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Mr Graham
12 Jordan Lane
Edinburgh
EH10 4RA

Decision date: 30 August 2023

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

Dormer extension to an existing detached dwellinghouse.
At 12 Jordan Lane Edinburgh EH10 4RA

Application No: 23/02387/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 8 June 2023, 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 would be contrary to NPF4 Policy 7 in that it would have an adverse impact on the character and setting of the listed building, the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the design and form and positioning are incompatible with the character of the existing building.

3. The proposal would have an adverse impact on the character and setting of the listed building and is unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

4. The proposal would have an adverse impact on the character and appearance of the conservation area and is unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Drawings 01-02, 13A, 14, 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 fails to comply with NPF4 and LDP policies and the relevant non-statutory guidance. It would have an adverse impact on the character and setting of the listed building and the character and appearance of the conservation area. It is considered unacceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Anna Simpson directly at anna.simpson@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
12 Jordan Lane, Edinburgh, EH10 4RA**

Proposal: Dormer extension to an existing detached dwellinghouse.

**Item – Local Delegated Decision
Application Number – 23/02387/FUL
Ward – B10 - Morningside**

Recommendation

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

Summary

The proposal fails to comply with NPF4 and LDP policies and the relevant non-statutory guidance. It would have an adverse impact on the character and setting of the listed building and the character and appearance of the conservation area. It is considered unacceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

This application refers to a category C-Listed detached dwelling constructed from sandstone and Scottish slate circa 1860.

Listing Ref: LB27474
Listing Date: 29/4/1977

This site lies within the Morningside Conservation Area.

Description Of The Proposal

This application seeks planning permission to alter the roof form of the building from the existing hipped roof to a gable ended roof, along with the creation of two dormer windows to the rear, and a conservation style roof light on both the rear and front elevations of the dwelling house.

Supporting Information

The agent has provided a design and access statement.

Relevant Site History

22/05152/FUL

12 Jordan Lane

Edinburgh

EH10 4RA

Dormer extension to an existing detached dwelling house.
withdrawn

12 January 2023

22/05196/LBC

12 Jordan Lane

Edinburgh

EH10 4RA

Dormer extension with a new stair internally to an existing detached dwelling house.
withdrawn

13 January 2023

Other Relevant Site History

None.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 30 August 2023

Date of Advertisement: 16 June 2023

Date of Site Notice: 16 June 2023

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 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 harm the listed building and its setting?

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

- Managing Change - Conservation Areas
- Managing Change - Setting
- Managing Change - Roofs
- Managing Change - Windows

The proposed dormer windows are appropriate in design and scale, and would relate sensitively to the listed building and existing fenestration. The plans have been amended to use Burlington slate, which is in keeping with the existing materials and supported. Being on the rear elevation the dormers would not be highly visible from the public realm. The proposed dormers would not adversely impact upon the character and appearance of the building or its setting.

The proposed rooflights on the front and rear are conservation style and acceptable. These additions would represent minor additions to the roofscape and have no significant impact upon the character and appearance of the building or its setting, even when viewed from the public realm.

The proposed change in roof form from a hip roof to gable roof is unacceptable however. The proposed development would result in the roof being raised by approximately 3.3 metres, with its form and pitch altered. This alteration would be out of keeping with the existing character of the hipped roof listed building and its setting. The raised and amended roof form would not be in keeping with its surrounds, and would represent a highly visible and incongruous addition to the property and streetscape. As such, the works would be detrimental to the character of the listed building and its setting.

Conclusion in relation to the listed building

The proposals will impact the special architectural or historic interest of the listed building and are unacceptable 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?

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

The proposed dormers and roof lights would not adversely impact upon the character and appearance of the conservation given their positioning, design, scale and proposed materials.

However, the proposed increased height and change in roof form would be out of keeping with the surrounding properties. The development would represent a visibly incongruous addition to the streetscene, which would not preserve the appearance and character of the conservation area.

Conclusion in relation to the conservation area

The proposals do not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposals are unacceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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 Global Climate and Nature Crises
- NPF4 Policy 7 Historic Assets and Places

- NPF4 Policy 14 Design, Quality and Place
- LDP Design Policies Des 1 and Des 12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering the above policies. The non-statutory 'Guidance for Householders' is a material consideration that is relevant when considering the above policies.

Listed Building and Conservation Area

The impact on the listed building and conservation area has been addressed in sections a) and b).

It is concluded that the proposals will adversely impact on the character of the listed building and its setting, and the character and appearance of the conservation area.

The proposals fail to comply with NPF4 Policy 7.

Global Climate and Nature Crises

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 proposals will have a neutral impact in terms of NPF4 Policy 1.

Size, Scale and Design

The addition of the dormer windows and roof lights is acceptable in terms of their design, form, positioning and choice of materials, in accordance with Des 12.

The proposed alteration to the roof form and height is not compatible with the existing dwelling and the surrounding area, adversely impacting upon the character of the listed building, and the character and appearance of the conservation area. This conflicts with the objectives of NPF4 Policy 14, Des 1 and Des 12 of the local development plan and the Council's associated guidance.

The proposal is contrary to the objectives of NPF4 Policy 14 and LDP Policies Des 1 and Des 12.

Amenity

The proposals have been assessed against the requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing, loss of daylight or sunlight.

No impacts have been identified.

The proposals comply with LDP Policy Des 12 in terms of potential impact upon neighbouring amenity.

Conclusion in relation to the Development Plan

Overall, the proposals do not comply with the objectives of NPF 4 and the Edinburgh Local Development Plan.

d) 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

A summary of the representations is provided below:

material considerations

An objection comment has been received relating to:

- The conversion of the gabled roof. This has been addressed above in section b).
- The slate being used. The agent has amended the plans to use Burlington slate, which is acceptable.
- The introduction of dormer windows. This has been addressed above in section b).
- Loss of historic cornicing. Internal works do not require planning permission. These works will be addressed in the associated listed building consent application.

non-material considerations

None.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposal fails to comply with NPF4 and LDP policies and the relevant non-statutory guidance. It would have an adverse impact on the character and setting of the listed

building and the character and appearance of the conservation area. It is considered unacceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal would be contrary to NPF4 Policy 7 in that it would have an adverse impact on the character and setting of the listed building, the character and appearance of the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the design and form and positioning are incompatible with the character of the existing building.
3. The proposal would have an adverse impact on the character and setting of the listed building and is unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
4. The proposal would have an adverse impact on the character and appearance of the conservation area and is unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 8 June 2023

Drawing Numbers/Scheme

01-02, 13A, 14

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Anna Simpson, Student Planner
E-mail:anna.simpson@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Anna Simpson

Date: 28 August 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Sonia Macdonald

Date: 30 August 2023

Comments for Planning Application 23/02387/FUL

Application Summary

Application Number: 23/02387/FUL

Address: 12 Jordan Lane Edinburgh EH10 4RA

Proposal: Dormer extension to an existing detached dwellinghouse.

Case Officer: Anna Simpson

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 dormer extension to an existing detached, C-listed dwelling house, and we object.

The proposal is to create lofts by changing the existing hipped roof structure to gabled roof, adding dormers and a conservation rooflight and staircases from the first floor to the new floor. The need for repair to the existing damaged roof structure can be justified due to the current condition. However, the change to the roof height and grading, which was proposed in the application, cannot be. It is a C-listed building, and 'the retention of original structure, shape, pitch, cladding (particularly colour, weight, texture and origin of slate and ridge material) and ornament is important' (Listed Buildings Guidance, October 2022). The proposed alteration will substantially change the pitch and shape of the existing roof, and it will damage the character of the building. The roof is not made to create space for habitation, and thus it should be recognised that the addition of lofts is not reasonable.

The original roof has Scottish slate, and introducing Welsh slate is not in keeping with the existing, which is against the Listed Buildings Guidance discussed above.

Also, an addition of dormers contradicts the Listed Buildings Guidance, which states that 'new dormer windows will not normally be acceptable unless they are part of the original or early design'. Moreover, the new rooflights damage the existing fabric and appearance, including the currently well-kept front elevation of the building. This is against the guidance, which permits the addition of dormers when roof slopes are already largely altered (Listed Buildings Guidance, October 2022).

Also, there will be a loss of the historic cornice of the existing first floor landing, which is contrary

to the above guidance.

The condition of the existing roof and the comments that the existence of gabled roof in the surrounding area do not justify the proposed alteration of the C-listed house. The listed building has a value in its own, and the value of its original shape, material and structure outweigh the point made in the proposal that the new alteration might not look out of place due to the existing gabled roof houses in the area. Repairing, rather than altering, the existing structure should be encouraged.

We conclude that the alteration fails to preserve or enhance the special architectural character of the listed building, contradict Edinburgh Council guidance and conflicts with the Local Development Plan policies ENV 4. We therefore object to these proposals.