

Development Management Sub Committee

Wednesday 11 September 2013

**Application for Planning Permission 13/02442/FUL
At 34 Hamilton Place, Edinburgh, EH3 5AX
Alteration to residential dwelling to form a duplex dwelling
and formation of roof terrace (as amended).**

Item number	9.2
Report number	
Wards	A05 - Inverleith

Links

Policies and guidance for this application	NSHOU, LPC, CITE4, CITE6, CITD3, CITD11, CITE3, NSG,
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Executive summary

Application for Planning Permission 13/02442/FUL At 34 Hamilton Place, Edinburgh, EH3 5AX Alteration to residential dwelling to form a duplex dwelling and formation of roof terrace (as amended).

Summary

The proposal complies with development plan policies and non-statutory guidelines. The alterations are not significant in aesthetic terms in relation to the previous consent and partially non-material. The proposal complies with guidelines in relation to privacy to neighbouring sites. No other considerations outweigh this conclusion.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

The property remains in Council ownership. Whilst the previous consent for the wider conversion had a financial implication to the Council, this amendment has no direct financial impact.

Equalities impact

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

Pre-Application Process

Pre-application discussions took place on this application.

Publicity summary of representations and Community Council comments

The application was advertised on 5th July 2013. Seven representations were received in total from neighbours and from Sarah Boyack MSP, all in objection. There were no letters of support for the application.

The letters of objection raised the following material objections:

- Loss of privacy and overlooking from the creation of a "social space" within the proposed roof terrace.
- Noise and disturbance from the terrace.

Non-material issues raised included security issues, "recreational use" of the terrace and also suggested that alternative uses should still be sought for the entire building.

A full assessment of the representations can be found in the Assessment section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

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1. Background

1.1 Site description

The property comprises a three storey and basement tenement dating from 1825. It has a two storey extension to the north side, fronting onto the street, dating from around 1910 but with a facade echoing the main Georgian frontage. There is a very large hall to the rear of the extension from the same period and the entire interior has been remodelled at the same date. Only the former common stair remains unaltered. A modern glazed infill fills the gap between the north extension and the early 20th century tenement beyond. The building is listed category B (ref.30115) and was listed on 12.12.1974.

The rear hall stands amid rear greens and close to a three storey tenement on Stockbridge Market.

The entire building complex within the site boundary formerly served as a small theatre and ancillary spaces. Following the closure of the theatre, it is now wholly vacant.

This property is located within the New Town Conservation Area.

1.2 Site History

6 August 2012 - committee approved physical alterations to the northern part of the building, adding an additional floor in a modern idiom in lieu of an existing hipped roof and fully infilling the gap between the building and the tenement to the north. Residential use was approved at upper floors (6 flats) but restaurant use was refused at ground floor.

28 August 2012 -Listed building consent granted for the physical alterations outlined above (12/00618/LBC).

7 December 2012 - the DPEA granted an appeal on the restaurant use component of the application.

21 February 2013 - a retail supermarket was approved at ground floor in the northern section of the building (12/04407/FUL)

25 May 2013 - an application for an access door to the new flat roof was withdrawn (13/00943/FUL+LBC)

23 August 2013 - a parallel application for listed building consent granted for minor alterations connected to the current planning application was approved following the views of the Scottish Ministers being received (13/02443/LBC).

2. Main report

2.1 Description Of The Proposal

The application represents a material variation to a previously approved application (12/00618/FUL).

The proposed changes to the existing consent are as follows:

- the creation of 4 new conservation rooflights in the tenement roof;
- the creation of a central roof terrace on the top of the approved new-build element to the north, including an access door to this formed in the existing gable of tenemental section.

The roof terrace was amended to set back 1m behind the front ridge. On the rear, it is set back over 4m from the rear elevation. Both sides are enclosed by a glass balustrade.

The terrace has an area of just under 30 sqm.

2.2 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 consent.

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 consent. 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 plan, are there any compelling reasons for approving them?

2.3 Assessment

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

- a) the proposal preserves or enhances the character and appearance of the conservation area, and the setting of the listed building;
- b) the proposal is detrimental to the amenity of residents;

- c) the proposal has any equalities or human rights impacts; and
- d) representations raise any issues which require to be addressed.

a) Impact Upon The Conservation Area

The New Town Conservation Area Character Appraisal outlines the character of the New Town as:-

"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 addition of rooflights and door within the gable is insignificant and considered independently these elements are non-material alterations.

The glass balustrade is well set back from the frontage and will have no public effect on the streetscape. It will sit on a wholly new-build element and will visually integrate to that element. This existing approved design already contains terraces on the level below.

The alteration is acceptable in terms of its appearance.

Due to its location between gables, the alteration will have no effect on the setting of any listed building.

b) Effect Upon Residential Amenity

To the rear, the proposed terrace is set back from the existing rear elevation and the existing terraces which are already approved on the level below. The new terrace stands 23.5m from the closest neighbouring windows opposite and therefore exceeds privacy requirements. Privacy policy is therefore met. Due to the set-back, the terrace does not overlook any immediately adjacent gardens and those distant gardens which it can overlook are beyond 9m and are already overlooked by encircling tenements.

The proposed rooflights do not give rise to any privacy issues.

No overshadowing is caused by the alteration.

The proposed roof terrace is ancillary to the consented residential use of the building. Any noise or disturbance issues would be addressed through other legislation or controls.

The proposal complies with policy requirements and is acceptable in terms of its effect on neighbours.

c) Equalities and Human Rights

There are no effects on equalities or human rights.

d) Public Comments

Material objections

Creation of a "social space" on the roof would create a loss of privacy and cause overlooking - addressed in section b) of assessment

Noise and disturbance- addressed in section b) of assessment.

Non-Material objections

An alternative use should be sought for the building - this is not relevant to the planning application.

Security issues for the flat below - this is not a planning consideration.

Recreational use of this area - the use remains residential and the terrace is ancillary to the main residential use.

In conclusion the proposal complies with development plan policies and non-statutory guidelines. The alteration is not significant in aesthetic terms and complies with guidelines in relation to neighbouring amenity. No other considerations outweigh this conclusion.

3. Recommendations

3.1 It is recommended that this application be Granted subject to the details below

3.2 Conditions/reasons

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Statutory Development**Plan Provision**

The property lies in the identified Town Centre for the Stockbridge area and in the New Town Conservation Area both as shown in the Edinburgh City Local Plan.

Date registered

26 June 2013

Drawing numbers/Scheme

1-10,11a,12-18,19a,

Scheme 2

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Links - Policies

Relevant Policies:

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Relevant policies of the Edinburgh City Local Plan.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Relevant Non-Statutory Guidelines

Appendix 1

Consultations

No consultations undertaken.

Location Plan



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