

Zone Architects.
FAO: David Jamieson
211 Granton Road
Edinburgh
EH5 1HD

Dr Iain Wilson.
7 Strathearn Place
Edinburgh
EH9 2AL

Decision date: 1 September 2022

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

Removal of existing extension and internal alterations. Erection of a new extension and garden room to the rear of the property.
At GF 7 Strathearn Place Edinburgh EH9 2AL

Application No: 22/03235/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 22 June 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposal would have a detrimental impact on the architectural merits of the property
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the works will not preserve or enhance the character and appearance of the conservation area.

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

Drawings 1-3, 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 proposals is not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the development plan and non-statutory guidance. The proposals will not preserve the character and appearance of the conservation area, will have a detrimental impact on the character of the listed building. 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 Jennifer Zochowska directly at jennifer.zochowska@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 GF, 7 Strathearn Place, Edinburgh

**Proposal: Removal of existing extension and internal alterations.
Erection of a new extension and garden room to the rear of the
property.**

**Item – Local Delegated Decision
Application Number – 22/03235/FUL
Ward – B10 - Morningside**

Recommendation

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

Summary

The proposals is not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the development plan and non-statutory guidance. The proposals will not preserve the character and appearance of the conservation area, will have a detrimental impact on the character of the listed building. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site lies on the north side of Strathearn Place and is part of a terrace built by Robert Reid Raeburn in 1877. The buildings are 2-storey with mansard attic and designed as a symmetrical terrace of 2-bay villas with central and terminal pavilion blocks. The building is Category B listed and was listed on 19.03.1993 (LB ref 30602).

The site lies within Merchiston and Greenhill Conservation Area.

Description Of The Proposal

The proposal is for the removal of the existing extension, internal alterations and the erection of a new extension and garden room to the rear of the property.

Supporting Information

Design and Conservation Statement

Relevant Site History

22/03237/LBC

GF

7 Strathearn Place

Edinburgh

EH9 2AL

Removal of existing extension and internal alterations. Erection of a new extension and garden room to the rear of the property.

Refused

1 September 2022

Other Relevant Site History

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 30 June 2022

Date of Advertisement: 8 July 2022

Date of Site Notice: 8 July 2022

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

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

b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting?

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

- Managing Change Extensions
- Managing Change Interiors
- Managing Change Roofs

The proposed garden room to the rear of the garden is subordinate in scale and form. It is designed in a high quality manner using appropriate materials.

The new extension would occupy the full width of the rear elevation involving the loss of the existing outshoot which is a significant part of the historic fabric. This outshoot has a symmetry with the buildings within the terrace and is part of the special interest of this group of listed buildings.

The over dominance of the proposed extension has an adverse impact on the setting of the original building. Overall, the scale, form and design of this extension precludes the original arrangement of the property from being read. This has an adverse impact on the architectural integrity of the building and a diminution of its special architectural and historic interest.

Conclusion in relation to the listed building

The proposal is unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES guidance as the proposal would not preserve the character and setting of the listed building.

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

The site lies in Merchiston and Greenhill Conservation Area where the Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; the high quality stone built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area.

This part of Strathearn Place is a series of three storey terraced residential properties modest in scale where there are single storey outshoots to the rear with pitched roofs. The proposal would see the outshoot and existing single storey extension be removed and replaced by a full width extension of differing depths and separate pitched roofs.

The principle of rear extensions in this location has been established and accepted. The majority of the neighbouring extensions have generally retained the outshoot and are more modest structures. The scale, form and design of this extension will be incongruous with the property and the terrace. The proposal will have an adverse impact on the special character on the conservation area.

The separate garden room is of an acceptable size and proportion.

Conclusion in relation to the conservation area

The proposals are unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the proposed extension would not preserve and enhance the character and appearance of the conservation area.

c) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 4 and Env 6
- LDP Design policies Des 1, Des 12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6.

Listed Building and Conservation Area

This has been assessed in sections a) and b) and the proposals do not comply with LDP Policies Env 4 and Env 6, as the proposed extension would not preserve and enhance the character and appearance of the conservation area and would harm the listed building.

Scale, Design and Materials

Due to the scale and proportions, the design and form of the extension is not compatible with the character of the existing building and exceeds 50% of the rear elevation.

The proposal does not comply with LDP Des 12.

Amenity

The proposal relates to a ground floor of a flatted property and the new windows would look into the rear garden ground which is presently overlooked by existing windows from the upper flats. The new extension and garden room would not have a significant impact on the existing amenity levels.

Traffic and Car Parking

The proposal does not include any parking provision on site but has excellent public transport links and is near numerous bus routes.

There are no traffic or car parking issues.

Conclusion in relation to the Development Plan

The proposal does not comply with the Development Plan.

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

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- loss of original outshoot. This is addressed in section a) and c).
- loss of garden area. This is addressed in section c).
- traffic and parking. This is addressed in section c).

non-material considerations

- maintenance of building. This is not a planning matter
- storage and disposal of building materials. This is not a planning matter

Conclusion in relation to identified material considerations

The proposal does not accord with the relevant sustainable development policy principles set out in SPP. There are no other issues raised in the material considerations.

e) Overall conclusion

The proposals is not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the development plan and non-statutory guidance. The proposals will not preserve the character and appearance of the conservation area, will have a detrimental impact on the character of the listed building. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposal would have a detrimental impact on the architectural merits of the property
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the works will not preserve or enhance the character and appearance of the conservation area.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 22 June 2022

Drawing Numbers/Scheme

1-3

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/03235/FUL

Application Summary

Application Number: 22/03235/FUL

Address: GF 7 Strathearn Place Edinburgh EH9 2AL

Proposal: Removal of existing extension and internal alterations. Erection of a new extension and garden room to the rear of the property.

Case Officer: Jennifer Zochowska

Customer Details

Name: Mr James Wyllie

Address: 8/1 Strathearn Place Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Traffic and Parking:- Strathearn Place during daytime is very busy with constant traffic on the No.5 bus route. Heavy lorries delivering and removing materials from the property and most likely skip hire, would be hazardous to passing traffic, and would cause permit holder restrictions at several times.

There is no access to the rear of the terraced properties in this section of Strathearn Place. If the current extension is demolished, all materials being removed and new materials being delivered would require to be taken back and forward through part of GF7's living quarters. The debris, dust and noise from this project would cause constant disturbance to neighbours both at the front and rear of the property. In addition the front garden of the property would probably be used as a holding area, similar to a builders yard. This would be a nuisance to neighbours and an ongoing eyesore to the street appearance in a B listed conservation area.

Loss of significant landscape features:- The proposal for the new extension, in effect a living room, is much more assertive and deeper into the garden space. Along with the proposal for the garden room adds an extra 50 sq.m. This is approximately one third loss of garden area, bearing in mind there is already a substantial slabbed area. This could lead to future drainage problems. Pipework was already installed below the rear garden in recent years and there was a problem locating drains to the front of the building. We did not have sight of any planning application when the pipework was laid.

Maintenance of Building:- If the application was accepted and after work completed, there would be no space for access to the rear of the building for maintenance work required at times by other house holders, i.e. painting windows, pointing work, and clearing rear gutters. The only way would require a very elaborate and complicated scaffold construction, along with very difficult access for erection.

Comments for Planning Application 22/03235/FUL

Application Summary

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Address: GF 7 Strathearn Place Edinburgh EH9 2AL

Proposal: Removal of existing extension and internal alterations. Erection of a new extension and garden room to the rear of the property.

Case Officer: Jennifer Zochowska

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined this application for alterations to a B-listed dwelling and wishes to object to the proposal for the following reason.

While the proposals are an improvement on the existing modern extension, the panel was concerned about the loss of the original outshot to the right of the rear elevation as seen from the garden. As well as being good quality and stone built, this outshot forms one of a sequence with others in the terrace. We would, however, have no objection should this room be incorporated within the proposed scheme.

We believe that the proposals would result in unnecessary damage to the special character of the listed building (Edinburgh Local Development Plan, 2016, Policy Env 6). This objection is also based on the city's guidance Listed Buildings and Conservation Areas 2019 (see especially p. 11).