

DECISION NOTICE AND REPORT OF HANDLING

Application address - 9 - 11 Kinnear Road Edinburgh EH3 5PJ

Application Ref. No - 14/04499/FUL

Review Ref No - 15/00018/REVREF

Review Lodged Date 26.01.2015

COPY

Lorn Macneal Chartered Architects.
3 St Vincent Street
Edinburgh
EH3 6SW

Playfair Properties Ltd.
C/o Agent

Date: 19.02.2015

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

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

External alteration including altered driveway, rear patio and first floor external balcony.

At 9 - 11 Kinnear Road Edinburgh EH3 5PJ

Application No: 14/04499/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 30 October 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 Env 3 in respect of Listed Buildings - Setting, as the proposals fail to respect the integrity of the building to the detriment of its setting.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposals fail to respect the architectural integrity and composition of the listed building
3. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals fail to respect the special character of the street and neither preserve or enhance the character and appearance of the conservation area
4. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals would seriously detract from the character of the listed building and conservation area.
5. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as parking formed in front of a listed building would have an adverse effect on its character setting and special interest.

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


Drawings 1-3, 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 application fails to comply with the Development Plan and non-statutory planning guidance. The proposals would have an adverse impact on the architectural composition and integrity of the listed building and its setting. The proposals would have an adverse impact on the character and appearance 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 Barbara Stuart directly on 0131 529 3927.



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 of Review can be made online at eplanning (<https://eplanning.scotland.gov.uk/WAM/>) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

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 14/04499/FUL

At 9 - 11 Kinnear Road, Edinburgh, EH3 5PJ

External alteration including altered driveway, rear patio and first floor external balcony.

| | |
|---------------------------|--------------------------|
| Item | Local Delegated Decision |
| Application number | 14/04499/FUL |
| Wards | A05 - Inverleith |

Summary

The application fails to comply with the Development Plan and non-statutory planning guidance. The proposals would have an adverse impact on the architectural composition and integrity of the listed building and its setting. The proposals would have an adverse impact on the character and appearance of the conservation area.

Links

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| <u>Policies and guidance for this application</u> | LPC, CITE4, CITE6, CITE3, NSG, NSHOU, NSLBCA, OTH, CRPINV, |
|--|--|

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 located on the southern side of Kinnear Road which is characterised by residential uses with open playing fields to south. It is one of three listed buildings that were formerly boarding houses for Edinburgh Academy and comprise of:

9 Kinnear Road - Mackenzie House

11 Kinnear Road - Scott House

13 Kinnear Road - Jeffrey House

The application site comprises the eastern half of Scott House. Scott House (named after Sir Walter Scott, a former pupil of the school) is a mirrored pair with Jeffrey House both being 2-storey and attic asymmetrical Arts and Crafts houses designed by Alexander Paterson in 1899. The house was designed to have a house-master's wing, boys' accommodation ranging from dormitories sleeping seven to single bedrooms, a dining room, library, music room, sick-room and matron's room. The building is category B listed and was listed on 19.11.2003 (LB Ref: 49542).

This application site is located within the Inverleith Conservation Area.

2.2 Site History

[Applications relating to 11 Kinnear Road](#)

18 July 2012- listed building consent granted for the proposed alteration, along with the removal of the existing modern link buildings and erection of new apartment buildings to provide a total of 15 new residential units (application reference number: 12/01111/LBC).

17 May 2013 - planning permission granted for the alteration and change of use of existing school boarding houses to form domestic dwellings, along with erection of new apartment buildings to provide a total of 15 new residential units (as amended) (application reference number: 12/01113/FUL).

17 October 2013- listed building consent granted for proposed alteration and extension to rear elevation, front driveway, attic dormer and internal arrangement (application reference nos. 13/03207/LBC and FUL).

29 October 2013 - listed building consent granted for alteration and conversion from school boarding house, demolition of interlinking extensions and new build to form 13 residential dwellings (modification of 12/01111/LBC) (application reference number: 13/03533/LBC).

13 November 2013- non-material variation to the consented planning permission (12/01113/FUL) to reduce the overall number of dwellings from 15 to 13 and the car parking spaces from 26 to 20 (application reference number: 12/01113/VAR2).

20 December 2013- non-material variation granted to consented planning permission (12/01113/FUL) to reduce the overall number of dwellings from 15 to 13 and the car parking spaces from 26 to 20 (application reference number: 12/01113/VARY).

22 July 2014 - variation to consent 12/01113/FUL (as amended) (12/01113/VAR3)

Applications relating to 9-11 Kinnear Road

25 February 2014 - mixed decision to part refuse listed building consent to change 1 window to garden access door and form terrace at rear of Scott House (east), change 2 windows to garden access doors and form terraces to rear of Mackenzie

House, alter boundary wall to form additional driveway access and pedestrian access points and to part approve alterations to the internal layouts of single townhouse at Scott House (East) and at Mackenzie House (West) and 3 flats at Mackenzie House (East) (application reference number 14/00015/LBC).

7 May 2014- variation of consented scheme (12/01113/FUL and 12/01113/VAR2 to correct building heights, external alterations to facade materials and window proportions, access and parking alterations (application reference number: 14/00016/FUL).

17 June 2014- listed building consent granted to alter the boundary wall and form additional vehicle driveways and pedestrian access paths at Scott House East and Mackenzie House East (to match layouts approved under planning consent ref 14/00016/FUL) (application reference no 14/01908/LBC).

10 December 2014 - listed building consent refused to alter 3no rear windows to form garden access doorways with terraces at rear of MacKenzie House and Scott House East, alter boundary wall to form suitable driveway and pedestrian access at new build plot02; form new driveway at Mackenzie House West (Plot 03).

10 December 2014 - planning permission refused for material variation to consent 14/00016/FUL (14/03395/FUL)

Applications relating to No 13 Kinnear Road (Jeffrey House West)

18 February 2011 - planning permission granted for the change of use of part of boarding house to residential (application reference number: 10/03588/FUL).

25 November 2011 - listed building consent granted to demolish existing two storey structure and form new extension, internal and external alterations including driveway entrance and boundary treatment, all to form family dwelling house (application reference number: 11/03086/LBC).

14 December 2011 - planning permission granted to demolish existing two storey structure and form new extension, internal and external alterations including driveway entrance and boundary treatment, all to form family dwelling house (application reference number: 11/03086/FUL).

17 October 2013- listed building consent granted for proposed alterations to rear elevation, internal arrangement, front driveway and attic dormer (application reference number:13/03210/LBC).

17 October 2013- planning permission granted for proposed alterations to rear elevation, internal arrangement, front driveway and attic dormer (application reference number:13/03210/FUL).

Main report

3.1 Description Of The Proposal

The application proposes to external alterations to the Scott House East. These include:

- The relocation of the driveway as consented against the eastern boundary of the front garden, to a location that is more central to the front garden area allowing for a path directly to the front door. This would involve new openings in the boundary wall and infilling the current location for the pedestrian entry;
- The installation of a balcony at first floor level off the proposed drawing room on the garden elevation and the adaption of a window to door to allow access;
- The installation of two rooflights in the south pitch of the roof;
- The adaption of a window to a door from the family room at ground floor level on the garden elevation and the introduction of a terrace; and
- The removal of a window on the east elevation at second floor level to become a dummy window.

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 consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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?

3.3 Assessment

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

- a) the proposals would have an adverse impact on the special architectural or historic interest of the listed buildings;
- b) the proposals would have an adverse impact on the character or appearance of the conservation area and the setting of the listed buildings;
- c) the proposals affect road safety;
- d) the proposals have any equalities or human rights impacts; and

e) comments raised have been addressed.

a) The site in question is one of three listed buildings: Jeffrey House, Scott House and Mackenzie House. Key to the character of all of these listed buildings is the double-fronted nature of their design. Both the street and garden elevations were designed as principal elevations with the garden elevations designed to be seen from long views across the playing fields.

Jeffrey and Scott House were built as asymmetrical Arts and Crafts houses. They were designed as mirror images of each other and this is a key part of the buildings' architectural interest. The buildings retain to a great extent their original design

With regards to the proposed conversion of the window to a door and introduction of a terrace on Scott House (East), it is important that any works to the garden elevations of Scott House and Jeffrey House match each other to ensure that the elevations remain mirror images of each other. The corresponding window in Jeffrey House (West) is remaining as a window and this property is outwith the ownership of the applicant. The proposed conversion of the window to a door and introduction of a terrace would unbalance the symmetrical composition of the buildings to the detriment of their special architectural interest. Any other alterations to the garden elevation of these two listed buildings have matched each other and this has been a consistent approach.

The previous applications (14/03395/LBC and FUL) from a different agent, included a proposal to alter a window into a door from ground level to the garden. This was for a different window but the principle was the same as is being currently applied for.

Consent was granted on Scott House West (13/03207/LBC/FUL) and Jeffrey House East

(13/03210/LBC/FUL) for the reinstatement of balconies at first floor level. This was considered appropriate because of archival and physical evidence that there had originally been balconies in these locations on the garden elevation. The current

application is proposing a balcony on Scott House East, however in this instance there is no archival or physical evidence that there was a balcony in this location. Furthermore there is no corresponding balcony approved in Jeffrey House West. The introduction of a balcony at this level would be a significant deviation from the original design intent of the garden elevation. It has been acknowledged that the buildings are double fronted and that the garden elevations are as important as the street elevations. A proliferation of balconies on this elevation would undermine the overall composition and would be at odds with the mirror version at Jeffrey House West. The symmetry of the two mirrored buildings would be substantially eroded to the detriment of the integrity of the listed buildings.

The adaption of a window to form a door of similar style and size to access the balcony would not cause any visual disruption were the principle of the balcony itself found to be acceptable. Unlike the proposed conversion at ground floor level the size of the opening would not increase and the appearance will stay the same.

It is proposed to install two rooflights within the roof slope on the garden side. This is because internally it is desired to subdivide the room at this level by putting a partition down the middle of the existing glazing in the dormer window. This would add elements that are at present, absent, as the buildings are completely devoid of any rooflights. It would also subvert the symmetrical arrangement of the two buildings, as seen from the playing fields, to the detriment of the integrity of the listed buildings.

On the east elevation, it is proposed to remove a window and creating a dummy window at second floor level for the sake of forming a shower behind. The room behind is large enough to adequately house a family bathroom without the need for losing a window. Like the other elevations, the east elevation is well considered and the loss of this opening would compromise the integrity of the design for no great gain.

With respect to the proposals to rearrange the parking to the front, there will be some removals of existing boundary wall and the building up of existing openings. Overall approximately the same amount of boundary wall will be retained but in a different location to the consented scheme and this is not considered to be of additional detriment to the character of the listed building.

The proposals for the conversion of a window to door at ground level, balcony, rooflights and loss of a window on the east elevation will have an adverse impact on the character of the listed building. The alterations are not necessary to allow the conversion to residential use and a consented scheme is in place.

b) The Inverleith Conservation Area Character Appraisal states that 'the architectural character is dominated by rows of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads'.

Within Kinnear Road, the low boundary walls with spacious garden ground behind are a key feature. The boundary of the boarding houses is a strong line with breaches only for pedestrian access. As part of previous consents, new openings for vehicle access have been approved but these were limited in number to minimise the impact on the buildings, their setting and the character and appearance of the conservation area.

An important aspect of the conservation area and the setting of the listed buildings is the prevalence of open space and garden ground to the houses including to the front which helps to emphasise the spaciousness and greenness of the area. It is important that parking in front gardens is minimised to protect the garden space to the front. Whilst it is recognised that some car parking is required and can be accommodated at the front, it is important that the location and extent of the hard standing is carefully considered. Under the previous consents, hard standing for car parking was primarily focused at the front of the new build elements with limited car parking in front of the listed buildings. The majority of the garden in front of the listed buildings remained green. With this proposal, the relocation of hard standing to the front of Scott House East begins to undermine the setting and views to the front elevation and undermines the green and spacious character of the conservation area.

The previous applications (14/03395/LBC and FUL) from a different agent proposed the increase in hard standing to the front of 9 Kinnear Road. The recommendation to refuse that application was upheld at committee.

The relocated area of hard standing is detrimental to the setting of the listed building and neither preserves or enhances the character and appearance of the conservation area.

c) There is no increase or decrease in the number of car parking spaces proposed and the relocation of the gates will have no impact on road safety.

There are no issues of road safety.

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

e) There were no representations submitted.

Conclusions

Proposals similar to some of the aspects in this application have been refused in the previous applications which were determined by the Planning Sub-Committee. There are no compelling reasons or change in circumstances to justify over-turning this previous decision.

Overall the proposals in this application fail to comply with the Development Plan and non-statutory planning guidance. The proposals would have an adverse impact on the architectural composition and integrity of the listed buildings to the detriment of their special character. In addition, the proposals would have an adverse impact on the character and appearance of the conservation area and the setting of the listed buildings.

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 Env 3 in respect of Listed Buildings - Setting, as the proposals fail to respect the integrity of the building to the detriment of its setting.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposals fail to respect the architectural integrity and composition of the listed building
3. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as parking formed in front of a listed building would have an adverse effect on its character setting and special interest.
4. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals would seriously detract from the character of the listed building and conservation area.
5. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals fail to respect the special character of the street and neither preserve or enhance the character and appearance 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

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

No representations have been received.

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 Located within the Urban Area in the Edinburgh City Local Plan.

Date registered 30 October 2014

Drawing numbers/Scheme 1-3

Scheme 1

Acting Head of Planning and Building Standards

Contact: Barbara Stuart, Senior planning officer
E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:

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 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

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 Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

Consultations

No consultations undertaken.

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