

Andrew Megginson Architecture.
FAO Andrew Megginson
128 Dundas Street
Edinburgh
EH3 5DQ

Mr & Mrs Lo Rizzo
Flat 5 61 Falcon Avenue
Edinburgh
EH10 4AN

Decision date: 6 January 2023

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

Roof extension
At 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Application No: 22/04429/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 5 September 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;

Reason for Refusal:-

1. The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, and it will be detrimental to neighbourhood character.
2. The proposal fails to comply with policy Des 1 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, and it will be detrimental to neighbourhood character.

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

Drawings 01-07, 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 proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. The proposal does not comply with LDP policy Des 1 and Des 12 and the overall objectives of the Development Plan. 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 Weronika Myslowiecka directly at weronika.myslowiecka@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 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.

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
3F1 61 Falcon Avenue, Edinburgh, EH10 4AN

Proposal: Roof extension

Item – Local Delegated Decision
Application Number – 22/04429/FUL
Ward – B10 - Morningside

Recommendation

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

Summary

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. The proposal does not comply with LDP policy Des 1 and Des 12 and the overall objectives of the Development Plan. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a roof of a top floor flat within a 4-storey mid-terrace tenement block, located on Falcon Avenue.

Description Of The Proposal

Planning Permission is sought for the erection of a roof extension with terrace to rear roof plane. The proposals will involve the reconfiguration of the flat roof to accommodate the roof extension including increasing the roof height.

This is the resubmission of the previously refused planning application 21/06522/FUL. The main changes are:

- reduction of the proposal by 3 metres
- reduction of terrace by 25%

Supporting Information

- daylight information

- design statement
- engineer letter
- MCS Planning Standards
- Monobloc air source heat pump
- noise impact assessment

Relevant Site History

21/06522/FUL
3F1 61 Falcon Avenue
Edinburgh
EH10 4AN
Roof extension of flat (as amended)
Refused

3 March 2022

Other Relevant Site History

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 20 September 2022

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 29

Section B - Assessment

Determining Issues

This report will 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 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 policies Des 1;
- LDP Design policies Des 12.

The non-statutory Householder Guidance is a material consideration that is relevant when considering policy Des 12.

Scale, form, design and neighbourhood character

The application is a resubmission of a previously refused planning application (reference number 21/06522/FUL) which was upheld by the Local Review Body (reference number 22/00048/REVREF). The applicant resubmitted the proposal with minor changes to the scheme. The overall proposal has been moved back by 3 metres and the roof terrace has been reduced by 25%.

In terms of the site context and its design, the application site sits within 47 to 75 Falcon Avenue, a five block row of traditional tenements in character and appearance. It appears on the 1914 Ordnance Survey maps, but it is not listed or located within a conservation area. The block and tenement row to which the proposal relates has not been subject to any significant physical alteration and are highly uniform in appearance. Each block follows the same largely symmetrical pattern including bay windows at each end and a centrally positioned chimney stack. The ground floors have three doors, two to the left of centre and one to the right. A window accompanies the door to the right and it would be reasonable to suggest this was influenced in part by a desire to continue the symmetrical concept. Nos 5 to 45 Falcon Avenue sits to the west and is near identical in character and appearance. Whilst separated, they would appear continuous when viewed from the eastern and westernmost extents of Falcon Avenue.

Uniformity, a lack of significant physical alteration and individual block symmetry is repeated with the roofscape. The roof of 47 to 75 Falcon Avenue is pitched to the front and largely flat to the rear. Each block is marked by the presence of chimney stacks and feature a centrally positioned historic cupola providing light to communal stairwells. The most notable alterations to the roof of the existing building and 47 to 75 Falcon Avenue would be confined to the creation of rooflights outwith repairs or maintenance works.

The existing building has an established character and appearance which is defined by the lack of significant physical alteration, uniformity, symmetry and a maximum four-storey height. Whilst the proposal will be broadly obscured from large parts of the public realm, it is not accepted that it will be wholly concealed from large parts of the public realm and any ability to glimpse the proposal, given its incongruous design,

would result in a detrimental impact on the appearance of the existing building and character of the area.

As 47 to 75 Falcon Avenue, the row to which the proposal relates, form a near continuous row with 5 to 45 Falcon Avenue, the proposal would also have an adverse effect on this element of neighbourhood character through the disruption of uniformity and symmetry. Furthermore, these tenement rows are very similar in character and appearance to 52 to 74 Falcon Avenue, 53 to 75 Falcon Road and 1 to 49 Falcon Gardens which do not feature roof top extensions. Whilst 14 to 20 Falcon Avenue, 2 to 6 Falcon Road and 50 to 54 Newbattle Terrace nearby are more modern, the latter being the most modern, they also do not feature roof top extensions. Such additions are not part of the neighbourhood and the proposal would accordingly have an adverse effect on surrounding character.

In the executive summary, the agent stated that the revised proposal is pulled back by 3 metres from the rear elevation and the overall roof terrace has been reduced by 25%. The summary further state that the existing vegetation and chimney would largely obscure the proposal. However, it is considered that this would still have a negative impact on the roof form, and would result in a detrimental impact on the appearance of the existing building.

A number of other roof extension examples have been provided. However, all applications are considered on their own merits and a proposal of this nature is not regarded to be supportable for this property, in this location.

Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will not result in any unreasonable loss to neighbouring amenity.

The proposal will have no material impact on the levels of natural light to the rear curtilages. The height to ridge of the proposal means that it is likely to have some effect on the levels of natural light for the historic cupola. However, this feature is to provide daylight for a communal stairwell and the proposal would not impede this to a materially unacceptable degree. It also appears to be obscured glass.

With regards to noise, the Council's non-statutory Guidance for Householders states that roof terraces can be a source of noise for neighbouring properties. Whilst it is acknowledged that the roof terrace will be utilised as an outdoor space for the residents, this will effectively have the same noise impact on neighbouring properties as the residents using the garden ground. The terrace is small and unlikely to result in noise that would be detrimental to residential amenity. The rear curtilages of 47 to 75 Falcon Avenue are overlooked currently by the associated flats as well as from the windows and balconies of 50 to 54 Newbattle Terrace. It is not accepted that the terrace would unacceptably intensify any pre-existing overlooking effects or cause any additional privacy concerns.

Conclusion in relation to the Development Plan

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. It would impact on the roof scape and be detrimental to neighbourhood character. Therefore, the proposal does not comply with LDP policy Des 1 and 12 and the overall objectives of the Development Plan.

b) 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.

When assessed against the relevant sustainable development principles, the proposal is not considered to protect the historic environment and constitutes over development of a building with little capacity for above ground floor extensions. There would be no wider economic benefit from approval the application and the proposal is not regarded to constitute good design.

The proposal does not comply with the relevant sustainable development principles of 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.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. 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

material considerations

- A traditional, historic, row of tenements would be devalued - assessed in section (a)
- loss of daylight/sunlight/overshadow/ privacy - assessed in section (a)
- proposal does not preserve the features of the existing roofline - assessed in section (a)
- air source heat pump would cause lots of noise - the noise impact assessment has been submitted and the air source heat pump has been relocated.
- neighbouring notification was not received - statutory publicity period was carried out and neighbour notification letters sent after validation of the application.
- does not comply with Scottish Planning Policy as it is not sustainable - assessed in section (b)
- does not comply with Des 1, des 4, des 12 - assessed in section (a)

non-material considerations

- The proposed development will set an undesirable precedent. There is no precedent in planning as each application is considered on its own merits.
- title deeds, legal and engineering dispute, ownership- Planning permission does not give legal permission to build, it only confirms that the proposal is compliant with planning legislation. There may still be legal issues to overcome, and any such dispute would be a civil matter as this is not material planning consideration.
- Safety (burglaries and privacy) concerns - This is a private, civil matter which cannot be materially assessed as part of the planning application.
- Noise concerns - this is not planning material consideration, and this would be controlled by environmental protection legislation.
- roof space could be shared with others - planning has no control over this and as such it cannot be considered as part of this application.
- difficulties to park - planning cannot control the parking of vehicles.
- it would be change for AIRBNB - planning has no control over this and as such it cannot be considered as part of this application. If the property would be used solely as AIRBNB the applicant would have to apply for change of use.
- poor internal design - planning has no control over this and as such it cannot be considered as part of this application.
- no assessment of skylight has been provided - The submitted plans provided sufficient information for the determination of this application.
- fire risk - This would be assessed by the building standard.
- Weight impact on such an old building - This would be assessed by the building standard.

Support

- clever use of flat roof and a valuable addition of the outdoor space. The design is assessed in section a).

Conclusion in relation to identified material considerations

The proposal does not comply with the relevant sustainable development principles of Paragraph 29 of SPP. The proposal does not raise any issues in relation to the other identified material considerations.

Overall conclusion

The proposal, in its design and form, choice of materials and positioning is not compatible with the character of the existing building. The proposal does not comply with LDP policy Des 1 and Des 12 and the overall objectives of the Development Plan. There are no material considerations which outweigh this conclusion.

Therefore, the proposal is refused.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, and it will be detrimental to neighbourhood character.
2. The proposal fails to comply with policy Des 1 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, and it will be detrimental to neighbourhood character.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 5 September 2022

Drawing Numbers/Scheme

01-07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
E-mail: weronika.myslowiecka@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr Graeme Spowart

Address: 73/2 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The structures of traditionally and historic tenements of Edinburgh should be respected and maintained. The aesthetics of the street will be ruined. The work undertaking will be large and unnecessary. A traditional, historic, row of tenements would be devalued in a time where the city's architecture should be maintained!

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Dr Jennifer Gilmour

Address: 73/2 falcon avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Will spoil traditional features and look of the street.

May encourage others to do the same.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr Ben Tier

Address: 3F2 55 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am disappointed to see a repeat-attempt to seek planning permission for a roof extension that has been previously rejected, with 20 objections from surrounding residents. Whilst I recognise some adjustments/clarifications to the scheme have been made in response to concerns over lighting, etc, the fundamental concept remains unchanged and cannot be supported by me. As such, my prior objection (and that of others) remains:

"The modifications will not be in keeping with the appearance of an original 100+ year old Edinburgh tenement block. In and of itself, a single roof extension adversely impacts the appearance from the rear of the property, both in terms of visibility from the shared gardens and the general skyline across Edinburgh. In addition, the choice of windows and facade for the extension do not appear to be in keeping with the rest of the property, i.e. to minimise the impact on the appearance of the tenement block, all windows, facade, structure and ancillary fixtures should match existing building features and materials. Furthermore, I object to what I believe is the first extension for this tenement block on the grounds that it may encourage further sporadic roof extensions of variables sizes/designs, thereby setting a precedent that will greatly impact the appearance of the building and the area beyond this single proposal."

I also note a number of other comments to the prior proposal re land registry title deeds. I cannot see this point addressed in the revised proposal, and nor can it be by my reading of my own title deeds, as any addition to the existing four storeys does not seem to align with the constraints laid out by the title deeds. Furthermore, even if an additional storey was acceptable, the revised proposal has ignored the apparent requirement in the title deeds for the extension to be constructed in stone.

As much as I like to see architectural progress in new buildings, I equally find it concerning that

such proposals threaten the architectural history of 100+ year old buildings. Seeking to justify the proposal by precedent in the locality doesn't recognise that any extensions elsewhere or nearby may have been mistakes of the past from a different era. I hope that we have learned our lesson and can celebrate the maintenance of our history for a tenement block that still remains in its original state. Likewise, seeking to justify this proposal as a lower carbon alternative to a new-build (for creating additional space for the proposer's growing family) seems to ignore that a new-build is not necessarily the alternative, i.e. I find it difficult to comprehend that the proposer's need adds an incremental new-build to Edinburgh, Scotland or the UK at large without offset by others' needs in terms of housing footprint shrinking.

In terms of structural questions and comments from other owners re prior planning permission request, and given the shared ownership of the block and the land, should this proposal go forward in any form, I request that liabilities and safeguards need to be agreed/negotiated and in place (to the satisfaction of all owners) prior to its approval. The payment of legal and engineering fees for all owners must be to the account of the proposer.

My comments above are intended to be constructive. Whilst I am challenging the basis for a repeat planning permission request and laying out my strong desire to preserve a 100+ year old building in its original state, I am also seeking to highlight that modifying such a tenement block should not be at the discretion of one property owner and the planning permission authority alone. The greater tenement block is co-owned by many, and its upholding and integrity is driven by the collective will and consensus-driven, often informal alignment of all owners. This proposal appears divisive based on prior comments.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr R Crawford

Address: Flat 2 50 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal on the grounds that it will overshadow and cause loss of sunlight to my property, and is not in keeping with the appearance of the area.

The visual impact of the proposed development has been assessed only on various locations in Falcon Gardens and Falcon Road. No assessment has been made of the impact on the rear elevation of the modern flats in Newbattle Terrace where I live.

My property is at ground level in the block opposite the proposed development and will be significantly impacted by the addition of another storey to an already high building facing it. The outlook from the rear of my flat will be substantially overshadowed and my current view of the skyline blocked.

I note that the Daylight Assessment supplied by Hollis relates only to a neighbouring rooflight at 67 Falcon Ave, and not to any property in Newbattle Terrace.

The nearest comparable development at 9 Steel's Place (Figure 16 in the Design Statement) looks out only over a works yard, and not over any residential property, a very different situation from what is proposed for the development in Falcon Ave.

Unlike the architects, I consider that the proposed development, particularly when viewed from the rear of properties in Newbattle Terrace, does not preserve the features of the existing roofline, and that it does not tie in well with the character and appearance of the existing area.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr Riccardo Marioni

Address: 54/3 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The tenements on the north side of Falcon Avenue all have flat roofs from St. Peter's Church to Morningside Road. The proposed extension would ruin the skyline and be out of keeping with the traditional look of the tenements. The existing cupolas are an attractive feature. This would no longer be the case and would give the roof line a lop-sided appearance.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mrs Angela Bassi

Address: Flat 9, 50 Newbattle Terrace, Edinburgh EH10 4RX

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Neighbour Notification received 26/9/22 for 3f1 61 Falcon Avenue.

This is described as an extension.

It is actually adding another entire storey, considerably ABOVE the roof height and taller than the adjacent chimney stacks in the existing building. This will overshadow the adjacent flats to the north, and intrude on privacy.

It will destroy the traditional appearance of this historic tenement, which has survived intact so far without unnecessary alteration of the skyline. It is inappropriate and the owner pleads a growing family requiring 2 extra bedrooms. Perhaps they should move to a more suitable 4 bedroom dwelling.

It is inappropriate that they should change the character and appearance of this unique row of tenements, one of only a few remaining unspoilt.

The roof cladding shows a slope covered with solar panels also out of keeping with traditional slate roof which will be visible from the front elevation above existing slate clad dormer windows.

As Edinburgh is a Heritage City this out of keeping construction should be turned down.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mrs Rita Simaske

Address: 67/6 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I was quite surprised to receive yet another planning application for the very same project. It has been rejected twice by the Council, so I do not understand how long this process can go on? I thought that the decisions made by previous panels carried some weight, how many times can they be challenged? Indefinitely? Until the application is approved?

I oppose the application for the reasons already mentioned by myself and 20+ neighbours:

1. Proposed roof extension not compatible with the character of the area.
2. Weight impact on such an old building. I know the applicant has provided an assessment by his engineer, but even the engineer explained that more precise calculations were needed to assess the impact on the building.
3. Safety (burglaries and privacy) concerns as the applicant and his guests will be able to walk on neighbouring roofs freely. There has been burglaries through the skylights previously. Who could guarantee neighbours safety if the applicant sells the flat and it becomes an HMO flat or a short-term letting where people come and go?
4. Safety (physical) concerns. There are no railings on the roof, so there is no protection of someone falling down.
5. Light obstruction concerns on the neighbouring and stairwell skylights.
6. Noise concerns because of the proposed open terrace and heat pump. Initial drawings showed that heat pump would be placed next to neighbours' skylight. Hopefully the drawings have been changed to place the heat pump closer to their own window or terrace.
7. If approved, this roof extension will set the precedent to all top floor flats who will want to do the same which will completely ruin the character of Victorian buildings over the town.

According to the applicant and his architects, the proposed roof extension was created to "provide

greener living" and "more space to the growing family". There are many ways to increase space for the growing family. Applicant's next door neighbour turned their 2-bedroom flat (with exactly the same layout as applicant's) into a three bedroom flat without any disturbances to their neighbours and without ruining the character of the building.

"Greener" roof extension?? Please.

If approve, this application will open the Pandora's Box for all the architects in town. Maybe that is the main reason why the applicant and his architect so persistently push this application?

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr Alistair Munro

Address: 52/5 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

I object in the strongest manner to the proposed rooftop alteration to 3F1 61 Falcon Avenue Edinburgh EH10 4AN. Our property is a high value top floor apartment with a clear view over rooftops which will be diminished both by this application and any precedent which is set for other developments of a similar nature. We consider this totally unacceptable.

I also have to bring to your attention that the addition of any rooftop extension will be a significant invasion of our privacy. At this time the existing residential units in Falcon Avenue have no line of sight into our apartment which would be fully compromised by this and by association future developments of this nature.

No consideration in the planning application appears to have been taken into account on the visual and noise impact of those properties behind the buildings on Falcon Avenue (Newbattle Terrace) and as you will expect the objections which were raised on the initial planning application still stand and we can only object in the strongest possible terms to this and any further rooftop developments which as we understand are unprecedented in any tenement structures within the City of Edinburgh and should be discouraged at all cost.

We trust the City of Edinburgh will again and finally reject this application but if the unprecedented step of approving this application is taken we will have to take legal action to prevent this type of development within our neighbourhood. We take this position with deep regret but our position is seriously communicated due to the significant impact this will have on the environment and value of our home.

My best regards,
Alistair and Fiona Munro

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr Alistair Munro

Address: 52/7 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

Further to the objection raised previously I refer you to the submission documents supporting our objection:

Reference Document: 06) PROPOSAL PLANS

Proposed Alterations to 61/5 Falcon Avenue, Proposed Rear Elevation

As can be seen from the proposed Alteration Rear Elevation the development would have rear facing window views with full line of sight into 52/7 Newbattle Terrace which this property has not previously had. Line of sight is directly on the level of :

- Master Bedroom
- Master En Suite Bathroom
- Dressing Room
- Balcony Area

These are private areas of the apartment which have clear glass windows and based on the current line of sight are fully private from the existing 61/5 Falcon Avenue building. Any compromise on this privacy is strongly objected to.

Reference Document: 01) LOCATION PLAN

As can be seen from the referenced document the location of the proposed development is directly in line with our property on 52 Newbattle Terrace with line in sight access to our private areas of the property. This cannot be dealt with by any modification of the submission therefore we object and request the application be rejected.

Reference Document: EXECUTIVE SUMMARY

We challenge the statement from Andrew Megginson Architecture that their proposals are "appropriate to the build and not detrimental to the building or the area." Clearly the proposed development and the precedent it sets would be extremely detrimental to the 50/52/54 Newbattle Terrace development in the adjoining area.

Reference Document: DESIGN STATEMENT

We refer you to Figure 1 showing that the proposed development is directly opposite our property at 52 Newbattle Terrace with full line of sight viewing into the private bedroom and bathroom areas of our property.

We refer you to Figure 2 showing the same as Figure 1 but no consideration is taken into the impact on the properties on Newbattle Terrace.

We refer you to Figure 9 showing limited line of sight into our property at 52 Newbattle Terrace. All of the property top level of 52 Newbattle Terrace is our sole ownership.

We refer you to Figure 10 again showing limited line of sight into our property at 52 Newbattle Terrace. All of the property top level of 52 Newbattle Terrace is our sole ownership.

We refer you to Figure 11 from the rooftop now showing full line of sight into our property at 52 Newbattle Terrace. All of the property top level of 52 Newbattle Terrace is our sole ownership. On this basis we see total invasion of our privacy and object in the strongest possible terms to any rooftop development on the Falcon Avenue property.

Figure 12 and 13 are irrelevant on this application as they are located on the opposite side of the road to 52 Newbattle Terrace and are several hundred yards distant from our property.

Figure 17 again confirms the same objection as raised in relation to Figures 1 and 2 of the submission.

Figure 18 and the associated comments in relation to the addition of outside space which have direct line of sight into the private areas of our apartment as previously detailed we believe again gives the basis for this proposed development being rejected.

Form Scale & Density 3.2 to 3.11

In addition to rooms overlooking and into our apartment this application includes an application for outside space which we object to as a fundamental change to the Falcon Avenue property. No comments in this report take into consideration the invasion of privacy on the residents of Newbattle Terrace and in specific our apartment No. 7 which has significant line of sight invasion of privacy implications which currently do not exist.

Point 3.7 confirms the basis of our objection that this development will substantially and

fundamentally change the line of sight and privacy from the existing properties on Falcon Avenue. We believe this point alone gives the basis for the proposed development being rejected.

Sustainability

As an owner of a renewable energy company we find the statement on sustainability to be unacceptable. Any air source heat pump and mechanical heat recovery ventilation system installation will have a noise impact on our property in what is a peaceful neighbourhood. Note the comment "The applicant hopes to be able to share the results of the proposals energy wise with others to form a case study for future development" again alluding to this being a precedent for future developments which will further impact on our property.

We are very well aware of the benefits of solar panels but again reflection and glare would need to be taken into consider but fundamentally on the basis of invasion of privacy we object to any and all rooftop development of this nature.

5 Planning Policy Appraisal

We refer you to the false statement 5.5 a) and b). This proposed development is not compatible with the character of the existing building and will result in an unreasonable loss of privacy in our property at 52/7 Newbattle Terrace which does not exist currently. If approved this development would set a precedent which is in conflict with 5.5 c) as it will be detrimental to the neighbourhood amenity and character.

I refer you to the false statement 5.7 which misrepresents the project by saying " In relation to privacy, sunlight and daylight, the rear elevation of the proposals are 20m+ away from the rear elevation of the building to which they face so no privacy will be detrimentally affected." This is clearly not correct as shown by reference to the planning application documentation as submitted. Invasion of privacy is not considered in any of the submitted documentation.

6 Conclusion and Recommendations

We have read the conclusion and recommendations from this report and find that they misrepresent the project as proposed.

Position of the Owners of 52/7 Newbattle Terrace

We have reviewed all documentation submitted and find that this development will have a significant impact on our property which is not considered or misrepresented in the submission.

- We will have a significant invasion of privacy which is not considered anywhere in the submission. This is very important considering the private areas impacted.
- The development will set a precedent for similar rooftop expansions which will again have an increased impact on our and our neighbours properties.
- We do not accept from our professional experience that there will be no noise impact from the mechanical ventilation and heat pump equipment proposed.

We therefore request that this application is again rejected based on our review of the application and the comments detailed in this response.

My best regards,
Alistair and Fiona Munro

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Ms Laura Mackintosh

Address: Flat 2 52 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed plans would be an eyesore and this would be damaging to the surrounding residential area. It is out of context to what else exists and might lead to other similar eyesore developments. A trickle down impact on what would be considered and would intrude considerably on our privacy, The development of this would also be disruptive and impinge on the quality of the view from the back of our block - which currently looks out onto a beautiful green and tree lined garden - with few areas where we are actually looked over.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Dr Roshan Maini

Address: Flat 7 50 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development will change the character of the roofline of the venerable tenements on Falcon Avenue. If allowed may set a precedent for other such developments in this and other old and characterful areas of this very architectural city.

There will also be obtrusive overlooking of neighbours' properties.

It is noted that there is some modification of the proposed development from the previous application. My humble opinion is that this modification does not make a material difference to the effect this development would have on the neighbourhood.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mrs Olivia Caton

Address: 52/6 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a resubmission of the earlier application 21/06522/FUL which was refused by planning and the Local Review Body as it failed to comply with the Design Policy 12 of the Edinburgh Local Development Plan and also would not comply with the Scottish Planning Policy as it would not constitute sustainable development.

This new application appears to only have minor changes to the previous one which in my view means that it should be refused.

The roof box will still be higher than existing ridge level and so will change the skyline of the tenement and will also be out of character with the street and could set a precedent. The Edinburgh Design Guidance states that new developments should match the height and form of neighbouring buildings to ensure they enhance the skyline and surrounding townscapes. I cannot see how the dormer would help to build a stronger community and is not sensitive to the area.

There also appears to be some concerns that the roof space may be shared with other owners in 61 Falcon Avenue and other surrounding flat numbers.

Policy Design 4 deals with impact on setting and this proposed design does not address the issues due to its height scale, proportion, materials and detailing.

For the above reasons I feel that the Council should refuse this application.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Ms Elaine Black

Address: 52/3 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal will have a considerable impact on our privacy as almost directly overlooks our property. I feel it will be somewhat of an eyesore as the extension proposed is not in keeping with the original building and its architecture. If this extension is granted it will undoubtedly lead to further similar applications. I feel this will have a detrimental effect on the Newbattle properties and subsequently affect valuations due to lack of privacy.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr John Laurie

Address: Flat 1 52 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am extremely disturbed that out of a very small sample of neighbours a number have not received this Notification. This is extremely suspicious and could easily distort the response. I request that your governance team investigate and confirm that proper effort to circulate, including Falcon Avenue, has been made, and procedures have been fully observed, and you report back to this effect.

I object to this proposal in the strongest possible terms

It is a completely inappropriate eyesore on a traditional Victorian building, disrupting entirely its traditional appearance

Approval would inevitably lead to further developments of a similar nature, further ruining our outlook

Our whole development would suffer an enormous disruption of our privacy

It is a disgraceful intrusion on the ownership rights of the owners in Falcon Avenue. This cannot be legally permissible

The disruption of the works would be an unreasonable process

I cannot believe that this proposal has not been rejected on submission, surely you have better things to do with your time

Regards

John & Isobel Laurie

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr John Laurie

Address: Flat 1, 52 Newbattle Terrace, Edinburgh EH10 4RX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I should like to add to my previous comments

The materials proposed are completely out of keeping for a property of this type

No consideration appears to have been given to the perspective of the many homes in Newbattle Terrace who overlook this potential eyesore. We are affected enormously.

John Laurie

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr Kenneth Boyd

Address: Flat 5 52 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Proposed new dormer extension 3F1, 61 Falcon Avenue, Edinburgh, Planning reference 22/04429/FUL.

We are owners of the property at 52/5 Newbattle Terrace, Ken and Jane Boyd, to review and comment on the recent planning application which has been submitted for the property at flat 3F1, 61 Falcon Avenue, Edinburgh, planning reference 22/04429/FUL.

This is a resubmission of the earlier application 21/06522/FUL with very minor amendment to the bedroom layout. This application was refused both by planning, under delegated powers and also by the Local Review Body. The reasons for this refusal are as set out below:-

Reasons for Refusal:

1. The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.
2. The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.

The application relates to a proposed dormer extension to the roof of the existing tenement in Falcon Avenue. Setting aside the question of whether the applicant does own the roof and have legal rights to carry out the works without the approval of the other property owners in the tenement, this appears to be a rather cynical attempt to overturn the earlier concerns by a vey

minor amendment to the top floor layout. The concerns noted by the LRB are in our view still valid and the application should be refused.

It is noted that the agent has tried to justify the project by highlighting various other upper floor and dormer projects in the area. Unfortunately, most of these are more recent projects which were approved with the top floor details shown. This application however requests permission to form a new box dormer to the communal roof of the tenement along with a balcony.

The drawings clearly show that the roof of the "box" will be higher than the existing ridge level and therefore its skyline will undoubtedly stick up above the tenement. It is also the only such project in the street and in short would be totally out of character in the street townscape.

Moving on to policy. The current proposals fall well short of the requirements set out in Local Development Plan policies. Whilst we note the earlier refusal was based primarily upon policy Des 12, we also consider that it fails to comply with the following :-

Policy Des 1 Design Quality and Context

Policy Des 4 Development Design - Impact on Setting,

Policy Des 5 Development Design - Amenity and Policy

We have summarised below our concerns in respect of the proposed development and these policies.

"2 Design Principles for New Development

The Council encourages innovation and well designed developments that relate sensitively to the existing quality and character of the local and wider environment, generate distinctiveness and a sense of place, and help build stronger communities."

The proposed dormer is not sensitive to the character of the area and its development would not in our view help build a stronger community.

"Policy Des 1 Design Quality and Context

Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area."

The design fails to draw on the character of the tenements in the area.

"Policy Des 4 Development Design - Impact on Setting

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing"

We believe the proposed design fails to address any of these issues and is incongruous in its height scale, proportion, materials and detailing.

In addition, we note that the Edinburgh Design Guidance states the following.

2.1 Height and form

Match the general height and form of buildings prevailing in the surrounding area.

Where new developments exceed the height of neighbouring buildings ensure they enhance the skyline and surrounding townscape.

2.2 Scale and proportions

Harmonize the scale of buildings including their size and form, windows and doors and other features

by making them a similar size to those of their neighbours.

Where the scale of proposed new development is different to that of surrounding buildings, ensure there is a compelling reasoning for the difference.

Again, this proposed new house fails to comply with these design principles.

Against the background of this review, we feel that the Council should have no alternative but to refuse this application as it fails to comply with these policies.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mrs Jane Boyd

Address: Flat 5 52 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Proposed new dormer extension 3F1, 61 Falcon Avenue, Edinburgh, Planning reference 22/04429/FUL.

We are owners of the property at 52/5 Newbattle Terrace, Ken and Jane Boyd, to review and comment on the recent planning application which has been submitted for the property at flat 3F1, 61 Falcon Avenue, Edinburgh, planning reference 22/04429/FUL.

This is a resubmission of the earlier application 21/06522/FUL with very minor amendment to the bedroom layout. This application was refused both by planning, under delegated powers and also by the Local Review Body. The reasons for this refusal are as set out below:-

Reasons for Refusal:

1. The proposal fails to comply with policy Des 12 of the Edinburgh Local Development Plan as its design and form, choice of materials and positioning is not compatible with the character of the existing building, it will result in an unreasonable loss of natural light to neighbouring properties and it will be detrimental to neighbourhood character.
2. The proposal fails to comply with Scottish Planning Policy as it would not constitute sustainable development.

The application relates to a proposed dormer extension to the roof of the existing tenement in Falcon Avenue. Setting aside the question of whether the applicant does own the roof and have legal rights to carry out the works without the approval of the other property owners in the tenement, this appears to be a rather cynical attempt to overturn the earlier concerns by a vey

minor amendment to the top floor layout. The concerns noted by the LRB are in our view still valid and the application should be refused.

It is noted that the agent has tried to justify the project by highlighting various other upper floor and dormer projects in the area. Unfortunately, most of these are more recent projects which were approved with the top floor details shown. This application however requests permission to form a new box dormer to the communal roof of the tenement along with a balcony.

The drawings clearly show that the roof of the "box" will be higher than the existing ridge level and therefore its skyline will undoubtedly stick up above the tenement. It is also the only such project in the street and in short would be totally out of character in the street townscape.

Moving on to policy. The current proposals fall well short of the requirements set out in Local Development Plan policies. Whilst we note the earlier refusal was based primarily upon policy Des 12, we also consider that it fails to comply with the following :-

Policy Des 1 Design Quality and Context

Policy Des 4 Development Design - Impact on Setting,

Policy Des 5 Development Design - Amenity and Policy

We have summarised below our concerns in respect of the proposed development and these policies.

"2 Design Principles for New Development

The Council encourages innovation and well designed developments that relate sensitively to the existing quality and character of the local and wider environment, generate distinctiveness and a sense of place, and help build stronger communities."

The proposed dormer is not sensitive to the character of the area and its development would not in our view help build a stronger community.

"Policy Des 1 Design Quality and Context

Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area."

The design fails to draw on the character of the tenements in the area.

"Policy Des 4 Development Design - Impact on Setting

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing"

We believe the proposed design fails to address any of these issues and is incongruous in its height scale, proportion, materials and detailing.

In addition, we note that the Edinburgh Design Guidance states the following.

2.1 Height and form

Match the general height and form of buildings prevailing in the surrounding area.

Where new developments exceed the height of neighbouring buildings ensure they enhance the skyline and surrounding townscape.

2.2 Scale and proportions

Harmonize the scale of buildings including their size and form, windows and doors and other features

by making them a similar size to those of their neighbours.

Where the scale of proposed new development is different to that of surrounding buildings, ensure there is a compelling reasoning for the difference.

Again, this proposed new house fails to comply with these design principles.

Against the background of this review, we feel that the Council should have no alternative but to refuse this application as it fails to comply with these policies.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Miss Lisa Cairns

Address: 55/5 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write once again in objection to this planning application.

I object on several points.

1 - Noise from the outside sitting area will affect my property and quality of life. If the current owner of this property decides to sell and in turn the property goes from being a family home to a rental property with numerous occupants, the resulting noise could highly affect the quality of life for surrounding residents. This area is a very quiet area so any noise issue could be very disruptive. I note the examples of buildings in the area with balconies, but the tenements in Falcon do not have this feature. This would be an out of character addition that could become a big issue. I am also concerned about the noise from any heat pumps that will be installed as this will be a matter of feet from my roof window which I regularly leave open.

2- This extension sits above the existing roofline of the building. Even though this amendment has sloped it upwards more from the existing apex roof, it will still sit higher than the roofline and will still be seen sitting above the roof when looking onto the building from front and back.

3- This extension is completely out of character with these buildings. I note the examples provided of similar extensions around Edinburgh ALL sit within the existing roofline of the building, not above, and they ALL are more in keeping with the existing character of the buildings they have been built on. The same can not be said of this extension. It is like joining a modern building onto an old character building. The extension stands out for its stark difference to the look of the tenement building. It does not enhance the area, the building or the skyline.

4- If this planning application goes ahead it will set a precedent for not only the flats in Falcon Avenue, but many similar streets in Edinburgh. As a top flat owner, I will be highly tempted to

greatly enhance the value of my property by doing the same. I'm sure there are many who will be thinking along the same lines. Why not? Before you know it, the famous skyline of Edinburgh could easily become an eyesore.

5- By creating a bigger property in this area, other pressures are created such as parking and in street bin capacity which is already at breaking point.

6- security issues are a concern with the ability for a property to have easy access onto the roof. All the top flats have roof windows. Already we have history of a break in through a roof window at 55 Falcon Avenue.

6 - structural strength of the building is a concern as anything as invasive as this extension will reverberate throughout the neighbouring properties. These are old buildings with subsidence.

In conclusion, the need for more housing is understandable but surely not at the cost of the character of our city. This extension is not sympathetic to the building, it stands above the roofline of the building and if it goes ahead, could open the door to many more similar extension applications in turn ruining the look of our unique city. The tenements in Falcon Avenue are 4 storey Victorian era buildings and should be kept that way. An attic conversion or added dormer window is one thing but this application is a far more obtrusive prospect for all looking onto it.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mrs Diane Mayze

Address: 54 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are already significant problems with traffic and parking in this high population density area.

If roof extensions are permitted above all the buildings in this avenue, there will be more problems with parking, plus the whole appearance of the avenue will be spoilt.

There could also be more noise and disturbance from potentially hundreds more residents, plus many of these extensions could be used as HMOs.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mr Neil Matheson

Address: 9 SUNERT ROAD MILLTIMBER, ABERDEEN

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I again would like to object to the above planning request on the following grounds -

1. This extension would likely make this flat a multi-tenant or Airbnb property which would change the atmosphere in the block. I surprised the Council are even considering such a development. This possibility is one of the reasons the owner of 61/3 sold up. He had owned the flat for less than three years. If this goes ahead, I'll be selling our flat as the almost inevitable structural problems ahead are going to be a nightmare. I suspect that even planning permission could take thousands of the value of our property.
2. The proposed extension has a wall surrounding the communal hall roof light which will significantly reduce the light the hall. This would be a particular problem when the sun is rising in the winter months. The light issue is covered in the letter from Hollis and states that the regulations only look at VSG and their survey, from 67 Falcon Avenue, states there is adequate light. I would have thought that all light going to a potential fire escape would have to be considered necessary on safety grounds.
3. According to the deeds the roof is shared between all the flats and maintenance costs are split between all the properties. I would not give permission for a hole to be cut into the jointly owned roof.
4. The Architects 'contextual section' drawing shows Falcon Road as flat. The reality it rises, making the proposed roof visible from Falcon Road.
5. The aerial photographs are misleading. Nearly all buildings with a fourth floor are new builds or single owner properties. I can't see any other similar sandstone properties with 'chicken shed' extensions on the roof. It is not in keeping with a smart Edinburgh tenement.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr Lewis Finnie

Address: Flat 10 50 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My concern is that if permission is granted there will be numerous applications of similar design affecting the skyline and the privacy of my neighbours

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr David Turner

Address: 18b Morningside Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to planning application 22/04429/FUL.

Before addressing the substantive issues with this application, I would ask the planning officers to note that there are a number of material erroneous statements within the Application, and the associated documents lodged therewith. Had this been the first planning application for this property by the present applicants and their agent, these might have been seen as unfortunate mistakes. However, many of these errors were the subject of public comment (objections) in response to a previous materially identical application (21/06522/FUL). That notwithstanding, the applicants and their agent continue to misstate the legal and factual position. If this application is not summarily refused for failures to comply with the statutory notice and certification requirements (and the statutory offence committed thereby), it must be considered critically, and the factual position properly ascertained and understood.

The applicants misstate that they own all the land affected by the planning application (a fuller explanation of the legal title is undernoted). Even if ownership itself is a non-material consideration, the following material regulatory and planning considerations do arise, in part (but not exclusively) in consequence of that misstatement:-

1. Breach of Regulation 15(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

The applicants are in breach of regulation 15(1) in that they have failed give notices to the other proprietors of the subject land in the form set out in Schedule 1 to the Regulations (to any person (other than the applicant) who at the beginning of the prescribed period (21 days ending with the date of the application) is the owner of any land to which the application relates).

2. Offence under section 35 of the Town and Country Planning (Scotland) Act 1997

With reference to regulation 15(2) of the 2013 Regulations and the Application Form (pages 5 & 6), the applicants have issued a certificate stating that that at the beginning of the prescribed period (21 days ending with the date of the application) no person (other than the applicant) was the owner of any of the land to which the application relates. Regulation 15(2) is made pursuant to section 35 of the 1997 Act. In terms of section 35(5):

"If any person-

(a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular, or

(b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular, he shall be guilty of an offence."

Self-evidently on the basis of the registered title sheets of the flats within the subject tenement, the applicants' statement of ownership is false. Moreover, the applicants appear to have (standing the terms of the objections on the basis of ownership to the materially identical previous planning application - 21/06522/FUL) issued the certificate knowing it to be false or misleading in a material particular, or they have issued said certificate recklessly (i.e. without establishing its veracity in the face of earlier challenge). In either case, they would have committed an offence for which they would be liable on summary conviction to a fine not exceeding level 5 on the standard scale (section 35(6)).

3. Internal Poor Design - northern bedroom - size overstated

The applicants or the agents for whom they are responsible have deliberately or at least recklessly lodged as part of their application proposal plans showing the westernmost wall of the upper floor around 30cm beyond the line of their ownership (see undernote below). By doing so, they have sought to present the northernmost bedroom on the upper floor as materially larger than they would be entitled to construct it. If built within their title, that room would be barely larger than a double bed.

The size of the room is wholly at odds with the design of the rooms to be found in the original tenement building. It is (or would be when properly bounded) wholly inadequate in scale.

4. Internal Poor Design - southern bedroom - small floor plan; restricted height

The size of the proposed space is wholly inadequate in terms of design. As shown on the applicants' plan, this room's floor plan is barely large enough to fit a bed across its width.

The room height runs from approximately 1.74m to 2m across its width. In consequence, a significant proportion of the population would not be able to stand up in large parts of this room.

5. External Poor Design - Proposal height and breaking uniformity of tenement block

The roof of the proposed extension would extend above the height of the current peaked roof. It does so no doubt because constructing rooms of a sufficient internal height is impossible without exceeding the height of the former roof line (regardless of the fact that the applicants do not own that airspace). Even if the extension cannot be seen from the road, the proposal will break the uniformity of the tenement blocks on Falcon Avenue, which altered view will be visible by large numbers of neighbours. The proposal compromises the look of the whole tenement and the wider block, in particular when viewed from the tenements opposite or the flats behind. These are the most likely people to view the development, not passers by at street level.

6. External Poor Design - Materials

The current application seeks to clad the extension with wooden cladding to its northern elevation. The design is wholly out of keeping with the character of the existing stone and slate tenement

[Although not a planning consideration, it is noted that this character is the subject of real burdens in the relative title sheets].

7. External Poor Design - proximity to chimney stack and existing wall - maintenance and drainage

The proposed extension appears to be intended to be constructed within centimetres of the southernmost chimney stack lying between subject tenement and the tenement comprised by 65, 67 and 69 Falcon Avenue. Proper maintenance of this chimney stack appears to be rendered impossible by this design.

The plans also appear to show an existing boundary wall at roof height between the subject tenement and the tenement comprised by 65, 67 and 69 Falcon Avenue. The spot heights given on the Existing Roof Plan suggest that this wall is perhaps low enough to be maintained from the 65, 67 and 69 side. It is however questionable whether the proprietors have sufficient legal rights to do so.

In any event, it is unclear how the area that would be bounded by (1) the boundary wall, (2) the proposed extension and (3) the chimney stacks is proposed to be drained. The spot heights given by the applicants suggest that the roof drains to the north in this area but there does not appear to be any means of it reaching the rone.

8. Loss of light to skylight at 67/6 Falcon Avenue - loss of amenity - unsustainability

The applicants have presented a purported assessment of the loss of light to this skylight. They do so by reference to p83 of the Council's Design Guidance. That Guidance itself is based upon the BRE Guide, Site Layout Planning for Daylight and Sunlight - A Guide to good practice. It is submitted that the assessment made by the applicants should be rejected as insufficient and that this remains a material consideration against the grant of planning. Any determination to the contrary in respect of the earlier application was in error and in any event not binding in the present application.

The BRE guidelines state that "The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy... In special circumstances the developer or Planning Authority may wish to use different target values." The planning authority should not consider itself constrained by the numerical assessments proposed by BRE. Moreover, in the present case, that assessment may be wholly inadequate.

The skylight in question is both small and to the centre of the relevant flat (I understand to be the principle or only natural light source to part of the kitchen). In this position, it provides vital light in a place otherwise unilluminated properly by natural light. In my experience (my property has a near identical skylight), the light is for the majority of the year the minimum which would be acceptable without artificial lighting. Any diminution in the amount of light received into the skylight is therefore likely to be material. No assessment of the actual amount of light received internally has been provided. In the particular circumstances, the theoretical figures assessed at the surface of the roof by the applicants tells the planning authority nothing regarding the material effects internally in this case. The loss of light will likely result in a material loss of amenity and require the use of additional energy for artificial light where it would not otherwise have been required.

9. Loss of light to cupola - loss of amenity - unsustainability

In respect of the applicants' previous application (21/06522/FUL) the planning officer noted in his report (p4) that "The height to ridge of the proposal means that it is likely to have some effect on the levels of natural light for the historic cupola (sic). However, this feature is to provide daylight for a communal stairwell and the proposal would not impede this to a materially unacceptable degree." There is no basis given for this conclusion. It is unwarranted. No assessment of the effect on the light falling on the cupola has been made. This loss of light is in fact a material consideration tending against the grant of planning.

It is noted that akin to many cupolas serving communal stairs in Edinburgh, the level of natural light varies from the top to the bottom of the stairwell. Cupolas were designed to allow for sufficient light to reach all levels. Any diminution of the level of light received into the cupola is likely to materially affect the level of natural light received at the lower levels and mean that it will become insufficient at a higher level in the stairs. This may necessitate rewiring of the stairwell to place lights on permanent operation (rather than the separately wired timed operation). Leaving aside

the loss of amenity for the residents, this not sustainable development in terms of energy usage.

[None of the exemplars referred to by the applicants in their Design Statement appear to have enclosed a cupola by the full height of the additional development in the manner of the proposal. Where there have been cupolas at all in those designs, they have either been unaffected, further away horizontally, or at a higher starting height in comparison to any additional walls. These are materially different to the present case.]

10. Air Source Heat Pump effect incompletely assessed - loss of amenity

The plans submitted with the application show the position of air source heat pump as adjacent to the cupola. Aside from the noise that might be radiated into the cupola from that position and echo around the stone close, it lies within around 4m of the front door of flat 61/6. The noise impact assessment lodged by the applicants does not appear to address these circumstances (suggesting as it does that it is 8m from any door or window) nor does the MCS standard founded upon appear intended for this kind of multi-surfaced roof location (as opposed to more perpendicular standard building forms, at ground level and/or wall-mounted).

The MCS assessment lodged also erroneously relies on the pump being surrounded by only two surfaces. There are more here, albeit some are angled (e.g. the roof). Ignoring these in an assessment appears to be misconstruing the likely effects.

Without direct measurement of sound in the particular circumstances of this tenement, the noise effects of the pump appear to be entirely conjecture. There appears to be a real potential of ongoing detrimental impact upon the amenity of the entire tenement.

In addition, the proposal states that the pump is to be attached to the flat roof. The roof joists will be wooden. There appears to be a potential for vibration through the roof to affect neighbouring properties, regardless of transmission of noise through the air. This has not been assessed at all.

11. Misstatement regarding principle of planning, which is not established.

The applicants' Executive Summary states at paragraph 1.2 that "As per the comments from the LRB, it was concluded that a roof extension in principle to the property was acceptable". It is understood thereby that the applicants pretend to refer to review 22/00048/REVREF of the refusal of 21/06522/FUL. However, the Local Review Body reached no such conclusion in that case. Such a conclusion would have been irrelevant to its determination. The LRB did state that "Developing roof spaces like this might be acceptable in principle." This was a general statement as to what might (and therefore implicitly might not be) be acceptable for roof spaces. No determination in favour of a grant of consent for development of this particular roof space was made in principle or otherwise.

12. No relevant planning precedents

The applicants in their Design Statement have referred to developments which they claim are similar in nature and provide precedents for the application proposal. In truth, these other developments are materially different to the application; there is no precedent for the shed-like structure proposed here. In particular:

- (a) Many of the purported precedents are several miles from the proposal property. They are not representative of the relevant neighbourhood character of Falcon Avenue.
- (b) Most of the developments are extensions of existing roof lines; from what can be found, few if any extend above the roof line in the manner of the present proposal. Some are simply filling in internal space between peaked roofs.
- (c) Some of the developments are to unique buildings in their context; issues of changes to overall appearance of a line of near identical tenements do not apply.
- (d) Some of the buildings do not have cupolas or roof lights affected by the developments.
- (e) Some of the properties are dwellinghouses or other buildings in singular ownership; issues of loss of light, amenity etc. therein do not arise. No neighbouring properties were affected.
- (f) Some the purported precedents might in fact have been original constructions rather than extensions and are of a different nature to the proposals.

In light of the foregoing, the application should be refused.

UNDERNOTE: OWNERSHIP ISSUES ETC.

Whilst not planning considerations of themselves, the following legal issues provide context for the foregoing objection and the statutory breaches by the applicants.

The applicants do not own the whole of the land pertaining to the application. In particular, they do not own:-

- (1) parts of the airspace above the tenement roof; and
- (2) any part of the area over which the westernmost wall of the upper floor is drawn on the proposal plans,

which form part of the land pertaining to the application.

The common law of property (and in particular the law of the tenement) was amended by the Tenements (Scotland) Act 2004. In particular, the Act defines the extent of ownership of the flats

("sectors") within a tenement (Sections 1(1) and 2). However, these provisions do not apply where the extent of title is otherwise constituted in terms of registered title sheets (Section 1(2)(b)).

Section 2(6) provides that "Where a sector includes the solum (or any part of it) the sector shall also include, subject to subsection (7) below, the airspace above the tenement building and directly over the solum (or part)."

Section 2(7) of the 2004 Act provides that "where the roof of the tenement building slopes, a sector which includes the roof (or any part of it) shall also include the airspace above the slope of the roof (or part) up to the level of the highest point of the roof."

The roof of the tenement is sloped in part (a small peaked roof to the front) and partially flat (the larger part to the rear).

The solum of the tenement forming numbers 59, 61 and 63 Falcon Avenue are owned in common by all of the proprietors of the said tenement. This is expressly provided within the title sheets and therefore falls within the exception of section 1(2)(b). Each proprietor (as owner of a sector) therefore owns the airspace above the property (section 2(6)) excepting airspace above the slope of the roof up to the level of its highest point. The applicants do not therefore own:-

(i) the airspace above the flat roof; and/or

(ii) in any event, any airspace higher than the ridge (top) of the sloping roof.

The application proposal as presented would require to be built within these airspaces.

Section 2(1) of the 2004 Act provides "the boundary between any two contiguous sectors is the median of the structure that separates them". In respect of boundary walls between flats, this means that each flat title extends to the centre line of the wall between them.

The western boundary wall of the north-westernmost bedroom of the applicants' current flat lies to the centre of the tenement, to the median line of the cupola. The applicants therefore do not own any area to west of the centre of the cupola. However, the application proposal plans show the whole of the westernmost boundary wall (approximately 30cm wide) of the proposal upper floor lying to the west of this boundary. The applicants do not own any part of the area on which this wall appears intended to be built.

The question of ownership of the roof itself is irrelevant to the above considerations.

There are other restrictions to development in terms of the burdens within the tenement title sheets, which are enforceable (in succession to the former feudal superiority) in terms of section 53 of the Title Conditions (Scotland) Act 2003. In particular, other proprietors are entitled to enforce the real burdens under the common scheme that the tenement be maintained at four storeys and of stone and slate construction (reference is made to the clause second of the Feu Charter by Governors of George Watson's Hospital to John McDonald Cruikshank recorded in the General Register of Sasines for Edinburgh on 15 June 1905 of land including that on which the tenement sits).

Separately, any benefit which the applicants perceive would be received upon construction of the proposal is likely to be negated by variation at the Lands Tribunal of any repairing obligations to pass full responsibility for maintaining the affected roof to the applicants (causing a diminution of the value of their existing and extended property) together with claims for payment arising from the applicants' unlawful occupation of areas and airspace that the applicants do not own.

This application being materially identical to that previously rejected it is surprising that the applicants see fit to waste the time and resources of the planning authority, the co-owners of the land (who will not permit the construction in any event), neighbours and others in objecting to this wholly inappropriate and unlawfully certified application.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Ms Jessie Turner

Address: 41 Braid Avenue Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the Planning Application noted above for the following reasons-

1. Detrimental to existing design of tenement: the extension is not in keeping with the nature and style of the existing very attractive tenement, and it does not enhance it in any way, but rather detracts from the original orderly design. A timber clad extension with aluminium windows is out of place on the stone building.
2. Daylight/stairwell: a check has apparently been made on the daylight reduction in one affected property, and I cannot comment on that, but my concern is the stairwell. The cupola is designed to throw natural light onto the whole stair throughout daylight hours. If this development is permitted, and light via the cupola restricted, the stairwell will be darkened considerably, particularly at ground floor level possibly to the point where stair lights have to be on permanently. The stairwell would become a gloomy unattractive access to the other flats - certainly spoiling the other owners' enjoyment of their homes. This proposal would lessen the safety of the stairs and stairwell.
3. Noise nuisance is likely to occur from an open-air space near to the windows of the existing flats.
4. Reduction of sunlight into the common back garden area.
5. Maintenance of the chimneys: the proposal will make maintenance of the existing chimneys, in two locations, if not impossible, difficult to the point where the methodology will result in greater costs to be borne by all the affected owners.
6. Out of proportion with existing: A four bedroomed property in a stairwell of two bedroomed flats is out of proportion. It is indicated that the need for this extension is to create a bigger family home for the current family, but this can easily be sold on. This creates a much greater likelihood of an HMO or an Airbnb being created. This would be detrimental to the other residents' enjoyment of their homes, and likely to cause antisocial issues.
7. Screening by trees not within control of applicant: The application indicates the development proposal will be screened, from one direction by existing trees - but the trees shown are not in the

ownership nor control of the applicant-and presumably as they are not in a conservation area- could be removed at any time.

8.Air source pump: Noise level from the proposed air source pump seems to be only just within the acceptable limit. In any event the proposed location is out of line with the recommendation in the Home Energy Scotland's advice document-"Things to think about before installing an air source pump: Placement-the heat pump needs plenty of space to allow for good airflow and is usually fitted on the ground or on an outside wall". The proposed location confined by the pitched roof, the cupola, and the proposed gable does not meet that requirement.

9.Structural integrity of the rest of the building: An engineer's letter saying that the "existing structure appears to be substantial and as such should be able to support such a development" is, I would have thought, meaningless without a full engineering survey.

10.Sustainability: The architect's comment that it is more sustainable to extend a period property with a modern extension than to build a new, presumably more energy efficient, home is just nonsense when of course the applicant could move to another existing property and free up a home, nearer to the start of the "property ladder" with no extra use of the Earth's resources. These very complicated projects dotted around the city do not seem to me like a clever use of resources-getting building materials up to this height will use more time, mechanical resources, and energy than a conventional build to produce this amount of additional residential space. eg I understand one of the projects near to Falcon Avenue involved the building being scaffolded for 11 months.

11.Examples of similar projects: I have looked at the photographs of other extensions being used to justify this proposal. Many are on houses in single ownership, or are over mixed-use properties, or overlook non-residential property, and few, if any, seem to affect cupolas. If such an extension were granted here, this lovely tenement could become covered in all sorts of wooden shed-like structures.

12.Inaccuracy of application: I am aware that Land Ownership is not a planning issue, however I am commenting as the information on the form is incorrect. It is not the only error but it is one which interests me greatly as continuing with this proposal will result in costly legal action, to the detriment of the other owners. I am aware several other owners previously have commented about this incorrect information. I would add to previous comments that the owner in a top flat is usually permitted, within the title deeds, to extend into the roof space but not above the existing roof line without the consent of other owners as they all jointly own the air space above the existing roof line. Whether the roof line is taken as the existing flat roof where the building work is proposed or the existing pitched roof line of the tenement, ie the slated section, the current proposal exceeds that in height and therefore extends into air space not owned wholly by the applicant. (Is it the intention to re-site all the existing aerials, etc and any other telecommunication equipment on top of the new extension and be visible from street level, exposed to the weathers, etc. or left ineffective in their current position? The new roof will be seen from surrounding properties in Falcon Avenue and Falcon Road)

I am concerned about the "spin" the architect puts on the LRB's earlier decision-the Refusal of the Appeal- that "As per the comments from the LRB, it was concluded that a roof extension in principle to the property was acceptable"-when in fact the statement in the Refusal of the Appeal-the final word on the previous application stated "It was not the case that the application worked

well with the building. Developing roof spaces like this might be acceptable in principle, but this proposal was not sympathetic to the building".

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr Richard Chamberlin

Address: Flat 7, 54 Newbattle Terrace, Edinburgh EH10 4RX

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The present roofline of the Falcon Road properties seen from the north is architecturally harmonious. The arguments in the Design Statement use precedents that are geographically irrelevant.

Edinburgh Local Development Plan Policy Des 12 notes planning permission will only be granted for alterations and extensions to existing buildings which:

a) in their design and form, choice of materials and positioning are compatible with the character of the existing building

b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties c) will not be detrimental to neighbourhood amenity and character

re a) a modern design with materials that are not compatible with the roofline seen from our top floor flat, and all properties to the north of no 61, will jar and not fit

re b) there will be loss of privacy to all flats in the 50-54 Newbattle block. The more so the higher up the flat. It will look across at our bedroom. at approximately direct level

re c) the damage to neighbourhood and amenity is assessed in the design statement almost exclusively from the perspective of those looking at the house from the south. The implication seems to be that anyone living in our modern block somehow has a diminished right to amenity because we live in a developed property. This completely overlooks the different planning history and exceptional circumstances that allowed planning gain through replacing old office buildings (not sure if all but same point applies) in Newbattle Terrace

with a high quality replacement. The same exceptional circumstances manifestly do not apply here, so the presumption in favour of retention of present roofline should be honoured.

Accordingly we urge you to reject this application

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Dr Alice Turner

Address: 61/3 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal is objected to for the following-

- a) the extension is not in keeping with the nature and style of the existing very attractive tenement, and it does not enhance it in any way, but rather detracts from the original orderly design
- b) reduction of sun into the back garden,
- c) the noise nuisance from an open air area so near to other flats' windows,
- d) loss of light into the stairwell resulting in reduced safety, particularly in the ground and first floor areas,
- e) the provision of a 4 bed roomed house in a stairwell of two bed roomed flats is disproportionate and likely to cause social issues,
- f) finally, the declaration of ownership is incorrect. The owner does not own all of area required for the proposed development. The solum of the tenement is jointly owned, and everything above the existing roofline is jointly owned. This proposal therefore would be outwith the applicant's ownership.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr Richard Donald

Address: 67/5 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Application Reference - 22/04429/FUL

I would like to object to the above planning application due to the following issues;

1. Appearance - this proposed extension is in total contrast with the existing one hundred years old tenement building with its proposed zinc and wooden finish and a terrace with glass balustrade. It will be in view from all of the Falcon Avenue tenement rear gardens and also from Newbattle Terrace rear gardens and Falcon Gardens itself. I believe the proposed height is also above the existing roofline. It is in fact totally out of character with this area.
2. Noise and disturbance - it is unclear how this proposed extension could be built without severely impacting other residents of the tenement and also the neighbouring tenements. If it is allowed to proceed, then post completion there is a huge concern for additional noise coming from the new proposed outside terrace. There is also concern about the proposed Heat pump and its position on a new roof beside the existing shared chimney breast causing additional noise and vibration to the existing tenement (no.61) below and the next tenement (no.67) as well as they share the chimney breast in question.
3. Loss of sunlight and daylight - there will be a significant loss of sunlight to a number of the shared rear gardens across various tenements due to the additional height and additional storey proposed in this application. There will also be an impact on the daylight in the existing stairwell of no.61 due to the wall of the new storey being right next to the cupola which is a potential safety concern. The scale of the development will also impact the existing skylights in the top floor flats in the neighbouring tenements. Note - I have read the Daylight assessment report provided but I am not convinced as to the calculations involved and assumptions made. Even using those provided, there is a significant difference.
4. Overshadowing and privacy - due to the size and nature of the proposed development which includes a terrace, there will be an impact on the privacy of the existing rear gardens of several tenements in Falcon Avenue including and on either side of no. 61 and it will overshadow these

areas. It will also impact on the privacy of the rear gardens of several properties in Newbattle Terrace.

5. Ownership / maintenance of tenement buildings - the applicant has advised he is the sole owner of the land involved in this application which is incorrect as the tenement building is split into 8 flats with separate owners as are many of the tenements in this area. This raises issues, which will relate to many tenement buildings across Edinburgh, regarding the following;

a) who owns the roof?

b) who owns the roof space?

c) can someone who owns part of the building go ahead and build an extra floor on top without permission from all the other co-owners?

d) who maintains the proposed new roof (part new/part old) if this application gets approved ?

The Tenements (Scotland) Act 2004 mentions under

9 Prohibition on interference with support or shelter etc.

No owner or occupier of any part of a tenement shall be entitled to do anything in relation to that part which would, or would be reasonably likely to, impair to a material extent-

(a) the support or shelter provided to any part of the tenement building;

These buildings are over a hundred years old and were built to support a four storey building and the existing roof structure.

There is nothing in this application which advises on the real risk here to the existing walls and structure of the building of adding an additional storey and also taking apart the existing roof structure and creating a new one for the remaining part of the building and joining it with a new roof structure a storey higher for the new development.

Rainwater Drainage - there is the question of how the roof of the new development will impact on the drainage of the existing/altered Pitched and Flat roof at no.61 and that of the Pitched and Flat of the neighbouring tenement at no.67 as it will be a whole storey higher.

Fire risk - there is also the issue of the increased fire risk as this new development will be above the existing roof line and the existing stonework that separates the neighbouring tenements.

These are all fundamental questions and issues that surely must be discussed as part of this planning application and in turn, result in this application being rejected.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr David Turner

Address: 18B Morningside Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: SUPPLEMENTARY COMMENT

In addition to the grounds of objection previously lodged:-

13. Chimney Height

Although extremely difficult to read on the published plans, I have now noted that the application proposes to increase the height of one of the chimney stacks - there is blurred wording to this effect but it is not shown as works on the drawings. This was also not apparent from the Design Statement, which appears to indicate that the design sits lower than adjoining stacks. Another misleading statement. This will break the rhythm of the tenement and is not in keeping with the current design. It will require the chimney pots to be substantially shorter than currently.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Weronika Myslowiecka

Customer Details

Name: Mr Steven Gray

Address: 73/5 Falcon Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The proposal is a very good and clever use of a flat roof. The materials proposed are in keeping with surrounding materials. In addition, the out door space is a valuable addition to the property. I don't see that it spoils anyones view from neighbouring properties. The view from the balconies of the new flats on Newbattle Terrace is that of the back end of a tenement, chimney stacks and a jumble of tv ariels.

I support this application.

Comments for Planning Application 22/04429/FUL

Application Summary

Application Number: 22/04429/FUL

Address: 3F1 61 Falcon Avenue Edinburgh EH10 4AN

Proposal: Roof extension

Case Officer: Householder Team

Customer Details

Name: Mrs Alice Park

Address: Flat 5, 50 Newbattle Terrace Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I am a bit worried about this extension. As far as I can tell, it will be right across from my main window and could potentially impinge on my privacy. There is no guidance as to how high it will be - above the present roof line? Are there going to be windows on the extension? Can I see plans?