

# Development Management Sub Committee

Wednesday 6 March 2019

**Application for Planning Permission 18/10040/FUL  
At GF, 11 Learmonth Terrace, Edinburgh  
Proposed subdivision of a ground and basement floor flat  
to form two separate properties along with internal  
alterations required.**

<b>Item number</b>	4.8(a)
<b>Report number</b>	
<b>Wards</b>	B05 - Inverleith

## Summary

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The proposed sub-division of the current flat into two units is acceptable in terms of density and the level of amenity of the future occupants, but the resultant damage to the listed building would have a seriously adverse impact on the character of the listed building. The proposals do not comply with the Local Development Plan and non-statutory guidance.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES12, LEN04, LEN06, LHOU02, LHOU03, LHOU04, NSG, NSLBCA, NSGD02, OTH, CRPNEW,
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# Report

## **Application for Planning Permission 18/10040/FUL At GF, 11 Learmonth Terrace, Edinburgh Proposed subdivision of a ground and basement floor flat to form two separate properties along with internal alterations required.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application relates to the ground floor and basement of a terraced former townhouse, now sub-divided into flats.

The building was B listed on 12 August 1965 (ref. no. 29247).

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

#### **2.2 Site History**

06 August 2018 - Planning permission and listed building consent refused for internal alterations to subdivide property to form two separate flats. (application nos: 18/02232/FUL & 18/02232/LBC).

### **Main report**

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

The application is for the sub-division of a ground floor and basement flat to form two separate flats, one to be at ground floor level and one to be at basement level. This would be done by forming a partition within the stair, putting the kitchen in the principal front room and subdividing the principal rear room to create bathroom facilities.

#### **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 principle of the development is acceptable in this location;
- b) the proposals will have no adverse impact on the character of the listed building;
- c) the proposals will preserve or enhance the character or appearance of the conservation area;
- d) an adequate level of amenity can be achieved for the future occupiers of the flats;
- e) any impacts of equalities and human rights have been addressed; and
- f) any comments have been addressed.

#### **a) Principle of the Development**

Policy Hou 4 of the Local Development Plan (LDP) relates to the density of development. Policy Hou 2 relates to housing mix and size.

The proposals relate to a former townhouse that has already been subdivided. The area in question is characterised by subdivided houses and the proposed subdivision of one flat into two would be in character with the prevailing density of the area and would comply with Policy Hou 4. The proposal would create an appropriate provision of flat sizes and would therefore comply with Policy Hou 2. The principle of the subdivision is therefore acceptable in this context subject to compliance with points addressed below.

#### b) Listed Building

Policy Env 4 Listed buildings- Alterations and Extensions in the LDP states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

The internal proposed alterations are assessed within the concurrent Listed Building Consent application (18/10039/LBC). The sub-division of the flat would necessitate changes to the ground floor in terms of an accessible bathroom and a kitchen that would cause an unacceptable degree of damage to the character of the listed building. It is therefore contrary to Policy Env 4. The subdivision would adversely impact on the character of the listed building.

#### c) Conservation Areas

Policy Env 6 relates to development in conservation areas.

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.*

No external alterations are proposed, so the character and appearance of the conservation area will be preserved.

#### d) Residential Amenity for Future Occupiers of the Flats

Policy Hou 4 relates to housing density and the need to provide a satisfactory residential environment for the future occupiers of the development.

The two proposed flats will have adequate daylighting and will meet minimum space standards as set out in the Design Guidance. Policy Hou 3 sets out minimum green space requirements and the upper flat will have no garden ground. However, the application site is within a dense urban fabric where a number of townhouses have been flatted and not all flats have gardens. In this context, the amenity of the occupiers of both flats is acceptable.

#### e) Equalities and Human Rights

The applicants have submitted this application because, as they get older, they expect to be less able to negotiate the stairs to the basement that currently houses the kitchen. The proposals would create a more accessible flat at ground floor, although the steps to the front would inhibit wheel chair access.

However, considering that the New Town already contains a number of subdivided townhouses with self-contained ground floor flats, the argument that an accessible flat in the particular property is required, is not considered of sufficient merit to justify the damage to the listed building that would be caused by the proposed works.

Although the proposals will have a positive impact on equalities, these benefits are outweighed by the dis-benefit to the special interest of the listed building.

There will be a neutral impact on human rights.

#### f) Representations

#### **Material objections:**

Objections made by the AHSS on the impact of the proposals on the character of the listed building are addressed in section 3.3.c).

#### **Material letters of support**

Material letters of support relate to:

- the principle of creating two dwellings out of one (addressed in section 3.3.a).
- the impact on the listed building (addressed in section 3.3.c).
- the impact of the works on the exterior of the building (addressed in section 3.3.b).
- the residential environment of the future flats (addressed in section 3.3.d).
- the changes will enable the owners to continue to live in this flat (addressed in section 3.3.e).

#### **Non-material letters of support**

One letter is non-material as it gave no reasons for supporting the proposals.

In conclusion, the proposed sub-division of the current flat into two units is acceptable in terms of density and the level of amenity of the future occupants, but the resultant damage to the listed building would have a seriously adverse impact on the character of the listed building. The proposals do not comply with the Local Development Plan and non-statutory guidance.

It is recommended that this application be Refused for the reasons 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:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **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**

There is no pre-application process history.

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

The application was advertised on the 14 December 2018 and then re-advertised on 18 January 2019. There have been 12 letters of representation. There has been one material letter of objection from the Architectural Heritage Society of Scotland and eight material letters of support from neighbours and members of the public. Three letters of support are non-material as no reasons for supporting the scheme are cited.

## **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 application site is located within the urban area as defined in the Local Development Plan.

### **Date registered**

7 December 2018

### **Drawing numbers/Scheme**

1-4,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

## **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.

## **Other Guidance**

Historic Environment Scotland Managing Change: Interiors sets the principles to be applied when assessing interior alterations.

# Appendix 1

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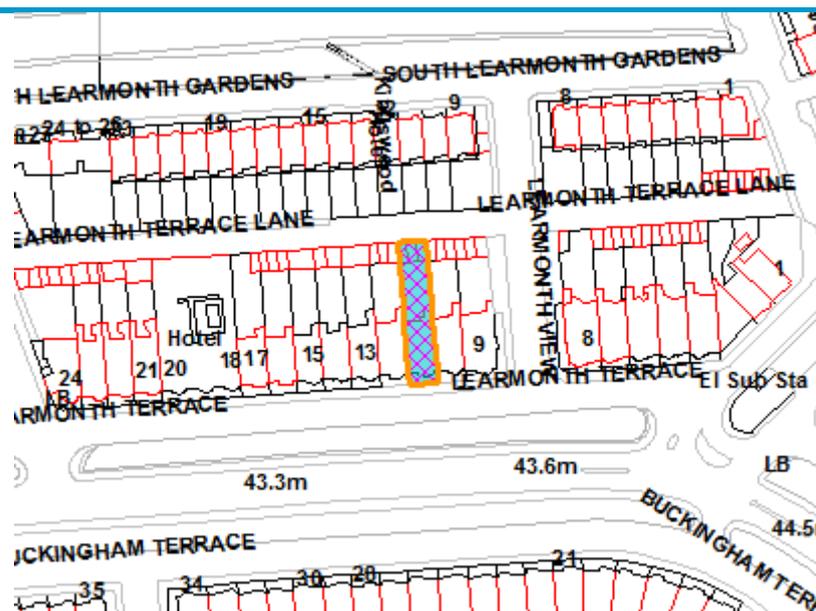
## Consultations

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No consultations undertaken.

## Location Plan

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