

# Development Management Sub-Committee Report

**Wednesday 21 September 2022**

**Application for Listed Building Consent  
43 Northumberland Street, Edinburgh, EH3 6JQ**

**Proposal: Alter existing boundary wall to incorporate it into new residential mews building**

**Item – Committee Decision  
Application Number – 22/01345/LBC  
Ward – B11 - City Centre**

## **Reasons for Referral to Committee**

### **Recommendation**

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

### **Summary**

The proposals are acceptable in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with the development plan and there are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site lies to the north (rear) of the townhouse at 43 Northumberland Street. The existing property is a substantial two storey, attic and basement, end-terrace property. This townhouse is category A listed (item no. 29449, listed on 24.05.1966) and situated within the New Town Conservation Area and World Heritage Site.

The application site occupies a corner site to the rear of the townhouse and fronts onto the south side of Northumberland Street North West Lane. The site is bounded by an original stone boundary wall to the east elevation. A later 2 storey mews property adjoins the site to the west. The rear of the townhouse is covered by hardstanding, providing parking.

The lane is characterised by several single storey garages and mews properties on the north and south side of the lane.

The east-most access to the lane from Northumberland Street is directly adjacent to the townhouse at No. 43. The townhouses are situated at higher level than the lane as the land slopes down from Northumberland Street to the properties to the north.

### **Description of the Proposal**

The proposal is to erect a two bedroom mews house with an integrated single garage as additional family accommodation, built as a continuation of the existing mews housing, accessible from Northumberland Street North West Lane. The proposal will have approximately 126 square metres of internal floorspace with 64 square metres of living space and 62 square metres of storage space provided by a new basement and the proposed garage. The proposal includes a new garden area which will be shared with No 43 Northumberland Street.

The building will be finished in coursed sandstone with sandstone quoins and a slate roof with zinc ridge. The skewers to the roof will be finished in sandstone with lead flashings onto the slate. The doors to the lane will be powder coated aluminium roller doors with anthracite finish. Windows and door screens will be finished with powder coated aluminium in anthracite grey. Conservation Velux roof lights with anthracite finish are proposed with low level flashings.

The existing stone boundary wall on the east side of the application site will be incorporated into the gable of the proposed mews house. The wall will be repointed and rebuilt as required using the existing stone. Pointing work will be carried out using a suitable lime mortar to match the existing.

### **Supporting Information**

Planning Statement

### **Relevant Site History**

06/02730/CON  
43 Northumberland Street (garage To Rear)  
Edinburgh  
EH3 6JQ  
Proposed alterations to garages to form mews flat  
Permission is not required  
25 July 2006

06/02730/FUL  
43 Northumberland Street (garage To Rear)  
Edinburgh  
EH3 6JQ  
Proposed alterations to garages to form mews flat (as amended)  
Granted  
6 October 2006

06/02730/LBC  
43 Northumberland Street (garage To Rear)  
Edinburgh  
EH3 6JQ  
Proposed alterations to garages to form mews flat (as amended)  
Granted  
31 October 2006

19/03309/FUL  
43 Northumberland Street  
Edinburgh  
EH3 6JQ  
Change of use from office to single dwelling (Town House over four floors). (as amended)  
Granted  
11 September 2019

19/03312/LBC  
43 Northumberland Street  
Edinburgh  
EH3 6JQ  
Alter existing offices to form town house over four floors, including internal alterations and alteration of lower ground floor external openings to rear and replacement of existing windows with timber sash and casement windows to match existing pattern. (as amended)  
Granted  
9 September 2019

20/03085/LBC  
43 Northumberland Street  
Edinburgh  
EH3 6JQ  
Alter existing boundary wall to incorporate it into a new residential mews building.  
withdrawn  
12 January 2021

20/03087/FUL  
43 Northumberland Street  
Edinburgh  
EH3 6JQ  
Construct residential mews.  
withdrawn  
12 January 2021

22/01348/FUL  
43 Northumberland Street  
Edinburgh  
EH3 6JQ  
Construct new residential mews incorporating part of existing boundary wall

## Other Relevant Site History

16.03.2018 - Planning Permission Granted to demolish existing 2-car parking garage and pend to rear of 43 Northumberland Street. Alterations and reconstruction of existing stone boundary wall to form part of construction of new 2-storey residential mews with integral parking garage and access pend (Application Reference 17/01885/FUL).

15.09.2021 - Application Withdrawn relating to proposal to construct a two storey residential mews on the site, granted on March 2018 under application reference 17/01885/FUL. To add to the approved building a space for storage/utility and gym, to be located in the basement. The access to the basement area will be directly from the courtyard of the existing dwelling building via an open traditional stone staircase (Application Reference 21/02969/FUL).

## Pre-Application process

There is no pre-application process history.

## Consultation Engagement

Historic Environment Scotland

Refer to Appendix 1 for a summary of the consultation response.

## Publicity and Public Engagement

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 1 April 2022;

**Site Notices Date(s):** 29 March 2022;

**Number of Contributors:** 4

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
  - a. harm a listed building or its setting? or
  - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

## **Assessment**

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

### **a) The proposals harm the listed building or its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting

The rear setting of the principle listed building at 43 Northumberland Street is characterised by an area of hardstanding bounded by a high stone boundary wall which opens to the mews lane through the north elevation. The proposed mews structure will complement this existing arrangement, restoring the enclosure of the rear garden which is more typical of properties in this area.

Mews buildings are an existing element in the setting of the listed building and the proposed mews is in keeping with these structures. When viewed from the townhouse the appearance of the garden ground will be improved. The introduction of an entrance to the proposed basement is a modest intervention and will not have a negative impact on the setting of the listed building. HES was consulted on the application and raised no objection to the proposal and expressed no concern that the formation of a basement would damage the listed building structurally or have a negative impact on its setting.

The existing random rubble stone boundary walls are an intrinsic part of character of the lane. The proposed mews structure will complement this existing arrangement. The agent has provided annotated drawings confirming the existing boundary wall to the east will be retained and rebuilt where necessary using reclaimed stone. All joints are to be repointed using lime mortar to match existing. The character of the listed building will therefore be preserved.

### **Conclusion in relation to the listed building**

The proposal will not have a detrimental impact on the setting of the listed building. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals harm the character or appearance of the conservation area?**

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

- the grid hierarchy of grand streets, lesser streets, lanes and mews
- terraces of buildings with regular building plot widths and the consistent relationship of building lines to the layout of streets
- the overwhelming retention of buildings in their original design form with a standard materials palette, including blonde sandstone and slated pitched roofs.

The existing rubble stone wall will be retained as part of the proposed construction of the mews. The stone boundary walls are a significant feature of the mews lanes and of this part of the New Town conservation area.

The envelope, traditional form and construction materials of the proposed mews reflect the type of buildings that commonly occupy the rear garden areas of Georgian terraced buildings in the Second New Town, which is a significant constituent area of the World Heritage Site. Whilst there is no evidence that this plot contained a mews originally, it cannot be concluded that a mews building was never planned on the site or would not have been built at a later stage. Also, the principle of mews development has already been established in the lane.

The proposed envelope matches that of the mews on the adjacent site and the proposed dimensions are appropriate in this particular location, given the length of the original garden plots. There are numerous examples of basement level development throughout the New Town Conservation Area and basement development in mews buildings is also not uncommon. The only element of the basement visible is a modest entrance within the garden ground of the site. This will not be visible from public view points and will not impact the character or appearance of the Conservation Area.

The proposed mews is of high quality traditional mews form with sympathetic contemporary detailing. Although the design respects the traditional mews design, the proposed scheme represents a sympathetic modern take on the form. The new walls of the new building will be formed from coursed sandstone to match the rear wall of the adjacent townhouse. This will be in keeping with the surrounding area. The use of Spanish Cupa Heavy slate is an acceptable modern equivalent in terms of colour, thickness, weight and texture of slate to traditional Scots Slate and is acceptable in this context. The proposed mews will complement the character and appearance of the New Town Conservation Area. The proposed traditional materials of sandstone and slate are in keeping with the historic palette of the area. The proposed introduction of new planting and sandstone slabs within the rear curtilage are a more appropriate response than the existing hardstanding and will improve the appearance of the site, which was previously used as a car park.

### **Conclusion in relation to the conservation area**

The proposed mews building will both preserve and enhance the character of the conservation area. The proposals are acceptable in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

**c) there are any other matters to consider?**

The following matters have been identified for consideration:

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

A summary of the representations is provided below:

*material considerations*

- Stonework and proposed slate inappropriate; this is addressed in section (b)
- Basement inappropriate within Conservation Area and may damage surrounding buildings; this is addressed in section (a) and (b)
- Sandstone slab within garden inappropriate; this is addressed in section (b)
- Inappropriate materials for construction of mews; this is addressed in section (b)

*non-material considerations*

- Over development; this is addressed in the assessment of application 22/01348/FUL.

**Conclusion in relation to other matters considered**

There are no material considerations which indicate the proposal should be refused.

**Overall conclusion**

The proposals are acceptable in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 The proposals comply with the development plan and there are no material considerations which outweigh this conclusion.

**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. This consent is for Listed Building Consent only. Work must not begin until other necessary consents, e.g. Planning Permission, have been obtained.

## **Background Reading/External References**

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

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

**Date Registered: 18 March 2022**

## **Drawing Numbers/Scheme**

01-05

Scheme 1

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

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## Appendix 1

### Summary of Consultation Responses

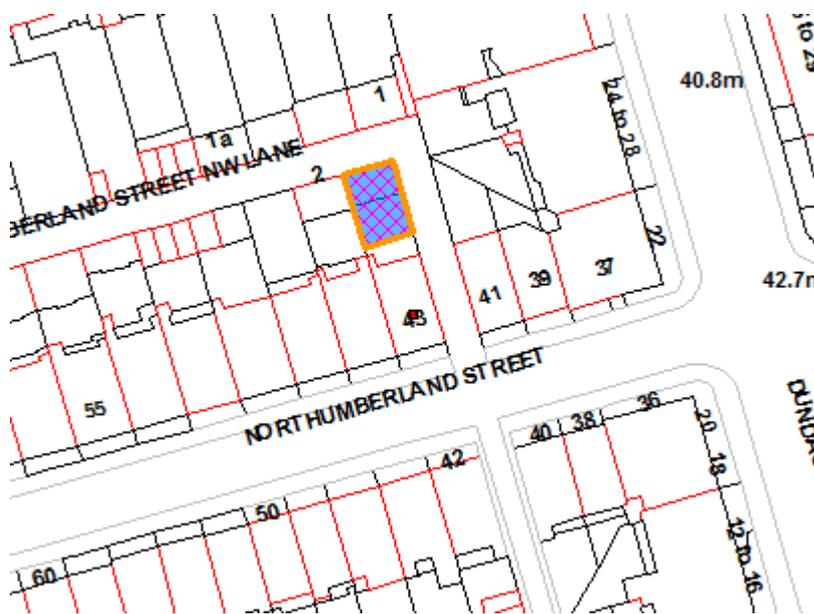
NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

DATE: 7 April 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

### Location Plan



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