

DECISION NOTICE AND REPORT OF HANDLING

Application address - BF1 50 Minto Street Edinburgh EH9 2BR

Application Ref. No - 16/04761/FUL

Review Ref No - 17/00009/REVREF

Review Lodged Date 01.02.2017

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Patience + Highmore Ltd.
FAO: Keith Cameron
Quadrant
17 Bernard Street
Edinburgh
EH6 6PW

Ms Patricia Comiskey
50 Minto Street
Edinburgh
United Kingdom
EH9 2BR

Date: **17 November 2016**,

Your ref:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS

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

Removal of existing gate and small section of existing wall/hedge in order to increase the width of the vehicular opening.

At BF1 50 Minto Street Edinburgh EH9 2BR

Application No: 16/04761/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 4 October 2016, 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 6 in respect of Conservation Areas - Development, as it does not preserve the boundary walls and railings which contribute positively to the character of the Blacket Conservation Area
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as as the proposals do not preserve or enhance the special character and appearance of the Blacket Conservation Area
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as as the proposals would detract from the quality of the building's setting.

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

Drawings 01, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

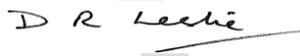
The reason why the Council made this decision is as follows:

The proposals are unacceptable. The removal of part of the dwarf boundary wall and gate on the principal elevation would have an adverse impact on the character of the Blacket Conservation Area. The proposals do not conform with Policies Env 6 Conservation Areas-Development and the Non-Statutory Guidance on Listed Buildings and Conservation Areas.

Refusal is recommended. No reasons to outweigh the decision to Refuse Planning Permission.

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 Debbie McLean directly on 0131 529 4468.


A handwritten signature in black ink that reads "D R Leslie". The signature is written in a cursive style and is positioned above a horizontal line.

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 16/04761/FUL

At BF1, 50 Minto Street, Edinburgh

Removal of existing gate and small section of existing wall/hedge in order to increase the width of the vehicular opening.

Item	Local Delegated Decision
Application number	16/04761/FUL
Wards	A15 - Southside/Newington

Summary

The proposals are unacceptable. The removal of part of the dwarf boundary wall and gate on the principal elevation would have an adverse impact on the character of the Blacket Conservation Area. The proposals do not conform with Policies Env 6 Conservation Areas-Development and the Non-Statutory Guidance on Listed Buildings and Conservation Areas. Refusal is recommended. No reasons to outweigh the decision to Refuse Planning Permission.

Links

Policies and guidance for this application CITE6, NSLBCA, CRPBLA,

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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 property is a 2-storey, 3-bay symmetrical, classical house with single-storey wings. To the front of the property is a low stone boundary wall consisting of two courses, with gatepiers to wide driveways, with incised stone with classical pattern to the north and south, and two smaller gatepiers to the front entrance door, with incised stone pattern with carved tops.

It is listed category B (LB 29364 refers)

This application site is located within the Blacket 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 proposals are to remove an existing section of the front boundary wall to widen the vehicular access at this part of the boundary wall. This would involve removing 700 mm x 500 mm of the wall, 2 No. hedge plants and the 2 No. existing gates. The proposed works would also involve adjusting the kerb in the area to the front of the building and also marking out parking bays.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 harm the character or appearance of the conservation area?

The Blacket Conservation Area Character Appraisal encourages the retention of traditional building frontages and street pattern, and in particular, states that part of the essential character of the conservation area, is 'the significant degree of unity

resulting from the predominant use of traditional building materials' and also 'high quality stone built architecture, with fine proportions'.

Policy Env 6 states that development within a conservation area or affecting its setting will be permitted, which preserves boundary walls railings and other features which contribute positively to the character of the area. The proposals to remove and alter part of the original dwarf boundary wall to widen the existing vehicular access will be detrimental to the character of the setting of the listed building and the wider conservation area. The boundary wall, and associated decorative gatepiers, are important features to the principal elevation and contribute significantly to the setting. The removal of part of the stone boundary, and the gates, albeit non-original, will alter the sense of enclosure which it was designed to create. The original railings have been replaced with a hedge and non-original gates to the two driveways and the pedestrian entrance, however, this continues to retain that sense of enclosure. The stone gatepiers are decorative in nature, with incised and carved stone and were built to be read with the boundary wall which is constructed of dressed stone, and together with the original railings and gates would have been a strong element in the traditional street frontage. The remaining wall (albeit with railings removed) is characteristic of the listed building of this period, and the wider setting, and it is important that it is retained.

Policy Env 6 also states, that development within a conservation area or affecting its setting will be permitted, which, preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal. The proposals by seeking to remove original historic fabric would not enhance the special character and appearance of the Blacket Conservation Area.

The Blacket Conservation Area Character Appraisal states, 'that boundary treatment has become a mixture of hedges and modern railings, which has resulted in a lack of unity and cohesion which has been compounded by the creation of off-street parking.' Furthermore, the Appraisal also encourages the reinstatement of railings to the front gardens. The removal of the part of the original boundary wall would be a retrograde step and would both remove important historic fabric which contributes to the character of the listed building and the wider Blacket Conservation Area, and also prevent any future re-instatement of the extent of the original railings. The removal of the gates would remove the sense of enclosure and continuity of the boundary treatment which is an important feature of Minto Street and the surrounding areas.

The Non-Statutory Guidance on Listed Buildings and Conservation Areas states, that, 'any proposals to alter unsympathetically, relocate or remove items within the curtilage (of a listed building) such as, garden walls are likely to detract from the quality of the building's setting and are unlikely to be approved.'

The proposals will significantly alter the existing building, and remove historic fabric, which will cause damage to the character and integrity of the listed building and its boundary wall. This will adversely affect the character of the listed building. Therefore, the proposals are contrary to policy Env 6.

The proposals are unacceptable. Refusal is recommended. No reasons to outweigh the decision to Refuse Planning Permission.

As such, it is considered that the proposals adversely affect the character and appearance of the Conservation Area.

b) The proposals will have an adverse impact on residential amenity.

No adverse impact.

c) The proposal will have any detrimental impact on equalities and human rights.

No adverse impact.

d) Any public comments have been addressed.

One comment was received from The West Blacket Association who appreciate the access difficulties, and acknowledges that the use of the front garden for parking has been long-established. The West Blacket Association also state that it is unfortunate to remove the vehicle gate. especially as a number of the surrounding villas on Minto Street have also lost their gates over recent years.

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 6 in respect of Conservation Areas - Development, as it does not preserve the boundary walls and railings which contribute positively to the character of the Blasket Conservation Area
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as as the proposals do not preserve or enhance the special character and appearance of the Blasket Conservation Area
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as as the proposals would detract from the quality of the building's setting.

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

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 ECLP, Urban Area.

Date registered 4 October 2016

Drawing numbers/Scheme 01

Scheme 1

Acting Head of Planning and Building Standards

Contact: Debbie McLean, Planning Officer
E-mail: Debbie.mclean@edinburgh.gov.uk Tel: 0131 529 4468

Links - Policies

Relevant Policies:

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

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

The Blacket Conservation Area Character Appraisal emphasises the mix of substantial villas and terraces, the unified architectural form and materials, the sense of spaciousness derived from the generously proportioned gardens and large mature trees, and the predominance of residential uses.

Appendix 1

Consultations

No consultations undertaken.

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WEST BLACKET ASSOCIATION

Bartholomew House Flat 3
12 Duncan Street
Edinburgh EH9 1SZ
3 November 2016

Executive Director of Planning
City of Edinburgh Council
Waverley Court
4 East Market Street
Edinburgh EH8 8BG
FAO Debbie McLean

Dear Sir,

16/04761/FUL & 16/04762/LBC 50 Minto Street, EH9 2BR

The West Blacket Association appreciates the access difficulties which these two applications propose to improve, and acknowledges that the use of this front garden area for parking is long established. The stone pillars at No 50 are particularly attractive and although the current metal gates across the opening are obviously not original they do match the one on the pedestrian gate to the front door of the building. It does therefore seem unfortunate that the proposal is to remove the vehicle gate, especially as a considerable number of the surrounding villas on Minto Street have also lost their gates over recent years.

A practical justification for loss of the gate may be that widening the gate opening will result in a space which the metal gates would no longer span. In present use the gates are not closed however and retaining them in an open position would seem to be possible. This would not detract from the appearance & amenity of the listed building to the same extent as would removal of the vehicle gates. We would therefore suggest this possibility as something you may wish to explore in discussion with the applicant.

Yours faithfully

Ian Carter
West Blacket Committee

Copies to Grange Prestonfield Community Council & the Blacket Association.