

CLWG Architects.
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38 Dean Park Mews
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EH4 1ED

Mr Graeme Fulton.
31 Dean Park Mews
Edinburgh
EH4 1EE

Decision date: 1 March 2023

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

Alteration to roof and associated formation of roof terrace to rear elevation
(resubmission relating to 22/00498/FUL within 12 months).
At 31 Dean Park Mews Edinburgh EH4 1EE

Application No: 22/05264/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 28 October 2022, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

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

Reason for Refusal:-

1. The proposal does not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the proposal does not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.
2. The proposal does not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area.

3. The proposal does not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.

4. The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.

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

Drawings 01 - 07, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposed works to the dwelling are not in accordance with the Development Plan. The works will have due regard to global climate and nature crisis but are an inappropriate design which is not compatible with the existing dwelling or the surrounding neighbourhood character; the works will result in the unreasonable loss of neighbouring amenity through noise impact. There are no material considerations which indicate the proposal should be approved. Therefore, the proposal is not acceptable and is refused.

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 Blair Burnett directly at blair.burnett@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
31 Dean Park Mews, Edinburgh, EH4 1EE**

Proposal: Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).

**Item – Local Delegated Decision
Application Number – 22/05264/FUL
Ward – B05 - Inverleith**

Recommendation

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

Summary

The proposed works to the dwelling are not in accordance with the Development Plan. The works will have due regard to global climate and nature crisis but are an inappropriate design which is not compatible with the existing dwelling or the surrounding neighbourhood character; the works will result in the unreasonable loss of neighbouring amenity through noise impact. There are no material considerations which indicate the proposal should be approved. Therefore, the proposal is not acceptable and is refused.

SECTION A – Application Background

Site Description

The application refers to a two storey mews building located within a residential area. The immediate area is characterised by similar traditional mews properties, surrounded by four storey traditional tenement properties.

The mews building is not located within a conservation area, but the architectural style and design of the mews and surrounding tenements are not dissimilar to those protected by designation of the New Town Conservation Area 50 metres. The site is also 100 metres from the Inverleith Conservation Area, and 150 metres from the Old and New Town World Heritage Site.

Description Of The Proposal

It is proposed for the addition of a rear roof terrace with a 12.5sqm floor area; and the addition of a 4.18 meter wide, 1.765 meter tall masonry privacy screen.

Supporting Information

- Design statement
- Illustrated visualisations
- Proposed sunlight analysis

Relevant Site History

07/04981/FUL

31 Dean Park Mews

Edinburgh

EH4 1EE

Replace garage doors with UPVC framed screens/windows, replace windows throughout in UPVC and alter dwelling to incorporate existing lock-ups as habitable accommodation

Permitted Development

19 December 2007

09/01308/FUL

31 Dean Park Mews

Edinburgh

EH4 1EE

Form access to the roof and a roof terrace

Refused

22 July 2009

22/00498/FUL

31 Dean Park Mews

Edinburgh

EH4 1EE

Alteration to roof and associated formation of roof terrace.

Refused

24 May 2022

Other Relevant Site History

Neighbouring roof terrace previously given permission:

02/02749/FUL

27-27B Dean Park Mews Edinburgh EH4 1EE

Proposed alterations to mews house and formation of terrace at roof level to rear

Granted

05 September 2002

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 1 November 2022

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 7

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Policy 1.
- NPF4 Policy 14c.
- NPF4 Policy 16g.

- LDP Design policy Des 1
- LDP Design policy Des 12.

The non-statutory Guidance for Householders is a material consideration that is relevant when considering NPF4 policies 1, 14c and 16g, and LDP policies Des 1 and Des 12.

Global climate and nature crisis

Policy 1 of NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The application addresses this by:

- Contributing to the circular economy by making use of existing residential properties and adapting them to meet the diverse needs of the user.
- Further energy saving standards and carbon reduction measures will be considered during the building standards process.

The proposals comply with NPF4 Policy 1.

Scale, Form, Design, and Neighbourhood Character

The property is not located within a conservation area; however, Dean Park Mews has a very distinctive traditional character which is similar to properties found in the nearby conservation area. This character enforces the identity of the properties as traditional, stone built mews which contribute to Edinburgh's overall historic character. The distinct architectural style makes use of stone materials and unified roofscapes.

While the roofscapes of many properties have been altered through permitted development for the addition of rooflights, there is a single rear roof terrace previously given permission in 2002. Nevertheless, a singular example does not represent the intended traditional character of these properties and the Guidance for Householders also states: "alterations in the surrounding area that were granted permission in the past and which do not comply with these guidelines will NOT be taken as setting any form of precedent, and should not be used as examples to follow". Therefore, the principle of a large scale roof terrace would not be acceptable within this area.

Firstly, looking at the removal of materials the rear roof plane of the existing property is largely undeveloped with the exception of two rooflights which occupy 4.36% of the roof plane. The introduction of the roof terrace would remove 15.56 square meters or 24.22% of the roof materials in order to accommodate the large opening. However, the creation of such a large opening would not be in keeping with the character of the existing property as this will dramatically alter the unified roof form of the mews properties.

Next, the proposal would include a large masonry privacy screen measuring 4.18 meters wide and 1.765 meters tall. The design of this privacy screen is intended to replicate a chimney stack, however, a typical chimney stack on the terrace measures 1.5 meters wide and 1 meter tall, therefore the proposed design is a severely enlarged scale. Although there is no uniform pattern to the location of chimney stacks on the terrace, the proposal would also alter the roof by occupying 32% of the previously unaltered roof ridge. It is recognised this aspect of the proposal is required to mitigate

impact to neighbouring amenity, however, the benefits of such a structure would not outweigh the damaging impact this would have on the property.

The overall proposal is an inappropriate design which would be an incongruous addition to the terrace and the wider area. The design would conflict with the distinctive local architectural style, traditional identity, and sense of place achieved by the neighbourhood. In terms of scale, form, and design, the proposal is not compatible with the existing dwelling or the surrounding area.

The proposal does not comply with NPF4 policies 14c, 16g)i) and LDP Policies Des 1 and Des 12a).

Neighbouring Amenity

Neighbouring amenity has been assessed against requirements set out in the non-statutory 'Guidance for Householders'.

With respect to privacy, the proposal does not introduce any direct internal window to window conflict. There will be no unreasonable impact on privacy.

With respect to overlooking, the direct outlook from the roof terrace would be screened by the masonry privacy screen. While minor overlooking opportunities may be available to the side, the impact from this would be less than the current overlooking from rear windows. There will be no unreasonable impact from overlooking.

In terms of overshadowing, the hour by hour sunlight analysis demonstrates the proposal will introduce some overshadowing, however, there is a minimal difference in sunlight impact between the existing and proposed. There will be no unreasonable impact to sunlight.

In terms of physical impact, the scale, form and design of the proposal has been assessed above and demonstrated the visual impact the proposal would have on the properties. While the distance of the privacy wall to the neighbouring windows would benefit the proposal, the overall scale of this wall in relation to the existing condition would introduce a physical impact to the outlook of these properties.

Similarly, the introduction of a roof terrace at first floor level would provide a new external noise source at a raised level which may impact the neighbouring amenity. The scale of the roof terrace at 12 square meters would present the opportunity for a long dwell time in this new external area and while noise may be partially mitigated by the privacy screen, there will likely be an increased noise impact as a result. The introduction of a new noise source at a high level would not be characteristic of the neighbouring amenity, and therefore would be an unreasonable impact to the neighbouring amenity.

While the proposal would present a conflicting assessment of neighbouring amenity, compliance with the Development Plan is expected. Therefore, compliance with privacy, overlooking and sunlight would not justify the acceptance of noise impact from the proposed roof terrace. Therefore, the proposal would not comply with NPF 4 policy 16g)ii) and LDP Policy Des 12b) and c).

Conclusion in relation to the Development Plan

The proposals will have due regard for the global climate, but the proposed design would be damaging for the character of the surrounding area as it does not reinforce the distinct traditional architectural style of the area. The proposal is not an acceptable scale, form, and design, and is not compatible with both the existing building or the wider area. The proposal would introduce a noise impact which is an unreasonable loss of neighbouring amenity. Therefore, proposals do not comply with the overall objectives of the Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

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

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

Public representations

Seven objections have been received, summarised as:

material considerations

Impact on the traditional character and setting - addressed in section a) above.

Impact from overshadowing - addressed in section a) above.

Impact from overlooking - addressed in section a) above.

Impact on privacy - addressed in section a) above.

Impact from noise - addressed in section a) above.

non-material considerations

Impact from construction access - This is a non-material planning consideration as access cannot be controlled through Planning legislation and would be a civil matter between owners.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposed works to the dwelling are not in accordance with the Development Plan. The works will have due regard to global climate and nature crisis but are an inappropriate design which is not compatible with the existing dwelling or the surrounding neighbourhood character; the works will result in the unreasonable loss of neighbouring amenity through noise impact. There are no material considerations which indicate the proposal should be approved. Therefore, the proposal is not acceptable and is refused.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposal does not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the proposal does not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.
2. The proposal does not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area.
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4. The proposal does not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 28 October 2022

Drawing Numbers/Scheme

01 - 07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Blair Burnett, Assistant Planning Officer
E-mail: blair.burnett@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/05264/FUL

Application Summary

Application Number: 22/05264/FUL

Address: 31 Dean Park Mews Edinburgh EH4 1EE

Proposal: Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).

Case Officer: Householder Team

Customer Details

Name: Mrs Daria Jeczmyk

Address: 12 Dean Park Street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:RE: Application 22/05264/FUL

I am writing to object to the above application. The main issue is breach of privacy in private homes at 12 Dean Park Street. The alteration to roof and associated formation of roof terrace to rear elevation will also overlook 12 Dean Park Street garden and breach a right to privacy in regard to a number of neighbours who use the garden regularly all year around. In short, the building at 31 Dean Park Mews, Edinburgh, EH4 1EE is located too close to the building at 12 Dean Park Street and the alteration to roof will interfere with the neighbours' everyday life at the flats and the garden throughout an year.

Comments for Planning Application 22/05264/FUL

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Case Officer: Householder Team

Customer Details

Name: Mr Douglas McDonald

Address: 12 Dean Park Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerns over privacy for the back shared garden space, will this area become a social space that will encroach on garden privacy for sound etc.

Concerns on how works will be carried out and what access will be required, residents not keen on granting access to garden and having any sort of scaffolding erected.

Also, flats facing the rear are concerned about privacy regarding windows, a social outdoor space would attract individuals to sit and becomes intimidating with regards to people being able to view inside windows etc, (slightly different scenario to having just windows facing onto the building). Will change the dynamic and feel to the rear of the building.

Comments for Planning Application 22/05264/FUL

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Proposal: Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).

Case Officer: Householder Team

Customer Details

Name: Shireen Morton

Address: 12 Deanpark street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The terrace would look into my property and the garden to rear meaning it would invade our privacy.

Comments for Planning Application 22/05264/FUL

Application Summary

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Case Officer: Householder Team

Customer Details

Name: Mr Iain Morris

Address: 3F3, 12 DEAN PARK STREET Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This development will adversely affect the privacy of our garden. Also the proposed roof deck will have an adverse effect on sound to our property.

Comments for Planning Application 22/05264/FUL

Application Summary

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Case Officer: Householder Team

Customer Details

Name: Ms Elizabeth Reilly

Address: 12/16 Dean Park Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerns are raised in relation to this revised submission for planning permission on several grounds.

Firstly, the roof overlooks the private garden shared by 16 flats at 12 Dean Park Street, whose residents have the right to tranquil enjoyment of that space. Although this proposal seems to have considered the visual privacy to some degree by planning a solid wall facing our garden, the proposed terrace is an extension of living space for 31 Dean Park Mews and could cause invasion of our privacy and noise, as well as visual deprivation of privacy on the sides of the terrace. For higher level flat owners with a garden view there will be inevitable onlooking onto the proposed terrace, detracting substantially from the calming environment of the existing back green area which supports the wellbeing of the residents.

Secondly, access to the site would involve transit through our garden and cause damage to the lawn and borders which are well maintained. It would also cause unnecessary noise and disruption at close quarters, particularly for those working from home, and considerable inconvenience with requests for access through our own hallway. There is also a security risk with contractors leaving the main street and garden access doors open.

Thirdly the proposed extension breaks the line of the Mews rooftops, and, while it is acknowledged that a terrace exists in the vicinity, the construction was prior to the residency of current owners. Further disruption of the roof line of this historical Mews is not in keeping with the heritage of the area.

Comments for Planning Application 22/05264/FUL

Application Summary

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Case Officer: Householder Team

Customer Details

Name: Ms Margaret Arlene MacDonald

Address: GF1 12 Dean Park Street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live opposite the building where there is a proposal to extend this property at 31 Dean Park Mews

I am concerned about the impact of this change on the increase of shadow on the garden of the property I have access to.

I believe there will be a loss of sunlight in my garden.

The garden was one of the best things about this property and is used regularly by tenants.

Comments for Planning Application 22/05264/FUL

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Address: 31 Dean Park Mews Edinburgh EH4 1EE

Proposal: Alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months).

Case Officer: Householder Team

Customer Details

Name: Mr William McArthur

Address: 12 Dean Park St Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As owner of a ground floor flat immediately facing the proposed alteration, I am very uneasy about the aesthetic impact of interrupting the existing roofline of a traditional Edinburgh muse. The proposed stone barrier will be unsightly and does not seem to offer a 'sympathetic' alternative to the traditional roof.

It seems desirable to conserve the visual integrity of one of the city's most attractive districts.