

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 18/01270/FUL
At GF 15 Belgrave Place, Edinburgh, EH4 3AW
Convert existing rear window to form new external door. Fit
new metal stair with glass balustrade.**

**Additional Details submitted in accordance with and to
discharge conditions of LBC Appeal Decision Notice (ref:
LBA-230-2122)**

Item number	7.1
Report number	
Wards	B05 - Inverleith

Summary

The proposals are contrary to the local development plan and non-statutory guidance. They will neither preserve nor enhance the character and appearance of the conservation area, will have a detrimental impact on the character and setting of the listed building but will have no detrimental impact on residential amenity. There are no other material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LEN04, LEN03, LEN06, LDES12, NSG, NSLBCA, NSGD02, OTH, CRPNEW,
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Report

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Recommendations

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

Background

2.1 Site description

The application relates to a basement (garden) and ground floor level flat of a three storey, end terrace, former townhouse. The building is C listed (listed on 22 June 1965, ref. no. LB28284).

The site is located within the World Heritage Site.

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

2.2 Site History

28 September 2017 - Planning permission refused to adjust rear ground floor window to form new door and erect new metal and glass stair to rear garden from ground floor (Application reference number 17/03581/FUL).

28 September 2017 - A mixed decision issued to part approve and part refuse listed building consent application to adjust rear ground floor window to form new door and erect new metal and glass stair to rear garden from ground floor, form a new WC and study to rear room on ground floor, create a new opening between rear bedrooms on lower ground floor and fit new double doors and install slim-profile double glazed units in existing sashes (Application reference number 17/03582/LBC).

The elements that were approved in this consent were the internal alterations and the slim profile double glazing and the elements that were refused were the proposals for the rear access stair and change from window to door.

17 January 2018 - A Local Review Board (LRB) decision upheld the decision above to refuse planning permission to adjust rear ground floor window to form new door and erect new metal and glass stair to rear garden from ground floor (Local Review Board reference number 17/00138/REVREF).

02 March 2018 - The Department of Planning and Environmental Appeals (DPEA) allowed an appeal against the decision above to refuse listed building consent for the rear access stair and change from window to door. A condition was added to ensure that the new door shall be solid from the new cill up to the level of the existing window. The upper half of the door shall be glazed to match the window that it will replace (Planning reference number 17/00135/REF and DPEA reference number LBA-230-2122).

Main report

3.1 Description Of The Proposal

This application is a resubmission of the previous planning application 17/03581/FUL to adjust a rear ground floor window to form a new door and erect a new metal and glass stair to rear garden from the ground floor.

The current application proposes to form a door where there is currently a window on the ground floor rear elevation that will lead to a steel stair that will extend out from the external face of the rear elevation in a manner that is perpendicular to the rear elevation. The stair will be painted steel with timber treads and risers. There will be a glass balustrade and timber handrail. This application is different from the previous application in that the new rear door is now partially glazed and partially solid, and that details are submitted on the stair and its attachment to the building.

Supporting Documents

The following documents have been submitted and are available to view on the Planning and Building Standard's Online Services:

- Revised Design Statement
- Supporting Statement

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 will preserve or enhance the character or appearance of the conservation area;
- b) the proposals will have an adversely impact the outstanding universal values of the World Heritage Site;
- c) the proposals will adversely impact the setting of the listed building;
- d) the proposals will have an adverse impact on the character of the listed building;
- e) the proposals will have an adverse impact on residential amenity;
- f) there are any other material considerations; and
- g) any comments have been addressed.

a) Conservation Area

The New Town Conservation Area Character Appraisal notes that *the overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, strongly contributes to the character of the area*. It also states that *parts of the New Town can be characterised as being restrained or even austere, relying on their proportions, regularity and repetitive design for their architectural effect. There is usually a high proportion of masonry to window opening on both the front and rear elevations*.

LDP Policy Env 6 of the Local Development Plan (LDP) states that development must preserve and enhance the special character and appearance of the conservation area. LDP Policy Des 12 and The Guidance on Listed Buildings and Conservation Areas also apply.

The rear of this terrace is almost entirely unaltered. Apart from an extension at no 13 Belgrave Place, there is no pattern of original outshots and no pattern of original rear access stairs. The window fenestration on the rear of this terrace is regular. Likewise in the surrounding area, on the rear elevations of Belgrave Crescent and Buckingham Terrace, there is no pattern of original (or non-original) rear access stairs, although there are original outshots.

Rear access stairs are an uncharacteristic feature on the rear of buildings in the New Town Conservation Area. Traditionally access is via the garden level, as is the case in this flat. The proposal to attach a rear access stair would disrupt the designed harmony of the rear elevation. It would not be parallel to the rear elevation but would project significantly into the garden, making it a conspicuous addition to the building. Although the proposed stair would have glass balustrading, both the treads and the risers would be timber and thus would have a visual impact on the rear elevation of this terrace.

The proposed stair is contrary to Policy Des 12 in that, in its design and form, choice of materials and positioning, the proposal is incompatible with the character of the existing building, and would be detrimental to neighbourhood character.

The proposals are contrary to the Non-statutory Guidance on Listed Buildings and Conservation Areas which states that the aim should be to preserve the spatial and structural patterns of the historic fabric and the architectural features that make it significant and that interventions need to be compatible with the historic context. The proposed stair will not preserve the structural pattern of the area and the proposed intervention is not compatible with, and imposes itself on, its historic context.

Although located to the rear of the property, and therefore not highly conspicuous from a public viewpoint, the character and appearance of the conservation area is as much formed by the rear of the existing buildings as it is by the front facades. The proposed rear access stair would neither preserve nor enhance the special character and appearance of the conservation area.

The current proposals to alter the window to form a door are not considered to have a detrimental impact on the character or appearance of the conservation area. However, the impact of these proposals on the character of the listed building will be explored below.

b) World Heritage Site

The development is local in nature and will not harm the qualities that justify the inscription of the Old and New Towns of Edinburgh as a world heritage site.

c) Setting of Listed Building

Policy Env 3 of the LDP states that development within the curtilage of or affecting the setting of a listed building must not be detrimental to the architectural character, appearance or historic interest of the building or its setting.

The setting of a listed building is the environment of which the building was designed to be a principal focus, and which it was designed to overlook.

The rear access stair would project perpendicularly from the rear face of the listed building into the rear garden. The stair would form an uncharacteristic feature that would have a visual impact on the rear of this listed building. By extending into the garden, it would have a visual impact on the setting that would be detrimental to the architectural and historic character of the listed building.

The proposals will have an adverse impact on the setting of the listed building.

d) Character of Listed Building

The proposals to construct a rear access stair would be to introduce an element that is uncharacteristic of the rear of townhouses of this age and design. Traditionally the garden is accessed from the basement or garden level and this option is available in this instance. There are no other original or non-original features such as this on the rear of adjacent buildings. Therefore, there is no precedent for the granting of such an addition in this case. The proposed stair would be a discordant addition that would be to the detriment of the character of the listed building.

The proposals are contrary to Policy Env 4 in that there would be a diminution of the interest of the listed building as a result of these proposals and the addition would not be in keeping with the rest of the building and terrace. It is contrary to LDP policy Env 4 in that the proposals are not justified and there is an alternate, and traditional, way to access the garden from this flat. It is contrary to Policy Env 3 in that the proposals would be detrimental to the architectural character, appearance or historic interest of the building and its setting.

The Non-statutory Guidance on Listed Buildings and Conservation Areas states that: *There is a general presumption against the introduction of external access stairs on any elevation. External access stairs may be acceptable in exceptional circumstances where there is a pattern of original access stairs established relevant to the elevation(s) in question and this can be fully supported by an historic building analysis.* Various criteria are outlined should the stairs be justified.

In this instance, the introduction of rear stairs cannot be justified. There is no pattern of original access stairs on the rear of this terrace or the surrounding terraces. The proposed access stairs would be a discordant element that are not in keeping with the character of the listed building and would be to the detriment of its historic interest.

It is proposed that a traditional window will be converted to a door at ground floor level, which, to the rear, is one floor up from the lowest level. This would involve lowering the cill and losing the original fabric of the stone and the original window. At the moment, there is a distinct pattern of these windows rising up the rear elevation. This would be a conspicuous alteration at high level on an elevation that has a regularity in its design.

The Non-statutory Guidance on Listed Buildings and Conservation Areas states that *Proposals to convert windows into door openings will not be considered acceptable on principal frontages or above garden level on all other elevations.* The new glazed door and loss of the original window would have a disruptive impact on the rear elevation.

The proposals would have an adverse impact on the character of the listed building.

e) Residential Amenity

The design is such that there is only a small landing immediately outside the new glazed door at the top of the stairs on ground floor level. Therefore, it is unlikely that any lingering could occur at this level and issues of overlooking are unlikely to be greater than what already can occur from windows.

There will be no adverse impact on residential amenity.

f) Other Material Considerations

The refusal of the previous planning application (17/03581/FUL) was upheld by the LRB. This current application has been submitted following the successful appeal by the applicant against the refusal of Listed Building Consent (17/03582/FUL) that was determined by the DPEA. In supporting documentation the applicant states that the DPEA Reporter's decision is a material consideration that should be considered in the determination of this latest planning application. It states that: *As the CEC's views have not been supported by the DPEA, it is clear that the decision to refuse planning permission is not correct.*

The DPEA decision references the Guidance on Listed Buildings and Conservation Areas stating that *"the council's non-statutory guidance includes a general presumption against external access stairs but does describe circumstances in which these may be considered acceptable, and I have assessed the proposals against these."* In fact, the circumstances or design criteria described in the guidance, are to be applied only if the principle of the external access stairs is acceptable in the first instance. In this application there is no pattern of original stairs and the principle of the proposed stairs has not been justified.

The Guidance on Listed Buildings and Conservation Areas has recently been amended slightly and these amendments were approved by the Planning Committee on 14 March 2018. As part of these amendments, the wording on access stairs has been clarified to stress that: *there is a general presumption against the introduction of external access stairs on any elevation. External access stairs may be acceptable in exceptional circumstances where there is a pattern of original access stairs established relevant to the elevation(s) in question and this can be and this can be fully supported by an historic building analysis.* This current application was submitted on 26 March 2018 and it is appropriate to assess it in relation to the current version of the guidance.

As discussed above, and in light of the current approved Guidance on Listed Buildings and Conservation Areas, the principle of the proposed access stair is not justified and is not acceptable. The DPEA decision is a material consideration but it does not outweigh the assessment outlined in the report and does not lead to a different conclusion on the merits of the application.

g) Representations

Material Representations - Objections

- Loss of character of listed building. This is assessed in section 3.3.c).
- No justification for alterations. This is assessed in sections 3.3.c).

Material Representations - Support

- Low impact on conservation area. This is assessed in section 3.3.a).
- Minor visual impact. This is assessed in section 3.3.a, b + c).

Non-Material Representations

- Three letters of representation were non-material as no reasons for support/objection were given.

Community Council

The West End Community Council has objected to the proposals on the following grounds:

- Loss of character of listed building. This is assessed in section 3.3.c).
- No justification for alterations. This is assessed in sections 3.3.c).

Conclusion

In conclusion, the proposals are contrary to the local development plan and non-statutory guidance. They will neither preserve nor enhance the character and appearance of the conservation area, will have a detrimental impact on the character and setting of the listed building but will have no detrimental impact on residential amenity. There are no other material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as in design, form and positioning, the proposals are not compatible with the character of the existing building.
2. The proposal is contrary to the Local Development Plan Policy Env 3 in respect of Listed Buildings - Setting, as the proposals will be detrimental to the architectural character, appearance and historic interest of the building and its setting.
3. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the alterations are not justified, will result in diminution in the interest of the building and is not in keeping with that building.
4. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals will neither preserve nor enhance the special character and appearance of the conservation.
5. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as there is a general presumption against external access stairs and there is no justification for the access stairs in this instance.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

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

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

This application was advertised on 13 April 2018. One letter of objection has been received from the Community Council and eight material letters of support have been received from neighbours and members of the public. Three additional letters of support were received that were non-material as they gave no reason for support.

Background reading/external references

- 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 application site is located within the urban area as defined by the Local Development Plan.

Date registered

26 March 2018

Drawing numbers/Scheme

1-10,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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.

Other Relevant policy guidance

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

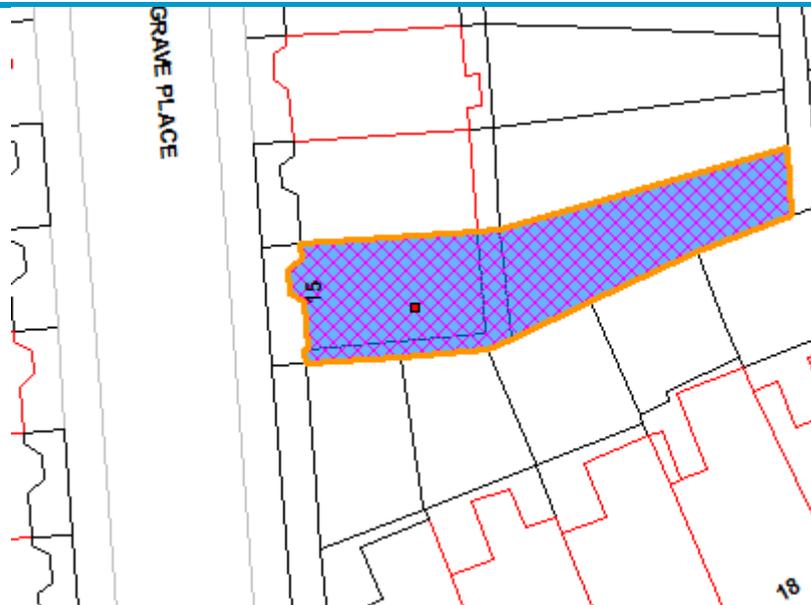
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Consultations

No consultations undertaken.

Location Plan



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