

Atom TPM.
Thomson House
4A Forth Street
Edinburgh
EH1 3LD

The Scottish Salmon Company.
28 Drumsheugh Gardens
Edinburgh
EH3 7RN

Decision date: 28 June 2022

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

Office extension to rear of building.
At 28 Drumsheugh Gardens Edinburgh EH3 7RN

Application No: 22/01288/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 31 March 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:-

Reason for Refusal:-

1. The proposal is contrary to the non-statutory guidance on Listed Buildings and Conservation Areas as it would cover more than 50% of the rear elevation, forming an over-dominant addition to the building and adversely affecting its character.
2. The proposal is contrary to LDP policy Env 4 Listed Buildings - Alterations and Extensions as it would result in the loss of historic fabric.

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

Drawings 01-03, 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 and associated guidance. The proposal is unacceptable in terms of scale, form and massing and would adversely impact 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
28 Drumsheugh Gardens, Edinburgh, EH3 7RN

Proposal: Office extension to rear of building.

Item – Local Delegated Decision
Application Number – 22/01288/FUL
Ward – B11 - City Centre

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 and associated guidance. The proposal is unacceptable in terms of scale, form and massing and would adversely impact on the listed building and conservation area. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

B listed, John Lessels, built 1877. Part of 4-storey and basement terrace comprising unified façade of 2-bay townhouses in plain classical style with main-door and common stair flats behind. Listing date: 14/12/1970; listing reference: LB28676.

Description Of The Proposal

Planning permission is sought for a rear extension to an office.

Supporting Information

None submitted.

Relevant Site History

No relevant site history.

Other Relevant Site History

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 1 April 2022

Date of Advertisement: 8 April 2022

Date of Site Notice: 8 April 2022

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change: Extensions

The proposal would result in more than 50% of the rear elevation being covered by the extension. This would impact on the ability to read the listed building. The slapping to facilitate the proposal would result in the loss of historic fabric. The proposal does not have special regard to historical architectural features and will therefore adversely impact on the special architectural and 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 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?

As noted above, the proposed extension would cover more than 50% of the rear elevation. This would result in an incongruous addition that would adversely impact 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 policy 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.

Scale, form and massing

The extension would span the entire width of the property. This is contrary to the Council's guidance on listed buildings and conservation areas which states that extensions should not cover more than 50% of the rear of property. The proposal would not be compatible with the existing building with regards to scale and form. The proposal does not comply with policy Des 12.

Listed building and conservation area

This has been addressed above. The proposal does not comply with policies Env 4 and Env 6 or the non-statutory 'Listed Buildings and Conservation Area' guidance.

Conclusion in relation to the Development Plan

The proposal is not acceptable with regards to scale, form and massing and would adversely impact on the listed building and conservation area.

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, specifically principles 3 and 10.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not 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

One letter of objection has been received. A summary of the representations is provided below:

material considerations

- loss of historic fabric: this has been addressed above;
- width of extension: 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 and associated guidance. The proposal is unacceptable in terms of scale, form and massing and would adversely impact 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;

Reason for Refusal

1. The proposal is contrary to the non-statutory guidance on Listed Buildings and Conservation Areas as it would cover more than 50% of the rear elevation, forming an over-dominant addition to the building and adversely affecting its character.
2. The proposal is contrary to LDP policy Env 4 Listed Buildings - Alterations and Extensions as it would result in the loss of historic fabric.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 31 March 2022

Drawing Numbers/Scheme

01-03

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

No consultations undertaken.

Comments for Planning Application 22/01288/FUL

Application Summary

Application Number: 22/01288/FUL

Address: 28 Drumsheugh Gardens Edinburgh EH3 7RN

Proposal: Office extension to rear of building.

Case Officer: Local1 Team

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth and Borders Cases Panel has examined the proposal for the rear extension of a B-listed former townhouse by John Lessels, circa 1877 in the New Town Conservation Area, and we object:

No internal or external photographs are provided within the application, so it is impossible to assess the impact the rear demolitions will have on the listed building.

The proposed slapping between the kitchen and new extension is excessive, and results in the unjustified loss of historic fabric in the form of stone wall and three historic timber windows.

The proposed full-width extension is excessive in size, and contrary to Edinburgh Council Guidance for Listed Buildings and Conservation Areas (Feb 2019), which states "Extensions [to listed buildings] should not normally exceed 50% of the width of any elevation". The rear of the property is particularly visible as there is no garden wall, so the extension would be freely visible from Lynedoch Place Lane.

No details are provided on the proposed extension windows and glazing. These should be formed in an appropriate material (not PVC or composite) and glazing should be slimline, in line with Council Guidance (above).

No details are included on the balustrade surrounding the patio area. Again, these would be visible from Lynedoch Place Lane, and should be of suitable design and materials for the listed building setting in a conservation Area and World Heritage Site.

These elements of the proposal fail to preserve or enhance the special architectural character of

the listed building or the conservation area, contradict Edinburgh Council guidance and conflicts with the Local Development Plan policies ENV 4 & ENV 6. We therefore object to these proposals.