

**Full Planning Application 06/04591/FUL
at
41 Montrose Terrace
Edinburgh
EH7 5DJ**

**Development Quality Sub-Committee
of the Planning Committee**

1 Purpose of report

To consider application 06/04591/FUL, submitted by Mr Logan. The application is for: **Installation of satellite dish (in retrospect)**

It is recommended that this application be **REFUSED AND ENFORCED**

2 The Site and the Proposal

Site description

The application property is a three storey tenemented building with attic, on the north side of Montrose Terrace, dating from circa 1820 with later shops at ground floor level. The building is category B listed (listed in 1979, reference no. 49061) (Meadowbank Ward).

This property is located within the New Town Conservation Area.

Site History

May 2004 - consent granted to replace existing damaged windows and door.
(03/04603/LBC)

An enforcement case for the satellite dish that is the subject of this application is outstanding (60/000671/E55)

Description of the Proposal

This is a retrospective application for a large satellite dish on the flat roof of this tenement building. The dish is 1.8 m in diameter. It has a red graphic lighting bolt symbol on it.

3 Officer's Assessment and Recommendations

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) The proposals have an adverse impact on the character or appearance of the conservation area;
- b) The proposals adversely affect the listed building or its setting;
- c) The proposals are detrimental to residential amenity or road safety.

a) The character of the New Town Conservation Area is described in the Central Edinburgh Local Plan as follows:

A planned urban concept of European significance, the New Town has an overriding character of Georgian formality. The First New Town, built to James Craig's 1767 plan, has experienced significant redevelopment, while the Second, Third and Fourth New Towns, which were laid out on estates to the north, east and west retain most of their original buildings. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area therefore lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves. Many of the New Town's buildings are listed category 'A' of national importance and the area contains some of the city's finest interiors.

The dish, which has already been installed, is large and conspicuously sited on the flat roof of this tenement. It is clearly visible from across the street and also from Kyle Place. It is visible on the approach down Montrose Terrace although it is partially concealed by chimney pots. The Non-Statutory Guidelines on Satellite Dish Aerials states that in conservation areas: "Dishes will normally be acceptable where they are effectively screened from public view provided that the character and visual amenity of the conservation area are not adversely affected."

In this instance the dish is much larger than most dishes (1.8m in diameter) with an applied red graphic symbol and is clearly visible to the detriment of the visual coherence of the conservation area.

The proposals are not acceptable and have an adverse impact on the character and appearance of the conservation area;

b) The Non-Statutory Guidelines on Satellite Dish Aerials states that with respect to listed buildings: "dishes will not normally be acceptable where they would adversely affect the character or setting of a listed building. Poorly sited satellite dishes can be visually intrusive and detract from the architectural composition of a building." The dish on this building is large and conspicuous and detracts from the simplicity of the architecture.

The proposals are not acceptable and adversely affect the listed building.

c) There are no issues of residential amenity or road safety.

The proposals do not comply with the development plan and non-statutory guidelines, have an adverse effect on the character and appearance of the conservation area and the listed building, but have no detrimental impact on residential amenity.

There are no material planning considerations which outweigh this conclusion.

It is recommended that the Committee refuse this application for the reasons stated pertaining to its effect on the character of the listed building and conservation area and authorise enforcement action to remove the dish.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Barbara Stuart - Tuesday, Wednesday, Thursday Only on 0131 529 3927
Ward affected	35 - Meadowbank
Local Plan	Central Edinburgh Local Plan
Statutory Development Plan Provision	Housing and Compatible Uses
Date registered	6 November 2006
Drawing numbers/ Scheme	1-2 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Nancy Jamieson on 529 3916. Email: nancy.jamieson@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

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Consultations, Representations and Planning Policy

Consultations

No consultations undertaken.

Representations

The application was advertised on the 17th of November 2006. Three letters of representation were received. Neighbours object to the dish on the grounds of its adverse effect on the conservation area and listed building.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The site is allocated as Housing and Compatible Uses in the Central Edinburgh Local Plan.

Relevant Policies:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Non-statutory guidelines on 'SATELLITE DISH AERIALS' set criteria for assessing such proposals.

Non-statutory guidelines 'ALTERATIONS TO LISTED BUILDINGS' provide general guidance for assessing proposals for both internal and external alterations.

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **REFUSED AND ENFORCED**

Reasons

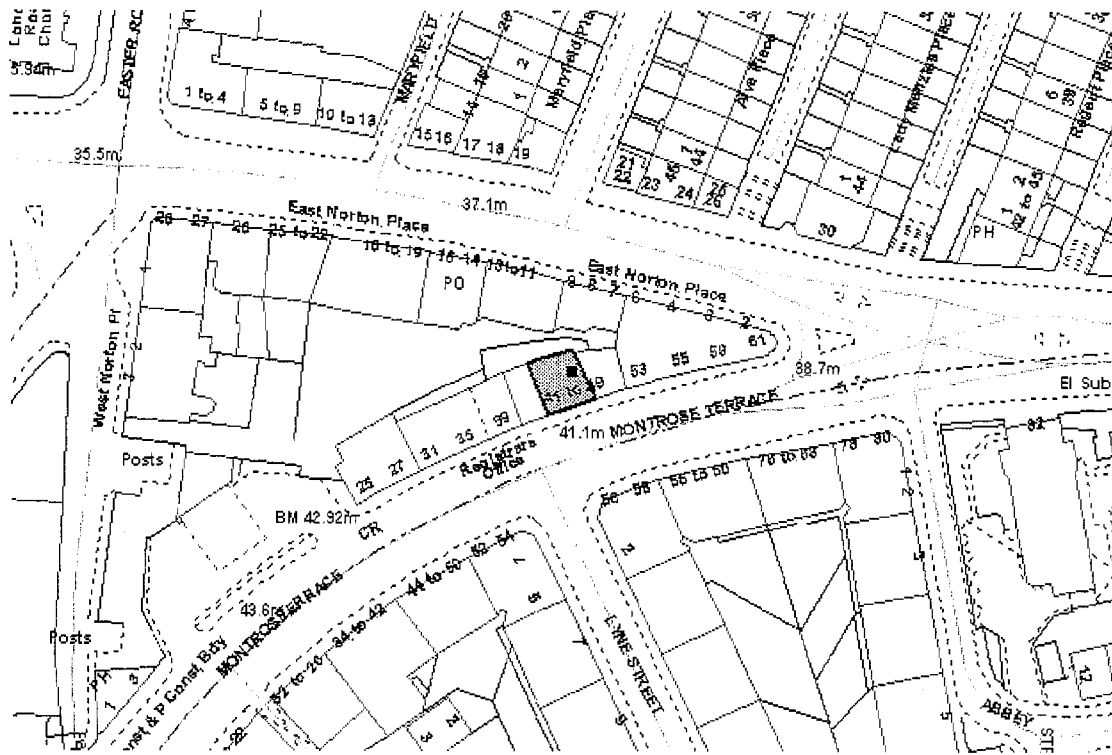
1. The proposal is contrary to Central Edinburgh Local Plan Policy CD2, in respect of Listed Buildings, as the alterations diminish the architectural integrity of the listed building.
2. The proposal is contrary to Non Statutory Guidelines in respect of Alterations to Listed Buildings, as the dish detracts from the appearance of the building and erodes its architectural quality
3. The proposal is contrary to Non Statutory Guidelines in respect of Satellite Dish Aerials, as the visual amenity of the conservation area is adversely affected by the proposals.
4. The proposal is contrary to Central Edinburgh Local Plan Policy CD5, in respect of Conservation Areas - Redevelopment, as the satellite dish, by virtue of its size and conspicuous location, does not preserve or enhance the character of the conservation area.

End

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Location Plan

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