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Mr R Latimer.
23A Learmonth Terrace
Edinburgh
EH4 1PG

Decision date: 22 April 2024

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

Single storey infill extension to rear.
At 23A Learmonth Terrace Edinburgh EH4 1PG

Application No: 24/00843/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 21 February 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 works would have an adverse impact on the character of the conservation area, contrary to NPF4 policy 7 and contrary to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. The works would have an adverse impact on the character of the listed building contrary to NPF4 policy 7 and contrary to Sections 59 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 1-4, 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 would have an adverse impact on the character of the listed building and on the character of the conservation Area and are not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The impact on the listed building and conservation area would fail to comply with NPF4 policy 7. There are no material considerations which outweigh this conclusion and the proposal is unacceptable for this reason.

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 Stephen Dickson directly at stephen.dickson@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
23A Learmonth Terrace, Edinburgh, EH4 1PG**

Proposal: Single storey infill extension to rear.

**Item – Local Delegated Decision
Application Number – 24/00843/FUL
Ward – B05 - Inverleith**

Recommendation

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

Summary

The proposals would have an adverse impact on the character of the listed building and on the character of the conservation Area and are not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The impact on the listed building and conservation area would fail to comply with NPF4 policy 7. There are no material considerations which outweigh this conclusion and the proposal is unacceptable for this reason.

SECTION A – Application Background

Site Description

The property is a basement/garden flat within a subdivided mid-terraced townhouse dating from 1874. It forms part of a very fine Victorian terrace by John Chesser which was listed category B on 12.8.1965 and lies in the New Town Conservation Area.

Description Of The Proposal

The application proposes an extension to the rear, between two rear outshoots, removing the roofs of each of the two original outshoots and replacing with a single modern roof form spanning both old and new.

Supporting Information

A design statement was included.

Relevant Site History

24/00845/LBC
23A Learmonth Terrace
Edinburgh
EH4 1PG
Single storey infill extension to rear of basement flat.
Refused

11 April 2024

Other Relevant Site History

No other relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 22 February 2024

Date of Advertisement: 1 March 2024

Date of Site Notice: 1 March 2024

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 proposal harms the character of the listed building?

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

- Managing Change - Extending Listed Buildings

The proposal requests an infill extension between two rear outshoots, removal of the roofs on each outshoot and inward facing walls, and creation of a single monopitch roof, spanning both the original outshoots and the new infill.

The two sections of stone wall on each outshoot is retained. However, the net loss of fabric, and in particular the loss of the original roof forms, would represent a substantial loss of original fabric. The new roof, spanning the entire width, would also be out of character in its simplification of the rear forms.

The works have already been refused listed building consent (see History).

Conclusion in relation to the listed building

The works would have an adverse impact on the character of the listed building and are not acceptable in regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The alterations are to the rear and have no impact on public appearance.

The proposed roof form, in its monotony and occupation of the full width of the plot, is generally out of character with the area, noting however, that a small number of full width extensions do exist in the wider area.

The impact on character is not acceptable.

Conclusion in relation to the conservation area

The proposals will result in harm to the character of the conservation area and are not acceptable with regard 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:

- NPF4 Policy 1
- NPF4 Policy 7
- LDP Design Policy Des 12

The non-statutory 'Listed Building and Conservation Area' guidance is a material consideration. The Edinburgh Design Guidance and the Council's 'Guidance for Householders' considers the impact on neighbouring amenity.

Impact on the listed buildings and conservation area

The impact on the listed building and conservation area has been assessed in sections a) and b) and the impact on these is not acceptable.

The proposals therefore fail to comply with NPF4 Policy 7.

Scale, Form and Design

LDP policy Des12 considers extensions.

The proposed alterations would be acceptable in other contexts and the acceptability of the design and materials would be acceptable were heritage issues not pertinent.

Impact on Neighbouring Amenity

The NPF4 policy 27, LDP policy Des 12 and Edinburgh Design Guidance and 'Guidance for Householders' considers issues relating to privacy and daylight.

No issues arise in relation to impact on neighbouring properties.

Climate and Nature Crisis

Policy 1 of NPF 4 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 proposal has minimal further impact on ground coverage and no impact in relation to climate change. NPF4 policy 1 is met.

c) there are any other matters to consider?

The following matters have been identified for consideration:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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 representation was received.

material considerations

AHSS objected to the impact on the rear outshoots.

Conclusion in relation to other matters considered

The material issues raised are assessed above.

Overall conclusion

The proposals would have an adverse impact on the character of the listed building and on the character of the conservation Area and are not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The impact on the listed building and conservation area would fail to comply with NPF4 policy 7. There are no material considerations which outweigh this conclusion and the proposal is unacceptable for this reason.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The works would have an adverse impact on the character of the conservation area, contrary to NPF4 policy 7 and contrary to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. The works would have an adverse impact on the character of the listed building contrary to NPF4 policy 7 and contrary to Sections 59 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: 21 February 2024

Drawing Numbers/Scheme

1-4

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer
E-mail: stephen.dickson@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: Stephen Dickson

Date: 16 April 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): Jackie McInnes

Date: 22 April 2024

Comments for Planning Application 24/00843/FUL

Application Summary

Application Number: 24/00843/FUL

Address: 23A Learmonth Terrace Edinburgh EH4 1PG

Proposal: Single storey infill extension to rear.

Case Officer: Stephen Dickson

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 & Borders Cases Panel has examined this application, and we object to this proposal to construct a single infill extension to the rear of the building.

Firstly, out-shots are important to the character and use of a building; adding extensions across the rear elevation would alter the character of the block. Extensions should 'maintain the quality and character of the surrounding area' - The City of Edinburgh Council: Guidance for Householders (Nov 2021).

Multiple existing internal walls are proposed for removal; the building's original plan should be respected, especially, as this is a B-listed building in a Conservation Area and World Heritage Site. 'Internal walls in listed buildings should always be investigated with care in advance of alterations as historic or interesting features may be concealed by plaster or behind panelling. In some cases, the partitions themselves may be of historic interest.' - The City of Edinburgh Council: Listed Buildings and Conservation Areas (Oct 2022)