

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100608792-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Doctor	Building Name:	Flat 1
First Name: *	Iain	Building Number:	7
Last Name: *	Wilson	Address 1 (Street): *	Flat 1
Company/Organisation	NHS	Address 2:	7 Strathearn Place
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:	[REDACTED]	Postcode: *	eh92al
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

1F

Address 2:

7 STRATHEARN PLACE

Address 3:

BRUNTSFIELD

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH9 2AL

Please identify/describe the location of the site or sites

Northing

671795

Easting

325026

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

This is an appeal against the refusal for planning permission for our modest extension proposal at Flat 7/1 Strathearn Place. It involves extending the current 100% rear elevation extension to leave a generous garden space, create a family home and correct some of the circulation issues when the villa was converted into flats. The proposal is based on our neighbours planning application which was approved last year (20/04138/FUL) and more modest than accepted proposals in the immediate area.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Discussions with the Chief planning officer subsequently acknowledged that the report failed to adequately reference the recently approved development at 10/1 and our existing 100% rear elevation extension. Other larger full width developments have been approved on Strathearn road to provide context for the application, which is based on the recent successful application of our neighbour 10/1 using the same architect and design approach. (20/04138/FUL). A full statement of appeal is attached

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

The report did not fully consider or reference the recently granted planning application for our immediate neighbour at 10/1 (20/04138/FUL) or our current 100% rear elevation extension which would be reduced with the insertion of an internal courtyard. Discussion with the chief planning officer admitted the report was flawed but now issued would have to be overturned at appeal as no other current avenue to reverse the decision. The same architect and considerations were used in our application.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

1. Appeal statement 2. Location plan showing current rear extension 3. Current house plans 4. Proposed house plans 5. Letter of Handling 6. No objection letter from HES 7. Supporting letter from Edinburgh City Council Chief Planning officer 8. Delegated decision statement 9. Edinburgh council refusal notice 10. Architect Design Plan

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/03235/FUL

What date was the application submitted to the planning authority? *

21/06/2022

What date was the decision issued by the planning authority? *

01/09/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Part of terraced housing block with no route of access at back wall. Entry is through the house to the back garden area where the extension would be built. (same set up as with 10/1 Strathearn place 20/04138/FUL)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Doctor Iain Wilson

Declaration Date: 29/11/2022

7/1 STRATHEARN PLACE, EDINBURGH, EH9 2AL - LISTED BUILDING APPEAL

Introduction.

1. This statement accompanies the appeal against the refusal of listed building consent for the application to extend our home at 7/1 Strathearn Place, Edinburgh, EH9 2AL. This is our first experience of the planning system and we are making this appeal ourselves in order to minimise costs. The original planning application was a wedding present from my parents to help us create a family home and we are appealing the decision for 22/03237/LBC in relation to the context and approval of planning application 20/04138/FUL for 10/1 Stathearn place and other nearby neighbouring properties, where larger more extensive proposals have been accepted.
2. Our property forms part of a category B listed symmetrical terrace of villas. The villas were originally built as single properties in 1875 and were subsequently converted to divide the ground floor and upper floors to create three flats. 7/1 Strathearn Place is the ground floor flat in one of these former three-storey townhouses. Over the years 100% width extensions had been added as shown below and our proposal was to extend the footprint of this to the patio, to allow a more family living space. This would be in alignment with the granted proposals for 10/1 and modest in comparison to more elaborate developments in Strathearn Road detailed below.
3. We are a young married couple with a dog and have lived here for the last five years. We are keen to stay in the area and continue to raise our family here, but there is a severe problem with both the availability and affordability of property in this part of Edinburgh (where we are located next to a nursery and primary school) and we were keen to explore the possibility of extending our home to accommodate children, as well as rectifying some of the circulation difficulties which have existed since it was converted.

We approached Zone Architects to look at the feasibility of extending our home as they have a portfolio of well-designed buildings, often in sensitive settings and have conservation experience. They had a recent successful application with flat 10/1 (20/04138/FUL) and encouraged us to use those approved plans as a basis for our proposal in order to meet the current planning standards. We hoped the fact we already have a 100% extension coverage of the rear elevation would also improve the chances of a successful application to create a three bedroom family home. We were encouraged not just with the successful application from 10/1, but by the design of some of the other neighbour in the street, for example 11 Strathearn Place who had received consent for a much larger outshot, a project which is now largely built.

A summary of the refusal is detailed below with the full rejection attached for reference. There is an acceptance that different planning officials may have made alternative judgment on the plans, in the context of existing builds and without adequate reference to 20/04138/FUL in the planning report. Now that the planning decision has been made, I was informed there is no current mechanism to overturn the decision and the appeals process is the only way to have this judgment rectified.

“Refused in accordance with the particulars given in the application.

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.**

a) The proposal is unacceptable with regard to Section 14 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.

Reasons

1. The application is not acceptable with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and does not comply with HES guidance as the alterations would adversely affect the character of the listed building.

2. The application is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES guidance as the size and proportions of the extension fail to preserve the character or appearance of the conservation area

Overall conclusion

The alterations fail to preserve the character and appearance of both the Conservation Area and listed building and are not acceptable with regards to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

With admission that;

- 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 predominantly glazing giving a lightweight appearance. The scale, form and design of this extension will be incongruous with the property and the terrace which will have an adverse impact on the special character on the conservation area.
- The separate garden room is of an acceptable size using appropriate materials.
- There are no other issues raised in the material considerations

Our response;

HES categorises this row of townhouses, comprising numbers 5-11 Strathearn Place, as a group listing. HES only details the front and principal rooms of our property as having a special interest for which our application makes no changes. They had no objection to the planning proposals and their comment on our application is below,

“Dear City of Edinburgh Council Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015 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 Ref Name LB30602 5-11 (INCL NOS) STRATHEARN PLACE AND 132 (FORMERLY 12) WHITEHOUSE LOAN

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance. Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH”

With over 30 letters sent out by Edinburgh council, no objection from Historic Environment Scotland and only 2 minor objections, it seems incongruent for the application to have been rejected. I would therefore hope you could reconsider the merits of the application and ensure that our planning application is treated equally under section 149 of the Equalities Act 2011 and in the context of our neighbour applications and the other granted applications in the local area that are referenced throughout this document.

1. Planning history.

Our planning application was made using the same architect and in alignment with the recently approved application for flat 10/1, our close neighbours in the street below, (20/04138/FUL). This recently approved design is what formed the basis of our application, and as we already have an existing 100% rear elevation extension, we had hoped the use of the same architect, design and materials would help meet the current planning standards.

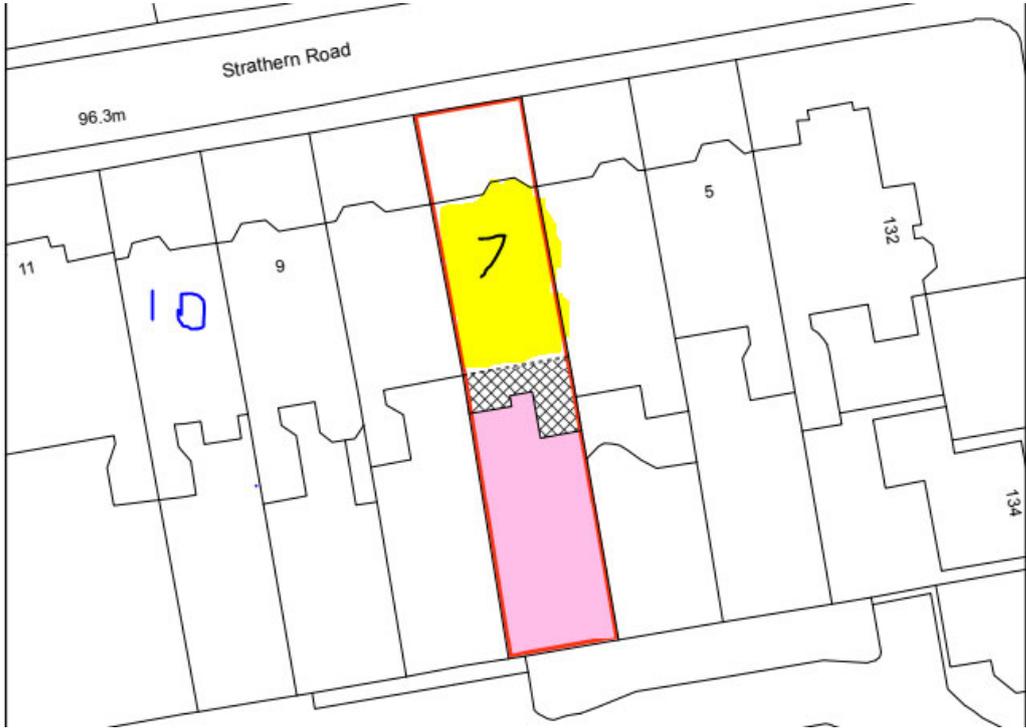
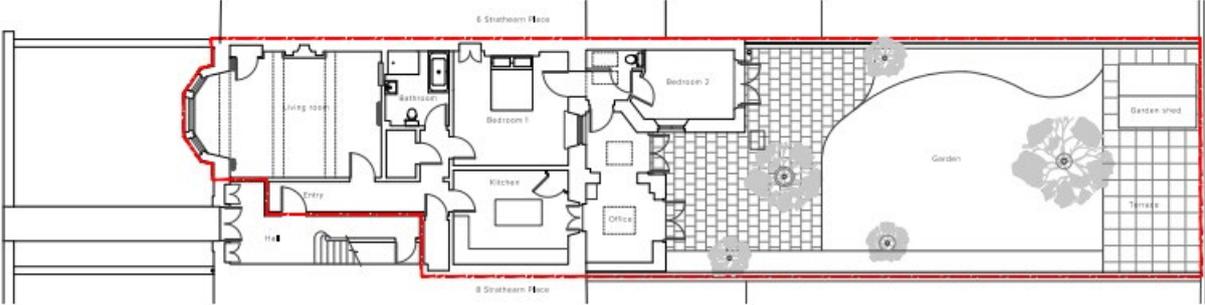


Figure 1 - Our existing plans with the existing 100% width extension footprint and the long narrow garden.

The existing and submitted plans are included below, showing the residual generous garden space and proposed extension footprint with our proposed design.

Current property footprint;

1.2 Description of the property



Existing ground floor plan (nts.)



Existing rear elevation

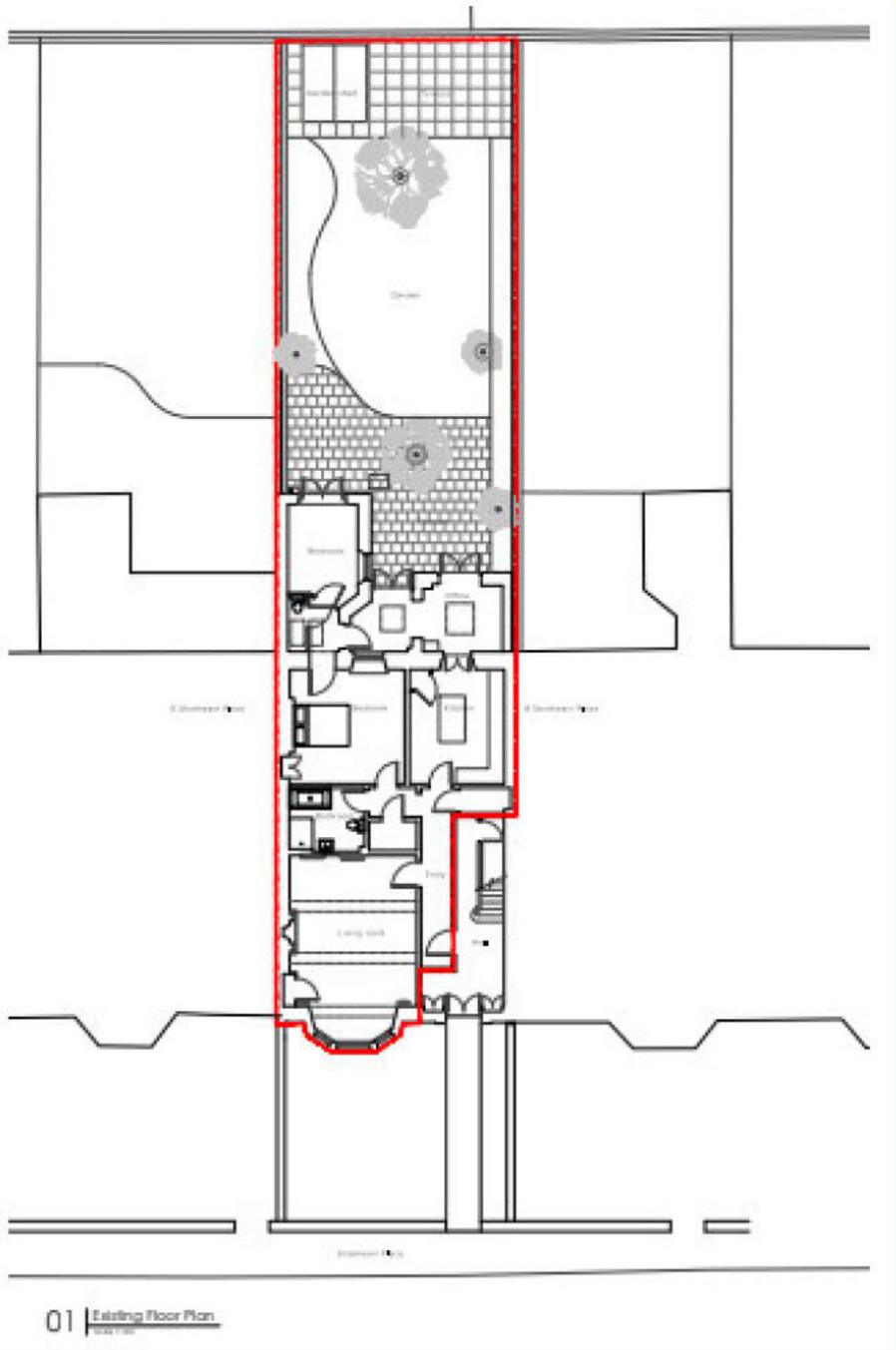


Existing extension



Rear garden

Aerial view of existing house plans



Below is the existing view from the back of our property with current outshoot and extension.



Proposed changes in submitted plans with existing footprint outlined in red below



03 | Proposed Section
1/20/2018



04 | Proposed Elevation
1/20/2018

BRUCE & JESSIE
Interior Planning and Interiors





View from the rear garden

When granting the initial application for our neighbour at 10/1 Strathearn place, the planning officer noted in the handling report that:

- Many of the nearby dwellings have had their respective out shots already altered and/or extended.
- The use of timber cladding on the external walls of the proposal is also acceptable given it will be constructed on a relatively secluded elevation, which already has a timber conservatory present.
- It will be located to the rear, least conspicuous elevation of the property.

The initial modified proposed scheme from 10/1 was approved (October 2019) and an appeal allowed the original drawing below to be granted permission subsequently. Our application was based on the approved plans, to allow consistency in the approach to meeting planning standards.

One of the main objectives listed as the reason for refusal of our proposal is shown below;

“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.” “The alterations fail to preserve the character and appearance of both the Conservation Area and listed building and are not acceptable with regards to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.”

“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.”

As shown above our property already has 100% of the rear elevation covered and HES have made no objections to our proposal. The proposals are also in alignment with the granted application for 10/1 and in much smaller scale of the neighbourhood properties shown below. These similar schemes have resulted in 100% coverage of the rear elevations of houses and have been granted permission in the neighbourhood, most notably on Strathearn Road, the same strip of road as us, within 350 metres, where there are very similar Category B Listed, two-storey terrace properties of a uniform design with original rear outshots built within 2 years of ours. Here, 6 of the 8 properties have extended to 100% width; with permission granted for infill extensions for properties 13, 14, 15, 17 & 19 on Strathearn Road.

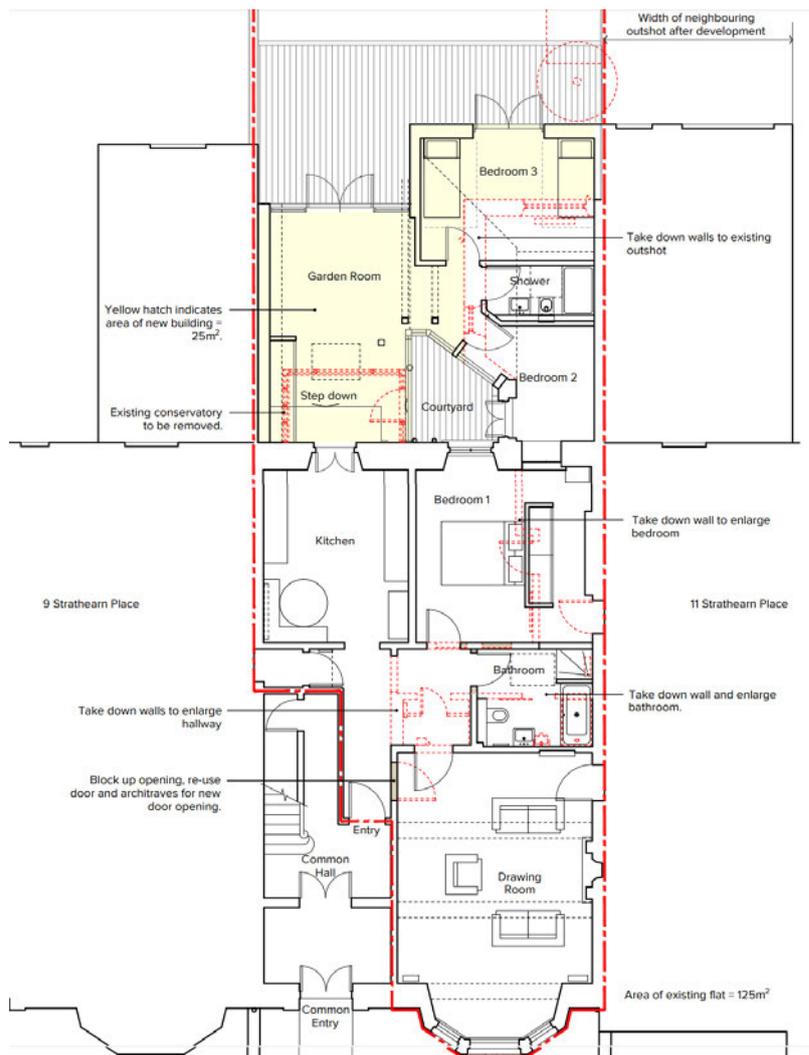
Aerial photo from Google Earth showing the properties at 12-19 Strathearn Road.



Similar applications that include demolition of the existing outshot and its replacement with a full-width extension have been recently granted planning consent and listed building consent, for example, this application at 19/00756/LBC 10 Hermitage Terrace [LINK](#). As we currently have a 100% width extension we would ask that under the Equalities and Human rights section 149 equalities act 2010 that you would ensure equal treatment for our application in accordance with the above applications and the recently approved application for 10/1(20/04138/FUL).

1. Another recent application where a full-width extension was recently granted across two storeys to a listed building, it was noted *"The proposed first-floor extension is of an acceptable scale, form and design to be an acceptable addition to the listed building. The design correlates with the neighbouring extension and rear extensions are a characteristic of the area. The extension will be an inconspicuous addition to the property and will not impact on the setting of the listed buildings or the visual amenity of the street."* 18/06386. This case is a house in a listed terrace, which whilst different from Strathearn Place, shows that discretion can be applied and that full-width extensions need not detract from the special character of the building.
2. Whilst we understand that each planning case is different and that precedent cannot always be used to justify another proposal, we do find it difficult to understand why the same guidance is used so differently on various applications and we feel that there should be a level of consistency in the way that this guidance is applied in the context of neighbouring developments, especially as our proposal was based on a recent successful application for our neighbour 3 doors down.

Approved plans for neighbouring property 10/1 Strathearn place



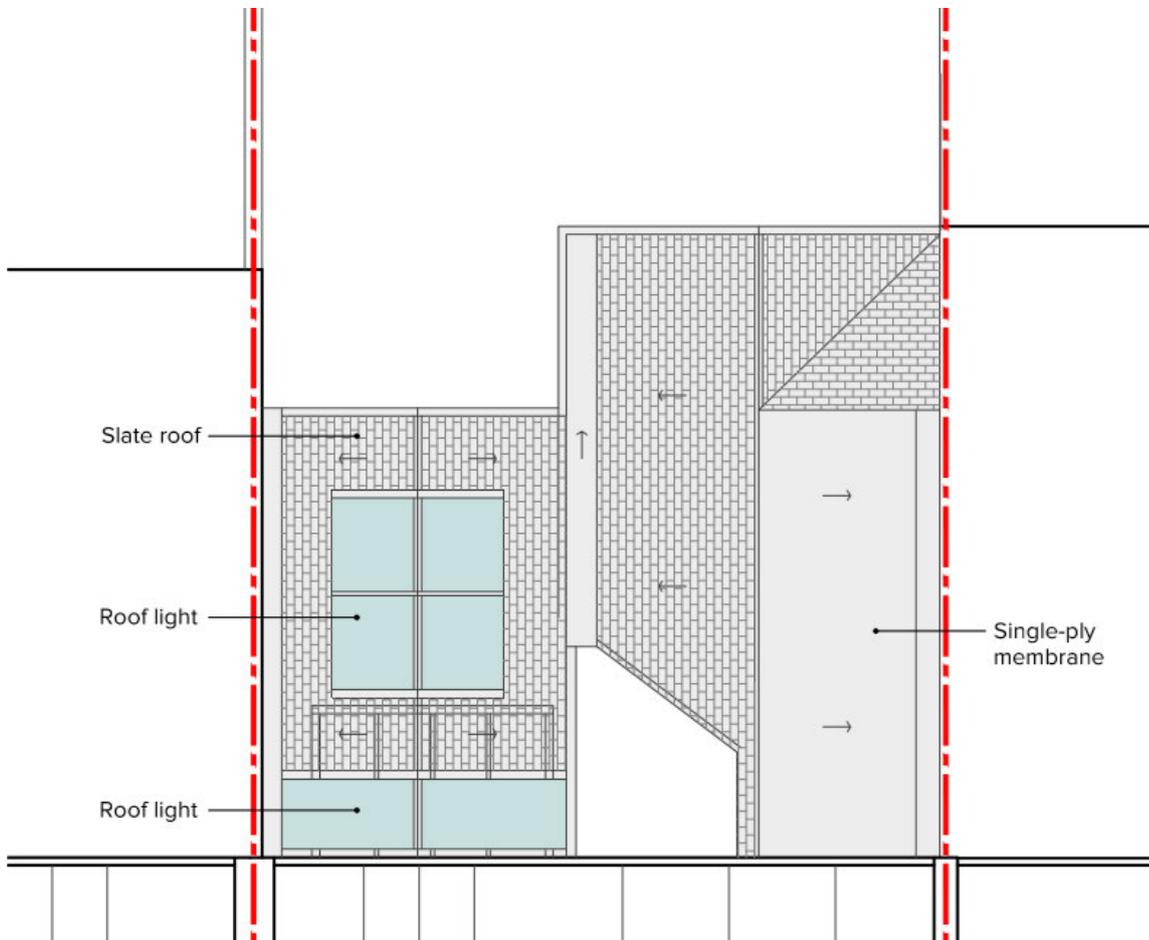
2. Design proposal and further grounds for appeal.

1. The designs at both 7/1 and 10/1 comprise new lightweight design, a single-storey extension to the back of the house in a dual pitched form which reproduces the form of outshoots and ancillary buildings along the back of this terrace. The extension at 10/1 adds 25m² on to the property still leaving a generous garden area of 160m² (not including the front garden). The area of the building, therefore, complied with the Council's guidance on development areas for household extensions which states that "the area covered by any existing and proposed extension cannot be greater than the area of the original house footprint or 50% of the area of the rear "curtilage". We would hope that the approval granted to our neighbour 10/1 and our existing extensions will set the context here for our appeal of this decision.
2. In preparing both designs, careful attention was made to the Council's design guidance for householders and conservation area. In particular, the need for the extension to be visually separated, and this was achieved by creating a lightweight design, leaving the outside courtyard and separating the eastern portion from the original building. To any observer, it will be obvious that this is an extension, that it was built at a much later stage and that it could, if desired, be removed without any damage to the original building (it might be that

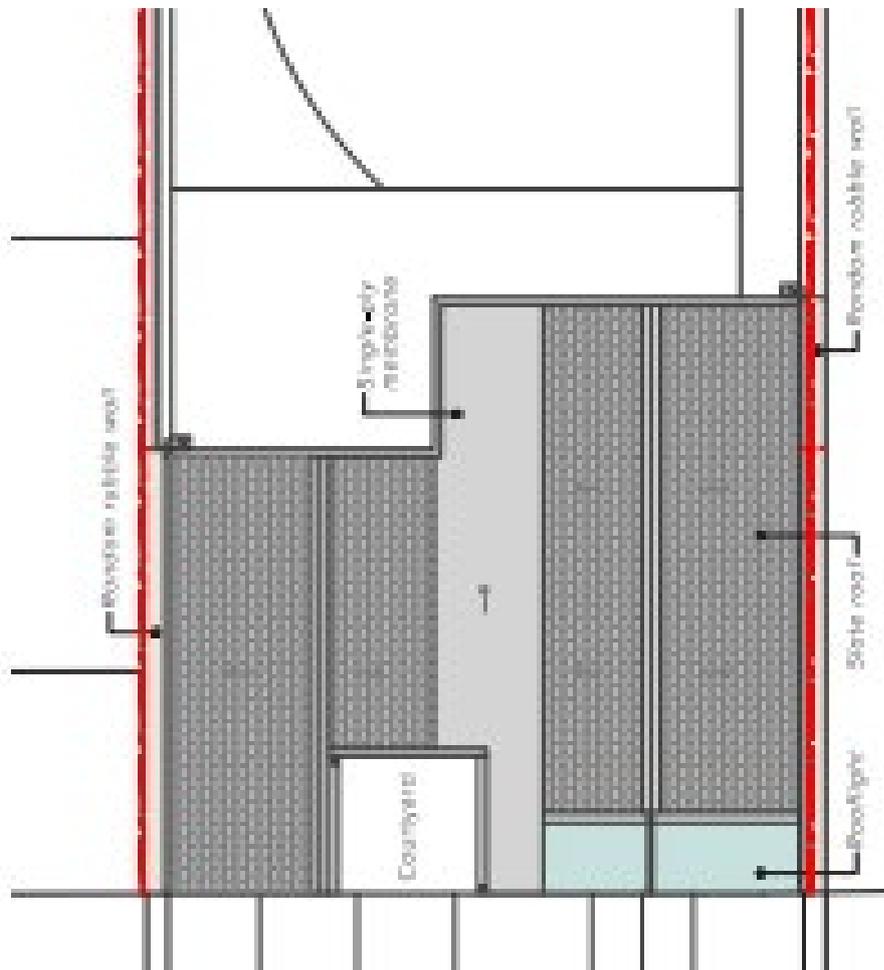
someone in the future would want to restore the house to its original condition by purchasing all three flats, although this seems unlikely).

3. The materials selected for the proposals were chosen to both reinforce the visual separation of the extension as well as ensure that it will sit comfortably in its setting. The use of timber as the main construction and cladding material springs from our desire to ensure the building has as low a carbon footprint as possible, as well as ensure a contrast between new and old. The slate for the roof combined with architectural roof glazing is intended to provide a level of conformity with surrounding roofs.
4. The proposed aerial view of the approved application for our neighbour 10/1 and our 7/1 application are below. Less glazing was added to our proposal to maintain the current look of the outshoots and for environmental considerations to retain heat within the property. The courtyard was preserved and the same bilateral pitched roof structure was proposed in keeping with the design and application from 10/1.

Accepted aerial proposal for our neighbour 10/1 Strathearn Place



Our rejected aerial proposal for 7/1 Strathearn place



The proposed plan for 7/1 represents our ideal layout for our house. It leaves the grand front room and front of the listed building and kitchen untouched in their original condition, greatly improves the connection of the house to the garden and gives us an additional bedroom and living space for future children. It uses up and unifies the awkward space with the existing outshoots and mixed roof structures at the back and the contemporary nature of the new building clearly marks it out as distinct from the original, following a design principle set out in City of Edinburgh Council's design guidance on listed buildings and conservation areas.

The extension for 7/1 we propose is in line with the previously approved application at 10/1 and will play a subordinate role, it will not dominate the back of the terrace which is two large storeys in height plus a full attic with dormers. It matches the scale of neighbouring extensions.

- The extension is not visible from any view of the principal elevation, which is the primary reason the building is listed.
- The extension does not unbalance a symmetrical elevation or threaten the original design concept.
- The extension is modestly scaled and we would suggest is skilfully sited. We have received positive verbal comments from neighbours who appreciate that it is not the standard flat-roofed box which is the prevailing design at present.

Review of rejection comments;

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.

a) The proposal is unacceptable with regard to Section 14 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.

It is unclear what is meant by 'detrimental'. By adopting this line of reasoning, you could argue that all house extensions are detrimental and that householders should live with the space they have and not extend their homes. For us as owners the extension enhances the architectural merits of the property by allowing a clear pathway to the bedrooms and a living space conducive to family living. In addition it will:

- Resolve awkward circulation space in the house which wastes precious space.
- Remove untidy and poorly designed existing outshoots which offers little space or use.
- Infill an area of the patio which isn't particularly useful as garden space at present.
- Provide much-needed family space and a bedroom for starting a family.
- We would argue that the extension will not result in any diminution of the building's special interest. It is clear from the listing and no objections from HES that it is only the front of the building which provides special interest. No other aspects of the building (including the interiors and back) are mentioned at all in the building. The back of the building to any observer has no special interest as it is either plain or suffers from an untidy collection of different shaped dormers and single-storey extensions in the street.
- The proposal would not be seen from any public area.
- The proposal will not affect any of the special interior principle rooms.
- As HES made no objections to our proposals and Edinburgh planning agreed there are no issues raised in the material considerations we would appeal these statements having shown that there has been precedence set within the neighbourhood and our proposal was designed to be sensitive and only to enhance the current out building configuration and design, and in keeping with accepting planning applications and in a smaller scale to permitted developments in the street.
- Looking at the HES managing change guidance to get some idea of what could be defined as 'subservient' it is clear that HES consider that an extension can be quite large and assertive (para 3.8) before it affects the composition or balance of the existing building in comparison to our proposal. The extensions shown above all show confident modern extensions of a much greater scale than is proposed in this instance. It is hard to see that in this instance a single-storey extension would be other than less important or subordinate to the main, three-storey building.
- The guidance states that "extensions should not normally exceed 50% of the width of any elevation". The word "normally" is important here as it gives discretion to planning officials

to make a judgement on individual cases. In this instance our existing extension already covers 100% of the rear elevation so I am unclear what rationale there is for this objection.

- Notwithstanding the above, the determining factor is whether or not the original building is overly dominated or obscured by the proposal. It is suggested that this is the thinking behind the 50% "rule" in the guidance, i.e. that the original building should not be overly obscured. As we have argued above this is not the case in this instance and would appeal to your ability to overturn this original decision.

We would like to make the following points in addition to the arguments above in support of our appeal:

1. It is evident from the HES listing description that Strathearn Place is listed solely for its frontage as a terrace with pavilions.
2. As detailed above, it was clear that HES had no comments or objections to the proposal. Given that they are the national body responsible for overseeing alterations to listed buildings, we feel that CEC officials should demur to this view.
3. The proposed introduction of a courtyard reduces and limits the extent to which the elevation is covered but also ensures the original shape of the outshot is preserved. This was acknowledged in the handling report of the previously approved application for 10/1 and replicated in our design for 7/1.
4. In our design, we have sought to maintain the form of the existing outshot by replicating the new building line and width granted for no 10/1. We believe that we have approached this more sensitively than other neighbouring properties in the area have done. This allows the pattern of outshoots along the terrace to be a recognisable pattern and match the previously approved application for our neighbour at 10/1.
5. With regards to the consideration of matching the pitch and height of neighbouring properties, our property is set between properties with different pitches and different heights. We feel our design seeks to bring cohesion to the three properties that have been significantly affected by the previous extension of no 9. and the recently approved designs of no. 11 and most recently 10/1. The new design will allow us to standardise the three different roof types at the back of the property to further weather proof and preserve the building.
6. The villa was originally built as a single property in 1875 and was subsequently converted to divide the ground floor and upper floors to create three flats. This has resulted in an awkward layout and the proposed layout of the property will significantly improve this and provide much needed additional useable family living space to the house.

Conclusion.

1. This proposal is for a modest sized extension to allow us the space for a family home, it has been well designed with high-quality, lightweight materials in the template of an approved neighbour application. It will not impact on neighbours in any way and it will not detract from the special character of the building. It can be justified by guidance which allows scope for interpretation in matters of design.
2. Subsequent discussions with planning have acknowledged that the decision for this application may vary between planning officers, without adequate reference to the recently approved plans for our neighbour at 10/1 in their report. As the refusal decision has now been made, the appeal process would be the only available mechanism to rectify the initial decision.
3. Accordingly, our proposals are in accordance with the development plan and congruent with a recently granted application in the street (20/04138/FUL). On this basis, we would ask the Reporters to allow this appeal and grant us planning permission and listed building consent.

Best wishes,

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
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT
1997

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: 22/03237/LBC

DECISION NOTICE

With reference to your application for Listed Building Consent registered on 22 June 2022, this has been decided by **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;

Reasons:-

1. The application is not acceptable with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and does not comply with HES guidance as the alterations would adversely affect the character of the listed building.
2. The application is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES guidance as the size and proportions of the extension fail to preserve the character or 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 alterations fail to preserve the character and appearance of both the Conservation Area and listed building and are not acceptable with regards to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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 of the planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant such consent subject to conditions, he may, by notice served within 3 months of the receipt of this notice, appeal to the Scottish Ministers (on a form obtainable at <https://eplanning.scotland.gov.uk/WAM/> or addressed to the Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, FALKIRK FK1 1XR.) in accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, as also applied to buildings in conservation areas by section 66 of that Act.

2. If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the planning authority or Scottish Ministers 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 the carrying out of any works which have been or would be permitted, he may serve on the planning authority in whose district the land is situated, a listed building purchase notice requiring that authority to purchase his interest in the land in accordance with the provisions of section 28 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended, as also applied to buildings in conservation areas by section 66 of that Act.

DESIGN + CONSERVATION STATEMENT

7/1 STRATHEARN PLACE,
EDINBURGH

JUNE 2022



zone
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TEL: 0131 551 1772 EMAIL: info@zonearchitects.co.uk
www.zonearchitects.co.uk

1.0 Introduction



Existing rear elevation

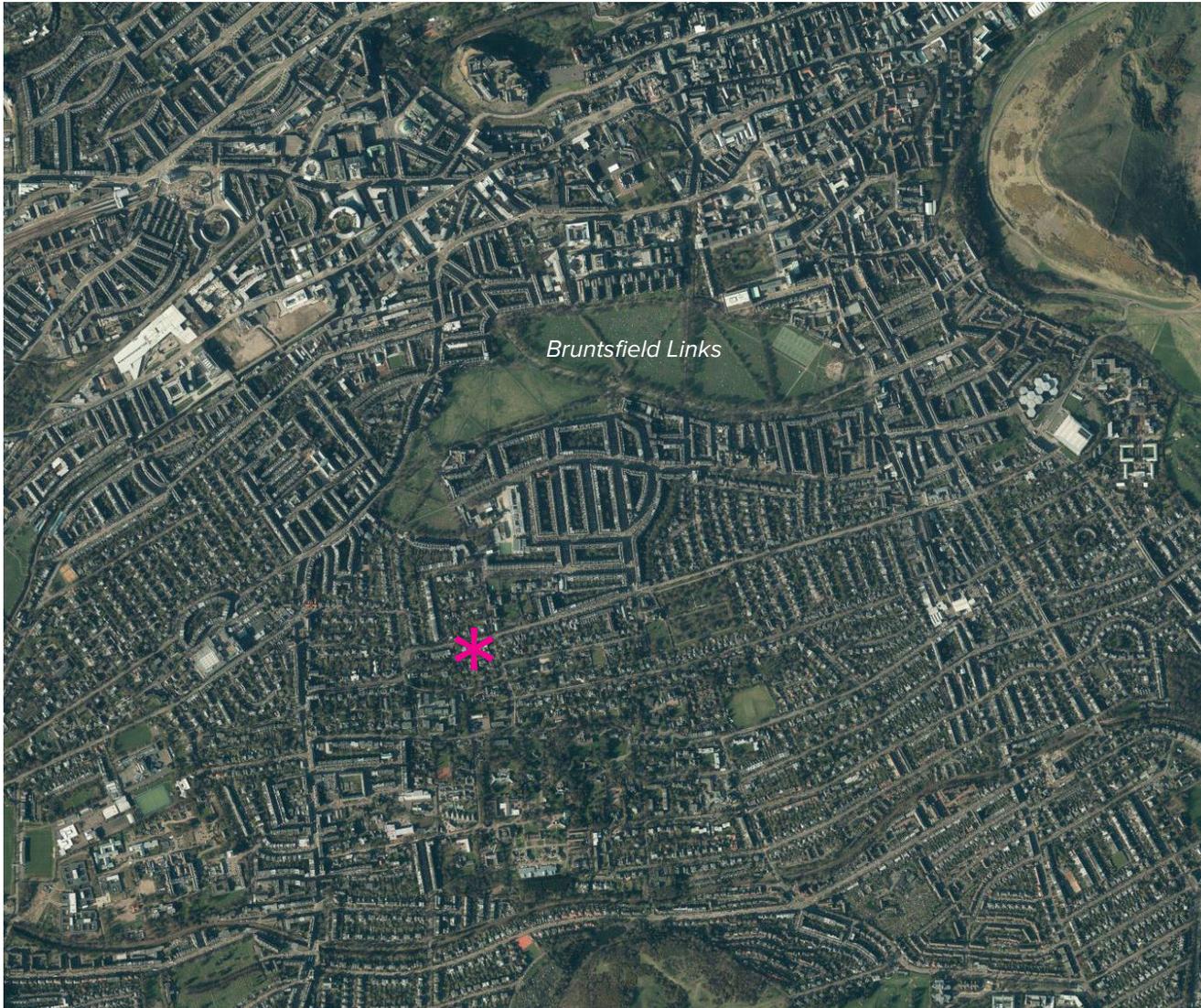
This design statement accompanies the planning application and listed building application to alter and extend 7/1 Strathearn Place in Edinburgh.

This statement has been prepared in accordance with the principles of Regulation 13 of Development Management Procedure Regulations. It provides information on the design principles and concepts that have been applied to the development and which:

- a. explains the policy or approach adopted as to design and how any policies relating to design in the development plan have been taken in account; and
- b. describes the steps taken to appraise the context of the development and demonstrates how the design of the development takes that context into account in relation to its proposed use;

This document and the accompanying drawings demonstrate that the proposals will result in a number of positive and neutral impacts on the character, integrity, amenity and setting of the listed building in line with national and local policies and guidance.

1.1 Location & Context



Aerial photo

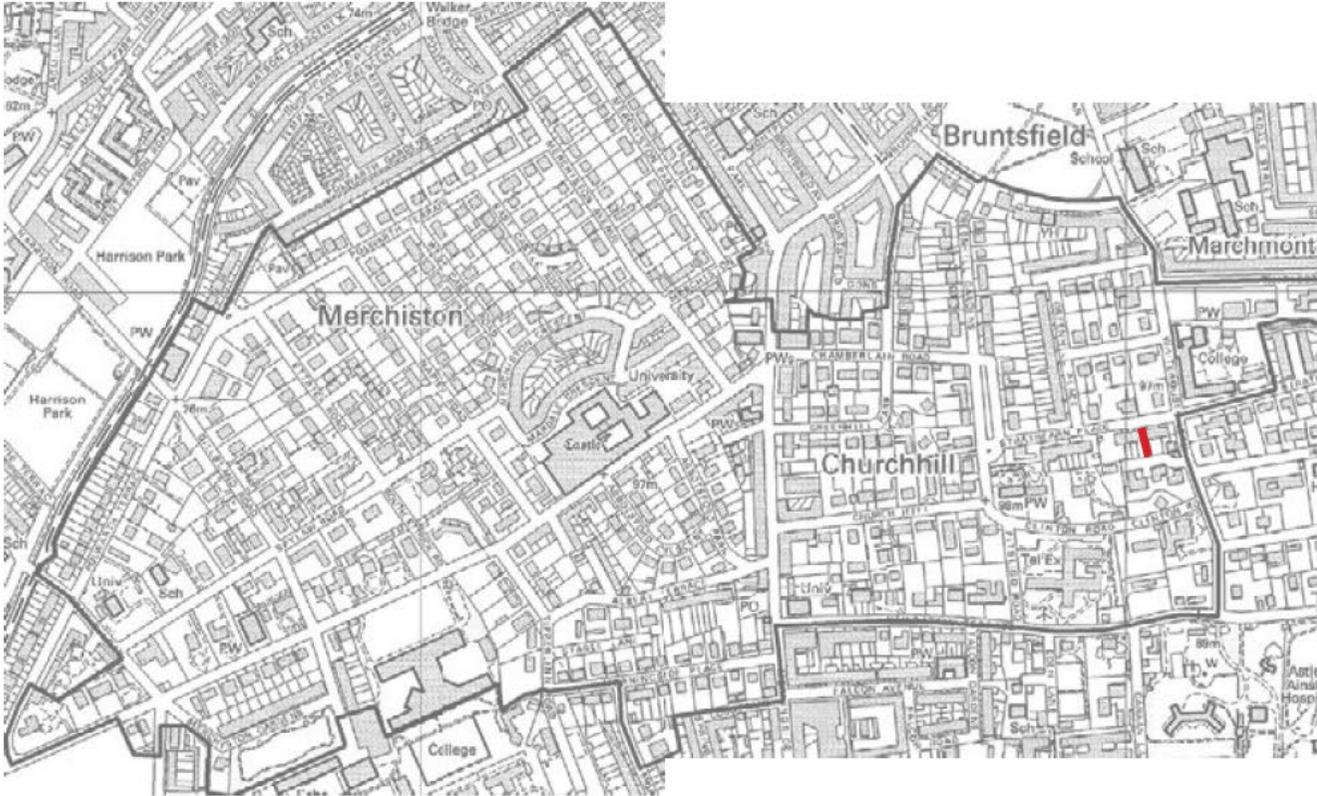
7/1 Strathearn Place is located in the suburb of Greenhill to the south of Bruntsfield Links, and falls within the Merchiston & Greenhill Conservation Area.

The spatial structure and the townscape are characterised by the following:

- The importance of the topography in accentuating urban form and landmark buildings.
 - Key views to landscape and townscape features throughout the city.
 - Solidity, robustness, spaciousness, intimacy and impressive visual variety presented by the formal and informal layout of blocks of villas, terraces, and other groups of buildings.
 - A dominant traditional layout and mature townscape of remarkably consistent and human scale.
 - Distinctive integration of townscape and landscape.
 - Sensitive changes of density and building types, and a consistent domestic grain scale and building mass.
 - Generous settings which provide effective separation between changes in urban form, land uses and villa pattern are an important townscape element.
 - Permeability and legibility derived from numerous long and short vistas to open spaces, panoramic views, landmarks and focal points.
- [...]

(Merchiston & Greenhill Conservation Area Appraisal)

1.1 Location & Context



Merchiston & Greenhill Conservation Area Map
Site in red

'The architectural character of the area is dominated by Victorian villas [...]. The buildings are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.'

Architectural unity is also emphasised by the location of properties within predominantly generous feus which gives the area a generally low density. The stone boundary walls, which typify boundary treatments, contribute to the visual and physical seclusion of the villa development, give definition to the street layout and create a clear distinction between public and private spaces. [...]

Despite this variety, a significant degree of unity is achieved by the predominant use of local grey sandstone for buildings and garden walls and natural slates for roofs. [...]

The scale, design and materials of new developments should reinforce and protect those features that give Merchiston and Greenhill its special character. Any development should take into consideration the spatial pattern, scale, proportions and design of traditional properties. [...]

New development should protect the setting of individual buildings and the historic environment as a whole. [...]

Traditional materials should be used in repair and new build. Modern substitutes generally fail to respect the character of the area. The stone boundary walls and railings are a key feature within the conservation area, and they should be repaired and reinstated where appropriate. Original architectural features should be preserved wherever possible.'

(Merchiston & Greenhill Conservation Area appraisal)

1.2 Description of the property

The property is a late-Victorian two storey with mansard attic villa. It is category B-listed and was built in 1877 along with the rest of the terraced houses (no. 5 to 11 and 132 Whitehouse Loan).

The house has been divided into flats with an extension in the back garden for the ground floor flat.



1.2 Description of the property

This is a copy of the statutory listing for 5-11 Strathearn Place and 132 (Formely 12) Whitehouse Loan (LB30602) as noted on the Historic Environment Scotland record:

Summary

Category	B	Local Authority	Edinburgh	NGR	NT 25053 71801
Date Added	19/03/1993	Planning Authority	Edinburgh	Coordinates	325053, 671801
		Burgh	Edinburgh		

Description

Robert Reid Raeburn, 1877. 2-storey with mansard attic, symmetrical terrace of 2-bay villas with central and terminal pavilion blocks. Lightly stugged ashlar with polished dressings. Base course; dividing band course; cill course to 1st floor windows, except pavilion blocks; eaves cornice, bracketted at pavilion blocks; bracketted cills to single windows at 1st floor; architraved window surrounds; segmental-arched window at 1st floor to pavilion blocks; doorways with carved consoles to cornices; bipartite dormers above canted windows, single dormers in remaining bays; pedimented dormerheads.

E PAVILION (no 132 Whitehouse Loan):

E (Whitehouse Loan) elevation: 4-bay. 2nd bay advanced; roll-moulded round-arched doorway; panelled door; plate glass fanlight; single window at 1st floor above; single windows to right return; French pavilion roof with dormers with pointed-arched dormers. 2-storey canted window in bay to outer left. Single windows in 2 bays to outer right; no dormers above. N (Strathearn Place) elevation: 2-bay. Advanced bay to outer left with advanced tripartite window at ground; decorative cast-iron panel to balconette; bipartite window at 1st floor. Single windows in remaining bay. W PAVILION (no 11 Strathearn Place): mirror image of E pavilion, except doorway converted to window to W, and new doorway made to N. CENTRAL PAVILION (nos 7 and 8 Strathearn Place): 4-bay. Architraved doorways in 2nd and 3rd bays; 2-leaf panelled doors; single windows at 1st floor. 2-storey canted windows in 1st and 4th bays.

NOS 5 and 6 STRATHEARN PLACE: 4-bay; architraved and pilastered doorways in 2nd and 4th bays; panelled doors; plate glass fanlights; single windows at 1st floor above. 2-storey canted windows in 1st and 3rd bays. NOS 9 and 10 STRATHEARN PLACE: mirror image of Nos 5 and 6 (see above). Plate glass sash and case windows. Grey slate roof; shouldered and corniced wallhead stacks to E and W; corniced mutual stacks.

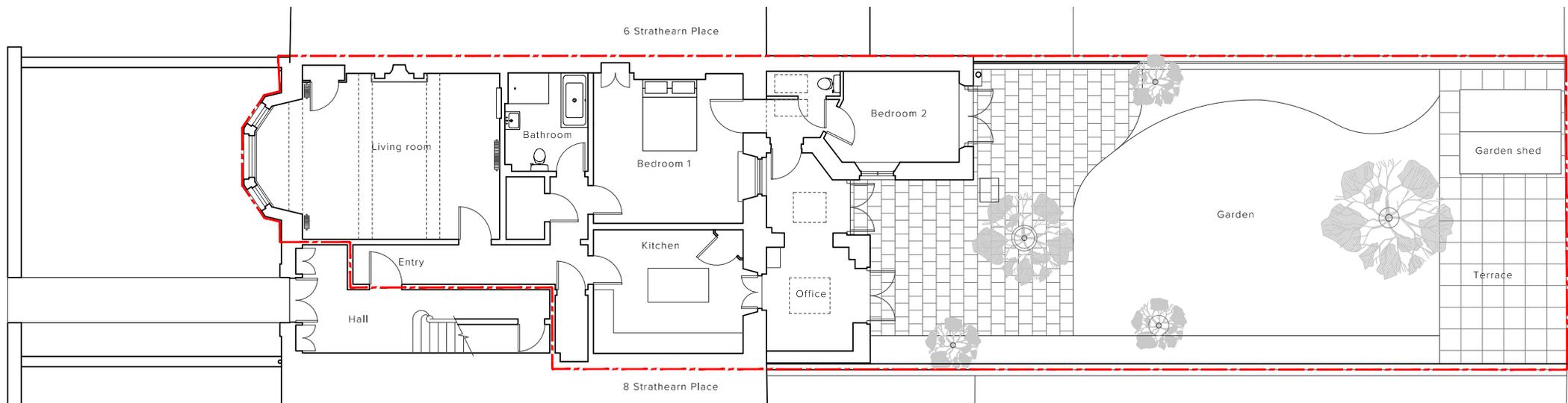
INTERIORS: not seen 1991.

BOUNDARY WALLS: low coped boundary wall to street. Modern double flat-roofed garage to W of No 11 Strathearn Place.

Statement of Special Interest

Prominently sited at road intersection.

1.2 Description of the property



Existing ground floor plan (nts.)



Existing rear elevation



Existing extension



Rear garden

2.0 Planning and Listed Building Considerations

The considerations on the planning and listed building consent applications to which this Design Statement relates are different:

The planning application will be determined in line with S25 of the Town and Country Planning (Scotland) Act 1997 as amended which requires the Planning Authority to have regard to the development plan and determine the planning application in accordance with that plan unless material considerations indicate otherwise.

In terms of the listed building consent application Section 14(2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended) requires the Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Accordingly, the determining issues in the listed building consent application are whether the proposed works would preserve the listed building, its setting or any features of special architectural or historic interest it possesses and in the planning application whether the proposals are in line with the development plan.

The development plan comprises the Sesplan and the Edinburgh Local Development Plan 2016. The policies relevant to one or both applications include:

- Des 1 Design Quality and Context
- Des 12 Alterations and Extensions
- Env 3 Listed Buildings (Setting)
- Env 4 Listed Buildings (Alterations and Extensions)

In addition to the above Supplementary Planning Guidance (SPG) forms a material planning consideration as does national planning policy and guidance. The following non-statutory documents are of relevance in the considerations of these proposals:

- Listed Buildings and Conservation Areas (2019)
- Guidance for Householders (2021)
- Historic Environment Scotland's Interim Guidance on the Principles of Listed Building Consent (2019)
- Managing Change in the Historic Environment – Extensions (2020).

2.0 Planning and Listed Building Considerations

Looking firstly to the policies of the LDP Policy Des 1 Design Quality and Context advises that:

‘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. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.’

The proposal has evolved after undertaking a full site analysis, including understanding the heritage value of the building and its setting, the views into and out of the site, the needs of the owners as custodians of the listed building and their desire to improve the building by removing inappropriate, non-original alterations. Seeking to achieve an architecturally outstanding proposal that exemplifies the best qualities of a contemporary design in this setting has been a focus for the applicants. The proposal meets the terms of Des 1.

With regard to the requirements of LDP Policy Des 12 Alterations and Extensions where it is advised that:

‘Planning permission will 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’

The proposal meets the terms of Des 12 by virtue of being firstly an appropriate replacement existing extension that is to be removed; being of its time and of a quality that enhances the rear elevation of the house; there are very few impacts on adjoining neighbours due to its proposed height and setting and therefore no impacts on amenity and character in that regard. The proposal will be an appropriate addition to the existing house being subordinate to the main house, located at the rear. It will provide a more cohesive use of the space than the present conservatory and open up a better link to the rear garden with more potential for its year round use by the occupiers.

LDP Policy Env 3 Listed Buildings – Setting requires that:

‘Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.’

The proposal meets the terms of Env 3 being a sensitive, appropriate, complimentary addition to the listed building. The architecture proposed, the footprint, height, mass, scale, materials and detailing all help result in a proposal that will enhance the rear elevation of the listed building and replace a previous addition.

2.0 Planning and Listed Building Considerations

LDP Policy Env 4 Listed Buildings – Alterations and Extensions advises that:

‘Proposals to alter or extend a listed building will be permitted where

- a) those alterations or extensions are justified;
- b) there will be no unnecessary damage to historic structures or diminution of its interest; and
- c) where any additions are in keeping with other parts of the building.’

The proposed alterations to the building are justified in order to remove and replace inappropriate previous addition while meeting the spatial requirements of the applicants. The primary interest/heritage value of the building as a category B listed building will be maintained and enhanced. The proposal meets the terms of Env 4.

Reference has been made to the following documents in preparing this proposal:

- City of Edinburgh Council ‘Guidance for Householders’ (Nov 2021)
- City of Edinburgh Council ‘Listed Buildings and Conservation Areas’ (Feb 2019)

These two documents are the primary SPG for domestic extensions to listed buildings in Scotland.

With regard to City of Edinburgh Council ‘Guidance for Householders’ (Nov 2021):

The proposal does not seek to create a pastiche design but an architectural solution that compliments the existing building and does not detract from its heritage value.

The proposal will not adversely impact upon neighbours or the amenity or character of the area.

Looking to the detailed requirements of the SPG the proposal meets the criteria in terms of the position of the extension on the rear elevation – its size and set back. The selection of wood cladding for the external finish is related to the applicant’s desire to create a high quality, interesting and characterful extension that is compatible with the design, scale and materials of the original house and neighbourhood. We also note that the SPG states ‘The use of traditional materials but in a modern design can be an effective way of respecting the character the building or area whilst still encouraging new architectural ideas.’ We hope that the Planning Officer will agree that we have created a high quality, contemporary design.

With regard to the CEC SPG on Listed Buildings and Conservation Areas the proposal is clearly subservient to the main building and is not on the principal elevation. The SPG allows the proposal to be ‘different and distinguishable from the existing building, in terms of design.’ The proposal seeks to be visually separated with the use of careful contemporary detailing, contemporary window materials and sizes, as well as, a ‘shadow gap’ between new and old.

The SPG advises that ‘Encouragement will be given to the removal of inappropriate additions which are of inferior quality and which detract from the listed building.’ This proposal includes the removal of an extension.

2.0 Planning and Listed Building Considerations

With regard to the HES SPG on Managing Change in the Historic Environment - Extension, the guidance states the following:

1. Most historic buildings can be extended sensitively. Listed building consent is required for any works affecting the character of a listed building and planning permission may be required in a conservation area.

2. Extensions:

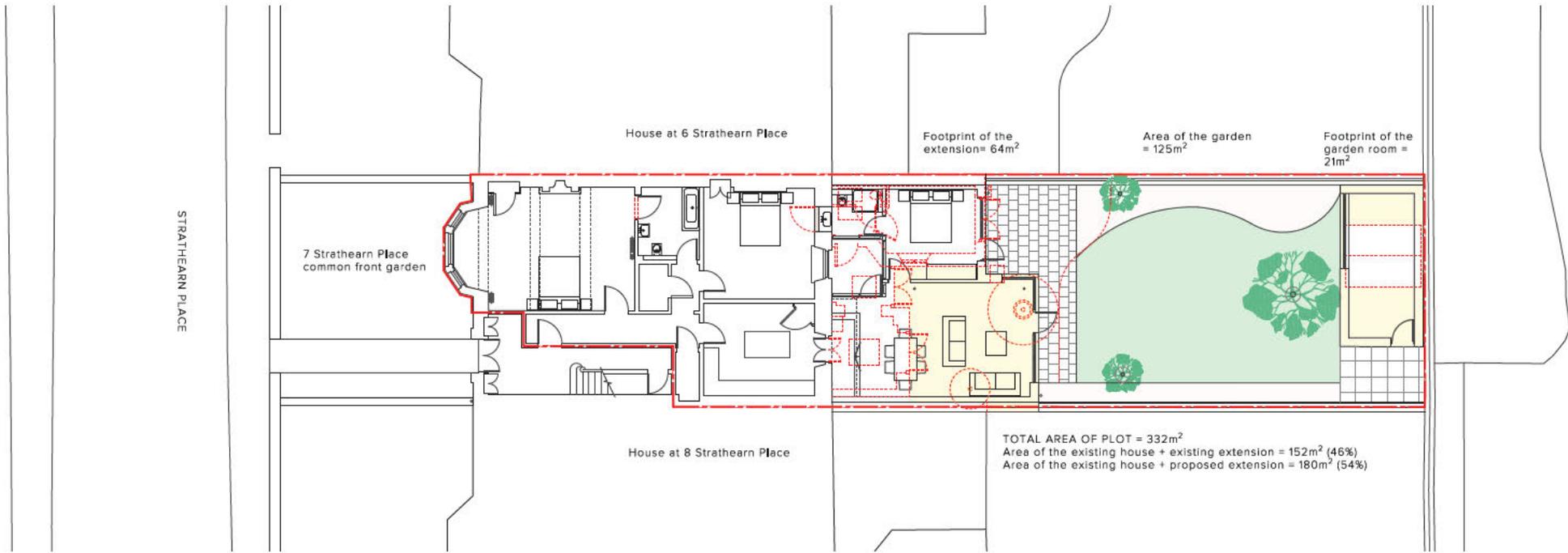
- must protect the character and appearance of the building;
- should be subordinate in scale and form;
- should be located on a secondary elevation;
- must be designed in a high-quality manner using appropriate materials.

The proposal adopts the principle of “Deferential Contrast” where the new proposal is a self-effacing back drop against the old. The guidance states: ‘Even if it is large, it seeks not to be assertive. It might be achieved by reflective glass, for example.

The proposal meets the general principles set out in this guidance, in that the extension is a single storey building to the rear elevation will play a subordinate role to the main three storey building and will not dominate the original building in any way as a result of its scale, materials or location. It will not unbalance a symmetrical elevation. By occupying less than a third of the garden ground the extension will be modestly scaled and skillfully sited.

It is noted that the proposed design is very similar to the approved extension at 10A Strathearn Place - planning reference 20/04138/FUL and LBC reference 20/04140/LBC.

3.0 Design proposal - block plan



Proposed block plan (nts.)

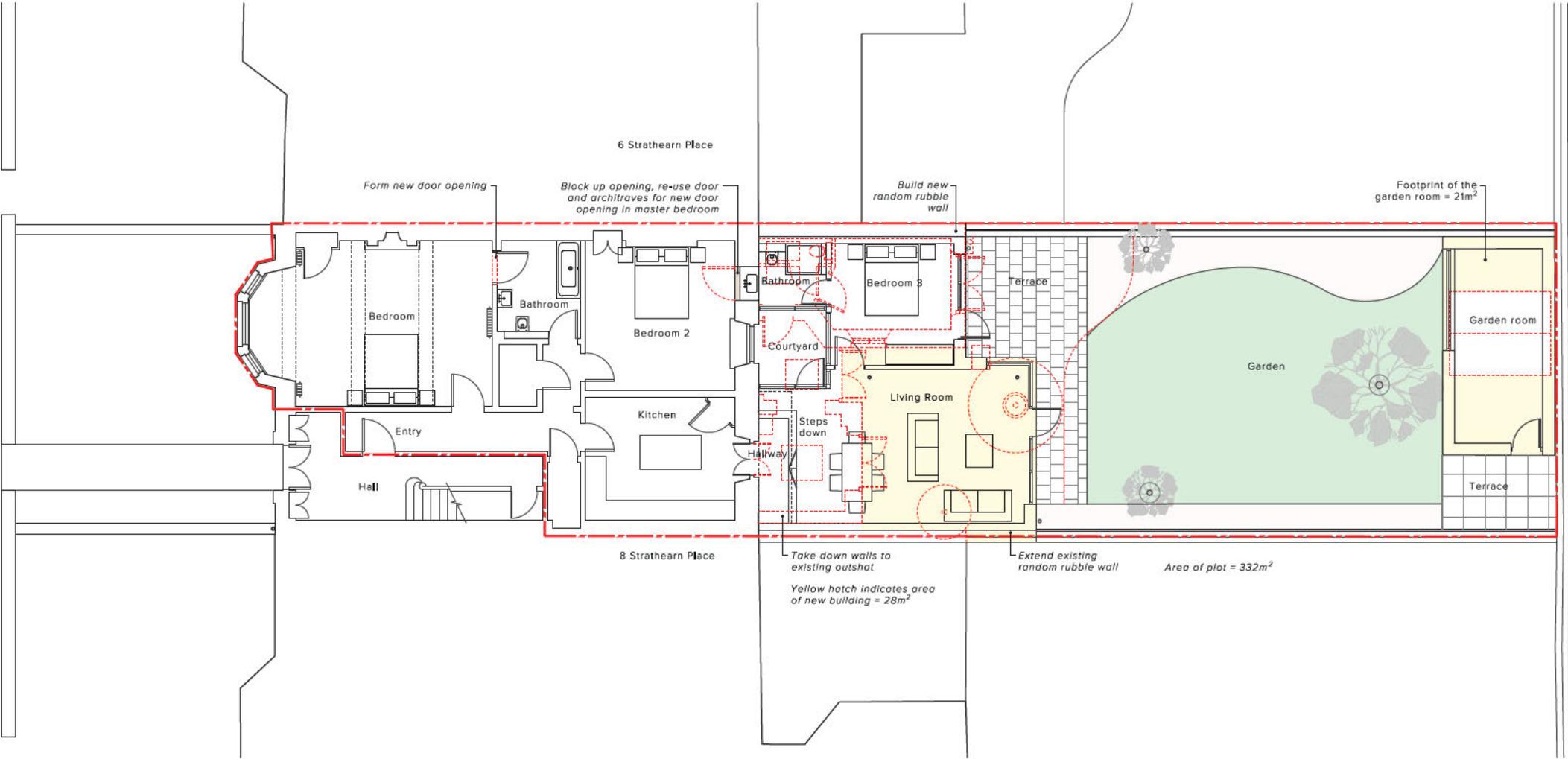
This block plan shows how the proposed extension will not significantly impact on the large area of garden ground.

Due to the high walls to both the east and the west, and the sloped roof of the extension, there will be no significant increase to the overshadowing of the neighbouring properties.

As the proposal is only one storey, there are no issues of overlooking, and the proposal cannot be seen from the street as it is concealed by surrounding buildings.

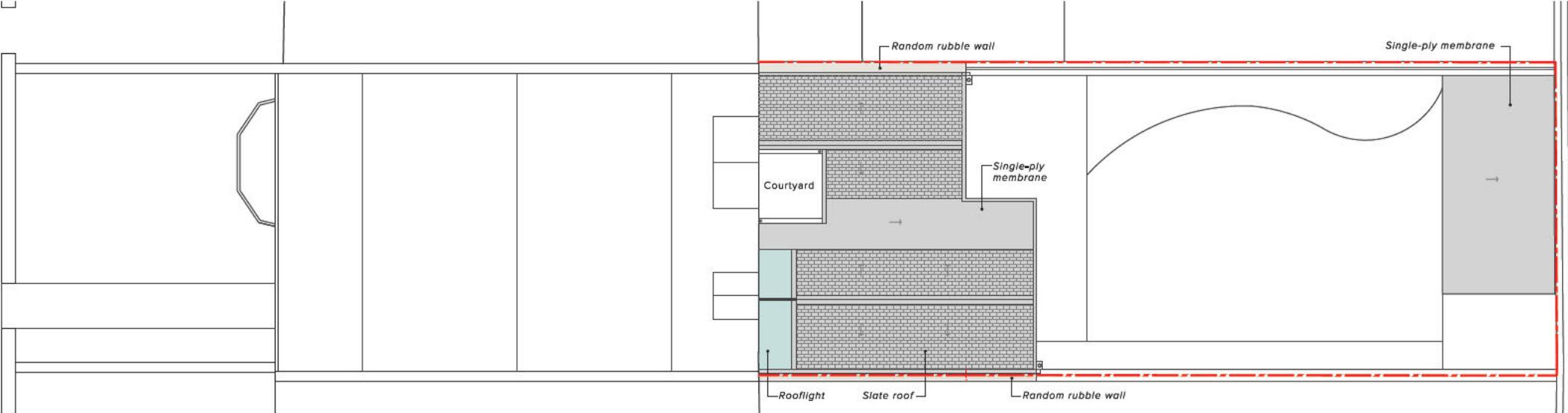
The garden room, located at the back of the garden is also one storey, so will have minimal impact to the neighbouring properties.

3.0 Design proposal - proposed plans and elevations



Proposed ground floor plan (nts.)

3.0 Design proposal - proposed plans and elevations



Proposed roof plan (nts.)



Proposed rear elevation (nts.)

3.0 Design and Form



View from the rear garden

The proposal includes:

- The removal of the existing extension and the erection of a new single storey extension to the rear.
- Minor internal alterations to the existing house.
- The erection of a garden room to the rear of the garden.

The proposed extension will be constructed from high quality materials, principally wood cladding for the walls with timber framed windows and doors, and a slate roof.

The extension will replace an existing one that is impractical due to its size and proportion. This new building will provide a comfortable living space and bedroom that has the best possible connection to the garden.

3.0 Material palette



The proposed external materials are as follows:

External walls (extension): Timber cladding

Windows and doors: Timber framed windows and doors.

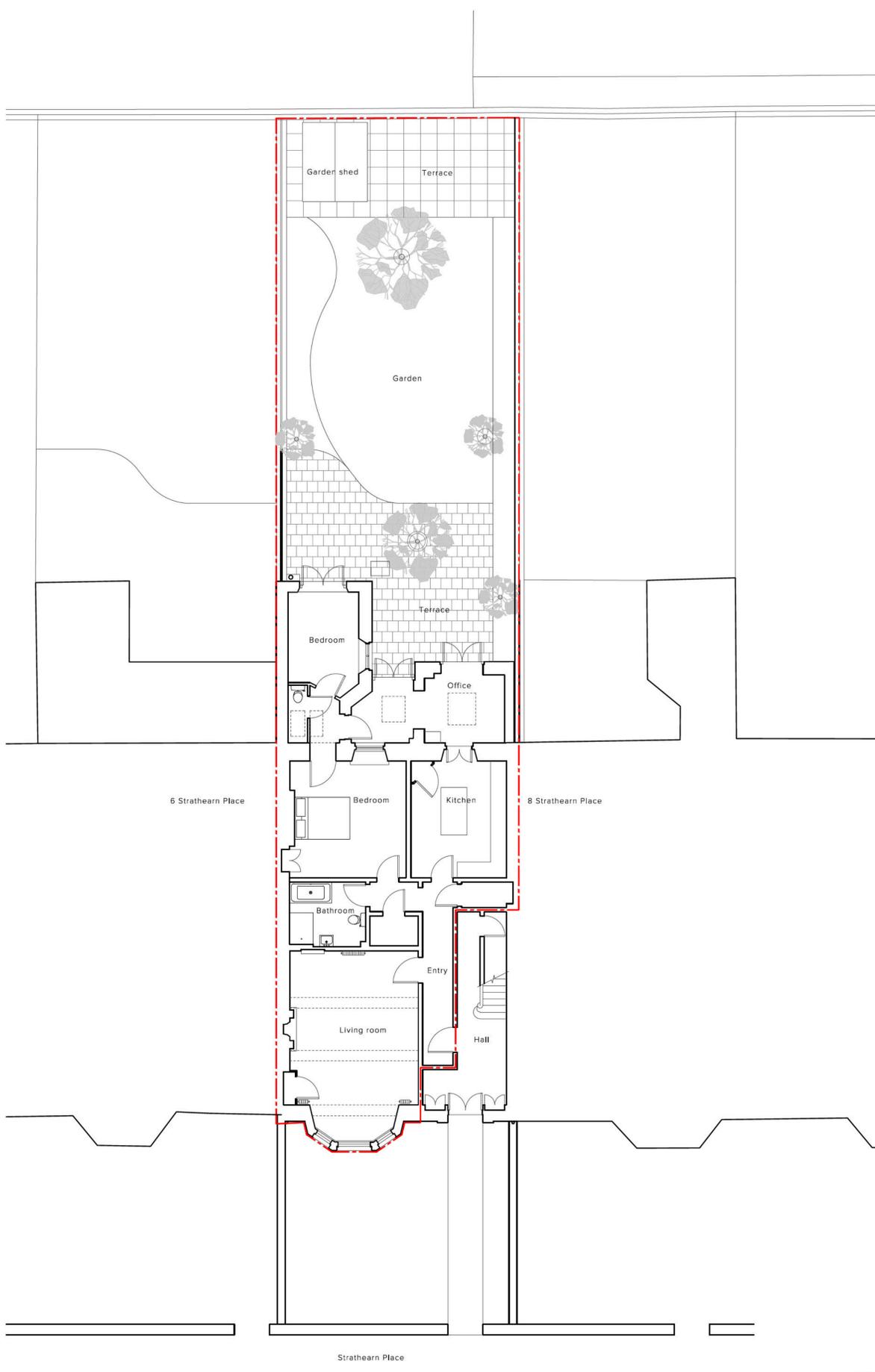
Roofing and downpipes: Slate for sloping roofs.

Single-ply membrane to the area of flat roof.

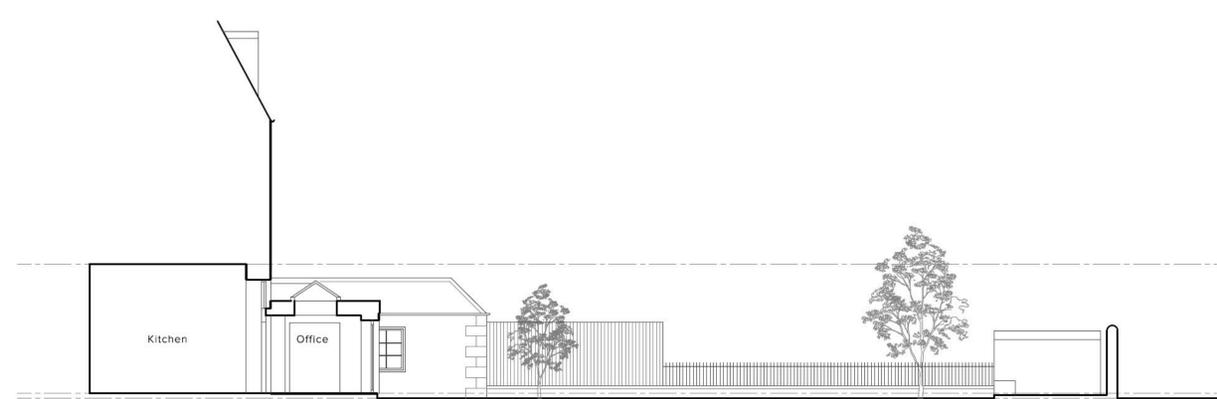
Pre-weathered natural zinc to downpipes.

These have been selected as they are considered to be of equal quality to the prevailing materials of the context and they will weather well without any special maintenance.





01 Existing Floor Plan
Scale 1:100



02 Existing Section
Scale 1:100



03 Existing Rear Elevation
Scale 1:100

ZONE
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TEL: 0131 551 1973 EMAIL: info@zonearchitects.co.uk

PROJECT
7/1 Strathearn Place
Edinburgh

DRAWING
Existing plan, section,
and elevation

SCALE # A1 DATE
1:100 at A1 June 2022

DRAWING N° REV N°
404-001



By email to:
planning.local1@edinburgh.gov.uk

City of Edinburgh Council
Planning and Strategy
4 Waverley Court
East Market Street
Edinburgh
EH8 8BG

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300059437
Your ref: 22/03237/LBC
12 July 2022

Dear City of Edinburgh Council

Planning (Listed Building Consent and Conservation Area Consent Procedure)
(Scotland) Regulations 2015
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

Thank you for your consultation which we received on 30 June 2022. The proposals affect the following:

Ref	Name	Designation Type
LB30602	5-11 (INCL NOS) STRATHEARN PLACE AND 132 (FORMERLY 12) WHITEHOUSE LOAN	Listed Building

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Reference: PZ203903/ID

Version: 2.0

Date: October 2017

Co-ordinates at Centre:

Easting: 325,027

Northing: 671,789

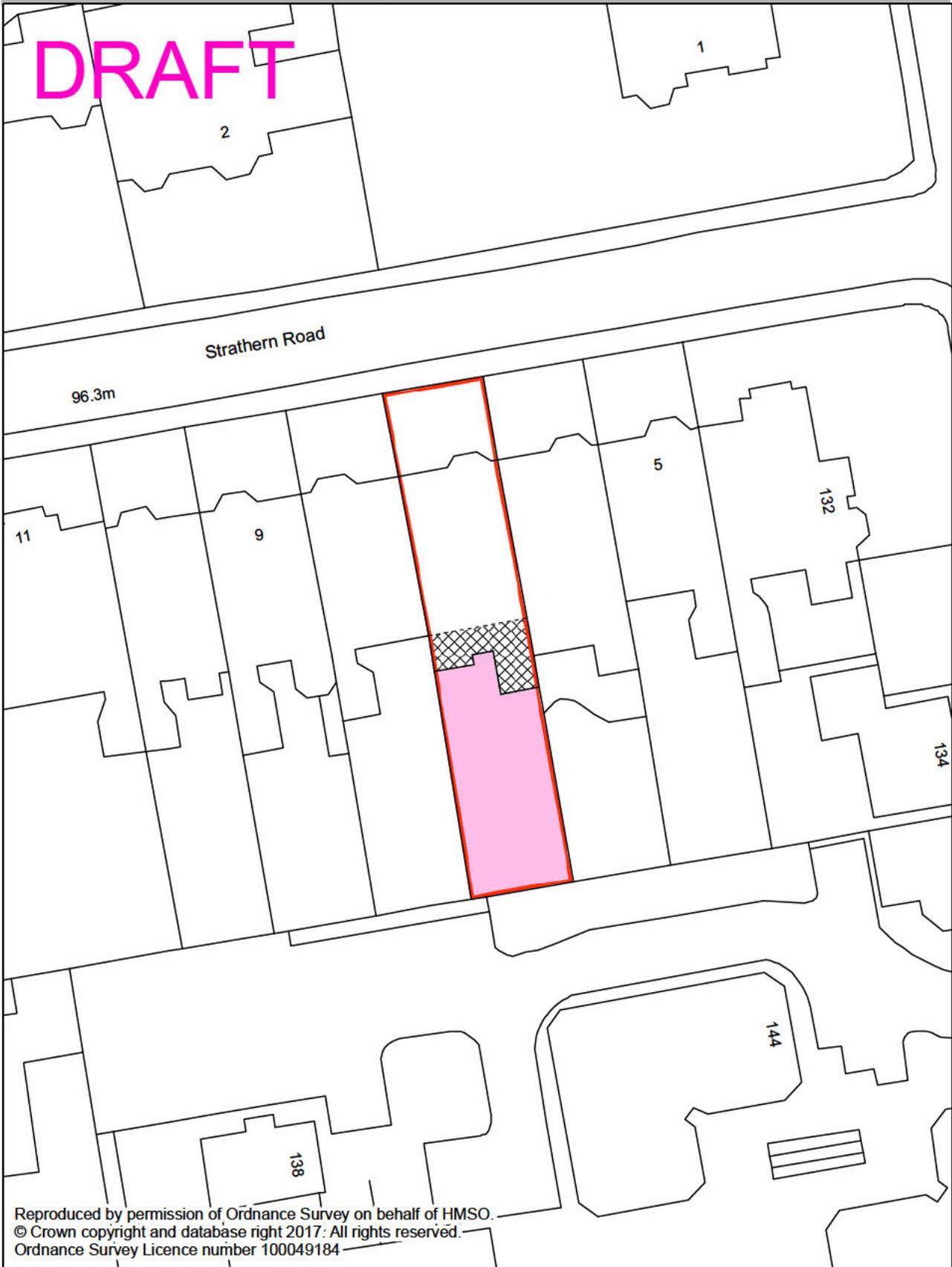
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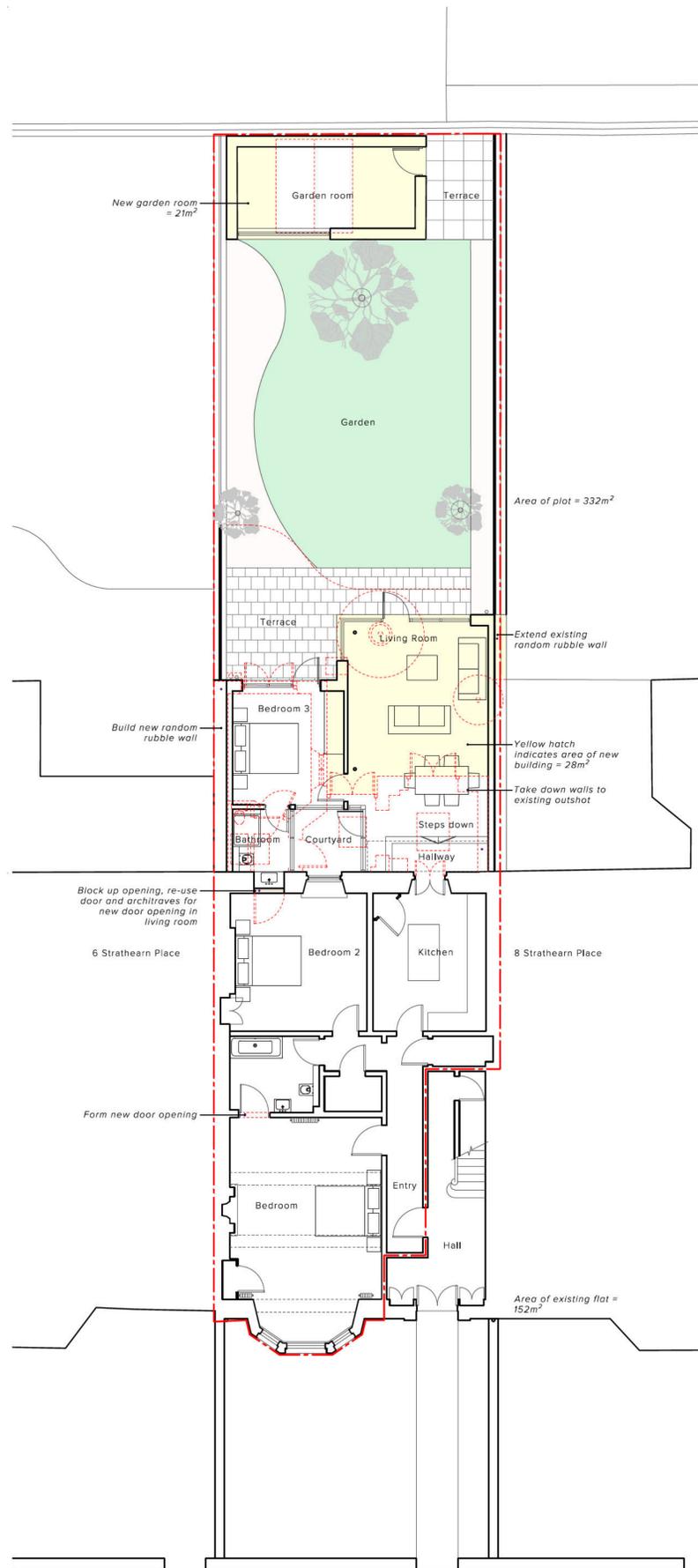
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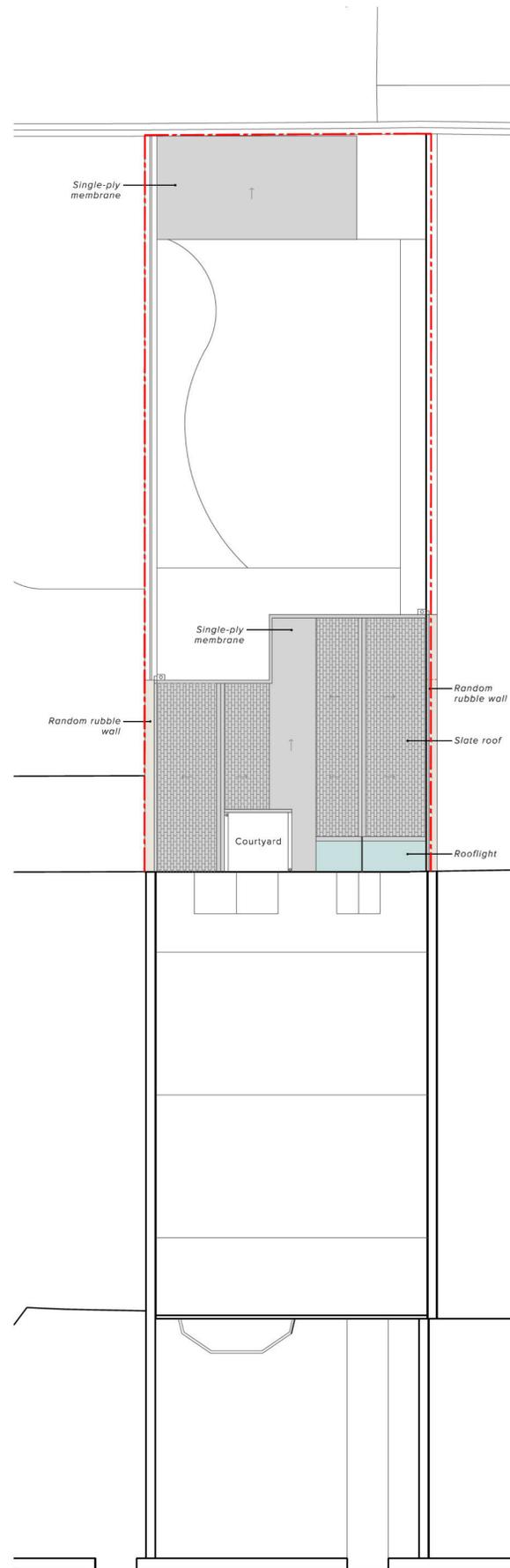
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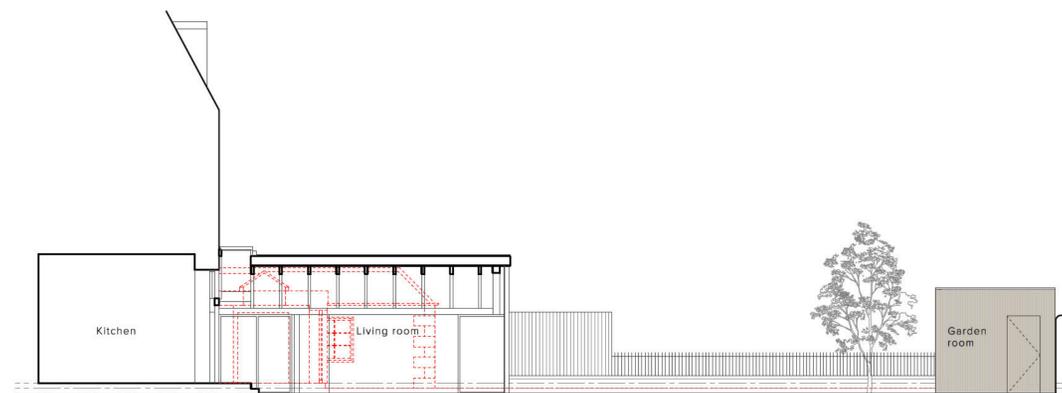




01 | Proposed Floor Plan
Scale 1:100



02 | Proposed Roof Plan
Scale 1:100



03 | Proposed Section
Scale 1:100



04 | Proposed Elevation
Scale 1:100

Revision A - 30/05/2022
Updated for owner's comments

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PROJECT
7/1 Strathearn Place
Edinburgh

DRAWING
Proposed plans, section,
and elevation

SCALE @ A1 DATE
1:100 at A1 June 2022

DRAWING N° REV N°
404-002 A

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 Listed Building Consent 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 – Delegated Decision
Application Number – 22/03237/LBC
Ward – B10 - Morningside**

Recommendation

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

Summary

The alterations fail to preserve the character and appearance of both the Conservation Area and listed building and are not acceptable with regards to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

22/03235/FUL

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.

Other Relevant Site History

Consultation Engagement

Historic Environment Scotland

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

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) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
 - a. harm a listed building or its setting? or
 - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?

- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

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

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

- Managing Change 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 14 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 predominantly glazing giving a lightweight appearance. The scale, form and design of this extension will be incongruous with the property and the terrace which will have an adverse impact on the special character on the conservation area.

The separate garden room is of an acceptable size using appropriate materials.

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 they would not preserve and enhance the character and appearance of the conservation area.

c) there are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

material considerations

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

non-material considerations

- traffic and parking - this would be considered under the planning application 22/03235/FUL
- 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 other matters considered

There are no other issues raised in the material considerations

Overall conclusion

The alterations fail to preserve the character and appearance of both the Conservation Area and listed building and are not acceptable with regards to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The application is not acceptable with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and does not comply with HES guidance as the alterations would adversely affect the character of the listed building.
2. The application is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES guidance as the size and proportions of the extension fail to preserve the character or 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

NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals

DATE: 12 July 2022

The full consultation response can be viewed on the Planning & Building Standards Portal.



Iain Wilson <driainswilson@gmail.com>

Decision Notice for Application No 22/03237/LBC

David Givan <David.Givan@edinburgh.gov.uk>
To: Iain Wilson <driainswilson@gmail.com>
Cc: Alan Moonie <Alan.Moonie@edinburgh.gov.uk>

Fri, Nov 25, 2022 at 3:55 PM

Dear Dr Wilson

It was good to meet with you this morning to discuss your applications. I understand that you may now be seeking appeals of these via the Council's Local Review Body (for the application for planning permission) and the Scottish Government's DPEA (for the listed building consent application). As we noted, you need to do that within the 3 month period from the date of the decision notices.

In respect of our reports on the applications, we discussed the fact that planning permission (20/04138/FUL) and listed building consent (20/04140/LBC) have been granted for a similar extension to the one you propose for your own home. These are two doors away at 1F, 10 Strathearn Place. These were granted following an earlier version of the design which had been granted at appeal.

I noted that each application is considered on its own merits. It is therefore open to the Council to come to a different decision even though the application may be similar to a nearby permission or consent. We assess applications against policy and guidance which in this case includes our Guidance for Listed Building And Conservation Areas. Our guidance states that extensions should be subservient to the main building and that these should not and that normally exceed 50% of the width of any elevation. In respect of this, I noted that the proposed extension extends over the rear elevation.

Notwithstanding these comments, I do accept that our reports of handling on your two applications should have included references to the nearby permission / consent, given that those decisions were fairly recent and given the proximity of the proposal and its similar design. I apologise that this was not the case. Had we included such references, it would have been clearer the extent to which we were taking the nearby extension into account in our decision making.

In the event your appeal and / or review are unsuccessful, it may be possible for you to bring forward an alternative design that would be supported. If you intend to do that, my colleague, Alan Moonie, who is the team manager could discuss that with you. (I've copied Alan into this email.)

I will be also be discussing with Alan the steps we can take for the future to avoid the situation whereby a nearby extension is not referenced in our report.

Kind regards

David

David Givan

Chief Planning Officer and Head of Building Standards | Planning and Building Standards | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, 4 East Market Street,

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