

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 100611269-001

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

Agent Details

Please enter Agent details

Company/Organisation:	Felsham Planning and Development		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	
Last Name: *	Neaves	Building Number:	1
Telephone Number: *	07446897144	Address 1 (Street): *	1 Western Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH12 5QF
Email Address: *	philip@felshampd.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Sukhdeep"/>	Building Number:	<input type="text" value="10"/>
Last Name: *	<input type="text" value="Gill"/>	Address 1 (Street): *	<input type="text" value="Chalmers Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 1TS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="philip@felshampd.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="10 CHALMERS CRESCENT"/>
Address 2:	<input type="text" value="MARCHMONT"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 1TS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672142"/>	Easting	<input type="text" value="325711"/>
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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)

Add external stair to ground floor flat roof extension and create roof terrace. At 10 Chalmers Crescent Edinburgh EH9 1TS

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.

See Appeal Statement

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)

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)

Location Plan Original Elevations Approved Elevations Approved Roof Plan Proposed Roof Proposed North Elevation Proposed East Elevation Proposed South Elevation Existing view from 12 Chalmers Crescent Proposed View from 12 Chalmers Crescent Design Statement Appeal Statement Additional Information

Application Details

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

22/03157/FUL & 22/03156/LBC

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

26/07/2022

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

03/11/2022

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The site must be visited to appreciate the lack of impact of the proposals. Appeal Statement provides information and illustrations in full.

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)

The site of the proposals is to the rear of 10 Chalmers Crescent and it is not possible to view the structure from the main road. It is a private garden and is secure. Access will be required.

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: Mr Philip Neaves

Declaration Date: 11/01/2023

10 Chalmers Crescent, Edinburgh

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

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

APPEAL AGAINST REFUSAL—22/03157/FUL & 22/03156/LBC
FOR

External Stair to Ground Floor Roof Extension & Create Roof Terrace



Felsham Planning &
Development
1 Western Terrace
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Email:

philip@felshampd.co.uk

1.0 Introduction

Felsham Planning & Development Ltd (FPD) are planning advisor to Dr Gill (the Appellant). We are instructed to submit an appeal against the refusal of planning permission on 3 November 2022 in respect of planning application & listed building consent ref 22/03157/FUL & 22/03156/LBC for:

Add an external stair to ground floor flat roof extension and create roof terrace.

at 10 Chalmers Crescent, Edinburgh, EH9 1 TS

The application was submitted on 16 June 2022 and registered on 26 July 2022. The application was determined under delegated powers on 3 November 2022, refusing the application.

The Council refused the application on the following grounds:-

- *The proposal is not acceptable with regards to LDP Policy Env 4 or Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would adversely impact the special character of the listed building.*
- *The proposal is not acceptable with regards to LDP Policy Env 6 or Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would not preserve or enhance the special character or appearance of the conservation area.*
- *The proposal does not comply with LDP Policy Des 5 as it would adversely impact the amenity of neighbouring residents.*

Important Points to Note about the Application

- Historic Environment Scotland did not object to the proposals.
- The flat roof (rough cast and profile metal roof) extension already exists (Figure 1 & Figure 4).
- The use of sandstone to re-clad the existing extension has already been approved by planning consent 21/05664/FUL & 21/05663/LBC.
- The site is enclosed on the western, eastern and south-eastern boundary and there are no views of the proposals from these sides of the application site (Figure 1).
- There were three objections to the proposal at the time of the applications determination. The initial objectors (neighbours) to the proposal discussed the design with the applicant and through design changes were satisfied with the proposals at the time of the determination of the application.

2.0 The Site

10 Chalmers Crescent is a B-listed sandstone mansion house built as part of the development of the Grange Estate in the mid-nineteenth century. The property was originally a domestic residence however, the original owner donated it to the Sick Children's Hospital of Edinburgh, now part of the NHS. The property had a separate annex added in the early twentieth century, and then in 1996 a large single storey, harled flat roof extension was added to comply with building regulations, an emergency stair was added to the

South façade. In late 2020, the property was put on the open market and purchased by the current owners who are now converting and upgrading the property back to a domestic residence.

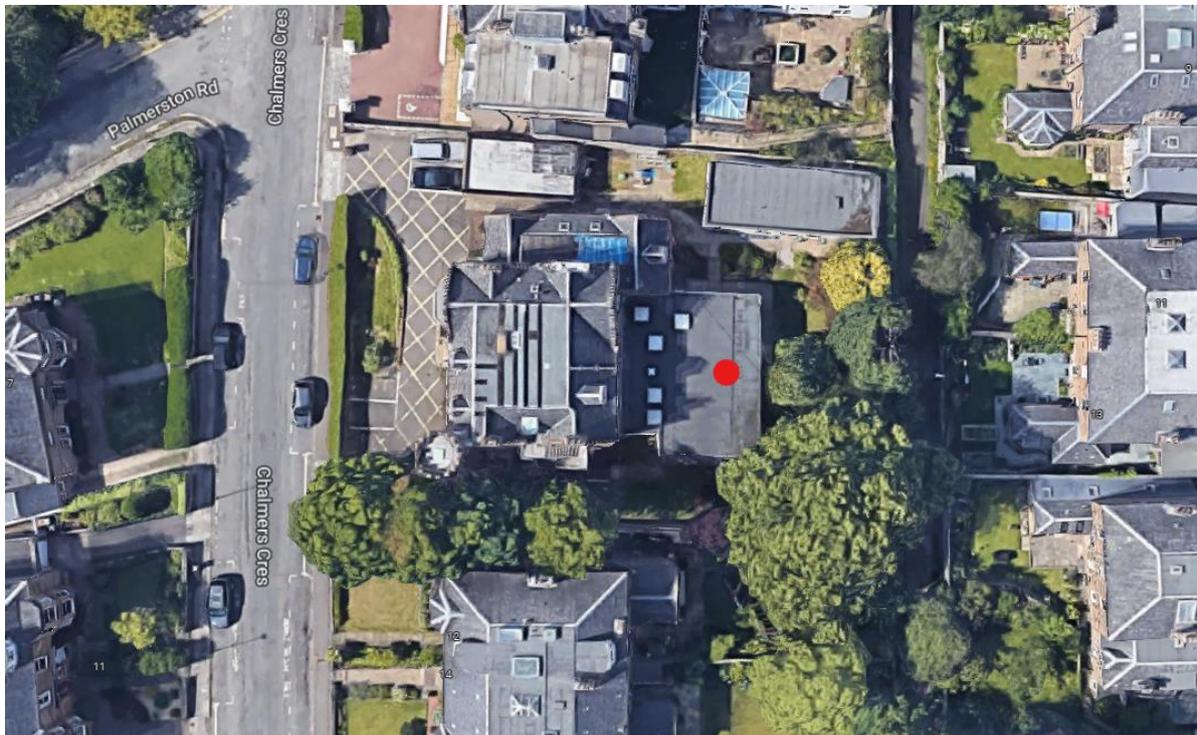


Figure 1 – Site Context

The site is enclosed on the eastern and south eastern boundary. Planting is mature and dense. All proposed development is located to the rear of the main building. There are no views of the proposals from the western, eastern and south eastern sides of the site.

3.0 The Proposal

The proposal has been discussed and agreed with the immediate neighbours to the application site.

The proposal consists of 2 main elements:-

- An external stair; and
- A roof terrace.

The flat roof extension already exists and has planning permission to be reclad in sandstone.

The proposal will not be visible from the main road or in the same context as the front elevation of the building.

The proposal will reclad the rough cast extension in sandstone to match the existing character and appearance of the existing main building. It will improve the appearance of the side and rear elevations of the property and will not impact the character and appearance of the listed structure.

The use of sandstone to reclad the existing extension has already been approved by planning consent 21/05664/FUL & 21/05663/LBC.



Figure 2 – Existing (view of site from South East)



Figure 3 – Proposed (view of site from South East)

Figure 1 and Figure 2 are views from 12 Chalmers Crescent looking towards the site.



Figure 4 – Existing Flat Roof Building (view from east)

Figure 4 shows the existing rough cast rendered flat roof extension with sheet profile metal soffits.

4.0 Planning History

On 25 October 2021, an application was granted for sandstone recladding and altering the existing extension to create a new living and kitchen space, as well as other alterations (see 21/05664/FUL & 21/05663/LBC).

5.0 Basis for Determining a Planning Application

Section 25 of the Town & Country Planning (Scotland) Act 1997 states:

‘Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise.’

Section 37 should be read alongside Section 25. Section 37 (2) states:

‘In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations.’

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

‘Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.’

The judgement set out the following approach to determining a planning application:

1. Identify any provisions of the Development Plan that are relevant to the decision;
2. Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies;
3. Consider whether or not the proposal accords with the Development Plan;
4. Identify and consider relevant material considerations for and against the proposal; and
5. Assess whether these considerations warrant a departure from the Development Plan.

This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the Development Plan should be used.

The determining authority must first consider whether the proposal accords with the Development Plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the Development Plan, it follows that consent should be granted unless any site-specific matters preclude consent.

Scottish Planning Policy (SPP) further clarifies this point. Paragraph 8 sets out the ‘core principles’ which should underpin the ‘modernised system’. The third core principle states:

‘Confidence in the planning system needs to be reinforced through the efficient and predictable preparation of plans and handling of applications; transparency in decision making and reliable enforcement of the law and planning decisions.’

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

There may be circumstances where the achievement of one policy objective requires another policy to be waived or reduced in impact.

In assessing this proposal would be successful, we believe that it is also relevant to refer to two further court decisions *Tesco Stores v. Dundee* [2012] PTSR 983.

Paragraph 18 of the Dundee decision states:

The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority... the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.

Paragraph 19 continues:

The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract... development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another... many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

The key is that the Courts have confirmed that the development plan provides the planning authority with discretionary powers and these can be used flexibly. It is not sufficient to conclude that in the planning authority's view the proposal does not comply with elements of policy. Instead the Courts require the 5-step procedure set out in the 1998 City of Edinburgh Council House of Lords case to be followed. The planning authority must take a view on a case by case basis with the development plan the starting point for its assessment but not the concluding point. It may be the case that a policy intended to apply across the Local Plan area is clearly not applicable to specific circumstances of a particular site.

Presumption in Favour of Sustainable Development

A further consideration is the presumption in favour of sustainable development, introduced by SPP, which can override other policies of the Development Plan. The presumption applies to all development that is found to be sustainable when tested against the other policies of the SPP as a whole and is a relevant material consideration in the determination of all applications. It is given 'significant' weight in circumstances where the development plan is more than 5 years old.

SPP paragraph 29 identifies 13 sustainability principles. Before the sustainable development presumption can be given weight as a material consideration in the overall decision-making process the perceived benefits and dis-benefits of the proposal must be tested for sustainability against the 13 principles. This includes giving due weight to net economic benefit, supporting good design and the six qualities of 'successful places', and 'making efficient use of existing capacities of land, buildings and infrastructure'.

Such assessment is a matter of planning judgement but SPP also suggests that in carrying out that assessment the decision-maker has to be satisfied, if it is proposed to refuse the development on the grounds that it is unsustainable, that the evidence demonstrates that its identified dis-benefits significantly outweigh its benefits. If the benefits outweigh the dis-benefits the proposal should be deemed to be capable of contributing towards sustainable development. At that point the SPP presumption in favour of planning permission being granted requires to be given significant weight when the proposal is tested against the development plan and other relevant material considerations in accordance with the provisions of Section 25 of the Planning Act.

The decision-maker will only be entitled to conclude that development is unsustainable if the evidence demonstrates that the dis-benefits significantly outweigh its benefits when tested against each of the 13 sustainability principles. If having applied this test, the conclusion is that the proposal is unsustainable the presumption in favour of planning permission being granted will not require to be given weight when tested against the development plan and other relevant material considerations.

If the conclusion is that the proposal will contribute towards sustainable development, the decision-maker is then expected to test the proposal against the development plan and other relevant material considerations and, in doing so, to attach significant weight to the presumption that planning permission should be granted on the basis that the development is sustainable.

6.0 Planning Policy & Assessment

The Council refused the application on the following grounds:-

1. *The proposal is not acceptable with regards to LDP Policy Env 4 or Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would adversely impact the special character of the listed building.*

2. *The proposal is not acceptable with regards to LDP Policy Env 6 or Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would not preserve or enhance the special character or appearance of the conservation area.*
3. *The proposal does not comply with LDP Policy Des 5 as it would adversely impact the amenity of neighbouring residents.*

Below are the Edinburgh Local Development Plan (LDP) Policies that the reason for refusal cite and our comments regarding their interpretation against the application. In addressing the LDP Policy we provide the same comments in relation to the *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997* quoted.

Policy Env 4 Listed Buildings – Alterations and Extensions

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

- a) *those alterations or extensions are justified;*

Applicants Comments: The building was in institutional use for many years and unsympathetic extensions and alterations were permitted to facilitate the historic use of the structure by the NHS. The applicant is attempting to bring the building back into residential use and sustain the life of the structure in a sympathetic manner but with modern living in mind. Utilising all available space within the building and its curtilage is sustainable and the underutilised flat roof structure is a very large, underutilised space.

- b) *there will be no unnecessary damage to historic structures or diminution of its interest;*
and

Applicants Comments: The proposals are located to the rear of the main structure and are not visible from Chalmers Crescent. The proposed works relate to an existing unattractive 1980s extension that is in complete contrast to the beautiful historic building. There will be no physical works to the main building and no damage. The visual interest of the building is from the front elevation and as mentioned this will not be impacted and the proposal not visible.

- c) *where any additions are in keeping with other parts of the building.*

Applicants Comments: The proposals are utilising materials sympathetic to the main building and its curtilage. Sandstone cladding already has consent to be used in recladding the existing extension so is appropriate for the roof terrace. Glass balustrades enables light to reduce the perceived massing of the proposals and the use of natural hedges blends with the surrounding mature garden. All proposed additions are in keeping with the main structure and its curtilage.

The additions remove profile metal roofing and rough cast wall coverings of the existing extension. The proposals are a considerable improvement to the appearance of the rear of the building and add to the character of the rear of the property as well as increasing the function of the existing roof space.

Policy Env 6 Conservation Areas - Development

Development within a conservation area or affecting its setting will be permitted which:

- a) *preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal*

Applicants Comments: The proposals enhance the conservation area by utilising materials sympathetic to the main building and its curtilage. They also enhance the appearance of the rear and side elevations of the property.

The additions remove profile metal roofing and rough cast wall coverings of the existing extension and are therefore beneficial to the conservation area. The proposals are a marked improvement to the appearance of the rear of the building

- b) *preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and*

Applicants Comments: The applicant confirms the following:

We are comfortable keeping all the trees at the rear east facing wall despite having tree planning permission approved for their removal. It may prove helpful from a planning perspective but also time and financial cost to replace the large trees already in place. I think removing the privacy issues by keeping the trees in place at present makes sense. We are flexible with your suggestions here.

- c) *demonstrates high standards of design and utilises materials appropriate to the historic environment.*

Applicants Comments: The proposals are attractive and in keeping with the character and style of the existing structure. The form mirrors the round turret in the south west of the building. The rear of the main building is more functional in design than the rest of the building and the design of the proposals adds character and grandeur to the elevation. The materials are appropriate as mentioned above.

Policy Des 5 Development Design – Amenity

Planning permission will be granted for development where it is demonstrated that:

- a) *the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook ...*

This policy applies to all new development for one or more new buildings. Buildings must meet the needs of users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy. Buildings should be designed to be flexible in use and interact closely with the street, providing continuity of urban frontage and natural surveillance. Cul-de-sac and single access residential layouts and gated communities should be avoided to help the integration of new development into the wider neighbourhood. Ancillary facilities must be sensitively integrated into the design of buildings to avoid impacting upon the surrounding townscape.

Applicants Comments: This policy relates to “all new development for one or more new buildings” and therefore does not directly relate to this proposal as it is for an alteration to an existing structure.

As this policy has been added as a reason for refusal we have provided comments.

The neighbours to the property were originally against the proposals and detailed discussions were held to alter the design to make it acceptable to them ensuring no impact on their amenity through good design. The current proposals take account of comments received from neighbours.

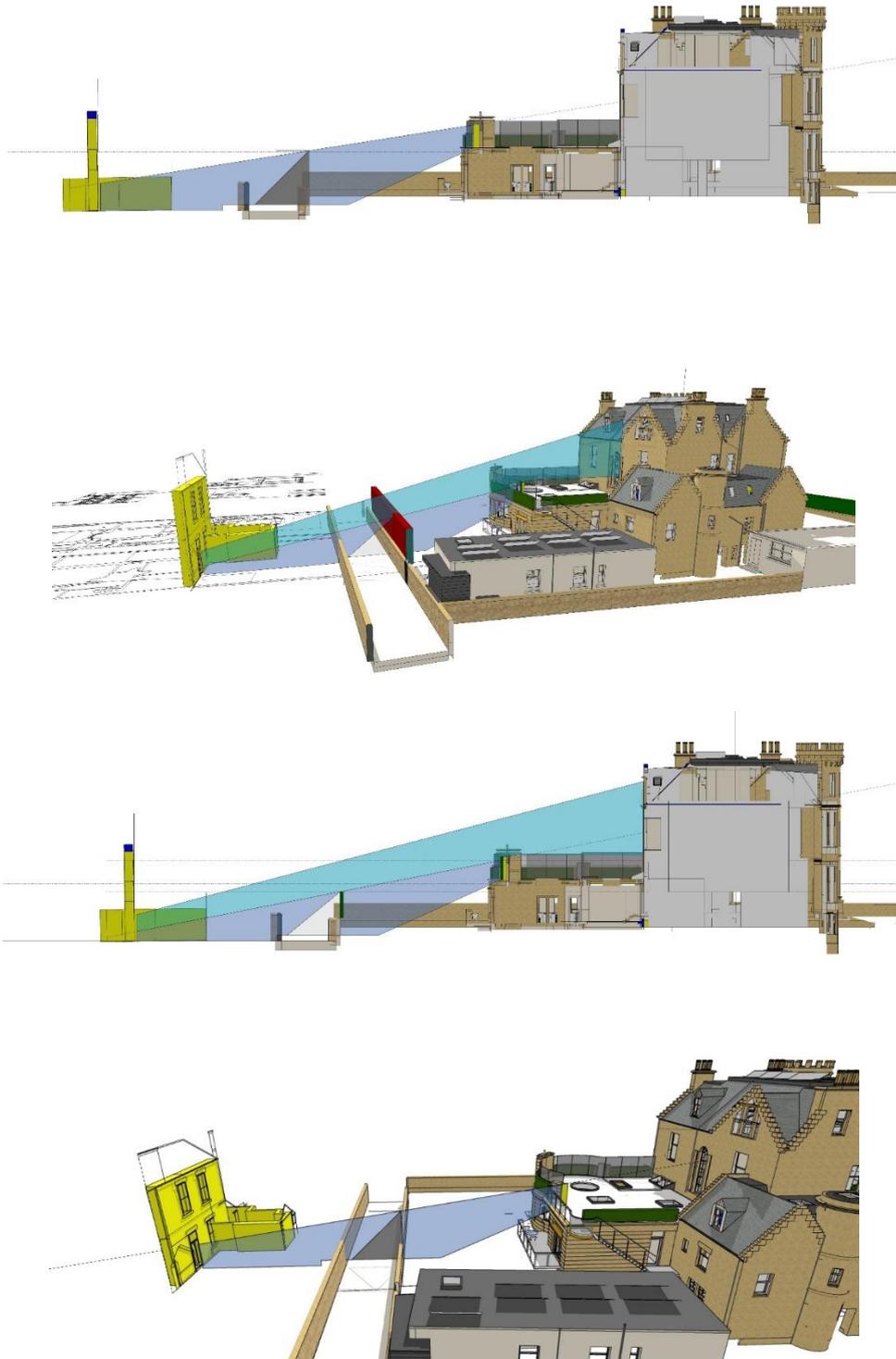


Figure 5, A, B, C & D – Comparative view of the eye line from the proposed roof terrace and existing windows.

Figure 5 compares the overlooking from existing windows with that from the roof terrace. It illustrates the point that there is more overlooking from the existing windows than the roof terrace because of the acuteness of the angle downwards from the roof terrace. The view from the roof terrace is further broken by the proposed enhanced fencing on the boundary wall.

Regardless of roof terrace or not, neighbour will still be overlooked by two existing windows on the top floor of 10 Chalmers Crescent. This is shown on the final drawing in figure 5D in the shaded blue area.

Therefore, there will be no impact on the amenity of neighbours. Numerous windows afford views from the main building to the surrounding area. There are no additional views created by the roof terrace and the proposals actually obscure some existing views to increase the privacy of surround properties. There will be no impact on the sunlight into neighbouring properties.

The outlook of neighbours will be improved by the removal of the roughcast cladding and profile metal roofing on the existing extension. The design of the balustrades and terrace is attractive and improves the rear elevation of the property.

It should also be noted that the change of use which has planning permission from an office to a residence will greatly reduce the numbers of people occupying the building and therefore greatly reduce any potential overlooking.



Figure 6 Panorama from the rear of 10 Chalmers Crescent

Figure 6 is a panorama from the proposed roof terrace. It shows trees providing a strong existing screen. These can be kept if required. Where the trees are not providing a screen, the nearest property is further away. In all cases views from upper windows mean that there is already overlooking and the application is not introducing any effect that does not already exist. The offer to the planning authority is either the trees or erect a screen above the existing rear boundary wall if required. This can be controlled by a planning condition.

It should also be noted that the applicant is not proposing to introduce an alien feature into this area. There are numerous local examples of roof terraces (Figure 7) some of which are visible from the public road.

1 Western Terrace Edinburgh EH12 5QF
T +44 (0) 131 337 9640

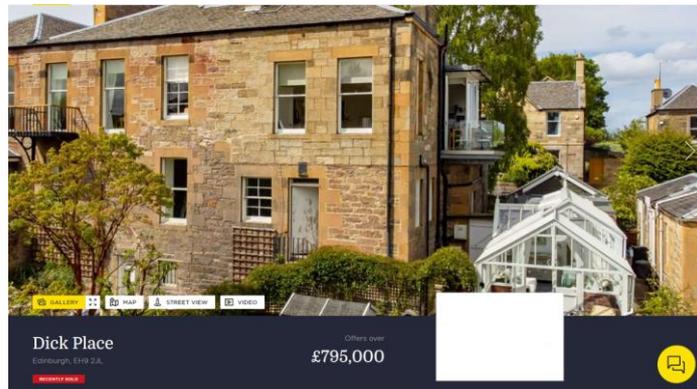


Figure 7 - Examples of terraces in Dick Place, Edinburgh

Material Considerations

The Councils Report of Handling identifies the SPP paragraph 28 in relation to sustainable development and 29 in relation to the guiding principles as a material consideration. Not all the principles are relevant to the

proposals. As the Report does not define which principles are relevant, we have assumed it is the following, however we do not believe these are relevant as a whole to a roof terrace located at the rear of a large villa and not visible to passing public.

- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*

Applicants Comments: As we have mentioned above, the proposals enhance the rear elevation of the building.

- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality*

Applicants Comments: As we have mentioned above, the amenity of the neighbours is maintained. Numerous windows are present in the rear elevation of the main structure and some of these do have views over neighbour properties. There are no new views created that do not currently exist. Privacy is not affected.

7.0 Conclusions

The Planning Act requires development to be in accordance with the Development Plan unless material considerations indicate otherwise. We have undertaken our assessment on this basis. There is a policy balance to be made.

Having assessed the aims and objectives of the relevant policies and assessed material considerations our conclusions are as follows:

- Historic Environment Scotland did not object to the proposals.
- The unattractive flat roof (rough cast and profile metal roof) extension already exists (Figure 1 & Figure 4) and the proposals will improve the rear and side elevation of the property.
- The site is enclosed on the western, eastern and south eastern boundary and there are no views of the proposals from these sides of the application site (Figure 1).
- The proposal complies with the aims, objectives and principles of national and local policy;
- No conflict with established land use – development is compatible with the surrounding land uses;
- Respects scale, form, design and materials – the design of the proposal has had regard to the character and appearance of the surrounding area. The scale, design and materials are appropriate to the area;
- No significant loss of daylight, sunlight or privacy to the surrounding existing residential properties.
- The development can be accommodated within the plot with no impact on its neighbours;
- The proposal would not have an adverse impact on any protected species or habitats;
- Visual impact- the scale, design and materials are appropriate to the area. The design of the scheme has taken account of the characteristics of the area.

- The use of sandstone to re-clad the existing extension has already been approved by planning consent 21/05664/FUL & 21/05663/LBC.

The Appellant's case is that this proposal should be judged as suitable in all respects.

For these reasons we respectfully request that the appeal should be allowed.

From: Crichton Wood <cwarchitects@btinternet.com>
Sent: 26 July 2022 10:16
To: David Inverarity <David.Inverarity@edinburgh.gov.uk>
Subject: RE: 10 Chalmers Crescent - 22/03157/full, 22/03156/lbc

Hi David,

Good to speak with you yesterday, to confirm points discussed

1. Description of Works

The permission is for adding a external stair to the ground floor flat roof extension and create a roof terrace

Grateful if you could change description to reflect this

2. Clarity on Drawings

Have attached a proposed roof plan **375 p 05**
an approved roof plan **375 P Sa 05**, showing what we have permission for
An approved North, South and East elevation drawing **375 Sa 20**,
showing what we have permission for.
An original survey drawing **375 s 20** showing the original elevations prior to
our previous planning permission

Also added a location plan showing boundary marked, **375 Location plan r.**

**If you have any queries or requests for further information please phone
07917108244**

best regards

Crichton

Crichton Wood Architects

ps Note the client has paid the extra £95 application fee.

CRICHTON WOOD
ARCHITECTS

Design Statement
10 Chalmers Crescent

1. The Property and the Brief

10 Chalmers Crescent is a B-listed sandstone mansion house built as part of the development of the Grange Estate in the mid-nineteenth century

The property was originally a domestic residence, however the original owner donated it to the Sick Children's Hospital of Edinburgh, now part of the NHS.

The property had a separate annex added in the early twentieth century, and then in 1996 a large single-storey, harled flat roof extension was added by the architectural firm of Oberlander's

To comply with building regulations, an emergency stair was added to the South façade.

In late 2020, the property was put on the open market and purchased by the current owners who are now converting and upgrading the property back to a domestic residence.

2. Original Planning and Listed building Application

On the 25th of October 21, the clients submitted an application to alter the existing extension to create a new living and kitchen space, as well as other alterations (see 21/05664/ful & 21/05663/lbc).

One of the key ideas was to create a roof garden on the existing extension. However, due to an objection from the neighbours at 12 Chalmers Crescent, the roof terrace was removed, elevations were modified and the application was re-submitted on the 20th of January 2022.

The modified design gained planning permission and listed building consent on the 14th of February 2022.

3. Roof Terrace

In April, after initial discussions between the client and the neighbours, a meeting was organised to see if there was any potential for refining the roof garden design, and if they may consequently reconsider their objection.

The proposed solution was inspired by the extension designed by Andrew Doolan for himself at 31b Dick Place. The key element was that sandblasted glass could be used to create visual privacy while allowing natural light to flow through, countering the idea that a screen had to be oppressive.

Using the idea of the original yew hedge, faceted sandblasted glass panels were added to the design and a photo-realistic image was created and sent to the neighbour (See views from the perspective of the neighbours garden, before Fig 1 and after Fig 2). It was with great delight the neighbours have decided not now to object to the design.

The material will be sandstone to match the villa, yew hedge and sandblasted glass, fixed with external grade stainless steel.

Crichton Wood

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The Courtyard, Binny House,

Ecclesmachan
EH52 6NL
Tel: - 07917108244

Crichton Wood Architects.
The Courtyard
2 Binny Stables
Binny House
Ecclesmachan
EH52 6NL

Dr Gill
10 Chalmers Crescent
Edinburgh
EH9 1TS

Decision date: 3 November 2022

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

Add external stair to ground floor flat roof extension and create roof terrace.
At 10 Chalmers Crescent Edinburgh EH9 1TS

Application No: 22/03157/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 26 July 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 not acceptable with regards to LDP Policy Env 4 or Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would adversely impact the special character of the listed building.
2. The proposal is not acceptable with regards to LDP Policy Env 6 or Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would not preserve or enhance the special character or appearance of the conservation area.
3. The proposal does not comply with LDP Policy Des 5 as it would adversely impact the amenity of neighbouring residents.

4. The proposal does not comply with LDP Policy Des 12 as in its design and form, choice of materials and positioning are not compatible with the character of the existing building, would result in an unreasonable loss of privacy or natural light to neighbouring properties and would be detrimental to neighbourhood amenity and character.

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

Drawings 01-08, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with the local development plan or associated guidance. The proposal is not acceptable with regards to scale, form and design, its impact on residential amenity or on the listed building and conservation area. There are no material considerations that 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 Murray Couston directly at murray.couston@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
10 Chalmers Crescent, Edinburgh, EH9 1TS

Proposal: Add external stair to ground floor flat roof extension and create roof terrace.

Item – Local Delegated Decision
Application Number – 22/03157/FUL
Ward – B15 - Southside/Newington

Recommendation

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

Summary

The proposal does not comply with the local development plan or associated guidance. The proposal is not acceptable with regards to scale, form and design, its impact on residential amenity or on the listed building and conservation area. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application refers to B listed building (LB30349) dated circa 1868. It is a two storey, with three bay rectangular-plan baronial style villa with round castellated tower adjoining.

Description Of The Proposal

Planning permission is sought to add external stair to ground floor flat roof extension and create roof terrace.

Supporting Information

A design statement has been submitted.

Relevant Site History

22/03156/LBC

10 Chalmers Crescent
Edinburgh
EH9 1TS

Add external stair to ground floor flat roof extension and create roof terrace.

Refused

3 November 2022

Other Relevant Site History

Consultation Engagement

Publicity and Public Engagement

Date of Neighbour Notification: 29 July 2022

Date of Advertisement: 5 August 2022

Date of Site Notice: 5 August 2022

Number of Contributors: 3

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: Roofs

The addition of sandblasted glass and a yew hedge are unsympathetic additions to the listed building. The proposal will therefore adversely impact on the special architectural or historic interest of the listed building.

Conclusion in relation to the listed building

The proposal will impact on the special architectural or historic interest of the listed building and is therefore not acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

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

Roof terraces are not a characteristic of the area and the proposed materials would impact the appearance of the conservation area. The works would have a detrimental impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

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 5 and 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. The non-statutory 'Guidance for Householders' is a material consideration that is relevant when considering policies Des 5 and Des 12.

Scale, form and design

The proposal would introduce unsympathetic materials at a high level that are not in keeping with the character of the area. The proposal does not comply with policy Des 12.

Amenity

The proposal is likely to adversely impact the amenity of neighbouring residents by virtue of overlooking. Although the applicant has stated an agreement has been met with one of the neighbours, it is not possible to grant consent on that basis. The proposal does not comply with policy Des 5 or Des 12.

Listed building and conservation area

This has been addressed above. The proposal fails to comply with policies Env 4 and 6.

Conclusion in relation to the Development Plan

The proposal does not comply with the local 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

- amenity: this has been addressed above.

Conclusion in relation to identified material considerations

The proposal is not acceptable with regards to the above.

Overall conclusion

The proposal does not comply with the local development plan or associated guidance. The proposal is not acceptable with regards to scale, form and design, its impact on residential amenity or on the listed building and conservation area. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is not acceptable with regards to LDP Policy Env 4 or Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would adversely impact the special character of the listed building.
2. The proposal is not acceptable with regards to LDP Policy Env 6 or Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would not preserve or enhance the special character or appearance of the conservation area.
3. The proposal does not comply with LDP Policy Des 5 as it would adversely impact the amenity of neighbouring residents.
4. The proposal does not comply with LDP Policy Des 12 as in its design and form, choice of materials and positioning are not compatible with the character of the existing building, would result in an unreasonable loss of privacy or natural light to neighbouring properties and would be detrimental to neighbourhood amenity and character.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 26 July 2022

Drawing Numbers/Scheme

01-08

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Murray Couston, Planning Officer
E-mail: murray.couston@edinburgh.gov.uk

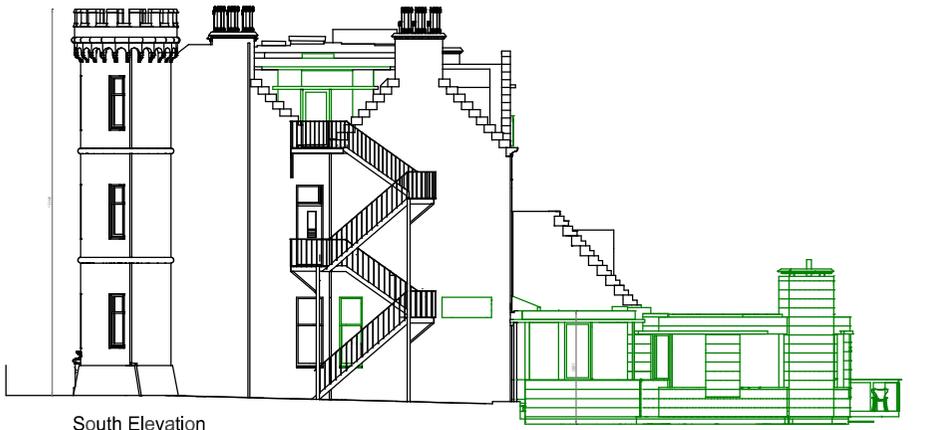
Appendix 1

Consultations

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



SCALE 1:100



South Elevation



North Elevation



East Elevation

GENERAL NOTES

REV	NOTES	DATE

KEY

	Existing Property
	Proposed New Work
	Demolition

MATERIALS

EXISTING EXTENSION

To be faced with Sandstone, to match sandstone in existing house.
In colour, course and texture.

WINDOWS TO EXISTING EXTENSION

Fixed windows Aluminium frames to be 100mm beaded rabbet in stone. Glaz to be 22mm double glazing units.

Head of window to be bronze powder coated aluminium.

EXISTING HOUSE

SKYLIGHTS

Skylight to be added to be Velux conservation type, colour dark grey.

WINDOWS

Windows, Redwood covered windows to match existing in profile and with Sandstone around window to be added to match existing.

Painted window to match existing.

SPIRAL STAIR

New spiral stair to be 150 galfer cast-iron painted to match existing.

BALUSTRADE

To be stainless steel and 22mm top-rail glass, all fixed steel and iron boulders and new hande.

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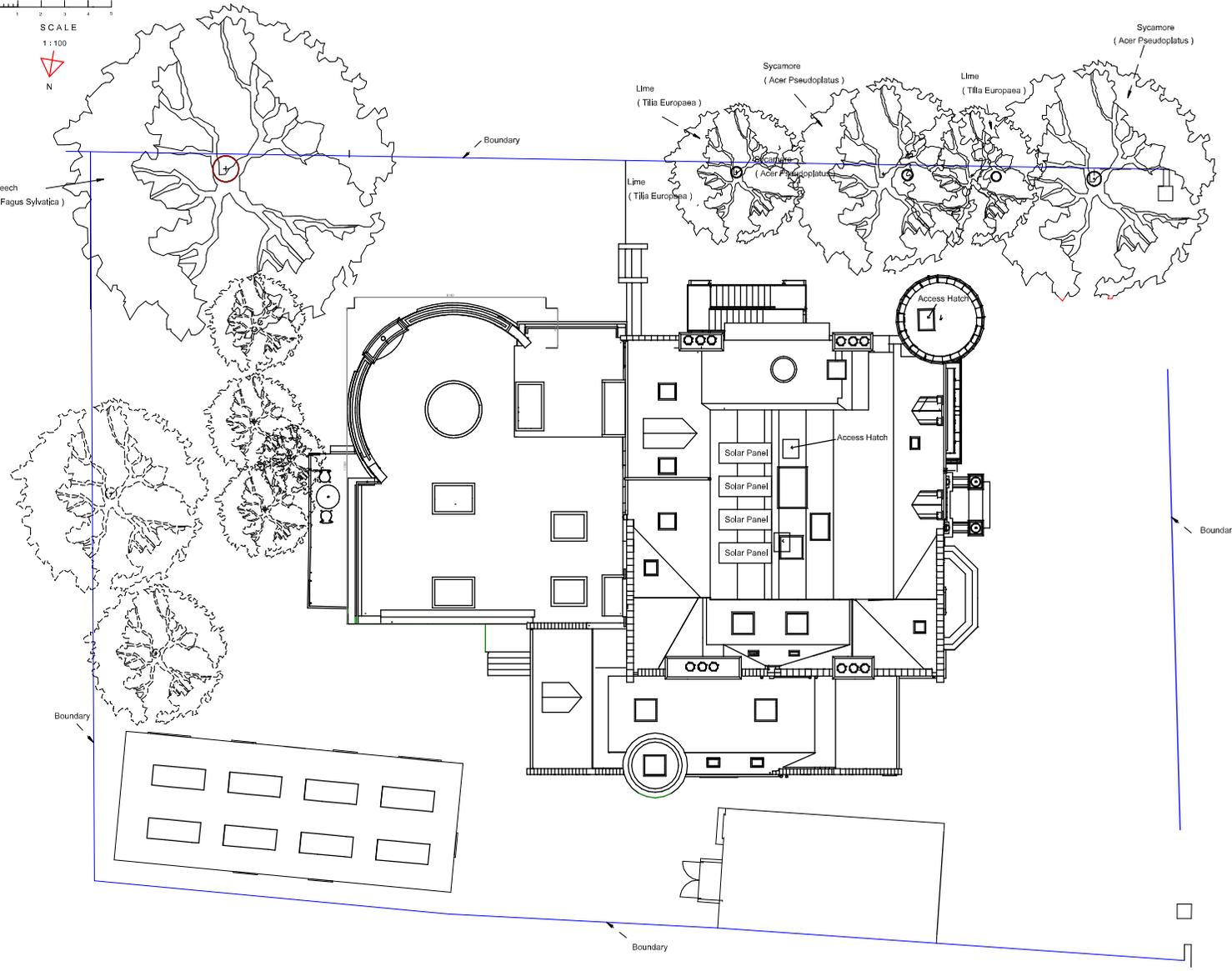
Project 375	10 Chalmers Crescent
Drawing 375 Sa 20	Approved South, North & East Elevations
Date 16 10 21	2 Bkry Stables, Bkry House, Eckenhampton Tel: 07917 108244

SCALE
1:100

N



Beech
(Fagus Sylvatica)



GENERAL NOTES

REV	NOTES	DATE

KEY

	Existing Property
	Proposed New Work
	Demolition
	Proposed Skylight

KEY

	See Main Schedule
	Roof Light
	Wall Light
	Socket
	Capitol
	Smoke Alarm
	Smoke Alarm
	Telephone Point
	Telephone Point
	Calling Point
	Carbon Monoxide Monitor
	Fire Alarm

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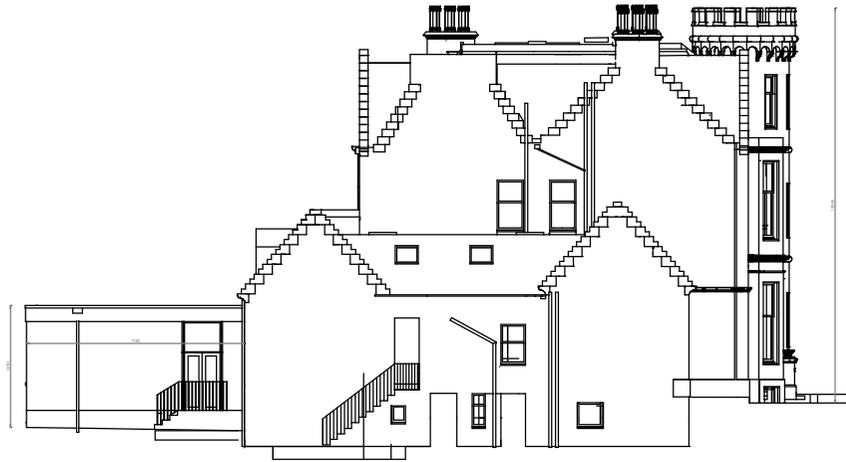
Project 375	10 Chalmers Crescent
Drawing 375 SA.05	Approved Roof Plan
Date 19.07.21	2 Blyth Street, Blyth House, Ecdemaston Tel: 01917 338244



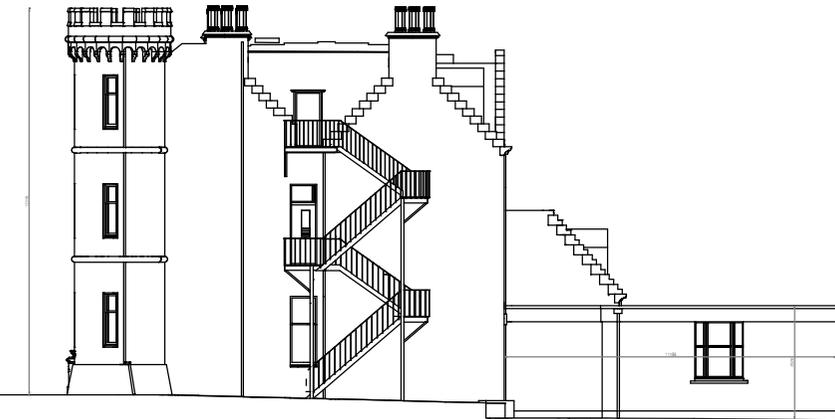
SCALE 1:100



West Elevation



North Elevation



South Elevation



East Elevation

GENERAL NOTES

REV	NOTES	DATE

KEY

	Existing Property
	Proposed New Work
	Demolition

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Project 375	10 Chalmers Crescent
Drawing 375 S 20	Survey, Elevations
Date 16.10.21	2 Binny Shalizi, Binny House, Edehemashan Tel: 07917 108244