

Development Management Sub Committee

Wednesday 6 March 2019

**Application for Listed Building Consent 18/10039/LBC
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.**

Item number	4.8(b)
Report number	
Wards	B05 - Inverleith

Summary

The proposals do not have regards to the desirability of preserving the building and will adversely affect its features of special and historic interest. However the proposals will not harm the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#) LDPP, LEN04, LEN06, NSG, NSLBCA,

Report

Application for Listed Building Consent 18/10039/LBC 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

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

Background

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 (Listed building reference number 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

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.

Apart from the stair, the basement will be largely unaltered. A stud partition that is between a store and a bedroom will be removed.

Alterations proposed to the ground floor are as follows:

- The principal front room will become kitchen/living/dining with units in the buffet recess and an island that would extend almost to the wall adjacent to the fireplace;

- The rear principal room would be subdivided to form an en-suite bathroom unit to the rear of the room. A shower that is currently housed in the small bathroom adjacent to the bedroom, would be accommodated in a pop-out that will extend into the bedroom but that would be incorporated within a set of wardrobes; and
- The living room and bedroom doors from the hall will be rehung to swing the opposite way.

As a new dwelling unit, the layout would need to be compliant with building regulations in terms of accessibility.

3.2 Determining Issues

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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposals will harm the architectural or historic interest of the listed building;
- b) the proposals will harm the special character or appearance of the conservation area;
- c) any impacts of equalities and human rights have been addressed; and
- d) the representations raise any issues to be addressed.

a) Listed Building

The application relates to the bottom two floors of a subdivided townhouse that has been flatted. The two principal rooms on the ground floor are of very good quality and are intact. Both rooms display elaborate decorative cornices, plasterwork and fire places. The front room has a dado rail.

HES's guidance on Managing Change on Interiors sets out the principles that apply and states that *in general, the principal spaces in a building are more sensitive to change as are the spaces that normally make the most significant contribution to its character. and where the original plan form or a later plan form of special interest survives, particularly in regard to the entrance hall, stair, common spaces and principal rooms or spaces, these spaces should normally be retained without subdivision, because of their inherent significance.*

Policy Env 4 Listed buildings - Alterations and Extensions, in the Local Development Plan (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 Non-statutory Guidance on Listed Buildings and Conservation Areas relates to alterations to listed buildings. It presumes against kitchens in principal rooms and stresses the importance of buffet recesses. The Guidance states that *new kitchens will generally not be acceptable in principal rooms and must not obscure any architectural detailing.* It also says that *buffet recesses are an important feature in the dining rooms of listed buildings, particularly in the New Town, and should be retained.* The Guidance also states that with respect to the subdivision of principal rooms that *all major works of alteration should be limited to areas of secondary importance. There will be a particular requirement not to sub-divide, either vertically or horizontally, principal rooms and entrance/stair halls.*

The front room, which is currently used as a living room, would have been the dining room when it was designed as a town house. This room is of very good quality, is intact and has elaborate plaster work and other original architectural features such as the dado rail. The buffet recess is a unique feature, and the installation of kitchen units within the buffet recess would cut across the dado rail and would diminish the interest of the buffet recess and the room as a whole. The other kitchen units would be located in an island. Although the applicant argues that it is reversible, the fitting and plumbing in of kitchen units will involve a certain level of intervention. The introduction of a kitchen in this room would be contrary to the guidance and would compromise the architectural integrity of the room and diminish its interest.

It is proposed to form an en-suite bathroom in the rear principal room by subdividing it and building the bathroom to the rear of the room. The existing toilet will be enlarged by forming a shower that would project into this rear principal room. The Guidance on Listed Buildings and Conservation Areas states that *podded kitchens and bathrooms will rarely be permitted in principal rooms and that en-suite bathrooms will not be acceptable in principal rooms. They should ideally be located within existing boxrooms or cupboards.* Although it is intended that the new insertions would not reach the ceiling, and therefore would not interfere with the cornices, the subdivision of the room would erode the designed proportions of the room and substantially diminish its interest. This would be contrary to the guidance. This room is of good quality and its subdivision would seriously detract from the special character of the listed building.

The two principal rooms on the ground floor where these alterations are proposed, contribute significantly to the character of the listed building and the proposed changes in these rooms would diminish its interest.

The applicant has made this application in response to a desire to downsize as they get older. Living on one level would eliminate the need for stairs. Although the principle of accessible accommodation is supported, the proposals would cause an unacceptably high level of damage to the listed building and the benefits to the applicant do not outweigh the adverse impact on the character of the listed building and are not justified.

The applicant also has cited a number of instances where kitchens and en-suites bathrooms have been allowed in principal rooms. It is not possible to comment on every listed building consent that has been issued or cite other applications that have either been amended to comply with guidance or refused. Each application must be assessed on its own merits. Other applications, such as conversions from offices to residential, where character has already been substantially compromised and where there are other conservation gains, are individually assessed with each application.

The proposed rehang of doors to swing the other way would be contrary to the traditional arrangement for the rooms as they were originally designed.

However, the partition within the stair to subdivide the basement from ground floor is acceptable as it retains the stairs in situ and will not impact on any architectural features. Other alterations to the basement are minor and are acceptable.

Overall, the proposals would adversely impact on the character of the listed building and would not preserve its special interest.

b) Conservation Area

Policy Env 6 relates to development within the conservation area.

The proposals relate to the interior of the building and therefore the character and appearance of the conservation area will be preserved.

c) 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.

d) 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.a).

Material letters of support

- Material letters of support relate to the impact on the building (addressed in section 3.3.a) and the changes to enable the owners to continue to live in this flat (addressed in section 3.3.c).

Non-material letters of support

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

In conclusion, the proposals do not comply with Managing Change guidance, the local development plan and non-statutory guidance and will adversely impact on the character of the listed building and its special interest.

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

3.4 Conditions/reasons/informatives

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:

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

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

The application was advertised on the 14 December 2018. There have been nine letters of representation. There has been one material letter of objection from the Architectural Heritage Society. There have been eight letters of support from neighbours and members of the public, seven of which have raised material points and one of which has been non-material.

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 in the Local Development Plan.

Date registered

23 November 2018

Drawing numbers/Scheme

1-4,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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

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.

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

Historic Environment Scotland

Our Advice

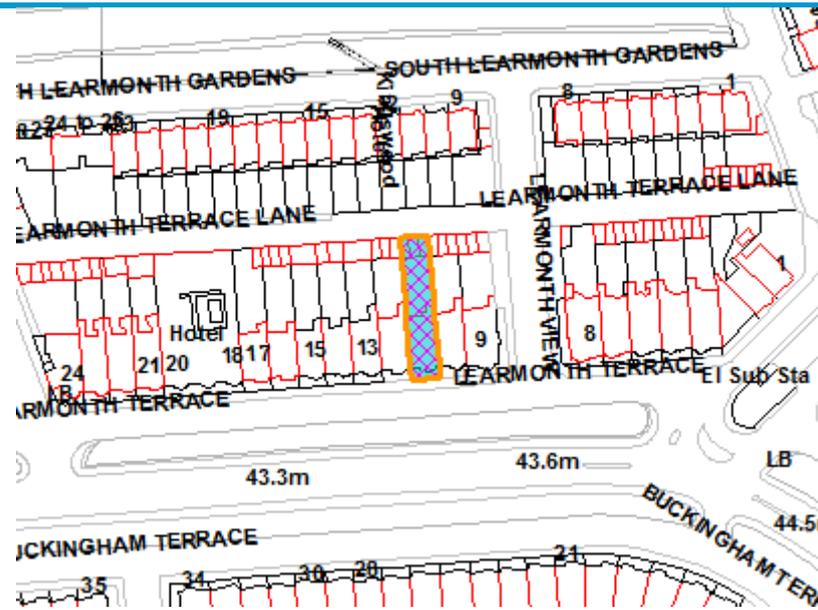
We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, 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. Technical advice is available on our Technical Conservation website at <https://www.engineshed.org/>.

Location Plan



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