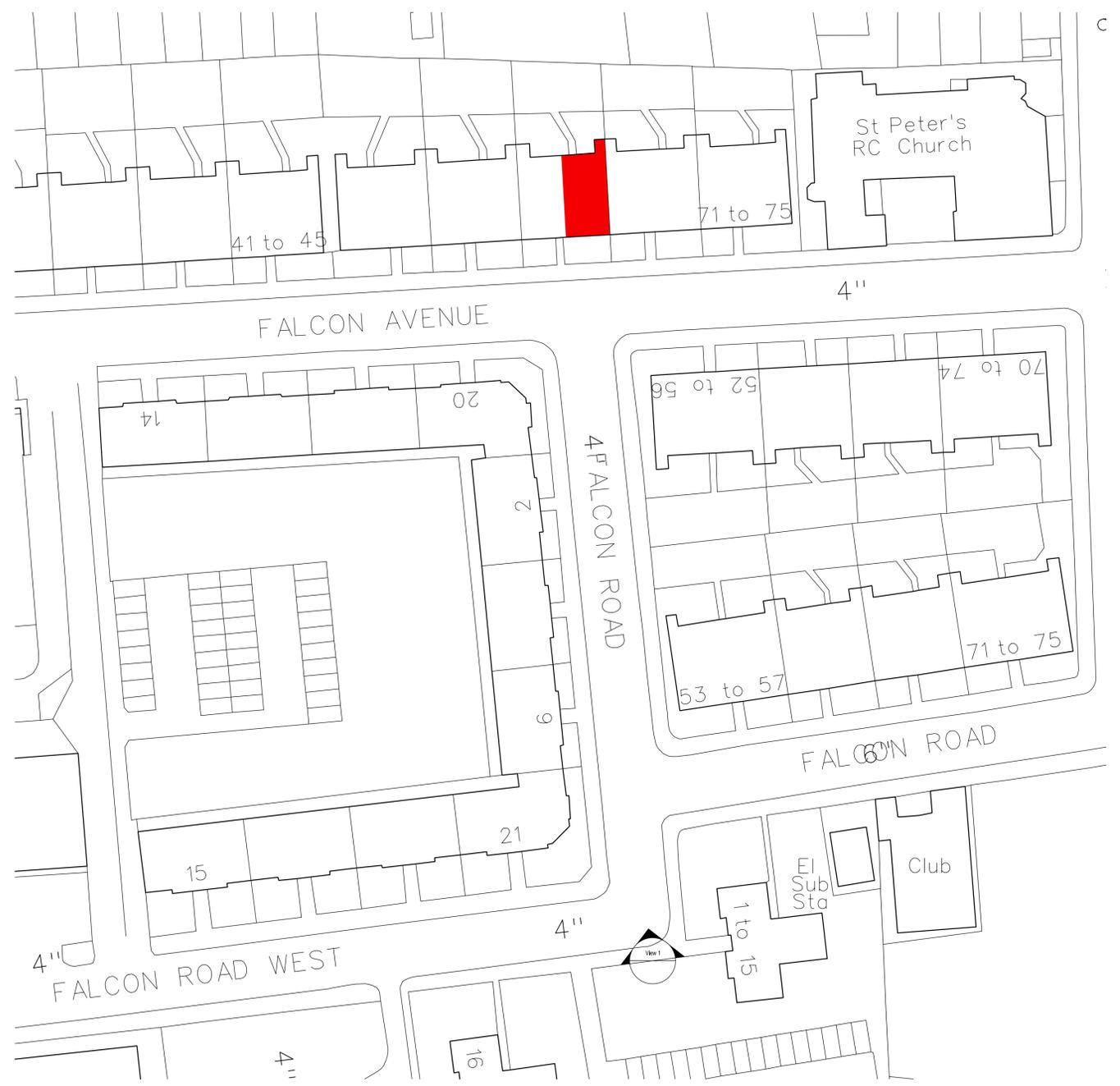
CLIENT	Mr Lo Rizzo
PROJECT	Proposed Alterations to 61/5 Falcon Avenue, Edinburgh
DRAWING	Proposal Plans
STATUS	PLANNING
DRAWN	AM
DATE	NOV 21
DWG	1387-PL-01
JOB	1387
REV	E
SCALE	1:100 @ A1

Proposed Materiality  
 Balustrade - Set back glass balustrading  
 Wall/ Roof - Dark grey zinc cladding  
 Windows/ Doors - Dark grey aluminium  
 Terrace - Dark grey composite decking

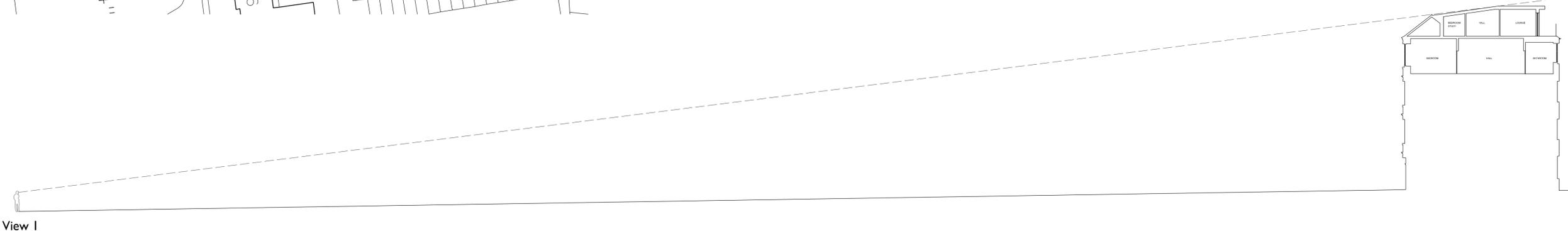
This drawing and its data are property of Andrew Megginson and his associates and shall not be reproduced without written consent. All alterations to the drawing shall be made by the architect or his assistants. No liability is accepted for any loss or damage to any property or person or for any other loss or damage caused by the use of this drawing. The architect's responsibility is limited to the design and construction of the building and shall not extend to any other matters. The architect's responsibility is limited to the design and construction of the building and shall not extend to any other matters. The architect's responsibility is limited to the design and construction of the building and shall not extend to any other matters.

Andrew Megginson Architecture  
 128 Dundas Street  
 New Town  
 Edinburgh  
 EH3 5DQ  
 Tel: 0131 557 9129  
 Email: info@andrewmegginsonarchitecture.com

ANDREWMEGGINSONARCHITECTURE



Key Plan



View I



CLIENT	Mr Lo Rizzo			
PROJECT	Proposed Alterations to 61/5 Falcon Avenue, Edinburgh			
DRAWING	Proposal Plans (Contextual Section)			
STATUS	PLANNING			
DRAWN	AM	DATE	FEB 22	DRG NO
				1387-PL-02
JOB	1387	REV	/	SCALE
				1:200 @ A1

This drawing is the sole property of Andrew Megginson Architecture. All drawings are the property of Andrew Megginson Architecture. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Andrew Megginson Architecture. The user of this drawing is responsible for any errors or omissions in the drawing and for the building information system. Andrew Megginson Architecture is not responsible for any errors or omissions in the drawing or for the building information system.

Andrew Megginson Architecture  
 128 Dundas Street  
 New Town  
 Edinburgh  
 EH3 5DU  
 Tel: 0131 557 9129  
 Email: info@andrewmegginsonarchitecture.com



ANDREWMEGGINSONARCHITECTURE

## DESIGN STATEMENT

### 1 Introduction

1.1 This Design Statement has been submitted on behalf of Mr. & Mrs. Lo Rizzo, and family in support of a detailed planning application for the erection of a roof extension and alterations to their top floor flat property.

1.2 The application property is located within the northern terrace of Falcon Avenue in Edinburgh (hereafter referred to as the 'site', 'property' or the like).

1.3 The Design Statement summarises the relationship between the project and policy, covering development planning considerations as well as other key material aspects of relevance to the planning application.

1.4 This Design Statement has been prepared by Andrew Megginson Architecture (AMA) and is in addition to the plans, drawings and information which in total comprise the overall package for the site. This document is structured as follows:

- It describes the site and its context (Section 2);
- It provides detail on the development proposals (Section 3);
- It conducts background research on other similar developments (Section 4) to explain how this proposal will comply with the standards that have been acceptable to the council elsewhere.
- It appraises planning policies (Section 5) and the material considerations against which the planning application should be judged;
- It reaches conclusions in relation to the acceptability of the planning application in the context of the Development Plan and other material considerations (Section 6).

### 2 The Site and Context

2.1 The application property is currently a two bedroom top floor flat within a 4 storey traditional Victorian tenement. The property is not listed and is not within a conservation area. The area around the site comprises of a mixture of buildings of a similar age and more modern buildings all of which vary in height. The roof of the application tenement is pitched to the front and flat at the rear.

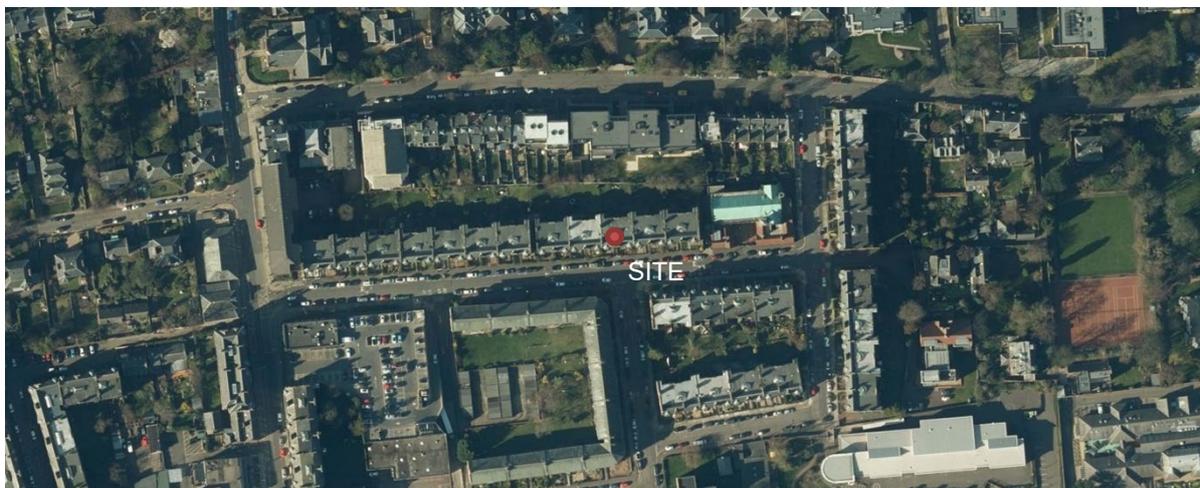


Figure 1 – Extract from Bing Maps indicating site location



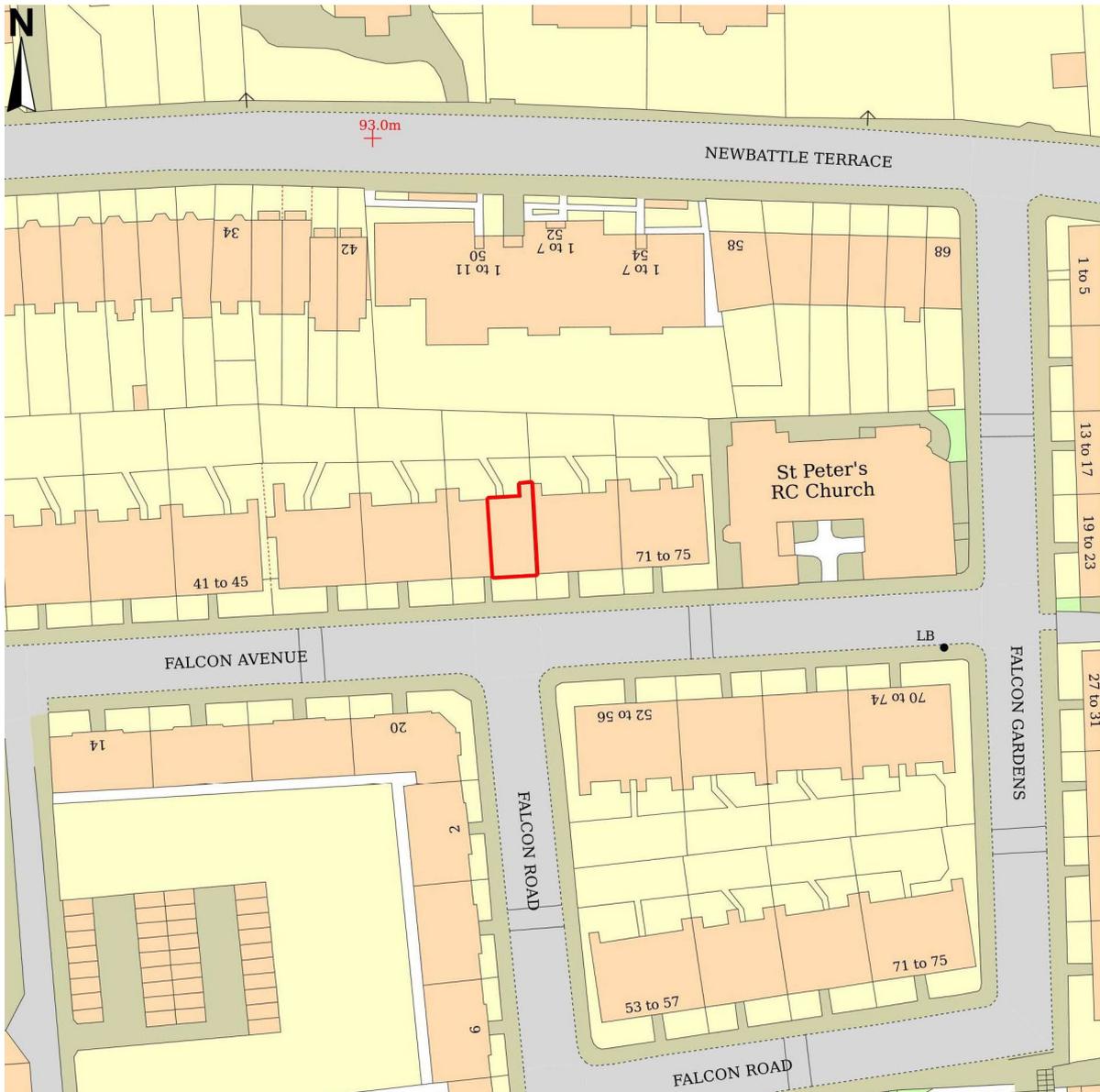


Figure 2 – Site Location Plan

2.2 Falcon Avenue at the site is a residential street. The site however in the wider area is surrounded by buildings varying in style, age, use and height. The main shopping street of Morningside Road is located in close proximity to the west of the site. There are two notable modern buildings to the rear and north of the application property. There are no listed buildings in the immediate vicinity of the site, however St Peter's Church to the east is A-listed. The site is located well outside the surrounding conservation areas.





Figure 3 – Views looking towards the front of the property from the east on Falcon Avenue. St. Peter's Church can be seen to the right



Figure 4 – View looking towards the front of the property from the south on Falcon Road





Figure 5 – View looking towards the front of the property from the west on Falcon Avenue



Figure 6 – Front elevation of the modern developments on Newbattle Terrace





Figure 7 – A terrace of period properties to which the modern development adjoins on Newbattle Terrace. As can be seen from this image some of these properties have extended upwards whilst others have not



Figure 8 – View from rear window of application property looking north-east





Figure 9 – View from rear window of application property looking north-west



Figure 10 – Panoramic view from roof of application property





Figure 11 – View of modern development further east of Newbattle Terrace



Figure 12 – View of modern development just north of Newbattle Terrace and north east of the application site. Woodcroft is a modern development within the Merchiston and Greenhill conservation area





Figure 13 – View from Falcon Gardens towards the modern development on Newbattle Terrace. It can be seen that one of the tenement buildings which will have formerly had a flat roof at the rear has had a pitched slate roof with dormer added to it



Figure 14 – View towards rear of application property which is screened by trees in rear garden ground of the properties. The copper roof (that replaced ceramic tiles historically) can also be seen to St. Peter's to the left of the photo





Figure 15 – Aerial view of the application property in context. The copper roof of St. Peter's stands out



### 3 The Development Proposals

#### Introduction

3.1 The proposed application consists of a design by which a top floor flat is extended upwards to the flat roof above to add an additional storey to the flat. The extension will be of contemporary style with a largely flat roof, zinc clad with aluminium windows.

3.2 The extension will allow the existing floorplan to be altered to a modern living style whilst adding on additional bedrooms to the new floor above. A modest outside space will also be formed as part of the extension. The extension will add on much needed space for the applicant's growing family.

3.3 The works looks to preserve the features of the existing tenement and will tie in well with the character and appearance the area.

#### Principle of Development

##### Access

3.4 The extension will be accessed through a new staircase positioned centrally to the existing flat. Communal roof access to the remainder of the roof and to the roof of the extension will be retained as existing.

##### Form Scale & Density

3.5 The extension has been designed to have no impact on the Falcon Avenue facing elevation. Although the majority of the extension is modestly higher than the ridge of the front pitched part of the tenement, it is set back to the rear more than enough that it will not be read from Falcon Avenue or Falcon Road, see section drawing PL-02. The rear proposals face onto garden ground and the rear elevation of the modern development on Newbattle Terrace, the proposals will generally not be seen from any public roads, a glimpse may be read from Falcon Gardens. The set back nature of the extension and glazed balustrade will result in a majority of the proposals being unseen/ unread from the rear garden areas of the neighbouring tenements and properties.

3.6 The zinc façade to the rear elevation is proposed to be set back with a majority of it 2m away from the existing stone rear elevation, it will also integrate well in form, materiality and language with the modern development to which it faces and the metal clad topmost storey of the contemporary flatted block to the north east, see figures 8-10 and 12. As can be seen from the elevation drawings and section, the topmost part of the extension is modestly higher than that of the ridge of the existing pitched roof at the front. Had a pitched roof been installed to the application properties tenement building flat roofed area, which is common to these types of buildings where perhaps the flat roof has caused issue, it would most likely have been similar in height to the proposals, raised to the rear slightly to account for watershed.



Figure 16 – Proposed rear elevation of the proposals



## **Form Scale & Density (Continued)**

3.7 The contemporary flatted block, which sits behind the application property, shown in figure 10, and the other contemporary flatted block shown in figure 12 is of a similar architectural language at high level to that of the proposals. A development at roof level of the application tenement will not only tie in with the overall height of the existing tenement to which it will form part of but it will also be of similar height to the topmost storey of the modern development to which it faces at the rear. The building line of the rear contemporary block is also varied in the rear elevation and at roof level. The development sits below all chimney copes to which the proposals are local to, allowing all chimney positions to be interpreted.

3.9 The windows located to the extension are in positions matching that of the rhythm below to the masonry rear elevation of the tenement. The window sizes are also directly informed from existing windows to the tenement. The windows shall look to sit lightly on top of the stone elevation of the tenement.

3.10 To the rear of the extension an exterior space is formed. There will be a set back frameless glass balustrade facing the rear installed which replicates that to the contemporary flatted properties to which the application property faces and will allow the balcony to be minimally read.

3.11 The floorplan of the application property is reflected to all storeys below and mirrored on the large chimney splitting the tenement into two parts, the rear elevation reflects this. The proposals sit directly above the existing floorplan and tie in well in elevation being situated between the adjoining tenement cope and chimney and the large aforementioned central chimney to the application tenement. The proposals also sit above openings that can be understood to be in single ownership from ground floor to the top floor, almost acting as one building vertically at this left side (as viewed in elevation). The left and right side of the tenement remaining with a flat roof will not be out of place with the variance of flat and pitched roofs seen elsewhere in the immediate vicinity and wider area.

## **Materiality**

3.12 Zinc has been chosen as the main material for the extension as it is a traditional material that can be seen elsewhere on roofs around Edinburgh and in the immediate area, allowing it to integrate into the roofscape conglomeration in the surrounding area, the colour will also match that of the surrounding roofscapes, the material is sustainable and also of high quality. Metal cladding has been used to the A-listed St. Peter's nearby. Dark aluminium windows will tie in with the zinc cladding. The resulting architectural language where the topmost storey of metal cladding, to echo roofs of the application and neighbouring properties, above a stone facade below is also used on many other extension and alteration projects such as this and new builds around Edinburgh. Overall, this architectural language will be appropriate to the building and surrounding area. It replicates the front elevation of the tenement.

## **Sustainability**

3.13 It is proposed that solar panels will be installed to the flat roof part of the extension only. The solar panels will be integrated within the zinc cladding to retain the general appearance of the zinc. A mechanical heat recovery ventilation system will be installed if feasible. Further to this an air source heat pump will also be installed to the lower flat roof part of the existing roof keeping it out of sight (this has been removed from the revised proposals as further investigation into noise implications with regard to neighbour's amenity is to be sought). The renewable technologies will provide sustainable electricity and heat to the property. The new extension will be insulated to a high level with the existing floorplan also receiving insulation where appropriate/ possible. Such a sustainable approach will allow this property to take on the form of a benchmark expressing how such properties within the city centre may be altered positively to potentially become 100% run off renewable energy technology with the subject of climate change in mind. The applicant hopes to be able to share the results of the proposals energy wise with others to form a case study for future development.

3.14 As noted before the extension is for the applicant's growing family where the ability to retain a city centre location would be ideal in terms of lifestyle but also sustainability too. Being able to extend the existing property would mitigate the requirement to perhaps look to a new build property elsewhere which would result in the production of a large amount of carbon. The extension being built on top of an existing building using a timber frame construction, eco-friendly insulation (such as hemp) and other sustainable materials will produce much less carbon than that of a new build property.





Figure 17 – Example of solar panels on zinc roof where the solar panels are installed between the seams of the zinc



## 4 Precedents

4.1 The purpose of this section is to conduct background research on other similar developments to explain how this proposal will comply with the standards that have been acceptable to the Council elsewhere.

### 3F2 14 Piershill Terrace

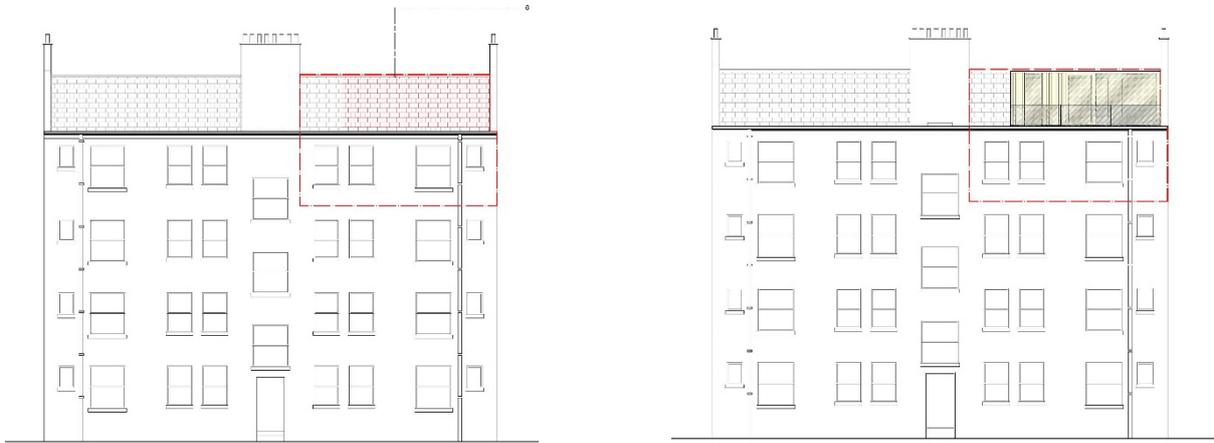


Figure 18 – Images of approved existing (left) and proposed (right) elevations for a flat roofed attic extension onto an existing flat roof above a top floor flat in a tenement building

4.2 This section examines the proposals that were accepted to 3F2 14 Piershill Terrace where a contemporary flat roofed extension has been added to the top floor flat. Similarly to our proposals the extension has been formed to the flat roofed section of tenement at the rear with a pitched roof existing at the front. The proposals include a vertical timber clad flat roof extension with glazing and a sliding door with a glass balustrade, all facing the rear.

4.3 Edinburgh council deemed that the proposals were of an “acceptable scale, form and design and are compatible with the area.” It was also noted that the “proposal is of modern style, adding a contemporary addition to the roof of the property which would not be visible from the street.” Further to these conclusions the determination report also noted that “In relation to privacy, the proposed terrace is recessed within the roof space limiting downwards views. Furthermore, it sits behind existing windows on the rear elevation of the building therefore would not result in any additional loss of privacy to surrounding properties. ... With regards to noise, the Council’s non-statutory Guidance for Householders states that roof terraces can be a source of noise for neighbouring properties. Whilst it is acknowledged that the roof terrace will be utilised as an outdoor space for the residents, this will effectively have the same noise impact on neighbouring properties as the residents using the garden ground. Given the scale of the terrace it is unlikely to generate a significant level of noise and the impact on the neighbour’s window will be limited.”

4.4 Our proposals are of a very similar nature to that of the above and the same conclusions to that of this example application can be drawn about our proposals in terms of planning policy. We believe the contemporary proposals are of an acceptable scale, form and design and being set back the proposals will not be generally read from any public streets and will not result in any issues relating to privacy, overshadowing or noise.

4.5 The high quality, modern design and design principles of the roof alterations to 3F2 14 Piershill Terrace is what the application proposals aspire to match.



### 34 Hamilton Place

4.6 Formerly used as Theatre Workshops, 34 Hamilton Place is an amalgamation of a Georgian townhouse, Victorian drill hall and later extensions, it is B-listed. The project involved the conversion of the upper floors into six apartments, including the replacement of a part-hipped roof, dormer and modern link building with a new full-height infill and symmetrical rooftop extension and the conversion of the ground floor theatre into a restaurant. The building sits within a terrace arrangement of properties.

4.7 This precedent is located within the New Town conservation area and showcases how modern additions with new building elements have been successfully integrated into the urban fabric. 34 Hamilton Place has similarities to the application site in that the roof form and dormer style are similar, particularly at the rear see figure 20. The dark metal and glazing reflecting the rhythm of the openings below work well with the existing building and tie in nicely with the surrounding area. The rear elevation is of a similar style and form as our proposals, although our proposals will be largely set back from the rear elevation.

4.8 Juliet balconies along with a roof terrace, where the glass balustrade can just be seen above the slate ridge line in figure 19, to the front and rear elevations have been formed to 34 Hamilton Place. This introduction of these new design elements integrate well with the surrounding streetscape which is of a similar nature to that at the application site. The high quality and sleek design of the roof alterations to 34 Hamilton Place is what the application proposals aspire to match.



Figure 19 – Image of 34 Hamilton Place from the public street





Figure 20 – Image (taken from public street) of 34 Hamilton Place from the rear where a set back terrace can be seen and dark metal sills between tenements of a similar height and position to the front pitched roof of the property





4.9 The above proposal is a direct precedent of the principle of the proposed extension. The property is part of a terrace of several properties and is situated near the middle. The adjoining properties to 5 Plewlands Gardens are all of a similar style originally with a pitched roof at the front of the property and a flat roof to the rear, similar to that of the application site however several have been developed with the top floor flat forming an extension upwards onto the flat roof. 5 Plewlands Gardens is located within the Plewlands conservation area, which is not too far away from the application site south westwards.

4.10 The application property of 21/ 02193/ FUL was concluded that it was “compatible with the existing building, preserves the special character and appearance of the conservation area and has no adverse impact on neighbouring residential amenity.” The overall proposal was to reconfigure the internal layout and extend the roof space to the rear with two box dormer windows on the rear elevation. The roof ridge line was proposed to be raised on the front elevation with the creation of two new velux windows also part of the proposals.

4.11 The planning officer noted the following in the determination report “Whilst the box dormers on the rear elevation are large, this sort of development is commonplace within the area and beyond and as they will not be visible from the street, they are considered acceptable. The proposed materials on the rear elevation are considered acceptable. ... 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.”. Similarly to our proposals, it can be seen that many flat roofs in the area have been developed upwards and the design principles/ features of our proposals also take cognisance of those seen elsewhere in the area. The 3D (figure 21) further shows the diversity of some roofs of these terraces remaining originally flat in Plewlands Gardens whilst others have been developed similarly as above. This diversity does not affect the area detrimentally.



## 20 Claremont Road



Figure 22 – Existing roof plan (top left), proposed roof plan (top right) and elevation proposals (below plans) for 20 Claremont Road

4.12 The above proposal is a direct precedent of the principle of the proposed extension also. The property is part of a terrace of seven properties and is situated near the middle. The adjoining properties to 20 Claremont Road are all of a similar style with a pitched roof at the front of the property and a flat roof to the rear, similar to that of the application site. None of the other properties in the terrace have developed or applied for a similar proposal.

4.13 Firstly and similarly to that of the application site, it can be seen that the Claremont Road extension sits above the existing ridge line of the front pitched roof however it was justified by the planning officer that there would be no visual impact due to the higher extension being set back from the road. The materiality chosen is also zinc to which the planning office noted would “echo the colour of the existing slate roof”.

4.14 With the terrace subdivided by chimneys and copes, the form and materials of the Claremont Road extension were noted by the planning officer to blend in with the existing roofscape. The planning officer then concluded that “Whilst there do not appear to be many other extensions of such form in the area, the proposal represents an imaginative approach to extending the property”, also noting thereafter that the proposal is of an acceptable scale, form and design and would not be detrimental to the neighbourhood character.



4.18 The four precedents explored prior to this section are only a small handful of where a similar principle or design has been accepted by the council or where similar historical development has occurred around the city. 34 Hamilton Place is a great example of where modern additions have been accepted to and around listed buildings in a conservation area that has direct similarities to that of the application proposal. 20 Claremont Road, 3F2 Piershill Terrace and 5 Plewlands Gardens shows how the principle of extending onto a flat roof above within a terraced building has also been accepted by the council. Further to these examples, please see below figures 23 to 25 which showcase other buildings providing inspiration to the application proposals or being of relevance to the application.



Figure 23 – Contemporary development in the New Town conservation area bounded by Northumberland Place and Northumberland Place Lane, Dublin Meuse. The scheme uses slate to a pitched roof to the formal street facing elevation and a zinc flat roofed development at the rear to the rear. Juliet balconies and terraces form parts of the development at the rear





Figure 24 – Development on Young Street N Lane where zinc has been introduced at high level



Figure 25 – Residential development to the north east of the application site of a similar scale and architectural language (grey metal 5<sup>th</sup> storey on top of a 4 storey stone base) has informed our proposals greatly



## 5 Planning Policy Appraisal

5.1 The purpose of this section is to establish the planning policy framework within which the planning authority can consider the proposed development, highlighting policies which are applicable to the application.

5.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), specifies that determination of planning applications “shall be made in accordance with the Development Plan unless material considerations indicate otherwise”. It is supplemented by Section 37(2) which states that “In dealing with an application the planning authority shall have regard to the provisions of the Development Plan as far as material to the application and any other material considerations”.

5.3 The extant Development Plan which covers the application site comprises the City of Edinburgh Council 2016 Edinburgh Local Development Plan.

### The Development Plan

5.4 The relevant policies within the ELDP19 notable to the application are DES 12 (Alterations and Extensions) and RS 1 (Sustainable Energy).

5.5 Edinburgh Local Development Plan Policy Des 12 and the non-statutory "Guidance for Householders" notes planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
- c) will not be detrimental to neighbourhood amenity and character

5.6 Section 3 justifies that the proposals are in line with a and c above through the following;

- The form of the extension is directly informed by other buildings in the immediate and further afield vicinity. The height of the extension is comparable to the existing front pitched roof and development to which it faces. The principle of this form being extended onto a flat roof has been accepted elsewhere in Edinburgh. The overall architectural language as a result of the proposals is compatible with the existing building and surrounding area.
- Zinc is a traditional material that can be seen elsewhere in the area and will allow the proposals to blend in with the existing roofscape.
- Chimneys and copes along with the floorplan and opening layout reflected in the rear elevation mark the subdivision of the tenement. The positioning of the extension with this in mind will tie in well with the existing building.
- The overall design ties in with the area to which it is located within and the modern design will face onto other modern buildings at the rear. The extension will not be detrimental to neighbourhood amenity and character.

5.7 In relation to privacy, sunlight and daylight, the rear elevation of the proposals are 20m+ away from the rear elevation of the building to which they face so no privacy will be detrimentally affected. With the proposals being largely set back there will be no detrimental sunlight and daylight issues caused by the development.

5.8 Policy RS 1 Sustainable Energy

Planning permission will be granted for development of low and zero carbon energy schemes such as small-scale wind turbine generators, solar panels and combined heat and power/district heating/ energy from waste plants and biomass/ woodfuel energy systems provided the proposals:

- a) do not cause significant harm to the local environment, including natural heritage interests and the character and appearance of listed buildings and conservation areas



b) will not unacceptably affect the amenity of neighbouring occupiers by reason of, for example, noise emission or visual dominance.

5.9 The proposals seek to potentially create a property run off 100% renewable energy. Solar panels located within the seams of the zinc are proposed to the flat roof part of the extension. By doing this the solar panels will not be seen from public view and will retain the appearance of the zinc on the roof. An air source heat pump is proposed to the lower flat roof part of the extension against the gable chimney wall (this has been removed from the revised proposals as further investigation into noise implications with regard to neighbour's amenity is to be sought). Similarly to the solar panels this placement will keep the plant from public view.

5.10 Using integrated renewable technology with the proposed materiality of the extension and locating the air source heat pump in a discreet location will not cause any harm to the surrounding area, nor will there be any visual amenity lost.



## 6 Conclusion and Recommendations

6.1 Planning permission is sought for the extension of a top floor flat onto the flat roof above on Falcon Avenue, Edinburgh.

6.2 The proposal is to develop the flat roof to allow the existing floorplan to be altered to a more contemporary living style whilst adding on additional bedrooms to the new floor above. An outside space will also be formed as part of the extension. The extension will add on much needed space for the applicant's growing family.

6.3 Overall the material of the roof and form of the extension works sensitively with other roof planes, and the building to which it sits atop and is a positive contribution to the wider roofscape. It has been justified that the proposals respond to their surroundings, integrating a contemporary addition sensitively within the area. The proposals will not be detrimental to any neighbouring amenity. The project will also benefit with sustainability in mind acting as a testbed for low energy design, learning lessons for future projects.

6.4 We believe that the new development to the rear provides potential to imaginative, high quality design, and it is seen as an opportunity to enhance the area. The proposals are an innovative way in extending the existing property over the existing footprint of the top floor flat. We also feel that what is important is not that new development should always directly imitate earlier styles, rather that it should be designed with respect to context, as part of a large whole which has a well informed appearance of its own. It is considered that the proposal is acceptable in terms of the relevant policies within the City of Edinburgh Council 2016 Edinburgh Local Development Plan.

6.5 In conclusion, the proposal complies with the development plan and supplementary Guidance. The principle of development is acceptable in this location without prejudicing any local character or amenity. It is acceptable in all other respects and there are no material considerations that are considered to outweigh these conclusions.

6.6 We therefore respectfully request that the Council support this application for the extension of a top floor flat onto the flat roof for the reasons stated above.



To: Mr and Mrs Lo Rizzo  
61/5 Falcon Avenue  
Edinburgh  
EH10 4AN

By email only to: [lorizzo.vilfrido@gmail.com](mailto:lorizzo.vilfrido@gmail.com)

Our ref: 115522-100/BTM/JoS  
Date: 31 March 2022

Dear Mr and Mrs Lo Rizzo

61/5 Falcon Avenue, Edinburgh EH10 4AN

Further to your recent instructions we have undertaken a daylight assessment in relation to the impact the proposed roof level extension at the above-mentioned site will have on a neighbouring rooflight.

#### Planning policy

The following guidance is outlined at page 83 of The **City of Edinburgh Council's Design Guidance**:

***"Applicants should provide assessment information showing the amount of daylight in an existing building before and after the proposed development is in place in order to demonstrate that there would not be an unacceptable impact on daylight to existing buildings.***

The amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). The Council requires this to be more than 27% or 0.8 of its former value."

Hollis, 63a George Street, Edinburgh, EH2 2JG  
T +44 131 240 2800 [hollisglobal.com](http://hollisglobal.com)

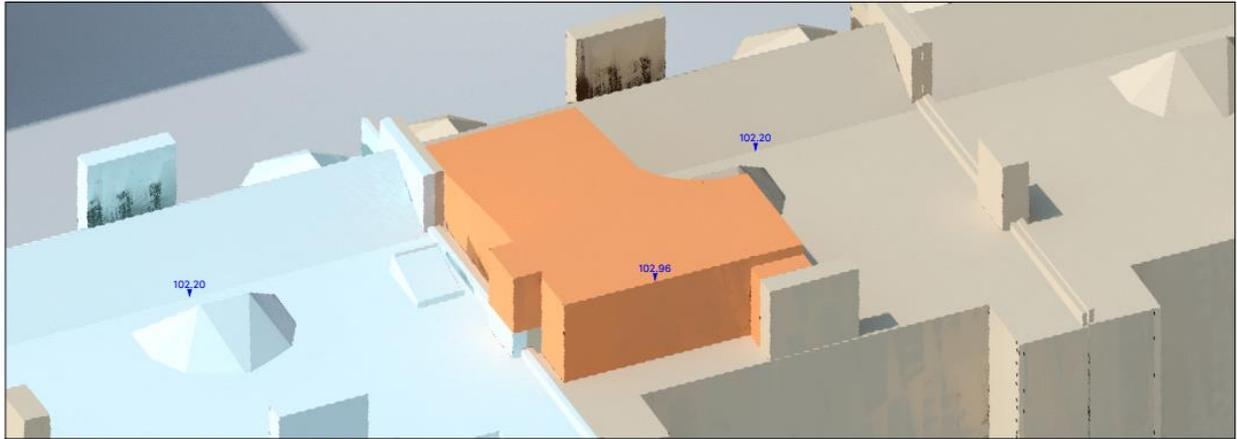
Ben Mack  
DD +44 131 240 2802 M +44 7717 342093 E [ben.mack@hollisglobal.com](mailto:ben.mack@hollisglobal.com)

Regulated by RICS

Hollis Global Limited. Registered in England and Wales number 13400429.  
Registered office: Battersea Studios, 80-82 Silverthorne Road, London SW8 3HE.  
VAT number 863 8914 80. Regulated by RICS.

## Technical analysis

The diagram below shows the 3D contextual views of the proposed development massing in orange, taken from our detailed analysis model.



3D Context View - View from North East (Proposed)



3D Context View - View from South East (Proposed)

## Daylight

In accordance with the Design Guidance, we have undertaken a Vertical Sky Component (VSC) assessment for the existing, neighbouring property at 67 Falcon Avenue. The numerical result is shown in the table below.

Floor ref.	Window ref.	Existing VSC	Proposed VSC	Times former value	Attains CEC target?
67 Falcon Avenue					
Third	W1	95.53	82.83	0.87	Yes

The rooflight assessed for VSC will meet and exceed the target values set out in the Edinburgh Design Guidance for protecting daylight amenity to surrounding buildings. As such, the proposed roof level extension will have no effect on the rooflight to the adjoining top floor flat at 67 Falcon Avenue.

Should you have any questions, please do not hesitate to contact me.

Yours sincerely

  
Director

# MCGREGOR MCMAHON CONSULTING ENGINEERS

2 Castle Court • Carnegie Campus • Dunfermline • Fife • KY11 8PB  
(T) 01383 734905 (F) 01383 731591 (E) admin@mmaeng.com

15 March 2022

Andy Megginson  
Andrew Megginson Architecture  
128 Dundas Street  
Edinburgh  
EH3 5DQ

Dear Mr Megginson

Project: **Proposed Development of Roof at 61/5 Falcon Avenue, Edinburgh**

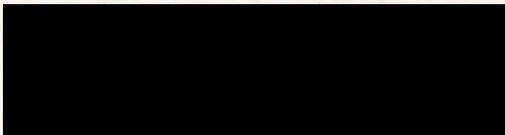
I refer to your enquiry in connection with carrying out a development on the flat roofed area above the existing top floor property and I acknowledge receipt of your drawings illustrating this.

I would confirm from my experience on similar properties in Edinburgh that the proposals certainly look feasible, and the existing structure appears to be substantial and as such should be well able to support such a development.

We would of course have to carry out a detailed structural survey and make some intrusive investigations to enable us to develop a structural design to accompany a Building Warrant application.

Please let me know if we can assist further at this stage.

Yours sincerely



Tom McGregor

---

McGregor McMahon Consulting Engineers is the  
trading name of McGregor McMahon (Scotland) Ltd.  
Registered Address: Suite 222 Baltic Chambers  
Wellington Street  
Glasgow G2 7HJ  
Company Registration: SC 499 033 (Scotland)  
VAT Registration: 208 369 009

Website: [www.mcgregor-mcmahon.com](http://www.mcgregor-mcmahon.com)

Διευθυνση:

Kenneth D Simpson  
Kenneth McCulloch  
Blyth L Berwick  
Iain Henderson

BSc CEng MICE  
CEng MStructE MICE  
BEng(Hons) CEng MICE  
BEng(Hons) CEng MICE MCIHT

# Report of Handling

**Application for Planning Permission  
3F1 61 Falcon Avenue, Edinburgh, EH10 4AN**

**Proposal: Roof extension of flat (as amended)**

**Item – Local Delegated Decision  
Application Number – 21/06522/FUL  
Ward – B10 - Morningside**

## **Recommendation**

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

## **Summary**

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. The proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

Roof of a top floor flat within a 4-storey mid-terrace tenement block.

### **Description of the Proposal**

Planning Permission is sought for the erection of a roof extension with terrace to rear roof plane. The proposals will involve the reconfiguration of the flat roof to accommodate the roof extension including increasing the roof height.

The application was amended prior to this delegated decision. Scheme 2 reduces the height of the extension where it connects to the pitched roof and the footprint of the bedroom and terrace. An air source heat pump has also been removed.

### **Supporting Information**

A Design Statement relating to Scheme 1 was provided in support. Drawing 07, a contextual street view section, was provided in support of Scheme 2.

## Relevant Site History

No relevant site history.

## Consultation Engagement

No Consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 20 December 2021

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 21

## Section B - Assessment

### Determining Issues

This report will 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 proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP policy Des 12.

The non-statutory 'Guidance for Householders' is a material consideration that is relevant when considering LDP policy Des 12.

Scale, form, design and impact on the existing building and neighbourhood character

The application site sits within 47 to 75 Falcon Avenue, a five block row of traditional in character and appearance tenements. It appears on the 1914 Ordnance Survey maps but it is not listed or located within a conservation area. The block and tenement row to which the proposal relates has not been subject to any significant physical alteration and are highly uniform in appearance. Each block follows the same largely symmetrical pattern including bay windows at each end and a centrally positioned chimney stack. The ground floors have three doors, two to the left of centre and one to the right. A window accompanies the door to the right and it would be reasonable to suggest this was influenced in part by a desire to continue the symmetrical concept. Nos 5 to 45 Falcon Avenue sits to the west and is near identical in character and appearance. Whilst separated, they would appear continuous when viewed from the eastern and westernmost extents of Falcon Avenue.

Uniformity, a lack of significant physical alteration and individual block symmetry is repeated with the roofscape. The roof of 47 to 75 Falcon Avenue is pitched to the front and largely flat to the rear. Each block is marked by the presence of chimney stacks and feature a centrally positioned historic cupola providing light to communal stairwells. The most notable alterations to the roof of the existing building and 47 to 75 Falcon Avenue would be confined to the creation of rooflights outwith repairs or maintenance works.

The Merchiston and Greenhill Conservation Area reaches Morningside Road and Newbattle Terrace. The Grange Conservation Area extends to the rear curtilages of 1 to 49 Falcon Gardens. The proposal would be broadly obscured from large parts of the public realm by the pitched roof and scale and nature of bounding development. The possible exception to this would be from Falcon Gardens to the north of St Peter's RC Church and the southernmost point of Falcon Road West. However, this is unlikely in respect of the former given the wall to this street, in leaf trees and the position and massing of the Church.

The existing building has an established character and appearance which is defined by the lack of significant physical alteration, uniformity, symmetry and a maximum four-storey height. The contemporary design and use of a single material is not considered to be appropriate for this traditional in character and appearance tenement where significant modern interventions are rare. Whilst the proposal will be broadly obscured from large parts of the public realm, it is not accepted that it will be wholly concealed from large parts of the public realm and any ability to glimpse the proposal, given its incongruous design, would result in a detrimental impact on the appearance of the existing building.

As 47 to 75 Falcon Avenue, the row to which the proposal relates, form a near continuous row with 5 to 45 Falcon Avenue, the proposal would also have an adverse effect on this element of neighbourhood character through the disruption of uniformity and symmetry. Furthermore, these tenement rows are very similar in character and appearance to 52 to 74 Falcon Avenue, 53 to 75 Falcon Road and 1 to 49 Falcon Gardens which do not feature roof top extensions. Whilst 14 to 20 Falcon Avenue, 2 to 6 Falcon Road and 50 to 54 Newbattle Terrace nearby are more modern, the latter being the most modern, they also do not feature roof top extensions. Such additions are not part of the neighbourhood and the proposal would accordingly have an adverse effect on surrounding character.

There is one roof level extension in the immediate neighbourhood relating to 30 and 32 Newbattle Terrace, a mid-terrace two-storey dwellinghouse which has been subdivided into flats. This property does not appear on the ca. 1944 Ordnance Survey maps, and none of three planning applications on record (01567/82, 00088/52 and 15/04095/FUL) reference a roof extension. It is not clear when this addition was made and it could also have formed part of the development as built. However, since it is of traditional construction and relates to dwellinghouse, albeit one that has been altered through subdivision, it is not accepted that this is representative of neighbourhood character and its existence has been given little weight.

### Neighbouring Amenity

The proposal will have no material impact on the levels of natural light to the rear curtilages. The height to ridge of the proposal means that it is likely to have some effect on the levels of natural light for the historic cupola. However, this feature is to provide daylight for a communal stairwell and the proposal would not impede this to a materially unacceptable degree. It also appears to be obscured glass.

The terrace is small and unlikely to result in noise that would be detrimental to residential amenity. The rear curtilages of 47 to 75 Falcon Avenue are overlooked currently by the associated flats as well as from the windows and balconies of 50 to 54 Newbattle Terrace. It is not accepted that the terrace would unacceptably intensify any pre-existing overlooking effects.

It was suggested that an assessment be undertaken in respect of a rooflight to the east of the proposal. None was received but there is no specific assessment for rooflights in the 'Guidance for Householders' given the rarity of such a scenario. The proposal will measure 2m to 2.7m in height to ridge and the centre point of this rooflight sits within 1.5m. The existing chimney stack will also be raised and sit above the 2.7m maximum height to ridge. The levels of natural light for this rooflight, which is angled to the north and sits below the pitched roof of the tenement, is likely to be poor due to its aspect and siting and the further intensification of this should be resisted in the interests of neighbouring amenity. Accordingly, it is concluded that the height to ridge and close siting is likely to result in an unreasonable loss of natural light for this rooflight.

### **Conclusion in relation to the Development Plan**

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result in an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. Therefore, the proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan.

### **b) 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.

When assessed against the relevant sustainable development principles, the proposal is not considered to protect the historic environment and constitutes over development of a building with little capacity for above ground floor extensions. There would be no wider economic benefit from approval the application and the proposal is not regarded to constitute good design. The inclusion of solar panels between zinc seams of the proposals flat roof does not outweigh this conclusion.

The proposal does not comply with the relevant sustainable development principles of 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

21 letters of representation were received; 20 objections and 1 supporting.

#### *material considerations in objection*

- Impact on natural light to rear curtilages - this is addressed in paragraph a).
- Impact on natural light to common internal spaces - this is addressed in paragraph a).
- Impact on natural light to neighbouring roof top openings - this is addressed in paragraph a).
- Impact on amenity in respect of overlooking and noise - this is addressed in paragraph a).
- Proposal is not in keeping with the character of the tenement - this is addressed in paragraph a).

#### *non-material considerations in objection*

- Potential use of the property as short-term holiday letting.
- Impact on the Morningside Conservation Area.
- Scaffolding, appearance and noise from installation.

- Impact on property prices.
- Delayed receipt of neighbour notification due to festive period.
- Impact on trees.
- Leaks or water ingress from poorly maintained rainwater infrastructure.
- Creation of precedence.
- Land / building ownership and developmental restriction in title deeds.
- Risk of terrace users walking along the neighbouring roofs.
- Potential for increase in roof maintenance costs.
- The existence of underground springs.
- The potential of subsidence and structural issues as well as the potential for legal action against the Council regarding this should the application be approved.
- Out of date Location Plan - *whilst this does fail to show the new development of 50 to 54 Newbattle Terrace, the properties within 50 and 52 were neighbour notified. 54 fails outwith the 20metre notification boundary.*

*material considerations in support*

- Terrace valuable for health and well-being.
- Minimal impact on the outlook of neighbours and the proposal will not be visible from Falcon Avenue.
- Materials and finishes fit with that of the existing roof.
- Design mirrors 50 to 54 Newbattle Terrace and will be lower than this development.

**Conclusion in relation to identified material considerations**

The proposal does not comply with the relevant sustainable development principles of Paragraph 29 of SPP. The proposal does not raise any issues in relation to the other identified material considerations.

**c) Overall conclusion**

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It will result an unreasonable loss of natural light to neighbouring properties and be detrimental to neighbourhood character. The proposal does not comply with LDP policy Des 12 and the overall objectives of the Development Plan. There are no material considerations which outweigh this conclusion.

Therefore, the proposal is recommended for refusal.

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

The recommendation is subject to the following;

**Reasons**

1. The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable

loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.

2. The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.

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

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

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

**Date Registered: 13 December 2021**

### **Drawing Numbers/Scheme**

01-05, 06A, 07

Scheme 2

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

Contact: Graham Fraser, Assistant Planning Officer  
E-mail: [graham.fraser@edinburgh.gov.uk](mailto:graham.fraser@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

# **Proposed Roof Extension and Alterations to Flat at 61/ 5 Falcon Avenue, Edinburgh EH10 4AN**

**Mr. & Mrs. Lo Rizzo and Family**

Review against a decision by City of Edinburgh Council to refuse a roof extension and alterations to a flat at 61/ 5 Falcon Avenue, Edinburgh

**Application Reference: 21/06522/FUL**

Date: April 2022



## Contents

1. Introduction
2. The Site and Context
3. The Proposed Works
4. Conclusion



## Review Document List

Document	Title	Format
Review Document 1	Decision Notice	Electronic
Review Document 2	Planning Application Form	Electronic
Review Document 3	Location Plan	Electronic
Review Document 4	Existing Plans	Electronic
Review Document 5	Proposed Plans	Electronic
Review Document 6	Proposed Context Section	Electronic
Review Document 7	Design Statement (as amended)	Electronic
Review Document 8	Daylight Assessment	Electronic
Review Document 9	Structural Engineer Letter	Electronic
Review Document 10	Handling Report	Electronic



# 1. Introduction

1.1 This Review Statement has been prepared on behalf of Mr. & Mrs. Lo Rizzo and family in support of a review against the refusal of a planning application to form a roof extension with alterations to their property at 61/ 5 Falcon Avenue, Edinburgh (Review Document 1).

1.2 The application was received and validated on Monday the 13<sup>th</sup> December 2021, with the following documents;

- Planning Application Form (Review document 2) and
- Various Drawings and supporting information (Review documents 3-7).

The Decision date deadline for the planning application was noted as Saturday the 12<sup>th</sup> of February 2022 however the decision was issued almost a month late after the deadline on Thursday 3<sup>rd</sup> March 2022.

1.3 The planning application has been refused for the following reasons;

- *“The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.”*
- *“The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.”*

1.4 This review statement has been prepared by Andrew Megginson Architecture (AMA) on behalf of Mr. & Mrs. Lo Rizzo and family (hereafter referred to as the ‘applicant’). The application site comprises the building and curtilage at 61/ 5 Falcon Avenue, Edinburgh (hereafter referred to as either the ‘application site’, ‘site’ or ‘property’). This document is structured as follows;

- Section 2 describes the site and context.
- Section 3 provides a summary of the proposals and appraises material considerations and precedents against which the proposals should be judged.
- Section 4 reaches conclusions in relation to the acceptability of the planning application in the context of material considerations and precedents.



## 2. The Site and Context

- 2.1 The application property is currently a two bedroom top floor flat within a 4 storey traditional Victorian tenement. The property is not listed and is not within a conservation area. The area around the site comprises of a mixture of buildings of a similar age and more modern buildings all of which vary in height, scale and form. The roof of the application tenement is pitched to the front and flat at the rear with a central cupola and broken up generally by a number of roof windows and chimney stacks.
- 2.2 Falcon Avenue at the site is a residential street. The site however in the wider area is surrounded by buildings varying in style, age, use and height. The main shopping street of Morningside Road is located in close proximity to the west of the site. There are two notable modern buildings to the rear and north of the application property. There are no listed buildings in the immediate vicinity of the site, however St Peter's Church to the east is A-listed. The site is located well outside the surrounding conservation areas.
- 2.3 Please see design statement (review document 7) for further detail on the site and context. We ask that the local review body also carry out a site visit to see the site first hand and also visit the precedents noted within this review statement and design statement. The planning officer did not visit the site in relation to this application which we feel has led to misinterpretation of the proposals against the existing building and surrounding area.

## 3. The Proposed Works

- 3.1 The planning application seeks consent for a roof extension and alterations to 61/ 5 Falcon Avenue.
- 3.2 As within the previously submitted design statement we discussed the architectural intent with the following;

-The form of the extension is directly informed by the existing roof form of a mixture of pitched and flat elements. It also resembles the roof forms to surrounding buildings in the immediate and further afield vicinity. The height of the extension is comparable to the existing front pitched roof and modern development to which it faces. The overall architectural language and style as a result of the proposals is compatible with the existing building and surrounding area.

-Zinc is a traditional roofing material that can be seen elsewhere in the area and will allow the proposals to blend in with the existing roofscape. The darkness of the zinc matches and blends in with the slate and felt existing to the roof and other high level roof materiality in the area. The dark zinc sitting on top of the stone of the tenement also reflects the language to the front of the building. Copper metal cladding in the same detail using a standing seam can be seen to the A-listed St. Peter's nearby which further justifies the use of zinc. The zinc along with the glass set back from the stone will sit lightly on top of the existing building, similarly to how the slate does same.



- Chimneys stacks along with the floorplan signified through the window opening layout reflected in the rear elevation mark the subdivision of the tenement. The positioning of the extension tying in with the floorplan below through the proposed window opening positions reflecting that of those existing below and being contained within the chimney stack positions will tie in well with the existing building and thus the area beyond. The extension interacts well with each chimney stack, with the height of the extension being lower than the underside of the cope in all instances to allow the chimney stacks to be fully interpreted in relation to the proposals.

-The overall design ties in with the existing building and the area to which it is located within. The modern design is sympathetic to the existing building and area through its design, form, positioning and materiality. The proposals will tie in with the modern building it directly faces and also the historic buildings at the rear. The extension will not be detrimental to neighbourhood amenity and character.

3.3 The planning officer has noted the following in the report of handling, "The proposal would be broadly obscured from large parts of the public realm by the pitched roof and scale and nature of bounding development. The possible exception to this would be from Falcon Gardens to the north of St Peter's RC Church and the southernmost point of Falcon Road West. However, this is unlikely in respect of the former given the wall to this street, in leaf trees and the position and massing of the Church. ... Whilst the proposal will be broadly obscured from large parts of the public realm, it is not accepted that it will be wholly concealed from large parts of the public realm and any ability to glimpse the proposal, given its incongruous design, would result in a detrimental impact on the appearance of the existing building."

3.4 As is shown within drawing PL-02 (review document 6), the proposal will not be viewed from the public realm at Falcon Road or Falcon Road West. We will evaluate the potential 'glimpse' view of the proposals from Falcon Gardens below.





Figure 1 – View looking SW from Falcon Gardens





Figure 2 – View looking NW from Falcon Gardens

3.5 As shown in the above images we can conclude the following being interpreted from the viewpoints from Falcon Gardens;

- Metal cladding at roof level to St. Peter's where the roof pitch can be read as reasonably steep.
- High-level vegetation within rear gardens to properties at Falcon Avenue and Newbattle Terrace.
- Grey roofing materiality in the area.
- Roof level extension to formerly flat roofed area at rear of 58 Newbattle Terrace.
- Modern development to Newbattle Terrace.

3.6 The above observations highlight architectural and urban elements that make up the area to the rear of the application site. As noted per the architectural intent section the proposals are cognisant of these elements in line with the existing building and do not introduce any new elements that would be incongruous to the area. Furthermore, any part of the extension that would be read from this thoroughfare road would be screened by the wall, vegetation and chimney stacks. The height of the proposal is comparable to the existing pitched roof to the front of the property and topmost storey of the modern development at Newbattle Terrace and sitting below the chimney stacks will result in the development in no way being protrusive within the viewpoints.



3.7 The planning officer has noted that only one roof level extension exists in the immediate neighbourhood, we can confirm that this is inaccurate. As shown in figure 2 a roof level extension exists to number 58 Newbattle Terrace to which the application site faces, the roof level extension can also be read from the front of the property. Further to this and as per the below figure 3, roof level extensions exist to 20, 22, 30 and 32 Newbattle Terrace.



Figure 3 – View of roof extensions from Newbattle Terrace to numbers 20, 22, 30 and 32

3.8 Another roof level extension in the neighbourhood exists to 4F 175 Morningside Road as per figure 4 below.





Figure 4 – View of roof extension to 4F 175 Morningside Road, with photo being taken from Falcon Road West

3.9 Further to the above roof level extensions another in the neighbourhood which carries most weight to our proposals would be that to 3F1, 9 Steel's Place. The below photo is actually taken from the bottom of Falcon Road which is the street the front of the application site faces. This property will be discussed in more detail further into the review statement.





Figure 5 – View of roof extension (left hand side of photo) from the bottom of Falcon Road

3.10 It is concluded that roof level extensions form part of the character of the area and the proposals following this same principle, with an appropriate design, would be compatible with the neighbourhood.

3.11 The planning officer discusses the building being defined by the “lack of significant physical alteration, uniformity, symmetry and four-storey height.” and that the proposals would disrupt these features to the detriment of the building and area, we strongly disagree with this and feel that the opinion of an appropriate design not being allowed to a building of such features is irrational. As with a majority of developments historic, present and future, a degree of uniformity and symmetry will exist. This design attribute should not deter appropriate extensions and alterations being formed to buildings otherwise the built environment would be monotonous, stale and uninteresting and would result in loss of development contributing to the architectural experience of a building user/ city generally and economy. For example a development of a row of historic or new townhouses should not be restricted of developing an appropriately designed rear extension due to the symmetry and uniformity of the townhouses. We show in the precedent section, developments that have been allowed to properties that would have originally been part of a uniform and symmetrical set of buildings. Our proposals are appropriate to the building and will not be detrimental to the building or area.

3.12 Interestingly, a ground floor rear extension has been allowed to 33 Falcon Avenue recently. The planning officer here did note that these types of extensions are not commonplace to the tenement but the proposal was accepted as it was of an acceptable scale form and design and is compatible with the existing building and surrounding area. We believe our proposals are same as this justification.



3.13 As shown within review document 8, there will be no detrimental loss of light to the rooflight to the east of the proposal. The note of unreasonable loss to daylight to neighbouring properties can be dismissed.

3.14 The thirteen principles which guide the assessment of sustainable development within the Scottish Planning Policy is listed below. Although the planning officer does not specifically comment against each principle, we have commented on each applicable principle in regard to the proposals.

Scottish Planning Policy notes that 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. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;

The proposals will have a reasonable economic benefit to local contractors who would carry out the building works.

- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;  
Not applicable.

- supporting good design and the six qualities of successful places;

This part of Scottish Planning Policy notes that planning should “support development that is designed to a high quality”. We believe our proposed development is of good design and is high quality. The applicable qualities that are relevant to this application are as follows; distinctive and resource efficient. The development compliments local features and attributes in a contemporary high-quality manner. The development mitigates climate change with upgrading of the insulation envelope and use of renewable energy technologies. The use of the existing building utilises and extends the in place services from the flat.

- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;

We believe our proposals are an imaginative approach to extending the property appropriately making efficient use of an existing building. A structural engineer has concluded within review document 9 that the existing building is capable of accommodating the development structurally.

- supporting delivery of accessible housing, business, retailing and leisure development;

Not applicable

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;

Not applicable.

- supporting climate change mitigation and adaptation including taking account of flood risk;

Solar panels, an air source heat pump (subject to further investigation with a noise impact assessment) and a heat recovery system will all be utilised as part of the proposals. The existing insulation envelope shall be upgraded. Being able to extend the existing property would mitigate the requirement to perhaps look to a new build property elsewhere which would result in the production of a large amount of carbon. The extension being built on top of an existing building using a timber frame construction, eco-friendly insulation (such as hemp) and other sustainable materials will produce much less carbon than that of a new build property.

- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;

The small terrace area shall positively enhance the applicant’s health and well being generally.



- having regard to the principles for sustainable land use set out in the Land Use Strategy;

Not applicable generally however see above on the proposals making efficient and appropriate use of land using an existing building within the city.

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;

Not applicable.

- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;

Not applicable.

- reducing waste, facilitating its management and promoting resource recovery; and

Not applicable

- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The proposals are informed by characteristics of the area both historic and modern. The design proposals are sympathetic to the existing building through design, scale, positioning and form. All neighbouring amenity is protected as a result of the proposals. The removal of the gas boiler would be a very small contribution to improving air quality.

3.15 We feel the above conclusions against the principles clearly shows our development is the right development in the right place where the development balances costs and benefits over a long term.

3.16 The following section looks at precedents already discussed in the design statement in further detail and other precedents which inform the principle of this type of development along with discussing more detailed aspects such as suitability of the form, positioning and materiality chosen for the proposals which have been accepted and justified by the council elsewhere.



3F1 9 Steel's Place



Figure 6 & 7 – Views of roof extension to 3F1, 9 Steel's Place from Falcon Road West



3.17 This roof extension to the neighbourhood that the application site lies was approved by the council. The roof extension uses two materials zinc and aluminium (to the windows) and utilises a flat roof. The extension is to a four-storey tenement building where it can be seen that there are no other physical alterations to it. The original roof form to the tenement is pitched to the front and flat to the rear, then pitches to the gutter line. As shown in figures 5, 6 and 7 the extension is very much interpreted easily from the public realm. The positioning of the roof extension is between chimney stacks and the central cupola which the planning officer noted was acceptable. The planning officer noted that the design although publicly visible “would not dominate the roof form of the roof and would not detract from the appearance of the property”. The planning officer concluded; “The simple profile ... and the modern materials would read as a sympathetic intervention into the roof. The scale, form and design of the proposal are acceptable”. We feel that our proposals have much similarities to this roof extension in that the design, form and positioning is similar along with the materiality which blends into the surrounding roovescape, albeit this proposal is very much more interpretable from public realm than our proposals. We believe our proposals should be justified against policy in the same manner as this development.

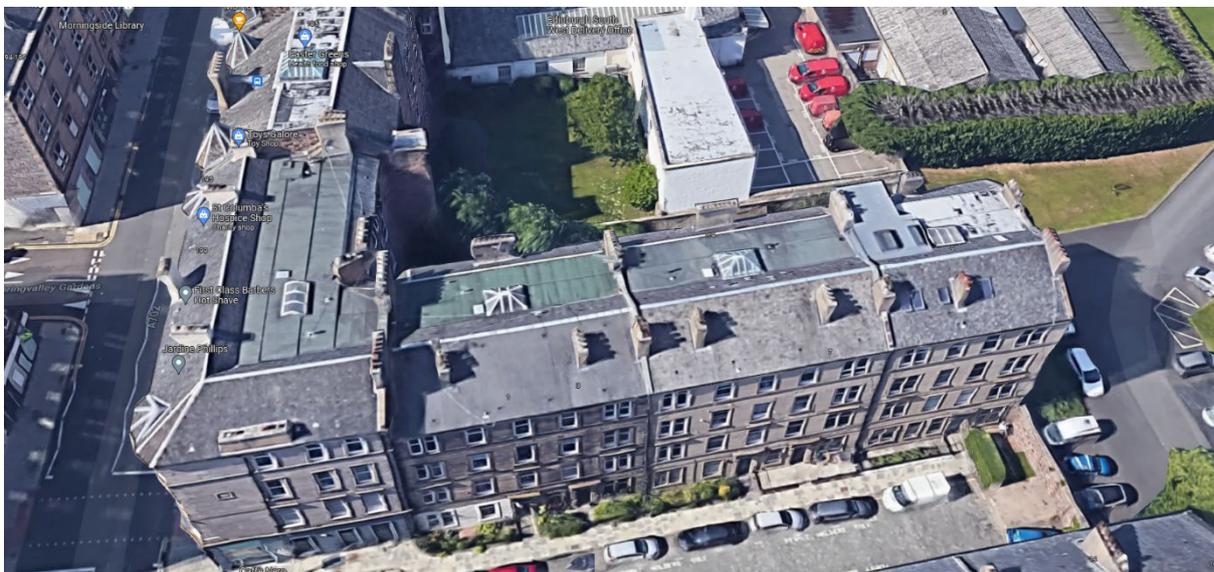


Figure 8 – Aerial view of the tenement at 3F1 Steel's Place with the flat roof development to the right hand side



7 Rutland Square





Figure 9 & 10 – View of roof alterations to 7 Rutland Square from public realm

3.18 This section examines the proposals that were accepted and have been constructed to the A-listed property at 7 Rutland Square that contain similarities to the proposals of this application. 7 Rutland Square is situated within the Old and New Towns of Edinburgh World Heritage Site and the New Town conservation area.

3.19 The external alterations at roof level to 7 Rutland Square are of most importance in acting as precedent to the application as they are very similar in nature. The proposals see roof alterations which form two new contemporary style dormers with a steep pitched section in between all clad in dark grey zinc. It is understood that the original roof form would have been replicated along this terrace and originally been double pitched however as can be seen some properties have been extended/ altered at roof level. In the planning officer's assessment of these proposals to 7 Rutland Square, they noted that "Zinc is a traditional roofing material and the dark-grey tone will complement the original slate". The fact that very similar proposals have been accepted in the Old and New Towns of World Heritage Site and conservation area is important in determining that the application proposals which are to a non-listed building not within a conservation area and much less visible from public realm are acceptable.

3.20 Further to the above and similarly to the verticality discussed previously, the same can be seen here where although all openings are the same throughout the rear elevations of the townhouses they are easily read individually through the opening rhythms and chimney stack positions where positioning of the roof extensions/ alterations pick up. The varying roof forms whether they have dormers to them or are shallow pitched are not out of place and simply express the diversity of the row of properties.



3.21 The high quality and sleek design of the roof alterations to 7 Rutland Square is what the application proposals aspire to match.

## 20 Claremont Road



Figure 11 & 12 – View of roof alterations to 20 Claremont Road (rear and front) from public realm



3.22 The above proposal is a direct precedent of the principle of the proposed extension also. The property is part of a terrace of seven properties and is situated near the middle. The adjoining properties to 20 Claremont Road are all of a similar style with a pitched roof at the front of the property and a flat roof to the rear, similar to that of the application site. None of the other properties in the terrace have developed or applied for a similar proposal.

3.23 With the terrace subdivided by chimney stacks, copes and opening rhythm, the form and materials of the Claremont Road extension were noted by the planning officer to blend in with the existing roofscape. The planning officer then concluded that “Whilst there do not appear to be many other extensions of such form in the area, the proposal represents an imaginative approach to extending the property”, also noting thereafter that the proposal is of an acceptable scale, form and design and would not be detrimental to the neighbourhood character. The planning officer noted that the use of zinc would “echo the colour of the existing slate roof”.

### 34 Hamilton Place



Figure 13 – Image of 34 Hamilton Place from the public street





Figure 14 – Image (taken from public street) of 34 Hamilton Place from the rear where a set back terrace can be seen and dark metal sits between tenements of a similar height and position to the front pitched roof of the

3.24 Formerly used as Theatre Workshops, 34 Hamilton Place is an amalgamation of a Georgian townhouse, Victorian drill hall and later extensions, it is B-listed. The project involved the conversion of the upper floors into six apartments, including the replacement of a part-hipped roof, dormer and modern link building with a new full-height infill and symmetrical rooftop extension and the conversion of the ground floor theatre into a restaurant. The building sits within a terrace arrangement of properties.

3.25 This precedent is located within the New Town conservation area and showcases how modern additions with new building elements have been successfully integrated into the urban fabric. 34 Hamilton Place has similarities to the application site in that the roof form and dormer style are similar, particularly at the rear see figure 14. The dark metal and glazing reflecting the rhythm of the openings below work well with the existing building and tie in nicely with the surrounding area. The rear elevation is of a similar style and form as our proposals, although our proposals will be largely set back from the rear elevation.

3.26 Juliet balconies along with a roof terrace, where the glass balustrade can just be seen above the slate ridge line in figure 13, to the front and rear elevations have been formed to 34 Hamilton Place. This introduction of these new design elements integrate well with the surrounding streetscape which is of a similar nature to that at the application site. The high quality and sleek design of the roof alterations to 34 Hamilton Place is what the application proposals aspire to match.



### 3F2 14 Piershill Terrace

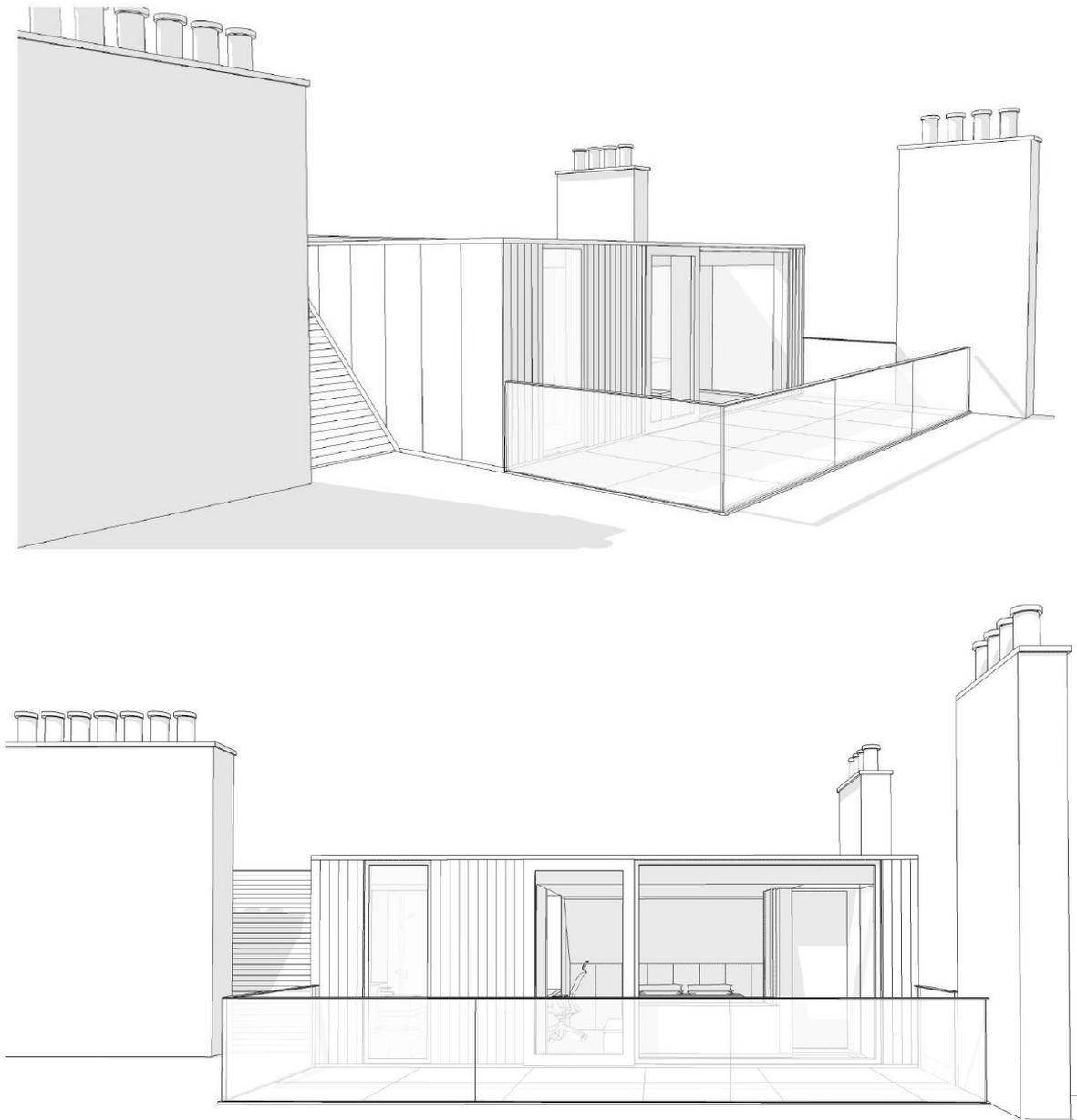


Figure 15 – 3D views of proposals to 3F2 Piershill Terrace from design statement submitted to council

3.27 This section examines the proposals that were accepted to 3F2 14 Piershill Terrace where a contemporary flat roofed extension has been added to the top floor flat. Similarly to our proposals the extension has been formed to the flat roofed section of tenement at the rear with a pitched roof existing at the front. The proposals include a vertical timber clad flat roof extension with glazing and a sliding door with a glass balustrade, all facing the rear.

3.28 Edinburgh council deemed that the proposals were of an “acceptable scale, form and design and are compatible with the area.”. It was also noted that the “proposal is of modern style, adding a contemporary addition to the roof of the property”.



3.29 Our proposals are of a very similar nature to that of the above and the same conclusions to that of this example application can be drawn about our proposals in terms of planning policy. We believe the contemporary proposals are of an acceptable scale, form and design and being set back the proposals will not be generally read from any public streets and will not result in any issues relating to privacy, overshadowing or noise.

3.30 The high quality, modern design and design principles of the roof alterations to 3F2 14 Piershill Terrace is what the application proposals aspire to match.

#### **14 Plewlands Gardens**



Figure 16 – View of roof extension to 14 Plewlands Gardens from public realm





Figure 17 – Closer view of roof extension to 14 Plewlands Gardens from public realm

3.31 The above proposal is a direct precedent of the principle of the proposed extension. The property is part of a terrace of several properties and is situated near the middle. The adjoining properties are all of a similar style originally with a pitched roof at the front of the property and a flat roof to the rear, similar to that of the application site however several have been developed with the top floor flat forming an extension upwards onto the flat roof. 14 Plewlands Gardens is located within the Plewlands conservation area, which is not too far away from the application site south westwards. As can be seen from the images (figures 16 & 17), one side of 14 Plewlands Gardens retains the original roof form whilst the other has had the roof extended with a pitch and dormers. The diversity and individuality of the roof forms extended or not does not detract from the area or the existing building.

3.32 The planning officer noted the proposals as ‘in-fill’ works and that the “design would be light and would not overwhelm the existing rear elevation of the property”.

3.33 Similarly to our proposals, it can be seen that many flat roofs in the area have been developed upwards and the design principles/ features of our proposals also take cognisance of those seen elsewhere in the area.



4F2, 19 Rodney Street





Figure 18, 19 and 20 – Photos from various areas of public realm of roof extension to 4F2, Rodney Street

3.34 The above proposal is very similar to the application proposals where a roof extension has been formed to the rear of a top floor property within a five storey tenement with a communal garden to the rear. The property is part of a wider tenement block where the original roofscape consisted of a series of roof valleys running from the front pitched roof to the rear.

3.35 The proposals are higher at the rear than the front pitch of the roof but are unseen from the front elevation which is a similar design principle to our proposals. The materiality is grey metal and glass with the form being flat. The rear elevation is much closer to the existing rear elevation of the tenement than that of our proposals. Overall the similar architectural language and principle which does not detract from the building or area should inform that our proposals will achieve same.

3.36 As with the above precedents we have clearly shown that roof extensions to existing roofs of similar form to the application property are a design principle accepted in the city of Edinburgh both nearby and further afield. The precedents which have informed our proposals and which share many similarities have all been justified in being acceptable in their design, form, materiality and positioning. We believe that our appropriate development, which will be much less apparent from the public realm than some of the examples above and which tie in with the existing building and area as concluded, should be justified in the same way as being acceptable.



## 4. Conclusion

4.1 Planning consent is sought by Mr. & Mrs. Lo Rizzo and family for a roof extension and alterations to 61/ 5 Falcon Avenue, Edinburgh.

4.2 Planning permission has been refused for the following reasons;

- *“The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.”*

The form takes cognisance of the existing form of the roof to the building and those forms found in the surrounding area. The zinc matches the colour and materiality within the area where the zinc and glass will sit lightly on top of the existing building. The dark zinc sitting on top of the tenement reflects the language to the front of the building. The extension is positioned/ contained within and below the existing chimney stacks where the proposed rear window opening pattern matches that of the existing openings below. Overall, the architectural language is in line with the existing building and surrounding area. As per the daylight assessment (review document 8) the proposals do not result in unacceptable loss to neighbouring amenity. We conclude that the proposals are in line with policy Des 12 of the Edinburgh Local Development Plan.

- *“The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.”*

As per the writings within the design statement and this review statement above, it is clear that our proposed development is the right development in the right place where the development balances costs and benefits over a long term.

4.3 We have justified that the design principle, form, scale, massing and materiality of the roof extension is appropriate to the existing building and the fabric of the area. Overall, we feel that our proposed design, informed by architectural and urban elements within the area, along with precedent and general architectural language in the area creates an appropriate development that is in keeping with the existing building and neighbourhood.

4.4 The applicant therefore respectfully requests that planning consent is granted for the reasons stated above.



**From:** [Gina Bellhouse](#)  
**To:** [Local Review Body](#)  
**Cc:** [Blair Ritchie](#)  
**Subject:** FW: 61 Falcon Ave Planning rejected being reviewed  
**Date:** 09 June 2022 10:36:28  
**Importance:** High

---

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Sladen, Ian (Risk Regulation & Analysis) [REDACTED] >  
**Sent:** 25 May 2022 17:31  
**To:** Blair Ritchie [REDACTED] >  
**Subject:** 61 Falcon Ave Planning rejected being reviewed

Classification: Public

Hi,

I live at Falcon Avenue (no. 61). I wanted to raise an issue with you in relation to a planning application that was rejected and is now going to review. I live in a 4 storey tenement block and a top flat neighbour lodged a planning application to build an extra floor on the block – no other block on the street has an extra floor added. 21 comments were submitted including 20 objections and the application was (rightly) rejected. Unfortunately it is now being reviewed / appealed so leaving more uncertainty for residents. I can no longer see how to lodge any further comments on the Council planning portal. I would note the following issues with this which should lead to it being rejected (again) can you ensure these are fed into any review

- The architect mentions examples where the council have granted roof extensions, none of these are similar in context or potential impact, previous consents in other locations cannot justify this proposal.
- The tenement blocks on Falcon Ave were designed to accommodate the original number of apartments and occupants (and the deeds set out the height of the blocks).
- This is excessive development in an inappropriate location and the impact on residents will be unacceptable, in terms of loss of privacy and increased activity and the potential for a future HMO.
- There would be loss of light in the stairwell particularly for lower floors as the cupola will have a 1 storey wall built around half of it, the lighting of the stairwell was never designed on the basis there would be a wall built round the cupola.
- The top flat doesn't have sole ownership of the roof so it isn't theirs to build on

The existing building structure is not made to take a further floor being added and there is no suggestion anywhere in the planning that there has been any structural survey.

- Damage to flats below and subsidence risk putting a huge amount of extra weight on a block not designed to have an extra floor on it should prevent this being approved, on its own

Thanks



Lloyds Banking Group, Edinburgh

Lloyds Banking Group plc. Registered Office: The Mound, Edinburgh EH1 1YZ. Registered in Scotland no. SC95000. Telephone: 0131 225 4555.

Lloyds Bank plc. Registered Office: 25 Gresham Street, London EC2V 7HN. Registered in England and Wales no. 2065. Telephone 0207626 1500.

Bank of Scotland plc. Registered Office: The Mound, Edinburgh EH1 1YZ. Registered in Scotland no. SC327000. Telephone: 03457 801 801.

Lloyds Bank Corporate Markets plc. Registered office: 25 Gresham Street, London EC2V 7HN. Registered in England and Wales no. 10399850.

Scottish Widows Schroder Personal Wealth Limited. Registered Office: 25 Gresham Street, London EC2V 7HN. Registered in England and Wales no. 11722983.

Lloyds Bank plc, Bank of Scotland plc and Lloyds Bank Corporate Markets plc are authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and Prudential Regulation Authority.

Scottish Widows Schroder Personal Wealth Limited is authorised and regulated by the Financial Conduct Authority.

Lloyds Bank Corporate Markets Wertpapierhandelsbank GmbH is a wholly-owned subsidiary of Lloyds Bank Corporate Markets plc. Lloyds Bank Corporate Markets Wertpapierhandelsbank GmbH has its registered office at Thurn-und-Taxis Platz 6, 60313 Frankfurt, Germany. The company is registered with the Amtsgericht Frankfurt am Main, HRB 111650. Lloyds Bank Corporate Markets Wertpapierhandelsbank GmbH is supervised by the Bundesanstalt für Finanzdienstleistungsaufsicht.

Halifax is a division of Bank of Scotland plc.

HBOS plc. Registered Office: The Mound, Edinburgh EH1 1YZ. Registered in Scotland no. SC218813.

This e-mail (including any attachments) is private and confidential and may contain privileged material. If you have received this e-mail in error, please notify the sender and delete it (including any attachments) immediately. You must not copy, distribute, disclose or use any of the information in it or any attachments. Telephone calls may be monitored or recorded.

## Sarah Forsyth

---

**From:** Isobel Laurie [REDACTED]  
**Sent:** 05 May 2022 10:04  
**To:** Local Review Body  
**Subject:** Ref 21/06522/FUL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sirs

We should like to repeat our objections to this proposal. The essence has not changed in any significant way, the proposal remains completely inappropriate and out of the local character. The only supporting submission is obviously a neighbour who is probably contemplating something similar. There are several objections from neighbours in Falcon Avenue.

I very much hope that the appeal will be rejected, it has nothing to commend it.

Yours faithfully  
John & Isobel Laurie

Flat 1, 52 Newbattle Terrace  
Sent from my iPad