

**Enforcement Report**  
**12 Roseneath Place (1 Meadow Place)**  
**Edinburgh**  
**EH9 1JB**

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Development Quality Sub-Committee  
Of the Planning Committee

**Owner/s**                Nick Loening

**Occupier**                Nick Loening

**Reference No:**        04/00041/E05

**1. Purpose of Report**

**Breach of Control**

The unauthorised erection of gates approximately 3m in width and approximately 2m in height (3m at the highest point) at the driveway entrance facing onto Roseneath Place at the southern end of the site.

**Recommendation**

That the Committee agrees not to take any statutory action in respect of this breach of control.

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**2. Main Report**

**Site Description**

The property, a yoga centre with an associated residence, comprises a number of buildings on a site that stretches between Meadow Place and Roseneath Place. The central part is a two-storey end terrace Georgian House which is listed Category B. This has a single storey flat roofed extension which fronts onto Meadow Place, follows the side of the original building and returns along the Roseneath Place elevation.

The works have taken place at the Roseneath Place entrance to the site between a gate pillar and a single storey flat roofed building, both roughcast. Roseneath Place is set approximately 1.5 metres below Marchmont Crescent and this section of the street between two tenement buildings, is characterised by outbuildings, car parking and garages.

The original terraced buildings have been considerably altered with dormers, velux windows, single storey extensions and a two-storey brick stairwell extension.

The site is within the Marchmont and Meadows Conservation Area.

## **History**

December 1970 – The building was statutorily 'B' listed.

December 1999 – Listed building consent and planning permission was granted for new glazing for the garage.

March 2002 – Planning permission was granted for an extension to a conservatory.

April 2002 – Listed building consent was granted for an extension to a conservatory.

January 2004 – A letter was received regarding the unauthorised erection of the gates.

## **Representations**

One letter was received from a neighbouring resident objecting to the gates on the grounds that they are not in keeping with the character of the Conservation Area or the 'B' listed building. A letter was also received from Marchmont and Sciennes Community Council requesting an investigation regarding the erection of the gates.

## **Policy**

The site lies within the Central Edinburgh Local Plan area. A number of policies are relevant. The plan notes (2.12) that through its listed building powers the Council will prevent avoidable demolition and minimise the damaging impact of necessary alterations.

### Relevant Policies:

Policy CD2 states that proposals affecting a listed building or its setting, will be considered for their effect on its character and if appropriate their contribution to its care and restoration. Alteration, extension or changes of use will not be allowed if likely to diminish the architectural integrity of a listed building or its historic interest.

Policy CD4 states that in relation to development proposed in a conservation area the Council will require the retention of all features which contribute to its character and appearance.

Policy CD5 states that all-new development in a conservation area should take into full account the area's special interest and should ensure that it preserves or enhances its character and appearance.

### **Non-Statutory Guidelines**

The Councils guidelines on Alterations to Listed Buildings provide additional guidance regarding railings and gates on listed buildings.

Section 1.8.2 in Appendix 1 of the Memorandum of guidance on listed buildings and conservation areas provides guidance on proposals of this type and states that a proposal to relocate, reduce in height or remove gates should be thought through very carefully as it may detract perceptibly from the quality of the building's setting or of the street in which it lies or both.

## **3. Conclusions and Recommendations**

### **Determining Issues**

The determining issue is whether the gates have an adverse effect on the character of the listed building or the character and appearance of the conservation area, and if they do, whether it would be expedient to initiate statutory enforcement action.

### **Assessment**

The tenement buildings located at either end of the terrace and the facing tenements in Marchmont Crescent, are the dominant features in the streetscene, and are characteristic of the wider Conservation Area. This terrace of houses backing on to Roseneath Place is not characteristic of the Conservation Area. This section of the street is largely hidden as it sits at a lower level than Marchmont Crescent. With the alterations, driveways and garages it has more of the appearance of a back lane.

The gates are of an abstract modern design formed of different elements welded together. They provide an innovative way of combining decoration and functionality. They do not impact on the wider Conservation Area as they are not particularly prominent given their secluded setting. They are acceptable within this context and within the context of this section of Roseneath Place.

The facing elevation of the listed building has been altered by modern additions. The gates do not have any significant effect on the appearance of this elevation and are clearly detached from the original building. They are adjacent to a more modern building of plain appearance. The gates do not therefore adversely affect the listed building or its setting.

There is no demolition of any part of the listed building which is part of its character. For the reasons above the development is also not considered to be contrary Policies CD2, 4 and 5 of the Local Plan.

The gates are an attractive colourful feature and appear to be constructed to a high standard. In respect of all of these circumstances they are considered to be acceptable in this instance.

It is recommended that the Committee agrees to take no further action in respect of this matter.

Alan Henderson

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**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	David Cooper on 0131 529 3653
<b>Ward affected</b>	47 - Marchmont
<b>Local Plan</b>	Central Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Mainly Residential Area
<b>File</b>	af
<b>Date Complaint Received</b>	14 <sup>th</sup> January 2004

