

Development Management Sub-Committee Report

Wednesday 8 February 2023

**Application for Listed Building Consent
Lock Up, East Brighton Crescent, Edinburgh**

Proposal: Demolition of lock-up garages, repositioning of existing rear garden wall and proposal of two new dwelling houses on the Land South of 1 East Brighton Crescent.

**Item – Committee Decision
Application Number – 22/01474/LBC
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 29 letters of representation raising objections to the proposals have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Outcome of previous Committee

This application was previously considered by Committee on 25 January 2023

Site visit - This application was continued by the Committee for a site visit. The application is returning to Committee for a decision.

Recommendation

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

Summary

The application for development is acceptable with regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It is compatible with and has special regard to the desirability of preserving the building and its setting, preserves the special character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is to the rear of 1 East Brighton Crescent where there are four small lock up garages lying at right angles to the garden with a separating wall. The garages probably date from around the 1960s but are not considered curtilage listed buildings due to the separation from the B listed building at 1 East Brighton Crescent (reference LB27200, listed 14 December 1970).

The site is accessed from Lee Crescent. There are two other lock ups accessed from here but are not included in the red line boundary. To the south of the site runs Christian Path, a public walkway which leads to Brighton Place (West) and Windsor Place (East).

Description of the Proposal

It is proposed to demolish the lock-up garages and erect two new dwelling houses. This involves the repositioning and rebuilding of the existing rear garden wall to 1 East Brighton Crescent. The two new dwelling houses will be one and a half storeys in height and of a contemporary design. The proposed roof material is zinc standing seam. The proposed façade materials include timber and natural stone to match the existing villa.

Supporting Information

Design statement

This document is available to view on the Planning Portal.

Relevant Site History

No relevant site history.

Other Relevant Site History

Pending planning application for `Demolition of lock-up garages, repositioning of existing rear garden wall and proposal of two new dwelling houses on the Land South of 1 East Brighton Crescent. ref number 22/01472/FUL

Pending Conservation Area application for `Demolition of lock-up garages, repositioning of existing rear garden wall and proposal of two new dwelling houses on the Land South of 1 East Brighton Crescent. ref. number 22/01473/CON

Pre-Application process

Pre-application discussions took place on this application.

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: 29

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. harms 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 comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- 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 - settings
- Managing Change - boundaries

Section 14 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It states that factors to be considered in assessing the impact of a change on the setting of a historic asset or place include the presence, extent, character, and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this and the ability of the setting to absorb new development without eroding its key characteristics and the effect of the proposed change on qualities of the existing setting.

The site lies next to 1 East Brighton Crescent, which contains a row of Category B listed buildings and the associated boundary wall to the rear. The proposed new dwelling houses to the south of 1 East Brighton Crescent would be built close to the western boundary wall of 1 and 2 East Brighton Crescent. Although the repositioning of the boundary wall to the rear does reduce the size of the existing garden grounds of 1 East Brighton Crescent, there is still ample garden area left to maintain a decent setting. As the proposed development is located to the rear of the B listed villa, the frontage of the listed buildings would not be impacted. The proposed dwelling houses will appear as a separate structure behind the rear boundary wall.

As for the repositioning of the existing boundary wall; in this context this would be an improvement to the external appearance of the building. The current wall is obscured with the render and the new proposed boundary would be in stone to match the original part of the wall.

Historic Environment Scotland has raised no objection.

Conclusion in relation to the listed building

The proposal will not detract from the special architectural and historic interest of the adjacent listed building nor harm its setting and is acceptable with regards to section 14 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area.

The site lies within the Portobello Conservation Area and the character appraisal states the following:

The Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high-quality architecture, and the predominant use of traditional building materials.

The main buildings fronting East and West Brighton Crescent are Georgian in style. Although Portobello does not have the same spatial pattern of mews buildings as the New Town, there are existing one and a half storey cottages along Lee Crescent Lane. The proposed development reflects a similar scale, massing, and form as the existing cottages, contributing positively to the character and appearance of the conservation area.

Overall, the proposed development represents a sensitive and modern interpretation of the existing nearby cottages using high quality materials and a design that reflects the character of the area. The works will also preserve the use of the back lane in this part of the conservation area.

The works will preserve and enhance the character and appearance of 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.

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

- neither enhance nor preserves conservation area - assessed in section (b).
- proposed materials are inappropriate - assessed in section (b).
- visually obtrusive/overdevelopment - assessed in section (b).
- scale and form are inappropriate - assessed in section (b).
- not in keeping with the area - assessed in section (b).
- negative impact on listed building - assessed in section (a)
- site notice was not up until 13th/14th - the application process has been carried out correctly.

non-material considerations

- overlooking/privacy and overshadowing issue - is not relevant for this application and it has been assessed under the main planning application.

- no parking spaces - is not relevant for this application and it has been assessed under the main planning application.
- provided gardens are too small - is not relevant for this application and it has been assessed under the main planning application.
- loss of sunlight - is not relevant for this application and it has been assessed under the main planning application.
- sun path analysis is only until 4pm - is not relevant for this application and it has been assessed under the main planning application.
- trees - is not relevant for this application and it has been assessed under the main planning application.
- flooding issue - is not relevant for this application and it has been assessed under the main planning application.
- additional land has been taken on the drawings - this is not a planning material consideration but a civil matter.
- access dispute - this is not a planning material consideration but a civil matter.
- construction of higher wall was not discussed - this is not a planning material consideration but a civil matter.
- impact on traffic - transport planning has been consulted and raise no objection.
- not enough to accommodate large trucks - this is not a planning material consideration but a civil matter.
- public water and sewer connection - this is not a planning matter, and it should be assessed by the building standards, any garden work it would be civil matter issue which cannot be materially assessed as part of the planning application.
- tittle deed prohibits development - this is not a planning material consideration but a civil matter.
- impact on the value of the properties - this is not a planning material consideration but a civil matter.
- both site boundary and ownership boundary are incorrect - the site boundary is correct whilst the ownership boundary is a civil matter.

Conclusion in relation to other matters considered

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

Overall conclusion

The application for development is acceptable with regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. It is compatible with and has special regard to the desirability of preserving the building and its setting, preserves the special character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 24 March 2022

Drawing Numbers/Scheme

01-07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

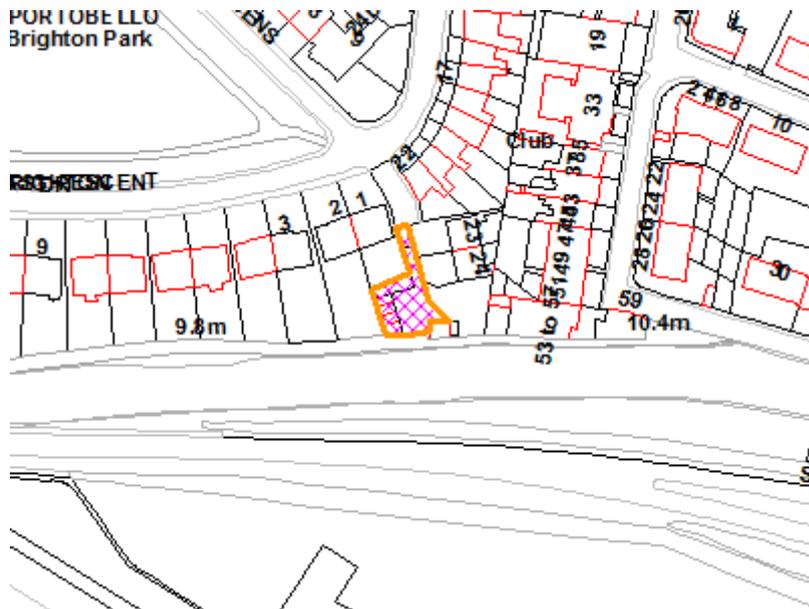
NAME: Historic Environment Scotland

COMMENT: Historic Environment Scotland do not have any comments to make on the proposals.

DATE: 8 April 2022

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

Location Plan



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