

**Enforcement Report into Breach of Control
at
13 Brunstane Road North
Edinburgh
EH15 2DL**

**Development Management Sub-Committee
of the Planning Committee**

Owner/s

Occupier

Reference No: 08/00581/ELBB

1. Purpose of Report

Breach of Control:

Without planning permission and listed building consent, the installation of one Upvc, glass panel door, two, Upvc, glass patio style doors and thirteen double glazed, Upvc window units on the front, rear and gable ends of the first floor flat at 13 Brunstane Road North.

Recommendation:

That committee initiates statutory enforcement action to ensure the removal of the Upvc, glass panel door, the removal of the two Upvc, glass patio style doors and the thirteen Upvc window units, and the installation of two timber panel doors and thirteen single glazed timber, sash and case units to match the originals in terms of proportions and astragal pattern.

The Site

Site Description

The property is the ground floor flat within the one storey, 1950's, modern extension attached to the stone built service wing, located on the western end of the, two-storey, detached villa, formally known as Hamilton Lodge, which building is located on the west side of Brunstane Road North, close to its junction with James Street Lane. The property is bound to the north by the Promenade. The building is category B listed (Item No. 26802, listed 12 December 1974) and lies within the Portobello Conservation Area.

Site History:

There is no relevant planning history for the site.

Representations

One enquiry has been received, concerning the impact of the unauthorised units on the character and appearance of the statutorily listed building and the conservation area.

Description of Development

The installation of one glass panel, Upvc door, two, glass panel, Upvc patio style doors and thirteen, double glazed Upvc window units in a category B listed building.

3. Officer's Assessment and Recommendations

The determining issues in this case is whether it is expedient to take enforcement action having regard to the provisions of the development plan and to any other material considerations.

Committee needs to consider the effect the unauthorised Upvc, with oval glass insert, panel door, the two Upvc, patio style doors and the Upvc double glazed window units have on the character of the listed building and the character and appearance of the conservation area.

This matter is being reported in conjunction with the unauthorised installation of similar Upvc window units and doors at numbers 9 and 11 Brunstane Road North.

The owner of the property contends that the unauthorised window and door units have been in situ for a period of 15 years, and replaced similar, unauthorised, window and door units. In this instance, no evidence has been submitted to substantiate this claim. Notwithstanding this uncertainty, the Milton Ward Resurvey in 1995, carried out by Historic Scotland, makes no reference to uPVC units being in-situ, and indeed states that a 'Variety of glazing patterns- including 12-pane, plate glass timber sash and case windows', were in place. In

these circumstances the authority is legally entitled to initiate statutory enforcement action to require the restoration of the buildings fenestration to its condition at the time of listing, regardless of any possible recent alterations undertaken.

The majority of the windows within Hamilton Lodge are the original timber, single glazed sash and case style units, and although made up of a variety of different glazing patterns the timber sash and case units provide a degree of uniformity in the context of the listed building. The building is a plainly detailed villa, and its character relies, to a considerable degree, on its uniformity of architectural features. The introductions of the Upvc window units and Upvc doors, which have a particularly heavy and bulky frame, have seriously diminished the visual harmony of the appearance of the building by way of their form, design and incongruous materials.

The Portobello Conservation Area Character Appraisal highlights the property as a main landmark within the eastern portion of the conservation area and generally advises that a major threat to architectural unity is the loss of original features such as railings, doors, windows and chimneys. It is considered that the unauthorised units adversely affect the character of the listed building and, with regard to the published character appraisal, the character and appearance of the Portobello Conservation Area and are therefore unacceptable.



Alan Henderson
Head of Planning and Strategy

Contact/tel	Ross Middleton on 0131 529 6127
Ward affected	Ward A17 - Portobello/Craigmillar (NEW)
Local Plan	North East Edinburgh
Statutory Development Plan Provision	Conservation Area
File	
Date Complaint Received	13 August 2008

Planning Policy

The property falls within the North East Edinburgh Local Plan.

The following policies are relevant:

Policy E28 (Window Alterations) determines:

The alteration or replacement of windows in listed buildings should exactly match the originals in design, materials and method of operation.

The finalised Edinburgh City Local Plan requires:

Policy ENV 3 (Listed Building – Alterations and extensions) states:

'Proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures or diminish its interest and where any additions are in keeping with other parts of the building.'

Policy ENV 5 (Conservation Areas – Development):

'Conservation areas are areas which the Council has determined are of special architectural or historic interest, the character or appearance of which it is desirable to conserve or enhance. Development within a conservation area will be permitted which; preserves or enhances the special character or appearance of the conservation area; demonstrates high standards of design and utilises materials appropriate to the historic environment.'

The City of Edinburgh Council's Non Statutory Guidance on Replacement Windows and Doors' seeks to;

'ensure doors and windows are sensitively replaced, are in keeping with the character of the original building and protect the character of Statutorily Listed Buildings and Conservation Areas'.

Appendix A



Address:

13 Brunstane Road North
Edinburgh
EH15 2DL

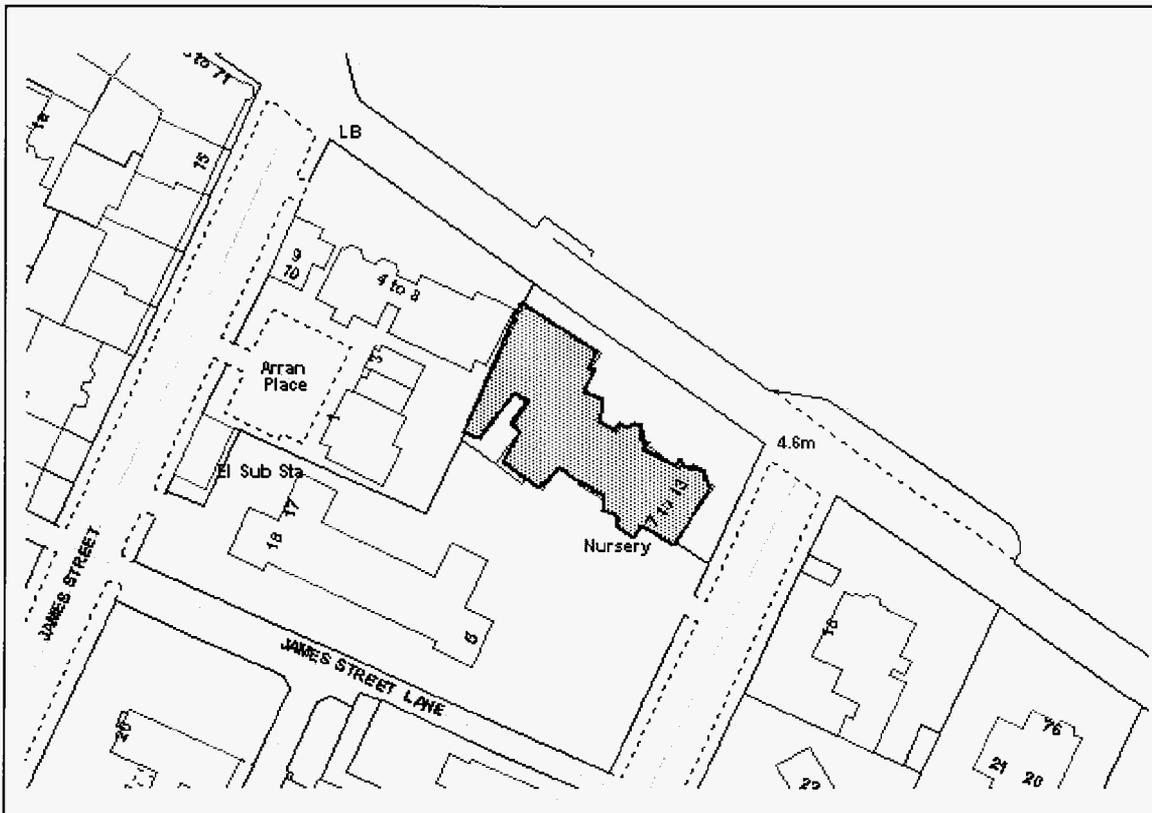
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Location Plan



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