

Development Management Sub-Committee Report

Wednesday 28 February 2024

Application for Planning Permission

1F 4 Thistle Street North West Lane, Edinburgh, EH2 1EA

Proposal: Proposed extension and alterations to a vacant art gallery with approved use for short-term residential letting.

Item – Committee Decision

Application Number – 23/03094/FUL

Ward – B11 - City Centre

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than twenty material representations in support and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The proposal is contrary to NPF4 and the LDP and is unacceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal does not have special regard to the desirability of preserving the host property or the setting of the nearby listed buildings and would adversely impact on their special architectural and historic merits. The proposals would not preserve the character and appearance of the conservation area. It would not have an unacceptable impact on amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a two-storey mews property, located within one of the mews lanes situated off Thistle Street. The building is flat roofed, with a pronounced cupola.

The area is characterised by mews properties, along with four storey tenemental buildings. There are a considerable number of listed buildings within the immediate vicinity and the wider area.

This property is a Statutory B Listed Building (1970) and is located in the New Town Conservation Area.

Description of the Proposal

The application proposes the installation of a large dormer window (Zinc finished) to the flat roof. The dormer would be box shaped to the front, with a slope in the roof from front to rear.

Relevant Site History

22/04924/FUL

1F 4 Thistle Street North West Lane

Edinburgh

EH2 1EA

Alterations and change use from a vacant art gallery to short-term residential letting with main door access (as amended).

Granted

11 May 2023

22/04925/LBC

1F 4 Thistle Street North West Lane

Edinburgh

EH2 1EA

Alteration and change use from a vacant art gallery to short-term residential letting with main door access (as amended).

Granted

30 January 2023

23/03095/LBC

1F 4 Thistle Street North West Lane

Edinburgh

EH2 1EA

Proposed extension and alteration to a vacant art gallery with approved use for short-term letting.

Refused

11 October 2023

Other Relevant Site History

The proposed dormer was removed as part of the earlier approved 2022 applications (22/04924/FUL 22/04925/LBC) due to its detrimental impact on the listed building(s) and the character and appearance of the application site and the conservation area.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

HES

Archaeology

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 25 August 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 1 September 2023

Site Notices Date(s): 29 August 2023

Number of Contributors: 2

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 - Windows.
- Managing Change - Extensions

The listing for the property refers to the building as a '2-storey, 7 bay range to lane with top-lit studio at first floor.' There is no reference to the interiors of the building.

The applicant's planning statement confirms that where internal original features exist, these are to be retained, and where currently boxed in or hidden, these are to be exposed and repaired.

The mezzanine floor and staircase are acceptable in principle and will not harm the internal character of the listed building.

With regard to the proposed roof extension, Historic Environment Scotland's Guidance on Extensions specifically covers alterations to roofs.

The guidance sets out a number of criteria which planning authorities should consider when assessing these types of applications. This includes special interest, visibility, and height.

This group of listed buildings form part of the character of the rear lane and make a positive contribution in this context. With the lane and its buildings open to public views, the proposed roof extension would be highly visible, particularly from views along the lane looking east.

Although the height of the proposed roof extension would be comparable to the existing cupola, the scale and massing of the extension would be considerably greater than that feature, which is a modest element and is set back from the street elevation. The formation of the dormer would create an over-dominant and unsympathetic feature, which would detract from the simple, uniform architecture of the existing building.

HES guidance also notes that, the presence of a neighbouring high building should not be taken as a reason for an inappropriate roof extension to a historic building. In this instance, the example cited at the western end of the lane, does not set a precedent for a similarly scaled intervention.

The replacement of the cupola with the dormer window would significantly and adversely change the character of the property and would fail to preserve or enhance the special architectural character of the listed building.

Conclusion in relation to the listed building

The proposal will have a detrimental impact on the setting of the adjacent listed buildings and would be 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 New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets, and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

The proposal would have a detrimental impact on the character and appearance of this part of the conservation area by virtue of it representing an incongruous introduction to the roofscape. When viewed from the public realm, the proposal would create an unacceptable juxtaposition with the existing building and its neighbours and would disrupt the uniformity of the roofline of the mews-style buildings, to the detriment of the roofscape.

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 unacceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) 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:

- LDP Design Policies Des 1 and Des 12.
- NPF4 Policies 1, 7, 14 and 16.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

Principle, Scale, Form and Design

The proposal would be unacceptable in that the introduction of a dormer window in this location and of this size and scale would not be subordinate or subservient in its relationship to the host property. By virtue of this, it would also have a detrimental impact on the character and appearance of the application site and the surrounding conservation area. The roofscape of the mews buildings on this section of Thistle Street North West Lane are relatively unaltered and the introduction of the dormer

window would significantly damage this characteristic. The proposal would represent an incongruous feature that would create a disruptive visual feature when viewed from the public realm.

This is contrary to NPF4 Policy 14 and LDP Policies Des 1 and Des 12.

The proposal would have a neutral impact in terms of NPF4 Policy 1.

Historic Assets

The proposal would represent an incongruous addition that would have an unacceptable impact on the architectural integrity of the host property and the architectural merits of the adjacent listed buildings. As set out above, the proposal would create a discordant and unsympathetic feature within the context of the plain roofscape of the building and its neighbours.

It would have a detrimental impact on the character and appearance of the conservation area.

This would be contrary to NPF4 Policy 7.

Amenity

The proposal was assessed in terms of amenity and would be acceptable in this regard.

This complies with NPF4 Policy 16 and LDP Policy Des 12 in terms of amenity.

Conclusion in relation to the Development Plan

The proposal is contrary to NPF4 Policies 7 and 14 and LDP Policies Des 1 and Des 12

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

One comment was received (Objection) and a petition with 27 signatures was received in support of the application.

material considerations - Objections

Character and appearance; this is addressed in sections a), b) and c).

material considerations - Support

Character and appearance; this is addressed in sections a), b) and c).

Conclusion in relation to identified material considerations.

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal is contrary to NPF4 and the LDP and is unacceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal does not have special regard to the desirability of preserving the host property or the setting of the nearby listed buildings and would adversely impact on their special architectural and historic merits. The proposals would not preserve the character and appearance of the conservation area. It would not have an unacceptable impact on amenity. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

1. The proposal will have a detrimental impact on the setting of the adjacent listed buildings and would be unacceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is unacceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

3. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would have an adverse impact on the character and appearance of the application site and the surrounding area.
4. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have a detrimental impact on the character and architectural integrity of the building.
5. The proposal is contrary to NPF 4 Policy 7, as it would have a detrimental impact on the character and appearance of the conservation area and the architectural integrity of the application site and adjacent listed buildings.
6. The proposal is contrary to NPF 4 Policy 14, as it would have a detrimental impact on the character and appearance of the application site and the surrounding area.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 August 2023

Drawing Numbers/Scheme

01-03

Scheme 1

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