

Enforcement Report 10/1 Great King Street Edinburgh EH3 6QL

Development Quality Sub-Committee
Of the Planning Committee

Owner/s Mr Mahmood Hussain, Mrs Fatima Mahmood
Occupier Mr Mahmood Hussain, Mrs Fatima Mahmood
Reference No: 04/00277/E01

1. Purpose of Report

Breach of Control: The unauthorised installation of a Upvc double glazed window at 10/1 Great King Street, Edinburgh.

Recommendation: That Committee agrees to take statutory enforcement action requiring the removal of the unauthorised window and replacement with a window to match the original.

2. The Site and the Development

Site Description

The property is a first floor flat within a traditional stone built, three-storey with basement tenement on the north side of Great King Street, approximately 40 metres west of the junction with Drummond Place.

The building is statutorily category 'A' listed. The site is within the New Town Conservation Area and the World Heritage Site.

History

An application for listed building consent for internal alterations was submitted in October 1999. It was determined that permission was not required. (99/03311/LBC).

Representations

A letter of complaint was received in April 2004 from a neighbour concerned about the installation of a new window.

Description of Development

A bathroom window at the rear of the property has been replaced with a single pane, double-glazed, Upvc, casement window. The window measures approximately 1 metre in height by 0.25 metres in width.

3. Officer's Assessment and Recommendation

Determining Issues

The determining issues are whether the development has an adverse effect on the character and appearance of the listed building and/or the Conservation Area, and in the light of these issues, whether it is expedient to initiate statutory enforcement action.

Assessment

While the window opening is relatively small and on the rear elevation, the introduction of the Upvc double glazed window has a discernable impact on the appearance of the building. The window is bulky in comparison with the original timber casement windows. It has a detrimental effect on the appearance of the building and for that reason does not comply with Policy CD2 and Policy CD20 of the Central Edinburgh Local Plan.

The development does not have a significant effect on the character and appearance of the Conservation Area. However, a proliferation of this type of development would have a significant detrimental effect. If the window were allowed to remain it would set an undesirable precedent.

For these reasons the window is considered to have an adverse effect on the character and appearance of the listed building and the conservation area. It does not comply with Policy CD2 or Policy CD20 of the Central Edinburgh Local Plan, the Council's guidelines on Window Alterations or the advice contained in the Memorandum of Guidance on listed buildings and conservation areas. It is therefore unacceptable.

It is recommended that the Committee agrees to initiate enforcement action to remove the window and have it replaced with a window to match the original.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	David Cooper on 0131 529 3653
Ward affected	40 - Milton
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Mainly Residential Area
File	af
Date Complaint Received	26 th July 2004

Appendix

Policy

The site lies within the Central Edinburgh Local Plan area. The Plan notes (2.14) that through its listed building powers the Council will prevent avoidable demolition and minimise the damaging impact of necessary alterations. A number of policies are relevant.

Central Edinburgh Local Plan

Policy CD2 states that all proposals affecting a listed building or its setting, will be considered for their effect on its character and if appropriate their contribution to its care and restoration. Alterations, extensions or changes of use likely to diminish the architectural integrity of the building or its historic interest will not be allowed.

Policy CD4 states that in relation to development proposed in a conservation area the Council will require the retention of all features which contribute to its character and appearance, including unlisted buildings of townscape interest, boundary walls and railings, historic gardens, trees and landscape features, traditional and natural paving materials and street furniture and the historic pattern of streets and spaces.

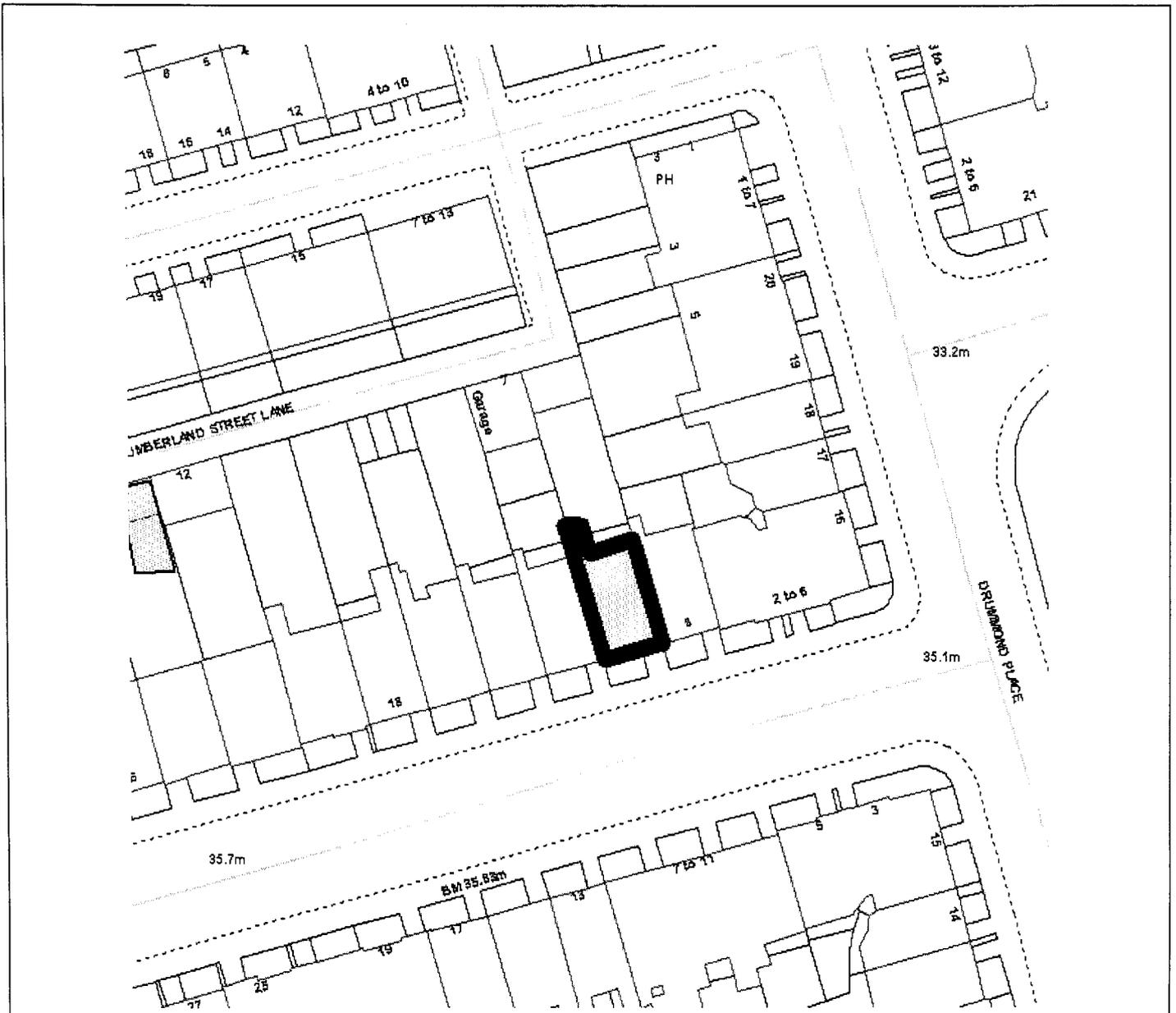
Policy CD20 states that proposals to alter or replace windows will be carefully controlled to protect the special character of listed buildings and conservation areas and the appearance of other areas of window control defined on the Proposals Map. The basis will be as follows:

- a) Listed buildings – only proposals which will enhance their character, such as restoration proposals, will be approved.
- b) Non-listed buildings in conservation areas – proposals for replacement windows using modern materials may be acceptable providing the proposal is to match the proportions of the original and its means of opening in normal use.
- c) Non-listed buildings in the defined areas of window control – as b) above for public elevations only.

Non-Statutory Guidelines

The Memorandum of Guidance on listed buildings and conservation areas (Appendix 1, 1.2.0 Openings: Doors and Windows) states that original windows should be retained or, where replacement is necessary, replaced with new windows to match the originals in every respect.

The Council's guidelines on Window Alterations state new windows in listed buildings should replicate the originals in materials and design.



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ENFORCEMENT

Address

10 C Great King Street, Edinburgh, EH3 6QL

Breach

Application number:

04/00277/E01

WARD

18- New Town

**THE CITY OF EDINBURGH COUNCIL
 THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**