

Mr Barratt
PF1 3 St Clair Avenue
Edinburgh
EH6 8JS

Decision date: 19 February 2024

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

To expand a ground floor flat front window into a door, providing access to a private patio. The door will be of similar style to the current window frame (uPVC double glazed), maintaining the quality and character of the area.
At PF1 3 St Clair Avenue Edinburgh EH6 8JS

Application No: 24/00047/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 5 January 2024, 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 proposals do not comply with Policy 16 of National Planning Framework 4 as they would have a detrimental impact on the character of the home and the surrounding area.
2. The proposals do not comply with Policy Des 1 of the Local Development Plan as they would be damaging to the character and appearance of the area through their inappropriate design.

3. The proposals do not comply with Policy Des 12 of the Local Development Plan as they are not compatible with the character of the existing building and they will be detrimental to neighbourhood amenity and character.

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

Drawings 01, 02, 04 , 05, 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 proposals comply with Policy 1 of National Planning Framework 4 as they will have a neutral impact on sustainability and the natural environment due to their minor nature. The proposals do not comply with Policy 16 of National Planning Framework 4 and Policies Des 1 and Des 12 of the Local Development Plan as they will have detrimental impact on the character of the building and that of the neighbourhood.

There are no compelling material considerations for approving the proposals.

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 Graham Fraser directly at graham.fraser@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.

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Report of Handling

**Application for Planning Permission
PF1 3 St Clair Avenue, Edinburgh, EH6 8JS**

Proposal: To expand a ground floor flat front window into a door, providing access to a private patio. The door will be of similar style to the current window frame (uPVC double glazed), maintaining the quality and character of the area.

**Item – Local Delegated Decision
Application Number – 24/00047/FUL
Ward – B12 - Leith Walk**

Recommendation

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

Summary

The proposals comply with Policy 1 of National Planning Framework 4 as they will have a neutral impact on sustainability and the natural environment due to their minor nature. The proposals do not comply with Policy 16 of National Planning Framework 4 and Policies Des 1 and Des 12 of the Local Development Plan as they will have detrimental impact on the character of the building and that of the neighbourhood.

There are no compelling material considerations for approving the proposals.

SECTION A – Application Background

Site Description

Ground floor residential flat within a 3-storey block.

Description of the Proposals

Planning permission is sought for the conversion of a principal elevation window into a door.

Supporting Information

A Statement of Support and Photographs were provided.

Relevant Site History

15/02764/FUL

PF1

3 St Clair Avenue

Edinburgh

EH6 8JS

Alterations to dwelling house (ground floor flat); formation of new doorway off existing kitchen.

Refused

22 July 2015

Other Relevant Site History

None.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 9 January 2024

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:

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) and the 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

The relevant Development Plan policies are:

- NPF4 Sustainable Places Policy 1;
- NPF4 Liveable Places Policy 16; and
- LDP Design Principles for New Development Policies 1 and 12.

The non-statutory Guidance for Householders is material in the consideration of the proposals.

Global climate and nature crisis

The proposals, due to their minor nature, will have a neutral impact on sustainability and the natural environment.

The proposals comply with NPF4 Policy 1.

Design and impact on the character and appearance of the surroundings

Although windows across the existing block vary in appearance, a consistency in the dimension of openings remain and this uniformity is an integral component of the buildings character. This lack of significant interruption also applies to the principal elevations of its contemporaries to St Clair Road, Street and Place which were all constructed to address housing shortages following World War 1. They together comprise a small neighbourhood of similar in age and character buildings that are notable for being part of the first phase of 'homes fit for heroes'.

The block is deemed to be of some historical and architectural significance owing to it being a broadly unchanged example of post World War 1 council housing. The building, along with its similarly unaltered companions, makes a positive contribution to the character and appearance of the neighbourhood, with much of this derived from the design and consistency of its façade. Whilst the works are recognised as minor, and would likely result in a more convenient access arrangements, the disruption to the uniformity of the principal elevation would be of detriment to the character and appearance of the building and by extension, to that of the neighbourhood.

The level of screening that would be provided by an existing hedge is noted but very little weight can be placed on such a removable boundary treatment.

The proposals do not comply with the relevant sections of NPF4 Policy 16 and LDP Policies Des 1 and Des 12.

Amenity

The proposals relate to the alteration of an existing window which will not result in any detrimental effect on neighbouring properties in terms of physical impact, overshadowing or overlooking.

The proposals comply with the relevant sections of NPF4 Policy 16 and LDP Policy Des 12.

Conclusion in relation to the Development Plan

The proposals comply with Policy 1 of National Planning Framework 4 as they will have a neutral impact on sustainability and the natural environment due to their minor nature. The proposals do not comply with Policy 16 of National Planning Framework 4 and Policies Des 1 and Des 12 of the Local Development Plan as they will have detrimental impact on the character of the building and that of the neighbourhood.

b) There are any compelling material considerations for approving the proposals

The following matters have been identified as material considerations.

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 1997 Act. 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 Equality Act 2010 and human rights; no material detrimental impacts have been identified.

Public representations

None.

Conclusion in relation to material considerations

None of the identified matters constitute compelling material considerations for approving the proposals.

c) Overall conclusion

The proposals comply with Policy 1 of National Planning Framework 4 as they will have a neutral impact on sustainability and the natural environment due to their minor nature. The proposals do not comply with Policy 16 of National Planning Framework 4 and Policies Des 1 and Des 12 of the Local Development Plan as they will have detrimental impact on the character of the building and that of the neighbourhood.

There are no compelling material considerations for approving the proposals.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposals do not comply with Policy 16 of National Planning Framework 4 as they would have a detrimental impact on the character of the home and the surrounding area.
2. The proposals do not comply with Policy Des 1 of the Local Development Plan as they would be damaging to the character and appearance of the area through their inappropriate design.
3. The proposals do not comply with Policy Des 12 of the Local Development Plan as they are not compatible with the character of the existing building and they will be detrimental to neighbourhood amenity and character.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 5 January 2024

Drawing Numbers/Scheme

01, 02, 04 , 05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer
E-mail: graham.fraser@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: Graham Fraser

Date: 15 February 2024

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): Lynne McMenemy

Date: 19 February 2024