

Development Management Sub-Committee Report

Wednesday 7 December 2022

**Application for Planning Permission
3F2 13 Parkside Terrace, Edinburgh, EH16 5BL.**

Proposal: Form separate flat with new access, roof lights and skylight (as amended).

**Item – Committee Decision
Application Number – 22/01082/FUL
Ward – B15 - Southside/Newington**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to approve planning permission.

Recommendation

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

Summary

The application is acceptable in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the relevant Edinburgh Local Development Plan Policies and non-statutory Guidance. The proposal would not have a detrimental impact upon the host property, the surrounding Southside Conservation Area or on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a top floor flat within a four storey tenemental building. Parkside Terrace has a mixed character, with traditional tenemental buildings off Dalkeith Road, leading to a scheme of modern flatted properties. There are six flatted dwellings within the tenement.

The application site is within the Southside Conservation Area.

Description of the Proposal

The proposal is for the creation of a three bedroom flat within the roof space of the building, with rooflights to the front and rear elevations of the roof plane.

The amended scheme rectifies the proposed attic floor plan to depict a hallway rather than a bedroom.

Relevant Site History

21/01303/CLP

3F2 13 Parkside Terrace

Edinburgh

EH16 5BL

For the installation of roof lights and skylight at the property as part of a loft conversion.

Granted

6 May 2021

21/03064/FUL

3F2 13 Parkside Terrace

Edinburgh

EH16 5BL

Form new flatted dwelling with works including new access, dormers, roof lights and skylights.

withdrawn

22 July 2021

21/04229/FUL

3F2 13 Parkside Terrace

Edinburgh

EH16 5BL

Attic conversion to form new separate flat complete with new access, new dormer and conservation style roof lights to the front and rear and 3 skylights on the flat roof section (as amended - scheme 3 removes the proposed dormer window and includes Scottish slate).

withdrawn

7 March 2022

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 29 March 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 8 April 2022;

Site Notices Date(s): 5 April 2022;

Number of Contributors: 17

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 impact on the character or appearance of the conservation area?

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

The proposed external changes (roof lights and vents) are solely to the roof of the host property. This is an area of the building that is not readily visible from the public realm by virtue of the height of the building and the enclosed nature of Parkside Terrace. The roof lights would be conservation style features and the vents would be minor additions that would have no adverse effect on the appearance of the property.

Conclusion in relation to the conservation area

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would not adversely impact on the character and appearance of the conservation area.

b) 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 Policy Env 6.
- LDP Design Policies Des 1, Des 5 and Des 12.
- LDP Housing Policy Hou 1, Hou 4 and Hou 7.
- LDP Transport Policy Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' and the 'Edinburgh Design Guidance' are material considerations that are relevant.

Principle

The principle of housing is supported by LDP Policy Hou 1, subject to compliance with other policies of the Plan. The application site is within the urban area as identified in the LDP. The introduction of an additional residential unit to the building would be an acceptable form of development.

The principle of the proposal complies with LDP Policy Hou 1.

Scale, Form & Design

The proposed physical changes (roof lights and vents) are solely to the roof of the host property. As stated above, due to the relatively enclosed nature of the street, in combination with the height of the building, the alterations would not be readily visible from public view and would have a modest and acceptable effect on the appearance of the building. The use of conservation style rooflights and sympathetically designed vents would ensure the physical works would represent congruous additions that would have an acceptable impact on the surrounding area.

The proposal complies with LDP Policies Des 1, Des 12 and Env 6.

Parking

Parking standards are applicable to new development and this proposal does not represent new development as it is a conversion. Furthermore, the property is served by a number of bus routes and would encourage active travel given its close proximity to the city centre.

Taking this into consideration, the proposal would not have a detrimental impact on parking within the surrounding area and would comply with Tra 3 and the relevant guidance.

Amenity

The proposed formation of an additional flat would not create a pattern of use that would have a material effect on the amenity of the existing occupiers of the building. The development would not create such an increase in pedestrian traffic that it would constitute an over-intensification of use within the communal stair and would not change the characteristics of the building as a whole.

In relation to privacy, the rear rooflights would be less than nine metres to the rear boundary. However, these windows would be no closer to other buildings than existing windows. The rear garden is communal and overlooked, and as such, there is no measurable reduction in privacy levels.

The proposal complies with the daylight and sunlight criteria in the Edinburgh Design Guidance.

In relation to internal amenity space, the proposal would achieve a floorspace of approximately 91 sqm, which complies with the Edinburgh Design Guidance.

In relation to outdoor space, the Queen's Park is in close proximity, thereby affording access to high quality amenity space.

The proposal would not have a detrimental impact upon neighbouring residential amenity and would provide appropriate accommodation for future occupiers.

The proposal complies with LDP Policies Des 5, Des 12, Hou 4, Hou 7 and the relevant guidance.

Conclusion in relation to the Development Plan

The proposal would be an acceptable and appropriate development and would have regard to the character and appearance of the conservation area. It would not have an unacceptable effect on neighbouring amenity, it would create an appropriate amenity space for future occupiers and is in compliance with the Edinburgh Local Development Plan policies.

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 Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The Planning Committee considered the objections received to City Plan 2030 on 30th November 2022. At this time 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

Eighteen representations were received (Seventeen objections and one neutral).

material considerations - objections

Amenity: this is addressed in section b)

Character of the area; this is addressed in section a)

Parking: this is addressed in section b).

Design: this is addressed in section b).

Dormer windows; the proposal does not contain any elements relating to dormer windows.

non-material considerations - objections

Deeds concerns; this is not a material planning consideration.
Mortgage concerns; this is not a material planning consideration.
Structural concerns; this is not a material planning consideration.
Precedent; this is not a material planning consideration.

Conclusion in relation to identified material considerations

These have been addressed within the sections above and would not outweigh the conclusion of this application.

d) Overall conclusion

The application is acceptable in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the relevant Edinburgh Local Development Plan Policies and non-statutory Guidance. The proposal would not have a detrimental impact upon the host property, the surrounding Southside Conservation Area or on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following:-

Conditions: -

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. 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.

2. 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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 28 March 2022

Drawing Numbers/Scheme

01-07a,08,0910

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

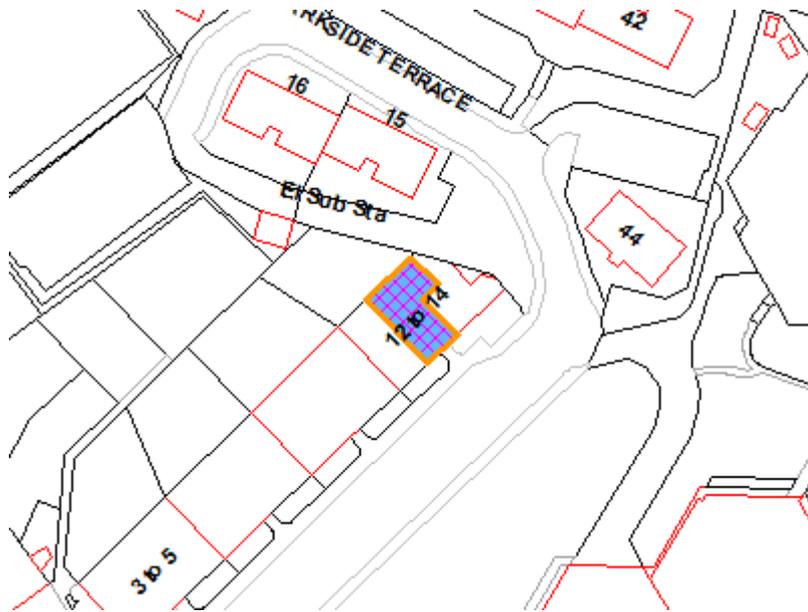
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Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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