

# Development Management Sub-Committee Report

**Wednesday 26 October 2022**

**Application for Planning Permission  
8 Roseneath Place, Edinburgh, EH9 1JB**

**Proposal: Erect a timber clad garden room in rear garden of ground floor flat (IN PART RETROSPECT).**

**Item – Committee Decision  
Application Number – 22/02353/FUL  
Ward – B10 - Morningside**

## **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because it has received 23 objections. 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 retrospective works and proposed works to the dwelling will preserve the setting of the listed building, 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 ground floor flatted property of 8 Roseneath Place. The flatted property is located within a sub-divided terraced townhouse. The terrace of townhouses is category B listed (ref: LB30452, listed 14/12/1970) and is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

For the purpose of this report, reference to the front garden means the garden facing Meadow Place, and the rear garden faces Roseneath Place. The garden room is located within the front garden, with the front elevation of the building facing Meadow Place and the rear elevation is facing Roseneath Place.

The listing of the terrace in 1970 describes the front elevation as fronting Meadow Place, and the rear elevation on Roseneath Place. This shows the intended design of the townhouses featured views to the Meadows, with long front gardens accessed from Meadow Place, and a small rear garden area with access to Roseneath Place.

Most buildings on the terrace remain as full townhouses, however, the building at 8 - 10 Roseneath Place has been significantly altered through historic development. Firstly, being vertically sub-divided into flats, with the addition of full length box dormers and a two storey communal stairwell on Roseneath Place for access. The front gardens of these buildings have been sub-divided to form four plots with the later addition of a building forming 3 and 4 Meadow Place.

Due to the sub-division of the gardens the ground floor flatted property can only be access via the rear Roseneath Place elevation and the front garden is now inaccessible from Meadow Place. The front elevation is obscured from public view by the buildings and gardens of 3 and 4 Meadow Place.

The front garden of 8 Roseneath Place is primarily soft landscaping with some hardstanding paths. The neighbouring long gardens feature soft landscaping and mature trees; however, the smaller sub-divided gardens utilise minimal soft landscaping and predominately feature hard landscaping.

The rear of the property facing onto Roseneath Place contains the sole access door for the ground floor flat and features a small area of soft landscaping and hardstanding behind a retaining wall. There is communal parking for the flats, however, this is minimal with one space directly south of 8 Roseneath Place and the remaining four spaces to the east of the communal access stairwell for the sub-divided flats.

The surrounding uses are primarily residential, with the Boroughloch Medical Centre located at 1 Meadow Place and some commercial uses in the wider surrounding area.

## **Description of the Proposal**

The application refers to the addition of:

- A single storey, timber clad, garden office within the front garden;
- Soft landscaping and hard standing areas within front garden and
- Electric vehicle (EV) charging point on a rear retaining wall.

The application is in part retrospect, with the following works being completed:

- Removal of the original front garden soft landscaping and
- Addition of the garden room structure (yet to be completed).

A concurrent application for listed building consent has been submitted (ref. 22/03168/LBC) for the internal works and the EV charger. No assessment of internal works will form part of this planning permission application. No assessment of the garden office was required as part of the LBC application as this is a free-standing element with no alteration to any part of the listed building.

## **Amendments**

The drawings have been amended twice to provide further information:

Scheme one:

Detailed the internal works, garden room and EV charger

Scheme two:

Removed the internal works from the drawings;

Revised the red line boundary;

Included contextual photographs; and

Clarified the dimensions.

Scheme three:

Clarified the drawings and photographs;

Clarified garden office area; and

Added notes on garden materials.

No amendment to the proposal took place, therefore there is no requirement to re-notify neighbours on these amended drawings.

## **Not Development**

The works to add an EV charging point to the rear retaining wall would not be readily visible from the public streetscape nor would the works materially or structurally affect the external appearance of the building when considering it as a whole and when considering it within the context of the wider neighbourhood.

The works therefore do not constitute development under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). No assessment of their merits is therefore required as part of this planning application.

## **Relevant Site History**

22/03168/LBC

8 Roseneath Place

Edinburgh

EH9 1JB

Internal alterations removal of non-original partition walls.

Permission is not required

21 July 2022

## Other Relevant Site History

Listed Building Consent ref: 22/02352/LBC was withdrawn and resubmitted (ref 22/03168/LBC) with the garden office removed from the plans. As the garden office is a freestanding structure which does not physically alter the any part of the listed building, it cannot be considered as part of the listed building consent application.

There is also an open enforcement case pending the determination of this planning permission application.

22/00250/EOPDEV

8 Roseneath Place

Edinburgh

EH9 1JB

Alleged unauthorised development - outbuilding in rear garden.

26 May 2022

PLNREC - DC Application Submitted

## Pre-Application process

There is no pre-application process history.

## Consultation Engagement

No consultations undertaken.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 17 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:** 24

## Section B - Assessment

### Determining Issues

Due to the retrospective works and proposals relating to a listed building(s) and being within a conservation area, this report will first consider the retrospective works and proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the retrospective works and proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) 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 retrospective location that are sufficient to outweigh it?

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

If the retrospective works and proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the retrospective works and proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 retrospective works and proposals harm the listed building and its setting?**

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

- Managing Change Setting

The intended setting for the listed terrace is for the townhouses to be situated with long front gardens, delineated by high stone boundary walls, running north towards Meadow Place. The outlook from the front elevation of these townhouses should overlook the long gardens and benefit from views to the Meadows nearby. This intended setting can be seen at the neighbouring properties which still feature the long gardens and full townhouses.

For the subdivided properties at 8 - 10 Roseneath Place, this original setting has been changed. The building is sub-divided vertically. The gardens have been sub-divided into four small plots predominately with hardstanding. The later buildings forming 3 and 4 Meadow Place have enclosed the gardens so they can no longer be accessed from Meadow Place. All contrary to the intended design and layout of the listed building.

This sub-division has compromised the setting of the listed building. For 8 Roseneath Place the front garden is no longer recognisable as a front garden. Sub-division and subsequent development at 3 and 4 Meadow Places have curtailed the garden setting and introduced development that obscured the front elevation of the listed building.

While typically development at the front of a listed building would not be acceptable, given the existing context of the setting, the addition of the ancillary building in the front garden at 8 Roseneath Place would not result in any further harm to the setting of the listed building.

While the timber clad materials would be a modern addition in comparison to the traditional stone buildings, it is not untypical to use timber for a garden building. There are several examples of timber garden structures within the neighbouring gardens. Additionally, while the garden originally featured predominant soft landscaping, the use of a hardstanding area would match the other sub-divided gardens.

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

The retrospective works and proposals are acceptable with regards to Sections 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the architectural character, appearance and historic interest of the building and its setting.

#### **b) The retrospective works and 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.

While the properties at Meadow Place are single storey, due to their raised ground level, the building is 4.5 metres tall and screens the front elevation of the ground floor flatted property public view. Additionally, the neighbouring high boundary walls, mature trees and soft landscaping create an extensive screen from all angles between the ancillary building and public realm. As a result, the structure of the ancillary building is not readily visible within the wider conservation area.

While the garden predominately featured soft landscaping, the character of the sub-divided gardens is completely hard standing with minimal soft landscaping. Therefore, the addition of a proportion of hardstanding would not be out of character with the immediate vicinity. A large proportion of open garden space is still maintained which will not impact the wider conservation area.

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

The retrospective works and proposals are acceptable with regards to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the special character and appearance of the conservation area.

### **c) The retrospective works and 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 Design Policy Des 12
- LDP Environment Policy Env 3
- LDP Environment Policy Env 6

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

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

The retrospective works and proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and the surrounding area.

The established character for the sub-divided gardens predominately features hard standing with minimal soft landscaping features. In the immediate and wider area, there are a number of ancillary buildings. Within this context, the inclusion of hardstanding and the ancillary building will be acceptable based on the existing neighbourhood character.

While the garden space is proposed to be mixed soft landscaping and hardstanding, the external footprint of the garden office is 13.44sqm which accounts for 24% of the available garden space. This would retain a large proportion of open garden and would be in keeping with the character of the gardens nearby.

The height of the garden office is approximately 2.55 metres, with surrounding boundary treatments approximately 2.0 - 2.2 metres. Nevertheless, the height of this garden office will be permanently screened by the 4.5 metre height of the building at 3 and 4 Meadow Place. Due to this, the scale of the garden office will not have any additional impact on the character of the surrounding area.

#### Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the retrospective and proposed works have been assessed against requirements set out in the non-statutory 'Guidance for Householders'.

With reference to overshadowing, the neighbouring properties to the east and west of the garden office will not experience any additional overshadowing as a result of the development.

The property located to the north has a sub-divided garden of 56.6sqm and it will experience minor overshadowing of the garden. However, the existing boundary fence primarily contributes to this by creating 1.3sqm overshadowing. While the garden office would create 1.56sqm of overshadowing, when considering the existing level, the inclusion of the garden office would only account for an additional impact of 0.26sqm or 0.5% of increased overshadowing.

The retrospective and proposed works will not result in any unreasonable loss to neighbouring amenity.

#### Impact on Listed Building

The impact on the setting of the listed building has been assessed in section a). The retrospective works and proposal complies with LDP policy Env 3 and will not be detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

#### Impact on Conservation Area

The impact on the conservation area has been assessed in section b). The retrospective work and proposal complies with LDP policy Env 6 and will preserve the special character of the conservation area.

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

The retrospective works and proposals are compatible with both the existing building and neighbourhood character and do not result in an unreasonable loss of neighbouring amenity. The proposals will not be detrimental to the setting of the listed building and will preserve the special character of the conservation area. Therefore, the proposals comply LDP policy Des 12, Env 3, Env 6, and the overall objectives of the Development Plan.

#### **d) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Wildlife and Biodiversity

The original garden predominately featured planted soft landscaping; however, this was a private garden with no TPOs or further policy to protect wildlife. While the proposal will result in the loss of some green space and any associated biodiversity, given the extensive soft landscaping features and trees within surrounding neighbouring properties and the nearby Meadows, any adverse impacts as a result of the proposal would be minimal. Moreover, the application also includes the creation of a soft landscaping area within the front garden.

## 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. In this case, the protection of green infrastructure, landscape, and protecting amenity would be applicable.

Given the context of the garden development in this location with the substantial green infrastructure of the nearby Meadows, the loss of some soft landscaping in this garden space would have a minimal impact.

Therefore, the retrospective works and 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

Twenty-three objections have been received from twenty-four submissions, summarised as:

### *material considerations*

Concerns for legal boundaries for parking area - Considered, the red line boundary has been amended, further details in "Amendments" above.

Concerns for the impact on special character - Considered, the garden office is extensively screened, further details in section a) and section b) above.

Concerns for the scale of development - Considered, the proposal is an acceptable scale, further detailed in section c) above.

Concerns for overshadowing - Considered, there is very minimal impact as a result of the garden office, further detailed in section c) above.

Concerns for the removal of soft landscaping and impact on wildlife - Considered, there would be no unreasonable impact, further detailed in section d) above.

Concerns the footprint is larger than guidance permits - Considered, the 4sqm footprint relates solely to permitted development rights. As the garden office is larger, planning permission is required and subsequently is being determined via this application.

#### *non-material considerations*

Concerns for private views - This is a non-material planning consideration as private views cannot be protected through planning legislation.

Concerns for residential noise - This is a non-material planning consideration as residential noise cannot be controlled through planning legislation.

Concerns for retrospective status - This is a non-material planning consideration as the application is being considered based on the original condition of the garden.

Concerns for internal structural alterations - This is a non-material planning consideration as the internal alterations are determined through the listed building consent and structural issues through the building warrant.

Concerns for type of use - This is a non-material planning consideration as the opportunity to use a garden room as a home office does not in itself constitute a commercial use. Any concerns for a change of use can be reported to our enforcement team: <https://www.edinburgh.gov.uk/breachplanningcontrolsform>

Concerns for declared cost - This is a non-material planning consideration as this is a matter for Building Standards.

Concerns for future garden development - This is a non-material planning consideration as the application is based on its own merits. Any future development may require further permission.

Concerns for use of communal parking spaces - This is a non-material planning consideration as it would be a civil matter between owners.

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

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

#### **Overall conclusion**

The completed and proposed works to the dwelling will preserve the setting of the listed building, 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. 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.
2. 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: 13 May 2022**

### Drawing Numbers/Scheme

01A, 02B

Scheme 3

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## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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