

Development Management Sub-Committee Report

Wednesday 2 October 2024

**Application for Planning Permission
13 Chamberlain Road, Edinburgh, EH10 4DJ**

Proposal: The proposal seeks to introduce a contemporary roof extension to the existing side extension.

**Item – Committee Decision
Application Number – 24/02867/FUL
Ward – B10 - Morningside**

Reasons for Referral to Committee

The application has been referred for determination by the Development Management Sub-committee as more than 20 signatures of support within a properly headed petition raising material planning considerations have been received and the recommendation is to refuse.

Recommendation

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

Summary

The proposals will result in harm to the listing building and they are not acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals conflict with the objective of preserving or enhancing the character or appearance of the conservation area and they are not acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals are not in accordance with the Development Plan as they do not comply with National Planning Framework 4 Policies 7 and 14 and Local Development Plan Policies Des 1 and Des 12. There are no compelling material considerations for approving the proposals.

SECTION A – Application Background

Site Description

The application site is a ground floor residential flat, within a two storey, subdivided villa. The building is Category C listed (LB26972, 30.3.1993). The site is located within the Merchiston and Greenhill Conservation Area.

Description of the Proposals

Planning permission is sought for extensions to the rear and roof of an existing single-storey side elevation addition.

Each are to be finished in grey / brown metal. The upper addition proposes a 'folded' roof with feature square and full height windows to the front and rear, respectively. It will accommodate two bedrooms. The rear 'box' style addition proposes sliding glazed doors leading to one of two timber decking areas. It will accommodate an extension to a 'flexible room / office space'.

Supporting Information

A Design and Access Statement, and visualisations.

Letter of support from the occupier of 13A Chamberlain Road (upper floor).

Relevant Site History

08/00144/FUL

13 Chamberlain Road

Edinburgh

EH10 4DJ

Alterations to existing dwelling (partially in retrospect and as amended)

Granted

29 February 2008

08/00144/LBC

13 Chamberlain Road

Edinburgh

EH10 4DJ

Alterations to existing dwelling (partly in retrospect and as amended)

Granted

10 March 2008

24/02868/LBC

13 Chamberlain Road

Edinburgh

EH10 4DJ

The proposal seeks to introduce a contemporary roof extension to the existing side extension.

23/07116/FUL

13 Chamberlain Road

Edinburgh

EH10 4DJ

Introduce additional storey to existing side extension.

withdrawn

30 January 2024

23/07117/LBC
13 Chamberlain Road
Bruntsfield
Edinburgh
EH10 4DJ
Introduce additional storey to existing side extension.
withdrawn
30 January 2024

Other Relevant Site History

24/01446/LBC
13A Chamberlain Road
Edinburgh
EH10 4DJ
Removal and infill of redundant gable window to bathroom. Velux installed to bathroom as per approval 23/05871/LBC.
Granted
27 May 2024

24/01193/FUL
11 Chamberlain Road
Edinburgh
EH10 4DJ
Side extension
Refused
20 May 2024

23/05871/LBC
13A Chamberlain Road
Edinburgh
EH10 4DJ
Install Velux roof lights.
Granted
5 December 2023

20/01547/LBC
13A Chamberlain Road
Edinburgh
EH10 4DJ
Convert existing loft space to two bedrooms and bathroom with associated internal alterations to form new stair and relocate existing kitchen (as amended)
Granted
11 June 2020

08/02320/FUL
11A Chamberlain Road
Edinburgh
EH10 4DJ
Extend house - 2 storey extension to side.
Refused
4 August 2008

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 19 June 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 June 2024

Site Notices Date(s): 25 June 2024

Number of Contributors: 5

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 them in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming a 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:

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 harm listed buildings or their settings

The relevant Managing Change documents in the HES Guidance are Extensions and Setting.

The addition to the roof would comprise an irregular design and window pattern. By virtue of its form and position, the proposal would diminish rather than compliment the character and special interest of the villa. The design, siting and resulting two-storey scale would weaken the historic status of the villa and detract from its well-proportioned and largely unaltered principal elevation. It would constitute an unsympathetic and incongruous addition. The rear additions, including decking, raise no concerns as they are confined to the existing extension and in a less prominent location.

Conclusion in relation to listed buildings and their settings.

The proposals would result in harm to the listing building and they are not acceptable with regard 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 Merchiston and Greenhill Conservation Area Character Appraisal (MGCACA) emphasises the consistent domestic grain, scale and mass and the high-quality stone-built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls and hedges which define the visual and physical seclusion of the villas. It considers that the new developments should take into account the spatial pattern, scale, proportions, and design of traditional properties and protect the setting of individual buildings and the historic environment as a whole.

The existing extension pre-dates the publication of the MGCACA as well as the 30 March 1993 listing of 13A and 13B Chamberlain Road. Although it does not make a particularly positive contribution to the streetscape, the addition of an upper floor would emphasise its prominence and result in a further erosion of the spatial characteristics of the conservation area by reducing the visual and physical seclusion of the villa. Of relevance are planning applications 08/02320/FUL and 24/01193/FUL which have previously sought the addition of 2-storey additions to either side of 11 Chamberlain Road. Both were refused in part for similar reasons with those being the reduction in visual and physical seclusion between the villas. The rear additions, including decking, raise no material conservation area concerns and nor does the continuation of a residential use.

Conclusion in relation to the conservation area

The proposals conflict with the objective of preserving or enhancing the character or appearance 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

The relevant Development Plan policies are:

- NPF4 Sustainable Places Policies 1 and 7.
- NPF4 Liveable Places Policies 14 and 16; and
- LDP Design Principles for New Development Policies 1 and 12.

The non-statutory Listed Buildings and Conservation Area Guidance and the Edinburgh Design Guidance are 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 are in accordance with NPF4 Policy 1.

Impact on the listed building

The impact of the proposed development on listed buildings and their settings has been considered and found to be not acceptable under Section a).

The proposals are not in accordance with the relevant sections of NPF4 Policy 7.

Impact on the conservation area

The impact of the proposed development on the conservation area has been considered and found to be not acceptable under Section b).

The proposals are not in accordance with the relevant sections of NPF4 Policy 7.

Design and impact on the character and appearance of the surroundings.

The proposals are not compatible with the character of the existing building, will be detrimental to neighbourhood amenity and would fail to contribute towards a sense of place through their inappropriate design, as considered under Sections a) and b).

The proposals are not in accordance with the relevant sections of NPF4 Policy 14 and LDP Policies Des 1 and Des 12.

Impact on neighbour amenity

A gable end window on the first floor flat has been blocked internally under listed building consent 23/05871/LBC. This feature would be concealed through the increase in height of the extension. Its external infilling, with matching stone, was approved under 24/01446/LBC. Although the external infilling of the gable end window is acceptable and would be lawful in planning terms, the works have not been carried out and the window could theoretically be returned to a functioning opening.

However, given the function of the window has been consciously removed, it would be unreasonable to afford significant weight to the potential impact of the development should the occupier of the flat above seek to reverse the blocking up of the window. The proposals would not result in an unreasonable loss of privacy or natural light to the upper floor flat or other neighbouring properties.

The proposals are in accordance with the relevant sections of NPF4 Policy 16 and LDP Policy Des 12.

Conclusion in relation to the Development Plan

The proposals are in accordance with NPF4 Policies 1 and 16. The proposals are not in accordance with NPF4 Policies 7 and 14 and LDP Policies Des 1 and Des 12 as they will result in harm to the listed building, fail to preserve or enhance the character or appearance of the conservation area and be incompatible with the existing building to the detriment of neighbourhood amenity and the creation of a sense of place.

d) There any compelling material considerations for approving the proposals

The following matters have been identified as material considerations.

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. On 27 June 2024, the Council accepted the recommendations and modifications required to the Proposed City Plan 2030.

On 10 September 2024 Scottish Ministers issued a Direction under section 20(5) of the Town and Country Planning Scotland Act 1997 that City of Edinburgh Council consider modifying the proposed City of Edinburgh Local Development Plan 2, City Plan 2030 as detailed within the annex to the direction. The required modifications are being reviewed and will be considered at a further meeting of the Planning Committee and then further Full Council.

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 adoption of the plan.

Equalities and human rights

Due regard has been given to Section 149 of the Equality Act 2010 and human rights; no material adverse impacts have been identified.

Public comments

25 signatures of support within a properly headed petition raising material planning considerations and three representations in objection were received. These numbers include the removal of an objection as requested. The letter of Support which states it is from the current occupier of 13A Chamberlain Road was not submitted as a representation. Matters raised have been summarised below and addressed where material within Section a), b) and c).

Material considerations in support

- Design is acceptable.
- Character and setting of the listed building will be preserved.
- Character and appearance of the conservation area will be preserved; and
- Lack of impact on neighbouring amenity.

Non-material considerations in support

- Provision of additional accommodation.

Material considerations in objection

- Design is not acceptable.
- Character and setting of the listed building will not be preserved.
- Character and appearance of the conservation area will not be preserved; and
- Adverse impact on neighbouring amenity.

Non-material considerations in objection

- Allegedly erroneous land ownership certificate.

Conclusion in relation to identified material considerations.

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

e) Overall conclusion

The proposals will result in harm to the listing building and they are not acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals conflict with the objective of preserving or enhancing the character or appearance of the conservation area and they are not acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals are not in accordance with the Development Plan as they do not comply with National Planning Framework 4 Policies 7 and 14 and Local Development Plan Policies Des 1 and Des 12. 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 are not acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as they will result in harm to the listing building.
2. The proposals do not acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as they fail to preserve or enhance the character or appearance of the conservation area.
3. The proposals do not accord with National Planning Framework 4 Policy 7 as they would result in harm to the listed building and would conflict with the objective of preserving or enhancing the character and appearance of the conservation area.
4. The proposals do not accord with National Planning Framework 4 Policy 14 and Local Development Plan Policies Des 1 and Des 12 as they are not compatible with the character of the existing building, will be detrimental to neighbourhood amenity and would fail to contribute towards a sense of place.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 17 June 2024

Drawing Numbers/Scheme

01-07

Scheme 1

David Givan
Chief Planning Officer
PLACE

The City of Edinburgh Council

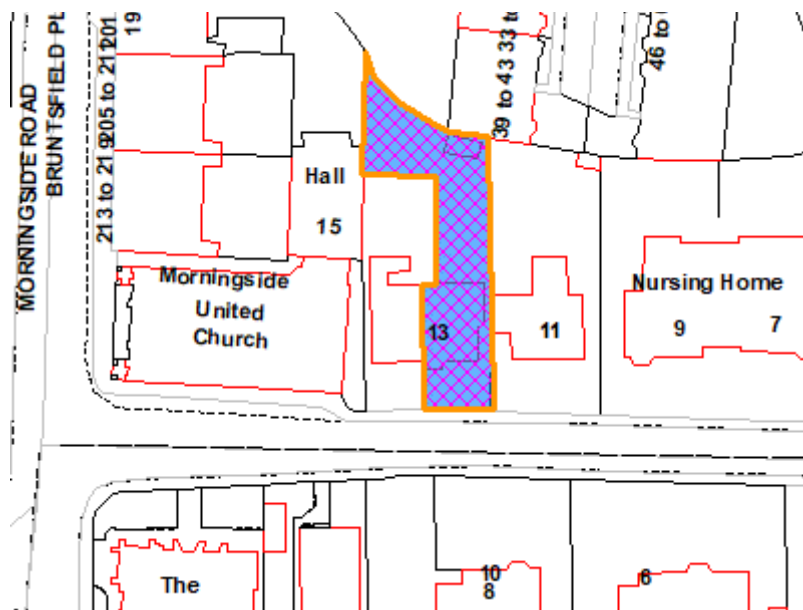
Contact: Graham Fraser, Assistant Planning Officer
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Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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