

Mr Mahmood Iqbal.  
4A East Suffolk Road  
Edinburgh  
EH16 5PH

**Decision date: 28 November 2023**

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

Change of use from residential to a short term let (in retrospect).  
At Flat 2A 4A East Suffolk Road Edinburgh EH16 5PH

**Application No: 23/05252/FULSTL**

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 28 September 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 is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

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

Drawings 01, 02, 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 complies with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a Short Term Let (STL) will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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 James Armstrong directly at [james.armstrong@edinburgh.gov.uk](mailto:james.armstrong@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.

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# Report of Handling

**Application for Planning Permission STL  
Flat 2A 4A East Suffolk Road, Edinburgh, EH16 5PH**

**Proposal: Change of use from residential to a short term let (in retrospect).**

**Item – Local Delegated Decision  
Application Number – 23/05252/FULSTL  
Ward – B15 - Southside/Newington**

## **Recommendation**

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

## **Summary**

The proposal complies with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a Short Term Let (STL) will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## **SECTION A – Application Background**

### **Site Description**

The application site is a two bedroom flat located in a block of flats to the south of East Suffolk Road. The property shares its access to the street with other properties via a shared stair. The surrounding area is of predominantly residential character, though a mosque and a care home are within the immediate proximity of the application site.

In addition to the application property, concurrent applications for flats 4B and 4D at 4A East Suffolk Road, as well as flat 3 at 4 East Suffolk Road have been submitted for

their change of use to short term let. Planning references: 23/05238/FULSTL, 23/05241/FULSTL and 23/05246/FULSTL respectively.

The application property is in the Craigmillar Park Conservation Area.

### **Description Of The Proposal**

The application is for the retrospective change of use of the property from a flatted dwelling to short term let (sui generis) (STL). No internal or external physical changes are proposed.

### **Supporting information**

Supporting Statement

### **Relevant Site History**

18/09696/FUL

Former St Margaret's School

4 East Suffolk Road

Edinburgh

EH16 5PJ

Conversion of pre-school nursery to six dwellings with car parking, bin stores and landscaping.

Granted

21 February 2019

### **Other Relevant Site History**

Three other flats within proximity to the site have also applied for retrospective changes of use to Short Term Let. The addresses and reference numbers are as follows:

Flat 4B, 4A East Suffolk Road - 23/05238/FULSTL

Flat 4D, 4A East Suffolk Road - 23/05241/FULSTL

Flat 3, 4 East Suffolk Road - 23/05246/FULSTL

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 28 November 2023

**Date of Advertisement:** 3 November 2023

**Date of Site Notice:** 3 November 2023

**Number of Contributors:** 3

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- 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**

### **a) The proposals harm the character or appearance of the conservation area?**

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

As stated previously, there are no external changes proposed. The change of use will not impact on the character or appearance of the conservation area.

## **Conclusion in relation to the conservation area**

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) 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 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

### Conservation Area and World Heritage Site

The impact on the conservation area was assessed in section a). There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places.

The proposal complies with NPF 4 Policy 7.

### Proposed use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) seeks to protect residential amenity.

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to an STL will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- The nature and character of any services provided.

### *Amenity*

The proposed short term let shares its access to the street with other residential properties. The application property is located within an area of predominantly residential character with a low degree of activity during the day and night.

The use of the property as an STL would result in an increased frequency of movement to the property and within the shared stair, representing a pattern of movement that would be dissimilar to that of permanent residents. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home, with resultant negative amenity impacts, particularly at night. There may also be a negative impact on community cohesion and residents' safety.

However, it is recognised that the amenity impacts of the application are in part mitigated by the likelihood that the additional servicing of the property necessitated by the change of use would be conducted during the daytime.

Consideration has been given to the fact that several other properties in the block of flats (4 and 4A East Suffolk Road) have applied for short term let use retrospectively at the same time, and therefore the amenity impacts of the proposed use to residents at flats 4B and 4D of 4A East Suffolk Road and flat 3 of 4 East Suffolk Road could be mitigated by also granting consent for these changes of use concurrently. However, as several other flats within the block remain in residential use, the proposed STL uses would have a detrimental impact on their amenity.

On balance, the proposed change of use would increase the level of ambient background noise beyond what might be reasonably expected by neighbouring residents, and have a significant detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.



It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

The proposed change of use would result in a loss of residential accommodation, which, as there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply of where appropriate. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

### Parking Standards

One car parking space is associated with the property. This is acceptable as there are no parking requirements for STLs.

The proposals comply with LDP Policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

### **c) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

#### Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited 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

Three objections were received to the application. A summary is provided below:

#### *material considerations in objection*

Negative impact to neighbouring amenity (privacy). Assessed in section b).  
Negative impact to neighbouring amenity (safety). Assessed in section b).  
Negative impact to neighbouring amenity (noise). Assessed in section b).  
Negative impact to the local community. Assessed in section b).  
The proposal results in the loss of residential accommodation. Assessed in section b).  
Contrary to City Plan 2030. Assessed in section c).  
Sufficient visitor accommodation in the area. Assessed in section b).  
Negative impact to local businesses. Assessed in section b).  
Negative impact to the character of the wider area. Assessed in section a).

#### *non-material considerations*

Other STL applications within the local area.  
Objections to other planning applications.

### **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 complies with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a Short Term Let will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision

of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reason for Refusal**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

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

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

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

**Date Registered: 28 September 2023**

### **Drawing Numbers/Scheme**

01, 02

Scheme 1

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

Contact: James Armstrong, Planning Officer

E-mail:james.armstrong@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: James Armstrong

Date: 27 November 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): Paul Devaney

Date: 28 November 2023

# Comments for Planning Application 23/05252/FULSTL

## Application Summary

Application Number: 23/05252/FULSTL

Address: Flat 2A 4A East Suffolk Road Edinburgh EH16 5PH

Proposal: Change of use from residential to a short term let (in retrospect).

Case Officer: Improvement Team

## Customer Details

Name: Mrs Alison Devaney

Address: 2/1 East Suffolk Road Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I regret to object but this STL impacts on me negatively as a neighbour.

The impact is on my privacy, well-being and quality of life. This is mainly a quiet residential area and I need connections with neighbours to build a sense of community and support my well-being. With only 11 flats on this part of the road it seems too small a number to have residential and STL. There are currently 3 applications in for STL which greatly impacts on the permanent resident numbers.

The operation of a STL in proximity to my home has caused concern when strangers approach and enter the grounds of our property when attempting to find the STL. This has happened at times day and night and happens regularly. We have groups of strangers walking round the front and back of property trying to gain entrance despite there being no STL in this building. This causes concern, especially after dark.

This type of disturbance also happens on the pavement directly outside our property where groups discuss their directions together most noticeably late in the evening and at night. Such intrusions cause concern and make me feel the need to monitor the disturbance is visitors.

While not all guests are noisy, we have experienced noise related to holidaying guests during weeknights which is not in keeping with this quiet area and impacts on our lives in our working week.

The guests of the STLs invade my privacy when I am using my garden. They enter the grounds and seek assistance from me with arrival at the property they are visiting. It is upsetting to often be called upon in this way when living in my home.

# Comments for Planning Application 23/05252/FULSTL

## Application Summary

Application Number: 23/05252/FULSTL

Address: Flat 2A 4A East Suffolk Road Edinburgh EH16 5PH

Proposal: Change of use from residential to a short term let (in retrospect).

Case Officer: Improvement Team

## Customer Details

Name: Mr Nicholas Devlin

Address: 1/3 East Suffolk Park Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This planning application appears to contain contradictory information in the supporting statement. It states "Only One flat out of the six properties is being used as a short term let whilst the other five are being used as long terms lets to minimize loss of residential accommodation "

If one searches for planning applications related to 4 East Suffolk Road, there are 4 recently created applications to apply for change of use from residential to short term let.

This "development" that has been assembled in a piecemeal fashion over several years and myriad planning applications and appeals is not in keeping with the surrounding area. High density short term lets are causing problems across the city and are exactly the type of developments that the recent short term let regulation changes were supposedly deigned to prevent.



# Comments for Planning Application 23/05252/FULSTL

## Application Summary

Application Number: 23/05252/FULSTL

Address: Flat 2A 4A East Suffolk Road Edinburgh EH16 5PH

Proposal: Change of use from residential to a short term let (in retrospect).

Case Officer: Improvement Team

## Customer Details

Name: Dr John Devaney

Address: Flat 1, 2 East Suffolk Road, Mayfield, Edinburgh EH16 5PH

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to offer my strong objection to this application. These are my grounds:

- 1) Edinburgh City Council has declared a housing emergency. Converting a long term let to a short term let only aggravates this problem, and denies individuals who wish to live and work within the City of Edinburgh access to a suitable home.
- 2) This property sits within a residential area close to large employers, such as the University of Edinburgh, Royal Infirmary and countless other smaller businesses. Allowing people to live closer to their place of work would fit with Edinburgh City Council's City Plan 2030, putting people and communities at the heart of the city's future development. As such, allowing this application would be contrary to the Council's already stated intent.
- 3) The local area is very well served with a large number of hotels and guest houses (over 20 based on a fifteen walk from the property under consideration). Therefore further short term lets are not needed in the area. This over supply will threaten existing businesses, and further change the nature of the area.
- 4) This part of the Mayfield area is primarily residential (with the exception of St Margaret's Nursing Home), with the overwhelming character being one of families. Allowing this, and the other applications for short term lets in the same building would start to significantly impact on the character of the area.
- 5) This and other properties in the same building have been operating as short term lets for over a year now, so we already have experience of the detrimental impact on ourselves and the local area. We have had people coming onto our property and trying to gain entry to our ground floor

flat as they have mistaken the property they are looking for. Our young daughter has been woken on multiple occasions by people trying to enter her bedroom through the patio doors in her bedroom. This has been frightening for her.

5) We have had people arriving very late at night to the property, causing noise and disturbance. This is not appropriate for a quiet residential street with a nursing home.

In conclusion, allowing this application will result in a materially detrimental impact on the living conditions for close neighbours such as myself and my family.