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EH12 5SU

**Decision date: 5 April 2023**

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

Proposed attic conversion with front /rear dormers.  
At 26 Balgreen Avenue Edinburgh EH12 5SU

**Application No: 23/00576/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 10 February 2023, this has been decided by **Local Fast Track 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 proposed front dormer does not reinforce the distinctive local architectural style 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 terrace; would not be

acceptable in terms of principle of the front dormer; 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 terrace; would not be acceptable in terms of principle.

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 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. Although the rear dormer is acceptable the front dormer is inappropriate and not compatible with the existing dwelling or the wider terrace. 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 Annmaree Marwick directly at [annmaree.marwick@edinburgh.gov.uk](mailto:annmaree.marwick@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](http://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](mailto: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**  
**26 Balgreen Avenue, Edinburgh, EH12 5SU**

**Proposal: Proposed attic conversion with front /rear dormers.**

**Item – Local Fast Track Decision**  
**Application Number – 23/00576/FUL**  
**Ward – B06 - Corstorphine/Murrayfield**

## **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. Although the rear dormer is acceptable the front dormer is inappropriate and not compatible with the existing dwelling or the wider terrace. 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 site is a mid terrace traditional residential property. It is not located within a Conservation Area, however the West Murrayfield Conservation Area lies to the North East.

### **Description Of The Proposal**

The application proposes a dormer to the front and dormer to the rear.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

## Consultation Engagement

No consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 15 February 2023

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 0

## 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 policies to be considered are:

- NPF4 Policy 1
- NPF4 Policy 16g
- LDP Design policies Des 12

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

### Global climate and nature crisis

Policy 1 of the NPF4 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 through:

- Enabling development and empowering people to shape their places.

The proposals comply with NPF4 Policy 1.

### Scale, form, design and neighbourhood character

The application site forms part of a traditional terrace within a mixed character residential area. The proposed dormer to the rear is of an acceptable size and design, public visibility will be limited due to the location and as such is an acceptable part of the proposal.

With respect to the proposed front dormer, the property and terrace has a very distinctive traditional character which should be protected. This character enforces the identity of the properties as traditional and contribute to Edinburgh's overall historic character. Forming part of the distinct architectural style of the terrace is the unified roofscapes. The terraced row has been altered through permitted development with the addition of rooflights but the overall traditional form remains.

It is acknowledged that the size of the front dormer complies with the 'Guidance for Householders'. However, it is an inappropriate design which would be an incongruous addition to the terrace and the wider area. The design would conflict with the distinctive architectural style and traditional identity of the terrace. 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

With respect to privacy, overlooking, physical impact, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will not result in any unreasonable loss to neighbouring amenity.

The proposal complies 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 terrace and surrounding area as the proposed front dormer does not sit comfortably within the roof plane and would

unbalance the facade of the traditional terrace. Overall, the proposal is not an acceptable scale, form, and design, and is not compatible with both the existing terrace or the wider area. 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

No comments have been received.

**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. Although the rear dormer is acceptable the front dormer is inappropriate and not compatible with the existing dwelling or the wider terrace. 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 proposed front dormer does not reinforce the distinctive local architectural style 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 terrace; would not be acceptable in terms of principle of the front dormer; 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 terrace; would not be acceptable in terms of principle.

### **Background Reading/External References**

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

**Further Information -** [Local Development Plan](#)

**Date Registered: 10 February 2023**

### **Drawing Numbers/Scheme**

01-03

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Annmaree Marwick, Planning officer  
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Appendix 1

**Consultations**

No consultations undertaken.