

# Development Management Sub Committee

Wednesday 13 December 2017

**Application for Planning Permission 17/04243/FUL  
At 8C Moray Place, Edinburgh, EH3 6DS  
Retrospective change of detail of a roof-top glass house  
comprising change from mono-pitch glass to two cupolas  
with upstands and edge gutters and installation of a glass  
balustrade.**

<b>Item number</b>	4.7
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

## Summary

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The proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character of the listed building and do not harm the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on residential amenity. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

## Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LEN06, LEN04, LEN01, NSG, NSLBCA, NSGD02, CRPNEW,
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# Report

## **Application for Planning Permission 17/04243/FUL At 8C Moray Place, Edinburgh, EH3 6DS Retrospective change of detail of a roof-top glass house comprising change from mono-pitch glass to two cupolas with upstands and edge gutters and installation of a glass balustrade.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application refers to a third floor flat within a four storey and basement, classical style, sandstone, terraced townhouse by James Gillespie Graham, dating from 1822.

The building is category A listed (ref. 29368, listed on 03.10.1967) and located on the north side of Moray Place, within the World Heritage Site.

The surrounding area is predominantly residential.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

02 October 2014 - planning application withdrawn to relocate and enlarge kitchen, drawing room and bathroom and enlarge existing roof-access house on roof with new structure, adding balustrade rails to roof (application reference 14/03207/FUL).

02 October 2014 - listed building consent granted for alterations to flat to enlarge kitchen, drawing room and bathroom and enlarge existing roof access house on roof with new structure, adding balustrade rails to roof, as amended to delete all external alterations (application reference 14/03207/LBC).

08 December 2014 - planning permission granted for alterations and refurbishment of the existing roof-access house and roof protrusions (application reference 14/04238/FUL).

08 December 2014 - listed building consent granted for alterations and refurbishment of existing roof-access house and roof protrusions (application reference 14/04238/LBC).

27 July 2017 - planning enforcement notice served regarding non-compliance with drawings approved under planning permission reference 14/04238/FUL.

17 August 2017 - listed building enforcement notice served regarding non-compliance with drawings approved under listed building consent reference 14/04238/LBC.

16 October 2017 - appeal against listed building enforcement action (reference 16/00652/ENCOMP) allowed (reference LBE-230-2034) and listed building consent granted for the two cupolas with upstands and edge gutters that are proposed in this current application for planning permission.

16 November 2017 - application for retrospective change of detail of a roof-top glass house involving change from mono-pitch glass to two cupolas with upstands and edge gutters withdrawn (application reference 17/04243/LBC).

## **Main report**

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### **3.1 Description Of The Proposal**

The application is for the change of roof form of the glazed roof-top extension approved in planning permission reference 14/04238/FUL from mono-pitch glass glazing to two cupolas with upstands and edge gutters and installation of a glass balustrade, in retrospect.

The apexes of the cupolas are 505mm higher than the approved mono-pitch roof.

### **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, the Committee needs to consider whether:

- a) the proposals adversely affect the character or appearance of the conservation area or character of the listed building;
- b) the proposals harm the Outstanding Universal Value of the World Heritage Site;
- c) the proposals have an adverse impact on residential amenity;
- d) any impacts on equalities or human rights are acceptable; and
- e) public comments have been addressed.

### **a) Character and Appearance of Conservation Area and Character of Listed Building**

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

- *the grid hierarchy of grand streets, lesser streets, lanes and mews;*
- *terraces of buildings with regular building plot widths and the consistent relationship of building lines to the layout of streets;*
- *the overwhelming retention of buildings in their original design form with a standard materials palette, including blonde sandstone and slated pitched roofs.*

In the decision notice allowing the appeal against listed building enforcement action for the erected cupolas, the Reporter acknowledges the historic and architectural significance of Moray Place as a category A group listing and its fine front elevations in particular, but notes that the proposals affect the roof features and chimney arrangements. Whilst the generally uniform roof heights form an important element of the character of Moray Place, the New Town Conservation Character Appraisal notes that chimneys and chimney pots occur on party and gable walls and cupolas are virtually universal over internal stairs. This is the case in Moray Place where chimneys and cupolas are important to the character of the roofscape of the building grouping.

The listed building enforcement notice was served to secure the removal of the two cupolas and upstands from the built structure due to concern that the increase in the height, with the addition of the cupolas, emphasises the scale and robustness of the glasshouse structure and conflicts with the character of the listed building. However, the Reporter notes that the roofs of Moray Place are characterised by glazed cupolas and later protrusions and concludes that the presence of the two cupolas and upstands on the roof-top extension at 8C Moray Place allow for the preservation of the main elements of the roofscape which make up its character.

Primarily, the adjacent party wall chimney stack and pots still appear as separate features from the new structure and the high-quality modern materials and appropriate colours used in the new structure do not conflict with the traditional materials of the chimney infrastructure.

The glazed extension is set back significantly on the flat roof and the added cupolas do not extend to the edges of the structure, so the extension with its revised roof design does not interfere with the character of the building's facade and appears subordinate to the main frontage when viewed from the street and surrounding area. Cupolas are common, original features throughout the New Town and the erected cupolas at 8C Moray Place are appropriate modern interpretations of traditional forms and only marginally greater in height than would be typical of historic examples.

The Reporter concludes that, while the cupolas do increase the height of the roof-top extension and emphasise the scale and robustness of the structure, the overall character of the listed building is not affected by the presence of these two cupolas. Also, the new structure cannot be seen from most street-level locations around Moray Place, although one cupola is apparent in very limited glimpses along Gloucester Lane to the rear of the property. The installed glazed balustrade appears more prominent from this lane, but not to the extent of having a detrimental impact on the character or appearance of Moray Place or the wider conservation area.

Even where the cupolas are visible, their height does not rise above existing features, such as the chimney pots and they are seen as part of the variety of roofscape features in Moray Place. For these reasons, the added cupolas do not impact negatively on the character of the conservation area.

No specific reference was made to the glass balustrade in either the planning or listed building enforcement notices and the Reporter only mentions the balustrade in terms of its visibility from Gloucester Lane. Listed building consent has been granted for all retrospective works as constructed and these include the glass balustrade. The visibility of this feature is no greater than that of the roof-top extension. The same conclusion has therefore been reached regarding the impact of the balustrade, that it does not have an adverse effect on the listed building or conservation area.

As regards the issue of using flat roofs in the New Town for living accommodation and the development setting an undesirable precedent, each proposal needs to be assessed on its own merits in terms of its impacts on the historic environment and residential amenity.

The fact that the erected structure and glass balustrade appear almost identical in scope to the proposed alterations in previous applications (references 14/03207/FUL and 14/03207/LBC) is not relevant to the assessment of this current application which needs to be assessed within the context of the appeal decision allowing the works carried out to remain in situ. Also, the Reporter has granted listed building consent for these works, which includes the glass balustrade. Historic Environment Scotland has stated concern that approving this balustrade could set an undesirable precedent. However, although the balustrade has not been granted planning permission, it would not be expedient to take enforcement action to get it removed, given that it has been granted listed building consent. Any future applications for similar balustrades will be judged on their own merits.

The drawings submitted for the current application are inaccurate in terms of the width of the roof-top extension granted planning permission and listed building consent under application references 14/04238/FUL and 14/04238/LBC. The previously approved drawings show this width as 3.1 metres, whereas the current application shows this as 3.5 metres. However, this discrepancy is not significant in terms of the assessment of the erected structure as the focus is on the added cupolas and upstands rather than the increase in width. In any case, this increase is marginal in terms of the impact of the extension from street level and from wider viewpoints.

As regards the accuracy of the submitted drawings, there is no reason to suspect that these are misrepresentative of what has been built. Some objectors have judged the impact of the roof-top extension and balustrade from private views, whereas in planning terms, the impact of these structures needs to be assessed from public viewpoints only.

The objection on the grounds of non-compliance with Edinburgh Local Development Plan Policy Env 7 is not relevant to this application. This policy concerns designated Historic Gardens and Designed Landscapes and the development is not within or directly affects the designated New Town Gardens.

The proposals therefore have no adverse effect on the character of appearance of the conservation area or character of the listed building, in compliance with Edinburgh Local Development Plan Policies Env 6 and Env 4.

#### **b) Outstanding Universal Value of World Heritage Site**

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The roof-top extension with its added cupolas and glass balustrade remains relatively small-scale and all features are set back at rooftop level. The development therefore has no detrimental impact on the character of appearance of the Georgian New Town, nor its relationship with the medieval Old Town.

The development therefore causes no harm to the Outstanding Universal Value of the World Heritage Site in accordance with Edinburgh Local Development Policy Env 1.

#### **c) Residential Amenity**

There are no residential amenity concerns regarding overshadowing or loss of privacy, as the proposed roof access house only overlooks neighbouring roofs.

The glazed structure will omit light in darkness hours, but this illumination will have no greater impact on the street scene than light from existing cupolas.

#### **d) Equalities and Human Rights**

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

## **e) Public Comments**

### **Material Objections**

- the scheme fails to respect the architectural integrity and special character of the listed building and conservation area and historic garden and fails to respect the qualities of the World Heritage Site, in conflict with Edinburgh Local Development Plan Policies Env 4, Env 6, Env 7 and Env 1 - this has been addressed in sections 3.3 a) and 3.3 b);
- the massing and silhouette of a category A listed building in the New Town Conservation Area and World Heritage Site has been altered significantly - this has been addressed in section 3.3 a);
- the materials are alien and conflict with the natural stone walls and slated roofs - this has been addressed in section 3.3 a);
- the colonisation of the flat roof for living purposes is inappropriate and the structure and glass balustrade is highly visible in views across the city - this has been addressed in section 3.3 a);
- the proposals will set a dreadful precedent - this has been addressed in section 3.3 a);
- the erected structure and glass balustrade appear almost identical in scope to the proposed alterations shown in listed building consent reference 14/03207/LBC which was only granted after all proposed external alterations were withdrawn - this has been addressed in section 3.3 a);
- the drawings misrepresent the scale of the consented scheme and the height and form of the scheme for which retrospective consent is sought and there is no reference to the glass balustrade - this has been addressed in section 3.3 a);
- the drawings have incomplete dimensions - this has been addressed in section 3.3 a);
- the site address has changed - the address of this property is the statutory address which is subject to change, but this is the same property to which the previous planning permission and listed building consent referred to above relate.

### **Supporting Comments**

- the cupolas are very attractive and do not affect the historic architecture or character of the building;
- there are many similar roof-top cupolas in Moray Place and the surrounding streets;

- the alterations are high standard and sympathetic and have breathed new life into a historic home.

## **Conclusion**

Taking account of the Reporter's decision in respect of the listed building enforcement notice, it would not be expedient to pursue the requirements of the planning enforcement notice.

Furthermore, on re-assessment of the works carried out, along with the Reporter's advice, it is concluded that the proposals comply with the Edinburgh Local Development Plan and non-statutory guidelines, have no adverse effect on the character or appearance of the conservation area or character of the listed building and do not harm the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on residential amenity. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

## **3.4 Conditions/reasons/informatives**

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 22 September 2017. A total of 13 representations were received, seven objecting to the proposals, including a representation from the Architectural Heritage Society of Scotland and six in support of the application.

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

### **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

The site is located within the Urban Area as defined in the Edinburgh Local Development Plan.

**Date registered**

13 September 2017

**Drawing numbers/Scheme**

01 + 02,

Scheme 1

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PLACE

The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

## **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** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

# Appendix 1

## **Application for Planning Permission 17/04243/FUL At 8C Moray Place, Edinburgh, EH3 6DS Retrospective change of detail of a roof-top glass house comprising change from mono-pitch glass to two cupolas with upstands and edge gutters and installation of a glass balustrade.**

### **Consultations**

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#### **Historic Environment Scotland**

*As we have noted in our previous response, the metal and glass balustrade which has already been added on the edge of the rooftop without consent is particularly reflective.*

*Furthermore, its siting makes this highly visible, having an impact on the wider New Town roofscape. The Reporter in the recent appeal notice also notes the prominence of the glazed balustrade.*

*There are many sections of flat roofing in the New Town and such an approach, if approved, could set an undesirable precedent. We would therefore suggest it is removed. If a barrier is required it should ideally be set further back from the roof edge, and a less visible material e.g. steel wire may be preferable.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.*

#### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).*

