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Decision date: 22 March 2022

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

Alterations to existing dormer windows to rear of property, along with creation of inset balcony, new roof windows, and associated internal alterations.
At 3F1 25 Gillespie Crescent Edinburgh EH10 4HU

Application No: 21/06715/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 21 December 2021, this has been decided by **Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

1. The proposed works are not compatible with the existing dwelling nor surrounding neighbourhood character and due to the cumulative impact of the dormers and roof/terrace balcony would harm the special character of this prominent roofscape and crescent building and the wider character and appearance of the Conservation area. The proposals are contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed works due to their size, height, shape and the inclusion of the balcony/roof terrace are also contrary to LDP policy Env 6 and Des 12.

The proposals will result in an unreasonable loss to neighbouring amenity and are contrary to Des 5.

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

Drawings 1-7, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Catriona Reece-Heal directly at catriona.reece-heal@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision of the planning authority 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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission
3F1 25 Gillespie Crescent, Edinburgh, EH10 4HU**

Proposal: Alterations to existing dormer windows to rear of property, along with creation of inset balcony, new roof windows, and associated internal alterations.

**Item – Delegated Decision
Application Number – 21/06715/FUL
Ward – B11 - City Centre**

Recommendation

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

Summary

In conclusion the cumulative impact of the two dormers, and roof terrace/balcony would harm the special character of this prominent roofscape and crescent building and the wider character and appearance of the Conservation area. The proposals are contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed works to the dwelling will harm the character and appearance of the conservation area and are contrary to the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character. Therefore, the proposals are contrary to LDP policy Env 6 and Des 12. With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will result in an unreasonable loss to neighbouring amenity and are contrary to Des 5. Therefore the proposals are contrary to the overall objectives of the Development Plan.

There are no material considerations which outweigh this conclusion and therefore, the proposal is refused.

SECTION A – Application Background

Site Description

The property is a top floor flat in a tenement building in Marchmont and Meadows Conservation Area.

Description Of The Proposal

The proposal is for two dormer windows on the rear elevation and two velux windows. The dormers would be zinc clad with aluminium double glazing and the velux conservation style roof windows. There would also be a roof terrace with frameless glass balustrade and zinc fascia.

Supporting information

The applicant has submitted additional information including a design and access statement and photographs.

Relevant Site History

No relevant site history.

Consultation Engagement

No Consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 29 December 2021

Date of Advertisement: 14 January 2022

Date of Site Notice: 14 January 2022

Number of Contributors: 3

Section B - Assessment

Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

a) The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

The proposals will affect the appearance of the conservation area. Gillespie Crescent is at a higher level and together with the adjoining tenements, is easily visible in the conservation area, particularly from the rear. This proposal is for a top floor flat which already had two traditional dormers on the rear elevation to be altered instead to become one modern style dormer and one modern style dormer with terrace/balcony and glass balustrade.

The built form of Gillespie Crescent tenement has a cohesive unity due to the consistency of design and materials. The compositional unity of the roofscape is reinforced by the few rear dormers being of a traditional design, type and materials. The introduction of a balcony and the substantial dormers would dominate the existing roofscape of the dwelling, sit at ridge height and do not line with the existing fenestration on the building's elevation.

This could create a precedent as it would allow the introduction of balconies and modern dormers which are not a current feature of the tenemental crescent building. Whilst there are some modern buildings being constructed with modern dormers in the surrounding area there are different in character with their own unity of design, type and materials.

The proposed inset terrace/balcony with glass balustrade is partially screened by the chimney, however it is not discreet. It requires further sections of the roof to be removed and is a much larger intervention than the existing dormer. The balcony, size and proportions of the dormer windows as well as the proposed non traditional materials undermining the unity of the surrounding roofscape.

Conclusion in relation to the conservation area

In conclusion the cumulative impact of the two dormers, and roof terrace/balcony would harm the special character of this prominent roofscape and crescent building and the wider character and appearance of the Conservation area.

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

b) The proposals comply with the development plan?

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

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

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

Scale, form, design and neighbourhood character

The existing dormers would be replaced by zinc and glass modern dormers of larger proportions with a strong rectilinear frames and materials which are not in keeping with the current canted dormers, whose forms are well-represented in the surrounding area and which harmonise with the dimensions and character of the building's front elevation.

The dormers sit at ridge height, do not line up with the existing fenestration on the elevation and are contrary to our Edinburgh Design guidance on dormers and conservation areas.

The proposals are therefore not of an acceptable scale, form and design and are therefore contrary to Policy Des 12 and Env 6. The proposed dormers and balcony are not compatible with the existing dwelling and would cause harm to the character and appearance of the conservation area as detailed in section a) of the assessment.

Neighbouring Amenity

This proposal would introduce a roof terrace on a tenemental building in close proximity to neighbours. Whilst the terrace has communal gardens and there are already significant levels of overlooking of the communal spaces, this proposal would introduce private outdoor space in close proximity to neighbours living accommodation and result in increased noise, and a loss of privacy to the detriment of their amenity.

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will result in an unreasonable loss to neighbouring amenity and are contrary to Des 5.

Conclusion in relation to the Development Plan

The proposals are of a scale, form and design that are incompatible with the existing dwelling and will harm the special character and appearance of the conservation area.

Therefore, the proposals are contrary to LDP policy Env 6 and Des 12 and the overall objectives of the Development Plan.

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

The following material planning considerations have been identified:

SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

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

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

Equalities and human rights

The applicant has submitted a Design and Access Statement which outlines that the occupant of the property has mobility issues and that they are intending to reconfigure the attic accommodation to provide more space for current and future needs. While the Equality Act 2010 requires service providers to take "reasonable" steps to make their buildings and services accessible, there is also a statutory duty to protect the character of the historic environment. The provision of access for the less able to historic buildings will therefore require careful consideration and design. The property already has two traditional dormers and internal layout alteration works to the flat would not require planning permission. There is little additional floorspace gained other than the balcony/terrace. Whilst it is understood that level access to outdoor space would be beneficial to the applicant, this needs to be weighed against the impact of these proposals on the historic environment. In this case it is not considered that this material consideration should outweigh the harm that would be caused to the character and appearance of the conservation area.

Due regard has been given to section 149 of the Equalities Act 2010.

Public representations

Three objections have been received:

material considerations

- balcony would lead to precedent for others and has been rejected before; this is addressed in section (a) above;
- proposals ruin crescent form; this is addressed in section (a) above;
- not in keeping with architectural style of street; this is addressed in section (a) above;

- harming the compositional unity of the roofscape; this is addressed in section (a) above;
- alien forms and materials therefore threatens the character of the wider townscape; this is addressed in section (a) above;
- terrace is a larger intervention; this is addressed in section (a) above;

Conclusion in relation to identified material considerations

The proposals do raise issues in relation to other material considerations identified and addressed in the relevant sections above.

d) Overall conclusion

In conclusion the cumulative impact of the two dormers, and roof terrace/balcony would harm the special character of this prominent roofscape and crescent building and the wider character and appearance of the Conservation area. The proposals are contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed works to the dwelling will harm the character and appearance of the conservation area and are contrary to the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character. Therefore, the proposals are contrary to LDP policy Env 6 and Des 12. With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will result in an unreasonable loss to neighbouring amenity and are contrary to Des 5. Therefore the proposals are contrary to the overall objectives of the Development Plan.

There are no material considerations which outweigh this conclusion and therefore, the proposal is refused.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

1. The proposed works are not compatible with the existing dwelling nor surrounding neighbourhood character and due to the cumulative impact of the dormers and roof/terrace balcony would harm the special character of this prominent roofscape and crescent building and the wider character and appearance of the Conservation

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

The proposed works due to their size, height, shape and the inclusion of the balcony/roof terrace are also contrary to LDP policy Env 6 and Des 12.

The proposals will result in an unreasonable loss to neighbouring amenity and are contrary to Des 5.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 21 December 2021

Drawing Numbers/Scheme

1-7

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 21/06715/FUL

Application Summary

Application Number: 21/06715/FUL

Address: 3F1 25 Gillespie Crescent Edinburgh EH10 4HU

Proposal: Alterations to existing dormer windows to rear of property, along with creation of inset balcony, new roof windows, and associated internal alterations.

Case Officer: Householder Team

Customer Details

Name: Ms Katherine Bromberg

Address: 2f1, 4 Gillespie Crescent Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am sympathetic to the challenges faced by the current owners of the property, and their wish to create more space is understandable. However, I do not see how it is appropriate to add a balcony to an already enlarged flat which would open up the possibility of further balcony extensions along the street.

Previous proposals to add outdoor spaces to other flats in the street have been rejected, and this seems to be of a similar nature.

It is also unclear as to how this change would effect the residents responsibility for roof repairs etc.

Comments for Planning Application 21/06715/FUL

Application Summary

Application Number: 21/06715/FUL

Address: 3F1 25 Gillespie Crescent Edinburgh EH10 4HU

Proposal: Alterations to existing dormer windows to rear of property, along with creation of inset balcony, new roof windows, and associated internal alterations.

Case Officer: Householder Team

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined this application to alter the roof and attic storey of this Victorian tenement and we object for the following reasons.

The proposed alterations risk harming the compositional unity of the roofscape in which they are to sit. The contribution made by Gillespie Crescent to the surrounding Conservation Area is particularly clear from the rear of this and adjoining tenements due to the elevated nature of the site. Additionally, the consistency of design and materials across these mean alterations to one property impact the appearance of neighbouring tenements. Introducing clearly alien forms and materials therefore threatens the character of the wider townscape.

It is intended for existing dormers to be replaced by zinc alternatives. Although the latter are noted as having similar proportions, their harsh rectilinear frames and materials are not in keeping with the current canted dormers, whose forms are well-represented in the surrounding area and which harmonise with the dimensions and character of the building's front elevation. This is supported by Edinburgh City Council's policy guidance concerning the addition of new dormers (Listed Buildings and Conservation Areas, 2019, p. 14).

Notwithstanding its partial concealment by the chimney, the proposed inset terrace is not discreet. By removing sections of the roof and thus constituting a larger intervention than the existing dormer, this contributes greatly to the general effect of the proposals in undermining the unity of the surrounding roofscape. This is compounded by the addition of two new rooflights, which introduce a cluttered quality as well as the further use of non-traditional materials.

The elements addressed above do not adequately recognise or maintain the ways this property

interacts with and contributes to the character of the surrounding Conservation Area. We therefore object and hope to see revised proposals.

Comments for Planning Application 21/06715/FUL

Application Summary

Application Number: 21/06715/FUL

Address: 3F1 25 Gillespie Crescent Edinburgh EH10 4HU

Proposal: Alterations to existing dormer windows to rear of property, along with creation of inset balcony, new roof windows, and associated internal alterations.

Case Officer: Householder Team

Customer Details

Name: Dr Alasdair Gray

Address: 4 (2f1) Gillespie crescent Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This would further ruin the form of the crescent without achieving the goal since the property in question is not oriented to the castle, i.e. it is not in keeping with the architectural style of the street.