

56three Architects.  
Fao. Gordon Beaton.  
14 Alva Street  
Edinburgh  
EH2 4QG

Mr & Mrs F Dey.  
39 Ravelston Dykes Road  
Edinburgh  
EH3 7DX

**Decision date: 14 June 2022**

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

Form new opening with glazed door and screens, plus new external timber frame and glass canopy.

At 39 Ravelston Dykes Road Edinburgh EH4 3PA

**Application No:** 22/01619/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 30 March 2022, 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 proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as it would have a detrimental impact on the architectural merits of the building.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it would have a detrimental impact on the setting of the listed building.
3. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would have an unacceptable impact on the design of the host property.

4. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact on the character and appearance of the host property.

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

Drawings 01-14, 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 application for development is not acceptable in terms of the relevant policies contained within the Edinburgh Local Development Plan, Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It would not be compatible with or have special regard to the desirability of preserving the building and its setting. There are no material considerations which outweigh this conclusion.

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 Conor MacGreevy directly at [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@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  
39 Ravelston Dykes Road, Edinburgh, EH4 3PA**

**Proposal: Form new opening with glazed door and screens, plus new external timber frame and glass canopy.**

**Item – Local Delegated Decision  
Application Number – 22/01619/FUL  
Ward – B06 - Corstorphine/Murrayfield**

## **Recommendation**

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

## **Summary**

The application for development is not acceptable in terms of the relevant policies contained within the Edinburgh Local Development Plan, Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It would not be compatible with or have special regard to the desirability of preserving the building and its setting. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The property is a two storey residential dwelling.

The property is a Statutory C Listed Building (2002).

### **Description Of The Proposal**

The proposal is for the creation of a larger opening and the erection of a canopy.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

## Consultation Engagement

No consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 8 April 2022

**Date of Advertisement:** 22 April 2022

**Date of Site Notice:** 22 April 2022

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the 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 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 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):

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

If the 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 proposals harm the listed building and its setting?**

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

- Managing Change Conservation Areas
- Managing Change Windows

In terms of the proposed creation of an enlarged opening to the rear elevation, this would represent a disruptive introduction that would also remove a significant degree of external fabric. In addition, this introduction would create an imbalance by upsetting the symmetry of the fenestration on that elevation. This element would represent an unacceptable introduction that would harm the architectural merits of the property.

The remaining proposed works would represent congruous additions that would not have a detrimental impact on the architectural merits of the host property.

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

The proposed changes are unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

The proposed changes are almost wholly obscured from the public realm. By virtue of this lack of visibility to the public realm, the proposal would have a neutral impact on the conservation area.

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

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would preserve the character and appearance of the conservation area.

### **c) 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 policies Env 3, Env 4 and Env 6.
- LDP Design policies Des 1 and Des 12

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

### Size, Scale and Design

The proposal is unacceptable in terms of the creation of an enlarged opening to the rear elevation, specifically at ground floor level. This would create a discordance with the existing symmetry on that elevation while removing a significant degree of fabric. As

mentioned in section a), the introduction of a fenestration design of this aesthetic would represent a disruptive introduction which would also create a visual imbalance when looking upon that elevation.

This has also been addressed in sections a) and b).

The proposal is contrary to LDP Policies Des 1, Des 12, Env 3 and Env 4.

### Amenity

The application was assessed in terms of its impact on amenity in relation to the criterion in the non-statutory Guidance for Householders.

No impacts were identified and the proposal would comply with LDP Policy Des 12 in terms of amenity.

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

The proposal complies with the development plan and the non-statutory Guidance.

### **d) 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 is contrary to Paragraph 29 of SPP, specifically Principle 3.

#### 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

No comments were received.

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

These have been addressed.

#### **e) Overall conclusion**

The application for development is not acceptable in terms of the relevant policies contained within the Edinburgh Local Development Plan, Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It would not be compatible with or have special regard to the desirability of preserving the building and its setting. There are no material considerations which outweigh this conclusion.

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

The recommendation is subject to the following;

### **Reasons**

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as it would have a detrimental impact on the architectural merits of the building.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as it would have a detrimental impact on the setting of the listed building.
3. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would have an unacceptable impact on the design of the host property.
4. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact on the character and appearance of the host property.

### **Background Reading/External References**

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

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

**Date Registered: 30 March 2022**



## **Drawing Numbers/Scheme**

01-14

Scheme 1

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

Contact: Conor MacGreevy, Planning Officer  
E-mail: [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.