

Item No 5.4 (a)

**THE CITY OF EDINBURGH COUNCIL PLANNING LOCAL REVIEW BODY
6/8/14**

Decision Notice and Report of Handling

26 Polwarth Terrace

Planning + Building Design Ltd.
Fao Keith Owens
24 West Nicolson Street
Edinburgh
EH8 9DA

Whitechester.
C/o Agent.

Date:23 May 2014

Your ref:

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Erect decorative railings around roof.
At 26 Polwarth Terrace Edinburgh EH11 1NA

Application No: 14/01172/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 26 March 2014, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, Policy Env 6 in respect of Conservation Areas, Development since the railings on the roof will be highly visible and will introduce an architectural feature which is not characteristic of the conservation area.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 1, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, Policy Env 6 in respect of Conservation Areas, Development since the railings on the roof will be highly visible and will introduce an architectural feature which is not characteristic of the conservation area.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Jeanette Arnott directly on 0131 529 3594.



David R. Leslie
Acting Head of Planning and Building Standards

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice review should be addressed to the City of Edinburgh Planning Local Review Body, G2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission 14/01172/FUL
At 26 Polwarth Terrace, Edinburgh, EH11 1NA
Erect decorative railings around roof.**

Item	Local Delegated Decision
Application number	14/01172/FUL
Wards	A10 - Meadows/Morningside

Summary

The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, Policy Env 6 in respect of Conservation Areas, Development since the railings on the roof will be highly visible and will introduce an architectural feature which is not characteristic of the conservation area.

Links

<u>Policies and guidance for this application</u>	LPC, CITD11, CITE6, NSG, NSHOU, NSLBCA, OTH, CRPMER,
----------------------------------------------------------	------------------------------------------------------

Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is a large sandstone villa located on the north side of Polwarth Terrace, between its western junction with Etrick Road and its eastern junction with Napier Road, close to the tennis club and the Royal Etrick Hotel. The area is predominantly residential with modern four storey flats to the west and east and traditional tenements to the rear. The house is on a sloping site with two storeys to the front and three storeys at the rear. The front elevation has bay windows and a small terraced feature above the front door. Permission was granted in 2013 for a side extension and a conservatory and raised terrace to the rear, the site is enclosed by a stone boundary wall.

This application site is located within the Merchiston _ Greenhill Conservation Area.

2.2 Site History

29.9.13 - Permission granted for alterations and two-storey extension to side with two/single storey extension to rear - 13/04031/FUL

Main report

3.1 Description Of The Proposal

It is proposed to erect wrought iron decorative railings around the perimeter of the flat part of the roof. A roof plan has not been submitted and there are no details of whether it is intended to allow access onto a roof terrace, The railings will be painted black and are 1.1metre in height which comply with building standards safety requirements.

3.2 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 permission.

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?

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposals are acceptable within the Conservation Area.
- b) the proposals are of an appropriate scale, form and design
- c) the proposal will result in an unacceptable loss of neighbouring amenity;
- d) any impacts on equalities or human rights are acceptable; and equalities or human rights are acceptable; and
- e) comments raised have been addressed,

a) Acceptability of the proposals within the Conservation Area

Merchiston and Greenhill Conservation Area Character Statement

Dominated by Victorian villas set in extensive gardens, this conservation area consists of the three former estates of Greenhill, East Morningside and Merchiston, which were developed from 1840. The area contains many listed buildings as well as the notable grouping of churches at Holy Corner. The main threat to the area is the over-development of villa grounds and erosion of garden space and boundary walls through the sub-division of property.

The property is characteristic of many of the properties located within the Merchiston and Greenhill Conservation Area. The decorative railings will introduce a significant feature to the property which is not characteristic of the conservation area. In this instance, the character of the Conservation Area will be prejudiced by the proposed railings.

The proposed railings are in breach of Local Plan policy Env 6 which states that development within a conservation area must preserve or enhance the special character or appearance of the conservation area and Des 11 which states the alterations in their design and form, choice of materials and positioning are compatible with the character of the existing building.

b) Scale, form and design

The roof railings with a height of 1.1 metres, will introduce a feature which is not characteristic of this style of property and will have a dominant impact to the detriment of the existing property.

c) Neighbouring amenity

There is no information submitted with this application regarding the formation of a roof terrace, on the assessment of the impact of the roof railings upon residential amenity the proposals will not have a detrimental impact.

d) Equalities or human rights impacts

The proposals are attached to a private dwelling, there are no equalities or human rights issues.

e) Public comments

The proposals were advertised on 4th April 2014 and 3 objections were received, two from neighbours and one from the Cockburn Society.

The points of objection relate to:

The proposals are considered not to be in keeping with the conservation area , addressed in 3.3(a)

The proposals are considered not to be in keeping with the character of the property, addressed in 3.3(b)

Non Material points raised relate to disruption and nuisance associated with current and any future construction work and damage to the neighbouring property from the erection of scaffolding.

Community Council comments
None received.

It is recommended that this application be Refused for the reasons below

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, Policy Env 6 in respect of Conservation Areas, Development since the railings on the roof will be highly visible and will introduce an architectural feature which is not characteristic of the conservation area.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

The proposals were advertised on 4th April 2014 and 3 objections were received, two from neighbours and one from the Cockburn Society.

The points of objection relate to:

The proposals are considered not to be in keeping with the area

The proposals are considered not to be in keeping with the character of the property

Non Material points raised relate to disruption and nuisance associated with current and any future construction work and damage to the neighbouring property from the erection of scaffolding.

Background reading / external references

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

Statutory Development

Plan Provision

The property referred to in this application is identified in the Edinburgh City Local Plan as being located within a conservation area.

Date registered

26 March 2014

Drawing numbers/Scheme

1

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jeanette Arnott, Planning Officer

E-mail: jeanette.arnott@edinburgh.gov.uk Tel: 0131 529 3594

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Merchiston & Greenhill Conservation Area Character Appraisal emphasises the consistent domestic grain, scale and building mass; 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; the uniformity resulting from the predominant use of traditional building materials; and the predominance of residential uses within the area

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 14/01172/FUL

Application Summary

Application Number: 14/01172/FUL

Address: 26 Polwarth Terrace Edinburgh EH11 1NA

Proposal: Erect decorative railings around roof.

Case Officer: Jeanette Arnott

Customer Details

Name: Mr S Sneddon

Address: Flat 3, 26B Polwarth Terrace, Edinburgh EH11 1NA

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:With regard to new railings to be erected; I feel that these would not match any of the other houses on the street to therefore object.

Jeanette Arnott

From: director@cockburnassociation.org.uk
Sent: 27 April 2014 14:51
To: Jeanette Arnott
Cc: Planning; 'Joe Taylor'
Subject: 14/01172/FUL 26 Polwarth Terrace

Dear Jeanette,

APPLICATION REFERENCE: 14/01172/FUL 26 Polwarth Terrace

The Association has studied the plans for the above proposal and wishes to make the following comments.

We consider the proposed railing to be an unacceptable imitation of Victorian era ornamental cresting. If the application is for "decorative railing" this is twice the height for the period. The addition of fence posts at intervals is also out of keeping with the style for these properties. The plans suggest a roof terrace fence rather than anything decorative.

We therefore object to the proposals.

Kind regards,

Marion Williams

Director, The Cockburn Association

Jeanette Arnott

From: John Maciver
Sent: 23 April 2014 09:25
To: Stephen Cunningham
Cc: Jeanette Arnott
Subject: RE: Planning permission objection - 14/01172/FUL at 26 Polwarth Terrace

Mr Cunningham

My colleague Jeanette Arnott (tel: 529 3594) is the case officer for the most recent planning application.

The deadline for representations, given that the application was advertised as development in the conservation area, is Friday 25 April.

Accordingly, your representation has been received in time.

I have forwarded your email representation to Jeanette; she will ensure that it is acknowledged and that the issues raised are considered as part of the determination of the application.

Regards

John Maciver
Senior Planning Officer

Planning and Building Standards | Services for Communities | The City of Edinburgh Council | Waverley Court, G.2, 4
East Market Street, EDINBURGH, EH8 8BG | Tel 0131 529 3918 | Fax 0131 529
6206 | john.maciver@edinburgh.gov.uk | www.edinburgh.gov.uk

From: Stephen Cunningham [mailto:a1stephencunningham@hotmail.com]
Sent: 22 April 2014 22:23
To: John Maciver
Subject: FW: Planning permission objection

Hi John, I reside at 26B Polwarth Terrace, and note the planning permission request at 26 Polwarth Terrace.

Are you the lead officer in charge of this request?

Apologies for the delay in replying.

I have had difficulty logging on to the website.

I note that I only had 21 days to respond, but that 21 days from 28 March 2014 was a bank holiday so it is reasonable I have one further working day to respond.

I formally object to any further work, beyond the extensive planning permission already granted since this request is not in keeping with the local area.

This new request is not in line with rest of street - a conservation area.

The standard of professionalism of the building work at 26 Polwarth Terrace has so far has been unacceptable for the planning work granted at 26 Polwarth Terrace so far e.g.

i) The tradesmen have performed work - including moving scaffolding - at the weekends and on a Sunday.

- ii) The tradesmen routinely shout across the property increasing noise
- iii) On a number of occasions the tradesmen have urinated in the corner of the garden (I have photographic evidence of this taking place at c noon on Wed 9 April).

I therefore do not wish to prolong what has already been an extensive project without any visibility of an on-site project manager.

Further the site should have had on-site toilet facilities during the period the sewage was knocked-out (to allow multiple en-suites to be developed) so that the workmen would not have to urinate in the garden in sight of my property.

regards
Stephen

> Subject: RE: Planning permission objection

> Date: Thu, 12 Dec 2013 09:19:33 +0000

> From: John.Maclver@edinburgh.gov.uk

> To: [REDACTED]

>

> Mr Cunningham

>

> I understand that the notification was posted to you on 20 November but that an email has been sent this morning.

>

> Regards

>

> John Maciver

> Senior Planning Officer

>

> Planning and Building Standards | Services for Communities | The City of Edinburgh Council | Waverley Court, G.2, 4 East Market Street, EDINBURGH, EH8 8BG | Tel 0131 529 3918 | Fax 0131 529 6206 | john.maciver@edinburgh.gov.uk | www.edinburgh.gov.uk

>

> -----Original Message-----

> From: Steve Cunningham ([mailto:a1\[REDACTED\]](mailto:a1[REDACTED]))

> Sent: 11 December 2013 19:20

> To: John Maciver

> Subject: Re: Planning permission objection

>

> Hi John I did not receive notification on 20 November 2013. Was this via email or mail?

> regards

> Stephen

>

> -----Original Message-----

> From: John Maciver <John.Maclver@edinburgh.gov.uk>

> Date: Wed, 11 Dec 2013 15:55:30

> To: [REDACTED]

> Subject: RE: Planning permission objection

>

>

>

> Mr Cunningham
>
> Thank you for your recent enquiry regarding this application for planning permission.
>
> I understand from the records that you were notified of the decision to approve the application on 20 November 2013.
>
> As a neighbour to the development there is no provision within the planning regulations for any appeal against the Council's decision. However, there is a copy of the decision notice and the 'report of handling' are available on the Council's website <<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/simpleSearchResults.do;jsessionid=D5DF154083CD7987CE15D0469AE14437?action=firstPage>> .
>
> The planning regulations do not cover the process of how the works are carried out on site nor do they control the hours of those works. Any issues of noise and other disturbance should be reported to the Council's Anti-Social Behaviour Team <https://www.edinburgh.gov.uk/forms/form/24/en/report_anti-social_behaviour> .
>
> Regards
>
> John Maciver
> Senior Planning Officer
>
> Planning and Building Standards | Services for Communities | The City of Edinburgh Council | Waverley Court, G.2, 4 East Market Street, EDINBURGH, EH8 8BG | Tel 0131 529 3918 | Fax 0131 529 6206 | john.maciver@edinburgh.gov.uk <BLOCKED::mailto:john.maciver@edinburgh.gov.uk> | www.edinburgh.gov.uk <<http://www.edinburgh.gov.uk/>>
>
> -----Original Message-----
> From: Steve Cunningham [mailto:]
> Sent: 09 December 2013 17:51
> To: John Maciver; Local Developments East
> Subject: Re: Planning permission objection
>
> Hi John, has permission been given to 26 Polwarth Terrace for extension?
> Is there any right of appeal? Is there full public disclosure the the governance/rationale behind the council allowing this?
>
> At 0930 this morning, one of the tradesman parked in the carpark at this address used their car horn sustained twice.
>
> There is no single foreman on site and there are a number of different firms working independently.
>
> Please inform the owner that the tradesmen must make an effort to limit the noise pollution in this residential area?
> -----Original Message-----
> To: john.maciver@edinburgh.gov.uk <<mailto:john.maciver@edinburgh.gov.uk>>
> To: localdevelopments.east@edinburgh.gov.uk <<mailto:localdevelopments.east@edinburgh.gov.uk>>
> Subject: Fw: Planning permission objection
> Sent: 25 Oct 2013 09:12
>
> Hi, please not my objections to the request for planning permission.

>
> (the deadline to object is today and I've had issues logging on to your online system.
>
> Please confirm this objection has been considered.
>
> -----Original Message-----
> To: Planning
> Subject: Planning permission objection
> Sent: 25 Oct 2013 09:01
>
> Hi, I reside at 26B Polwarth Terrace and would like to raise an objection to proposed development work at 26 Polwarth Terrace. Please note I have had technical problems registering with your online system and the system is not allowing me to comment despite making numerous attempts to register.
>
> 13/04031/FUL | Alterations and two-storey extension to side with two / single storey extension to rear. | 26 Polwarth Terrace Edinburgh EH11 1NA
>
> This development will result in a multi-height property which is not in-keeping with the local area.
>
> Access to rear of the property from the sides of 26 Polwarth Terrace is limited and this substantial building work risks damage to boundary wall and protected trees in what is a conservation area.
>
> Development to the rear of the property will worsen the view from neighbouring properties.
>
> This building work is creating a precedent as no other property on this section of Polwarth Terrace has extensions to the rear of their property.
>
> The existing front boundary wall is established and is consistent with other walls at street level. There are protected trees very close to this wall and I object to this level of work in a conservation area.
>
> 26B/5 Polwarth Terrace
> Office tel today 0207 004 8723
> Mob 07986 161 945
>
> -----Original Message-----
> From: publicaccess.alerts@edinburgh.gov.uk <<mailto:publicaccess.alerts@edinburgh.gov.uk>>
> To: S C hotmail Cunningham
> Subject: Registration Confirmation Request
> Sent: 25 Oct 2013 08:42
>
> Hello STEPHEN CUNNINGHAM,
> To confirm your registration please click the following link:
> <https://citydev-portal.edinburgh.gov.uk/idxpa-web/registrationConfirm.do?action=createUser&key=189369adc3ea6e9f3fdcf7577733dc0b>
> If required you can also copy the link to the address field of your browser.
> Please Logon with the username and password you originally selected.
> *****
> This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed. If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person. The Council has endeavoured to scan this eMail message and attachments for computer

viruses and will not be liable for any losses incurred by the recipient.

- >
- > regards
- > Stephen