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Dundee  
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Mr Matthew Byerly.  
7 West Montgomery Place  
Edinburgh  
EH7 5HA

**Decision date: 7 February 2022**

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

Attic conversion with dormer to the rear elevation & alterations to existing flat.  
At 3F1 7 West Montgomery Place Edinburgh EH7 5HA

**Application No:** 21/06506/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 21 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 proposals are not compatible with both the existing building and neighbourhood character. Whilst they do not result in an unreasonable loss of neighbouring amenity, overall, the proposals do not comply with LDP policy Des 12 and the overall objectives of the Development Plan.

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

Drawings 01, 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposed works to the dwelling are not in accordance with the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character but will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is not acceptable.

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

Should you have a specific enquiry regarding this decision please contact Nancy Jamieson directly at [nancy.jamieson@edinburgh.gov.uk](mailto:nancy.jamieson@edinburgh.gov.uk).



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

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

## **Application for Planning Permission**

**3F1 7 West Montgomery Place, Edinburgh, EH7 5HA**

**Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.**

## **Item – Local Delegated Decision**

**Application Number – 21/06506/FUL**

**Ward – B12 - Leith Walk**

## **Recommendation**

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

## **Summary**

The proposed works to the dwelling are not in accordance with the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character but will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is not acceptable.

## **SECTION A – Application Background**

### **Site Description**

The application property is a traditional stone tenement on the edge of but not within the New Town Conservation Area. The proposal relates to the top floor flat.

### **Description Of The Proposal**

It is proposed to add a box dormer on the rear elevation. This would allow the attic to be redeveloped as an extra bedroom and en-suite for the flat.

### **Relevant Site History**

No relevant site history.

### **Consultation Engagement**

No Consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 21 December 2021

**Date of Advertisement:** 7 January 2022

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 8

## 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 policies to be considered are:

- LDP Design policies Des 12.
- LDP Design policies Env 6.

The non-statutory Householder Guidance is a material consideration that is relevant when considering policy Des 12.

#### Setting of conservation area

As the dormer is on the rear elevation, it does not affect the setting of the adjacent conservation area.

#### Scale, form, design and neighbourhood character

The proposals are for a box dormer to be added to around half the rear roof of this traditional Victorian tenement. This is incompatible with the tenement character of the City which consists of stone facades and pitched slated roofs with minimal intervention. There are no other dormers on the tenements in West Montgomery Place or nearby Montgomery Street. The proposals are therefore incompatible with the character of the existing dwelling and the surrounding area.

The dormer takes up about 50% of the rear roof and the design is acceptable. However, as the principle of adding a dormer to this traditional roofscape is not acceptable; it does not comply with policy Des 12.

### Neighbouring Amenity

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

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

The proposals comply with Env 6 as they do not affect the setting of the adjacent conservation area. However, the proposals are not compatible with both the existing building and neighbourhood character. Whilst they do not result in an unreasonable loss of neighbouring amenity, overall, the proposals do 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.

The proposal does not comply with Paragraph 29 of SPP as they do not protect Edinburgh's tenemental heritage.

#### 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

Six objections and two neutral comments have been received. One of the neutral comments raised no objections.

#### *material considerations*

- extension not in keeping with other tenement buildings - addressed above
- changes to the aesthetic of the building - addressed above
- privacy - addressed above

#### *non-material considerations*

- scaffolding already erected - this is not a material planning consideration
- noise and disturbance - this is not a material planning consideration
- construction disruption - this is not a material planning consideration
- structural engineer review - this is not a material planning consideration
- safety - this is not a material planning consideration

### **Conclusion in relation to identified material considerations**

The proposals raise issues in relation to compliance with SPP. The representations have been addressed in the assessment.

### **c) Overall conclusion**

The proposed works to the dwelling are not in accordance with the Development Plan. The works are not compatible with the existing dwelling and surrounding neighbourhood character but will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be granted. Therefore, the proposal is not acceptable.

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

The recommendation is subject to the following;

### **Reasons**

1. The proposals are not compatible with both the existing building and neighbourhood character. Whilst they do not result in an unreasonable loss of neighbouring amenity, overall, the proposals do not comply with LDP policy Des 12 and the overall objectives of the Development Plan.

## **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**

01, 02

Scheme 1

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

Contact: Nancy Jamieson, Team Manager  
E-mail: [nancy.jamieson@edinburgh.gov.uk](mailto:nancy.jamieson@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Gerard Fearon

Address: West Montgomery Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: It appears the work has already begun ?

Has there been a structural engineer review yet ?

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Darren Bruce

Address: 5 West Montgomery Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Scaffolding has already been erected in the garden next to mine before planning has been approved.

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Iain Ramponi

Address: 5/1 West Montgomery Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: No objection to the plan.

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Miss Sara Cameron

Address: 7/6 west Montgomery place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Due to the current situation of the pandemic and residents still working from home or studying the excessive noise and disturbance caused by such extensive work is not suitable at this time. Along with the builders which have already been in and out of the property with loud music in the stairwell, not maintaining social distancing or wearing a mask. Thus putting the rest of the stairwell at risk of catching covid due to the builders' negligence. Alongside this, leaving the main door open puts the safety of the other flats at risk.

Another concern with the extension is the appearance of it not in keeping with the other buildings surrounding the property. It is a well-maintained area with an older style of buildings, therefore, having a brand new extension which is not in keeping with the other buildings will frankly be an eyesore.

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Miss Sara Cameron

Address: 7/6 west Montgomery place 6 Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Due to the current situation of the pandemic and residents still working from home or studying the excessive noise and disturbance caused by such extensive work is not suitable at this time. Along with the builders which have already been in and out of the property with loud music in the stairwell, not maintaining social distancing or wearing a mask. Thus putting the rest of the stairwell at risk of catching covid due to the builders' negligence. Alongside this, leaving the main door open puts the safety of the other flats at risk. The vans of the workmen will also be taking up already limited parking within the street.

Another concern with the extension is the appearance of it not in keeping with the other buildings surrounding the property. It is a well-maintained area with an older style of buildings, therefore, having a brand new extension which is not in keeping with the other buildings will frankly be an eyesore.

On the planning permission, Matthew states that he has attempted to contact residents by posting letters through doors to inform them of the plans. This absolutely did not happen and the first we saw of it was when the scaffolding was erected a day prior to receiving the letter regarding the planning permission which he also stated in the letter had not begun - another incorrect statement.

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Jack Lea

Address: 7/2 West Montgomery Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am opposing the planned attic conversion of 3F1 7 West Montgomery Place for the following reasons:

- Disruption/loss of privacy. The proposed works would significantly disrupt our use and peaceful enjoyment of our home. Our property has two windows, one at the front and one at the rear. I work from home and the property is also functioning as my office. The window in the room is already a source of limited light, so erecting any further scaffolding or having any contractors and materials in the garden for any length of time would block out 50% of our natural light. These works would also hinder any privacy we currently have. As a ground floor property, we will not only have to deal with the noise of contractors in the garden and hallway but the direct line of sight into our living room/office space throughout the week. My partner works in healthcare with the NHS and will have their sleep pattern disrupted when working shifts from unnecessary noise from any building works.

- Access. The only entry into the communal walled garden (location of the already erected scaffolding) is through the shared hallway. This hallway has an entry door from the street and one door to the rear garden. Both doors would need to be in constant use to facilitate any building works, as well as use of the stairs up to 3F1. This will undoubtedly cause a great deal of noise disturbance from heavy materials and machinery as well as the need for doors being kept open to facilitate entry, reducing the security of the building, increasing any drafts and airflow in an already cold tenement in winter. The street outside the property is a busy dead-end street with Leith Walk primary school opposite. This street comprises of permit and 'pay and display' parking. The traffic from school drop offs and residents/visitors parking is already enough to cause a congested and polluted street, adding several work vans plus space for unloading and storage of equipment and materials would only further negatively impact the residents of the street and those attending Leith

Walk Primary school, both in terms of noise and disturbance and added pollution.

- Aesthetic. The planned extension works are not fitting with the scope of the building and its overall aesthetic. The building dates from 1860 and adding a modern extension to the building will significantly disturb the visual continuity of these tenement buildings. Edinburgh is known for the historic architecture it has to offer and blighting the eye line of the street with a modern and unnecessary extensions seems inappropriate.

It is also worth noting that building works have already commenced to a degree without attention to due process. There has been scaffolding erected at the rear of the property to prepare for a new boiler installation ahead of any granted planning permission. No protection has been put down for the communal garden rendering the grass torn up and muddy. No protection was offered to the communal hallway either, leaving mud and dirt to be trodden over the flooring. The doors were propped open for the day leaving an incredibly cold draught to run its way through our property. There was also a distinct lack of PPE worn by the contractors in attendance over the two days present at the property including masks, despite this being current legislation and guidance by the Scottish Government. With only one route of access into the building there is no way in or out of our residence without coming into contact with visiting contractors, therefore the lack of compliance with Covid-19 guidelines is of concern.

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Mr Christopher Armstrong

Address: 7/2 West Montgomery Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I oppose the proposed work for reasons related to the privacy of my property as well as the prospective changes to the aesthetic of the tenement building, which is uniform with all others in the area.

# Comments for Planning Application 21/06506/FUL

## Application Summary

Application Number: 21/06506/FUL

Address: 3F1 7 West Montgomery Place Edinburgh EH7 5HA

Proposal: Attic conversion with dormer to the rear elevation & alterations to existing flat.

Case Officer: Householder Team

## Customer Details

Name: Ms Emily Ross

Address: 5/8 west Montgomery Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed plans disrupt the character of tenements on this street. The work will be very disruptive, Particularly as many of us are working from home.