

Development Management Sub Committee

Wednesday 25 June 2014

Application for Certificate of Lawfulness (proposed) 14/01804/CLP

At 3F1 10 Waverley Park, Edinburgh, EH8 8EU

Conversion of attic space to form habitable accommodation,
installation of rooflights to front and rear.

Item number	4.19
Report number	
Wards	A11 - City Centre

Summary

The proposal represents 'not development' in accordance with the provisions of Section 26 (2)(a)(i) of the Town and Country Planning (Scotland) Act 1997 (as amended) and 'permitted development' under Schedule 1, Article 3, Part 1ZA, Class 4A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

Links

Policies and guidance for this application	NONE,
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Report

Recommendations

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

Background

2.1 Site description

The application property consists of a third floor flatted dwelling within a four storey tenement building located on the west side of Waverley Park.

The property is not listed nor located within a conservation area.

The surrounding area is predominantly residential.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The applicant wishes to ascertain whether the conversion of the attic to form habitable accommodation and the installation of rooflights to the front and rear elevations as well as ridge of the roof would be lawful under the provisions of section 151 of the Town and Country Planning (Scotland) Act 1997.

3.2 Determining Issues

On the facts of the case and the planning law applicable to the site, is the specified use, operational development or failure to comply with a condition, lawful?

3.3 Assessment

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

- a) The proposed attic conversion constitutes 'development' under Section 26 (2)(a)(i) of the Town and Country Planning (Scotland) Act 1997 (as amended);
- b) The proposed rooflights constitute 'permitted development' under Schedule 1, Article 3, Part 1ZA, Class 4A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

ASSESSMENT

a) The proposed attic conversion includes works that alter only the interior of the building. It is therefore determined that this element of the proposal is not development under the definition contained within Section 26 (2)(a)(i) of the Town and Country Planning (Scotland) Act 1997.

b) The proposal site is a top floor residential flat and it is proposed to insert five new roof lights within the roof plane. The proposed rooflights do not protrude more than 1 metre from the outer surface of the roof plane of the flatted dwelling. The application site is not within a conservation area or within the curtilage of a listed building.

In light of the above factors, the proposed rooflights are considered to be 'permitted development' under Schedule 1, Article 3, Part 1ZA, Class 4A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

CONCLUSION

As such the proposed development as identified in the submitted plans constitutes 'permitted development' and 'not development'. A certificate, under the provisions of Section 151 of the Town and Country Planning (Scotland) Act 1997, can therefore be issued in this instance.

The applicant is a member of staff of the Planning Service and a Committee decision is therefore required.

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

3.4 Conditions/reasons/informatives

Conditions:-

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No consultation has been carried out in accordance with the regulations.

Background reading / external references

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

Statutory Development

Plan Provision

None; applications for certificates of lawfulness are considered purely on evidential fact and law.

Date registered

9 May 2014

Drawing numbers/Scheme

01-06,

Scheme 1

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Links - Policies

Relevant Policies:

Policies not applicable

Appendix 1

Consultations

No consultations undertaken.

Location Plan



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