

Development Management Sub-Committee Report

Wednesday 17 August 2022

**Application for Planning Permission
3F2 14 Montpelier Park, Edinburgh, EH10 4NJ**

**Proposal: Extension to flat - reinstatement of planning consent
14/03456/FUL.(Proposed extension into attic of flat with velux roof
windows and glazed cupola.)**

**Item – Committee Decision
Application Number – 22/02406/FUL
Ward – B10 - Morningside**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because it has been called in by a councillor. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

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

SECTION A – Application Background

Site Description

The application refers to a flat that occupies the third and fourth floors of the tenement located on the west side of Montpelier Park. The tenement is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

The character of the area is defined by traditional four storey tenements with slate roofs and large cupola roof lanterns above communal stairwells of various design and styles. The surrounding area is primarily residential and the property forms part of one of these tenemental blocks with communal door, stairwell, and amenity ground to the rear.

Residential development in the area primarily consists of rear alterations, window replacements, and attic conversions which include primary elevation rooflights.

Description of the Proposal

The application is for external alterations to the property and seeks approval for a scheme originally granted in 2014 but permission has since expired.

The application refers to the installation of two stacked conservation style Velux units on the primary elevation. One fixed lower section, and one top hung upper section directly above; a uPVC cupola on the flat roof; and four top hung conservation style Velux windows on the rear elevation roofscape.

The property is not listed and there are no planning controls over the internal works to create additional floorspace. The internal works are not development.

Amendments

The current proposal has been amended to include conservation style Velux windows. Supporting information has also been supplied for these.

The previous scheme was amended to remove a proposed Velux Cabrio balcony from the primary elevation, which was replaced with the two stacked Velux units - comprising of a fixed lower unit and top hung upper unit.

Relevant Site History

14/03456/FUL

3F2

14 Montpelier Park

Edinburgh

EH10 4NJ

Proposed extension into attic of flat with velux roof windows and glazed cupola.

Granted

18 December 2014

Other Relevant Site History

In the surrounding area there are other examples roofscape development which include a mix of conservation style and non-conservation style Velux windows on the primary elevation roofscape.

05/03585/FUL

86/5 Montpelier Park

Edinburgh

EH10 4NG

Attic conversion and formation of roof terrace to the rear, addition of velux rooflights to the front.

Granted

Wed 14 Dec 2005

06/01485/FUL

13 3F2 Montpelier Park

Edinburgh

EH10 4LU

Add roof window in top floor flat, through roof above in shared ownership

Granted

Fri 26 May 2006

07/00669/FUL

56 / 3F3 Montpelier Park

Edinburgh

EH10 4NH

Alterations to form 4 attic rooms, each with a roof window and a bathroom

Granted

Mon 26 Mar 2007

07/04223/FUL

3F2 44 Montpelier Park

Edinburgh

EH10 4NH

Convert attic space to form 3no bedrooms and 1no bathroom, including formation of access stair and 4 no roof lights

Granted

Wed 14 Nov 2007

13/02411/FUL

3F2 50 Montpelier Park

Edinburgh

EH10 4NH

Attic Conversion to form 2no velux rooflights to front elevation and 3no velux rooflights to rear elevation.

Granted

Thu 22 Aug 2013

16/03013/FUL

3F1 32 Montpelier Park

Edinburgh

EH10 4NJ

Loft conversion with new internal stair internal alterations including new en-suites to existing top floor flat in existing tenement building.(as amended).

Granted

Thu 28 Jul 2016

17/04996/FUL

3F2 68 Montpelier Park

Edinburgh

EH10 4NQ

Within existing flat new stairs to be installed for access to the attic level. Within the attic level new insulations and wall, floor and ceiling linings to be added. New internal walls, 5no conservation rooflights and new terrace within pitch of roof.

Granted

Fri 08 Dec 2017

18/04540/FUL

3F2 20 Montpelier Park

Edinburgh

EH10 4NJ

Proposed extension of the existing top floor flat into the attic space with two rooflights to the front elevation, three rooflights to the rear elevation and two skylights in the central flat-roofed section.

Granted

Thu 04 Oct 2018

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 20 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 27 May 2022;

Site Notices Date(s): 24 May 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 proposals harm the character or appearance of the conservation area?

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.

When looking specifically at the proposed conservation style Velux windows of the primary elevation roofscape, these will not have a detrimental impact on the architectural merits of the property as the lower unit will be fixed in place, and the upper unit is top hung. As only one window can be opened, this creates an opening style which is part of the established character of the area, additionally, this will not create a balcony as there would be no extension of the floor space. Moreover, the units will not be readily visible from public viewpoints due to the width of the street in relation to the height of the building and the slope of the roof.

With regards to the four rear elevation conservation style Velux units, these will not have a detrimental impact on the character of the building or the surrounding area. One of the windows on the rear elevation will be almost completely obscured from view by the chimney. The remaining three windows will be seen from Merchiston Park, although this will be from a distance of approximately 50 metres away and viewed between two villa properties.

The proposed Velux units are all conservation style, timber construction with a central glazing bar and top hung (with the expectation of one fixed unit).

While the uPVC cupola would not comply with the conservation area guidance, the inconspicuous location directly on the flat roof section means the cupola is not readily visible from the street on Montpelier Park and due to the size, it would not be visually dominant from Merchiston Park. Therefore, it is deemed the cupola will not detrimentally affect the character of the area.

The introduction of roofscape development will result in the loss of some slate, however as the windows will occupy a small portion of the front and rear roof planes the character of the building as a stone roof tenement will not be impacted. Furthermore, there is an established character in the area of roofscape developments including the installation of rooflights.

Therefore, the alterations will not have a detrimental impact on the historic features of the building or the surrounding area.

Conclusion in relation to the conservation area

The works will preserve the special character and appearance of the conservation area.

The proposals comply with 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 Edinburgh Local Development Plan 2016 (LDP) 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 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 as detailed in section a) of the assessment.

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.

In regard to privacy, there would be sufficient distance from direct window to window viewing as required in the Guidance for Householders. As such, there are no new concerns regarding privacy as a result of this proposal.

Conclusion in relation to the Development Plan

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the special character and appearance of the conservation area.

Therefore, the proposals comply with 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 has been consulted on but has not yet 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

Three objections have been received summarised as:

material considerations

Concerns the proposal is out of character for the area - considered, further detailed in section a) above.

Concerns for the use of uPVC - considered, further detailed in section a) above.

Concerns for privacy from the primary elevation units - considered, further detailed in section b) above.

Concerns for the use of Velux Cabrio balcony - considered, this was removed from the 2014 application, full details in "amendments" and section a) above.

non-material considerations

Concerns for HMO and short term let uses and associated noise - This would be a non-material planning consideration because only external alterations of a residential property are being assessed. Planning cannot control internal works of a non-listed building, however, if a change of use did occur, this could be investigated by planning enforcement and other future relevant licensing regimes.

Concerns for ownership - This is a non-material planning consideration as ownership disputes would be a civil matter.

Concerns for aged drainage system - This is building warrant issue and not relevant to the planning consent.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 20 May 2022

Drawing Numbers/Scheme

01 - 04, 05A

Scheme 2

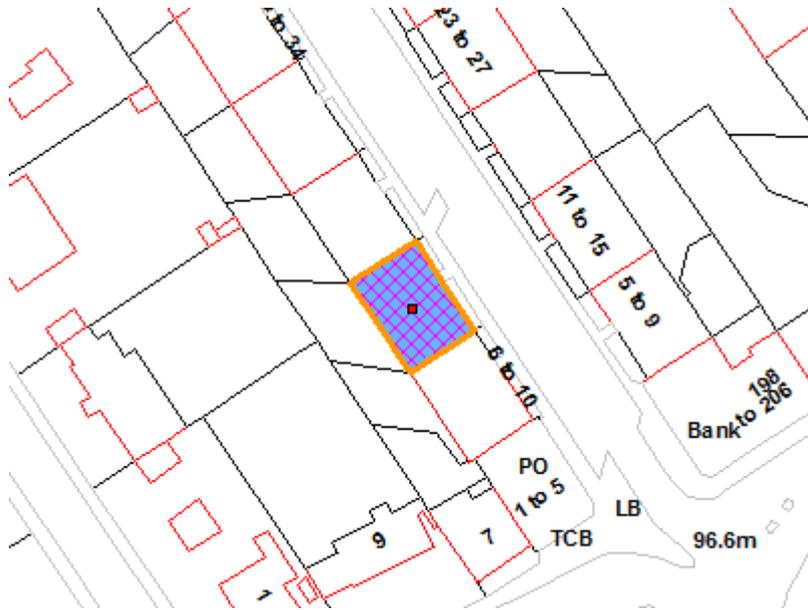
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Summary of Consultation Responses

No consultations undertaken.

Location Plan



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