

DECISION NOTICE AND REPORT OF HANDLING

Application address - GF 9 Lee Crescent Edinburgh EH15 1LW

Application Ref. No - 14/03312/FUL

Review Ref No - 14/00151/REVREF

Review Lodged Date 08.12.2014

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Les McCaskey
15 Boswall Terrace
EDINBURGH
EH5 2FE

Mr Andrew Cummings.
GF
9 Lee Crescent
Edinburgh
EH15 1LW

Date: 22.01.2015

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2013**

Erect upvc conservatory to rear of property.

At GF 9 Lee Crescent Edinburgh EH15 1LW

Application No: 14/03312/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 14 August 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:-

Reason for Refusal:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, and non-statutory Guidance for Listed Buildings and Conservation Areas, as the proposal fails to preserve or enhance the character or appearance of the conservation area because it dominates the rear elevation, obscures a substantial portion of the ground floor stone facade, results in the loss of a timber sash and case window and uses a material that is inappropriate in the historic built environment.
2. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions and non-statutory Guidance for Householders, as the proposal is not compatible with the existing building because of its scale and design.

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

Drawings 01-02, 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 dominates the rear elevation because it obscures a substantial portion of the ground floor stone facade, results in the loss of a timber sash and case window and introduces a material that is not appropriate in the historic built environment. The use of upvc is not justified because it does not form part of the character of the conservation area. The proposal is contrary to policies Env 6 and Des 11 and non-statutory Guidelines for Listed Buildings and Conservation Areas and Householders. There are no material considerations to justify approval.

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 Elaine Watson directly on 0131 529 3478.

D R Leslie

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 14/03312/FUL
At GF 9 Lee Crescent, Edinburgh, EH15 1LW
Erect upvc conservatory to rear of property.

Item	Local Delegated Decision
Application number	14/03312/FUL
Wards	A17 - Portobello/Craigmillar

Summary

The proposal dominates the rear elevation because it obscures a substantial portion of the ground floor stone facade, results in the loss of a timber sash and case window and introduces a material that is not appropriate in the historic built environment. The use of upvc is not justified because it does not form part of the character of the conservation area. The proposal is contrary to policies Env 6 and Des 11 and non-statutory Guidelines for Listed Buildings and Conservation Areas and Householders. There are no material considerations to justify approval.

Links

<u>Policies and guidance for this application</u>	LPC, CITD11, CITE6, NSG, NSLBCA, NSHOU, OTH, CRPPOR,
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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 ground floor flat that forms part of a two storey, terraced building located on the east side of Lee Crescent. The existing building is stone built under a slate roof with timber sash and case windows. A single storey outshot with a hipped roof is positioned on the rear elevation along the north boundary. The rear garden is bound by a two metre brick and rendered wall. A two storey outshot is positioned along part of the south boundary.

The area is characterised by stone built terraces with timber sash and case windows.

This application site is located within the Portobello Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes the erection of an upvc conservatory with a single sloping roof on the rear elevation. The proposed conservatory has a footprint of 15.6 square metres, an eaves height of 2.35 metres and an overall height of 3.25 metres.

Supporting Statement

The applicant submitted a supporting statement which raised the following points:

- design;
- materials;
- upvc conservatory at 31 Duddingston Park.

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 proposal is an acceptable design and preserves or enhances the character or appearance of the conservation area;
- b) the proposal will cause an unreasonable loss of neighbouring amenity;
- c) any impact on equalities and human rights are acceptable;
- d) any comments raised have been addressed.

a) Design and conservation area

The Portobello Conservation Area Character Appraisal emphasises *the village/small town character of the area, the strong formal patterns of development, importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials, including timber sash and case windows.*

The proposal introduces an upvc conservatory that obscures 70% of the ground floor, rear elevation's stone facade and results in the loss of a traditional feature that forms part of the essential character and appearance of the conservation area. The proposed conservatory will dominate the rear elevation and fails to incorporate materials that are appropriate in the historic built environment. The immediate area is not characterised by upvc therefore an infringement is not justified.

The proposal is not compatible with the existing building and fails to preserve or enhance the character or appearance of the conservation area and is contrary to policies Des 11 and Env 6 and non-statutory Guidelines for Listed Buildings and Conservation Areas and Householders.

b) Neighbouring amenity

The proposal will not affect the daylight into or overshadow neighbouring properties because of its position between a two storey and single storey outshot.

The proposal will not cause an unreasonable loss of privacy because the rear garden is enclosed by a two metre high wall.

The proposal will not cause an unreasonable loss of neighbouring amenity and accords with policy Des 11 and non-statutory Guidance for Householders.

c) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

d) Public comments

Material considerations

- use of upvc in a conservation area - addressed in section 3.3a
- overdevelopment - addressed in section 3.3a

Non-material representations

- maintenance of existing building - this is a civil matter between the affected parties.
- health and safety regulations - this is a matter addressed by the building regulations.
- drainage - this is a matter addressed by the building regulations.
- commercial use of conservatory - the proposal is to extend a flat, no commercial activity is proposed. No assessment of a speculative change of use has been undertaken.
- noise caused by rain impacting the proposed roof - noise from inclement weather is not subject to planning control.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, and non-statutory Guidance for Listed Buildings and Conservation Areas, as the proposal fails to preserve or enhance the character or appearance of the conservation area because it dominates the rear elevation, obscures a substantial portion of the ground floor stone facade, results in the loss of a timber sash and case window and uses a material that is inappropriate in the historic built environment.

2. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions and non-statutory Guidance for Householders, as the proposal is not compatible with the existing building because of its scale and design.

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 application attracted three letters of representation objecting to the proposal, including comments from the Cockburn Association.

The representations raised the following material considerations:

- use of upvc in a conservation area;
- overdevelopment.

The representations raised the following non-material representations:

- maintenance of existing building;
- health and safety regulations;
- drainage;
- commercial use of conservatory;
- noise.

No comments received from the community council.

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

Background reading / external references

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

David R. Leslie

Statutory Development

Plan Provision Edinburgh City Local Plan - Urban Area

Date registered 14 August 2014

Drawing numbers/Scheme 01-02

Scheme 1

Acting Head of Planning and Building Standards

Contact: Elaine Watson, Planning officer
E-mail:elaine.watson@edinburgh.gov.uk Tel:0131 529 3478

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

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

Other Relevant policy guidance

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

Appendix 1

Consultations

No consultations undertaken.

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