

## Enforcement Report 32/1 Buckingham Terrace, Edinburgh EH4 3AF

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Development Quality Sub-Committee  
of the Planning Committee

Owner: Ms. Karen Stevens

Occupier: Ms. Karen Stevens

Reference Number: 01/004123/E01

### 1. Purpose of report

#### Breach of Control

Unauthorised works to the rear garden of a B Listed Building within a Conservation Area.

#### Recommendation

That a listed building enforcement notice be served requiring the removal of the unauthorised works and reinstatement of the garden area to its original state (prior to the unauthorised works being carried out).

## 2. Main report

### Site Description

The property is a basement flat within a terrace of 3-storey and basement town houses on the south side of Queensferry Road. There is a small rear garden area.

The building is category 'B' listed, designed by John Chesser circa 1860, and is located in the New Town Conservation Area and the World Heritage Site.

### Site History

There is no history of planning applications.

A complaint was received from a neighbouring property on the 27 June 2001 on the basis that unauthorised building works in the garden of the basement flat were not in keeping with the Listed Building.

The works involved a raised wooden decking area with fencing, an orange coloured tiled roofed canopy on the decking and matching tiles added onto a small section of roofing of the property at basement level.

A site visit was carried out which confirmed that the works were unauthorised and a Planning Contravention Notice was served on the 11 July 2001. The owner replied advising that planning permission had not been obtained.

A letter was sent to the owner on the 26 July 2001 advising that a Planning Application and a Listed Building Application would require to be submitted or the garden re-instated to its original condition (prior to the unauthorised works being carried out).

The owner advised that she would submit the applications as requested by the end of August 2001. The applications were not submitted. A letter from the owner on the 3 September 2001 apologised for the delay, advised that this was due to holidays, and that the applications would be forthcoming.

No applications were received and a Section 272 notice was served upon the property on the 4 December 2001. Applications for Planning Permission and Listed Building Consent were submitted on the 11 July 2002. They were deemed invalid and the owners were advised that the following information was required:

1. No Fee submitted. Submit £110.00 application fee;
2. Further Sets of Coloured Drawings Required. Submit 4 copies of drawings of the proposals;
3. Further information required - Is outline consent really what you want?;
4. Neighbour Notification Incomplete. Notify No. 31 Buckingham Terrace and the owners of the garage;

5. Further information required. Please indicate in red the exact extent of your property;
6. Ownership Certificate Incomplete. Complete and return the enclosed Land Ownership Certificate.

The owners were notified on the 17 July 2002 of the information required. There was no response.

Due to officer sick leave there was no further correspondence until February 2003.

A letter was sent on the 20 February 2003 requesting the submission of the applications. There was no response. A section 272 notice was served on the 18 March 2003. The owners telephoned 21 March advising that they would come in and discuss what was required in respect of the applications. A meeting was held with the owner's partner on the 15 April 2003 advising what was required. The owner's partner advised that the information required would be submitted as soon as possible.

A letter was sent to the owners on the 12 May 2003 requesting the information required in order to validate the applications. There was no reply. A Section 272 was served 2 June 2003. To date there has been no response. The applications as submitted on the 11 July 2002 have now been withdrawn.

### **Representations**

A complaint was received from a neighbouring property on 27 June 2001.

### **Policy**

The property is located within an area identified in The Central Edinburgh Local Plan as allocated for Housing and Compatible Uses.

The following policies and guideline are relevant:

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Non-statutory guidelines on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

### 3. **Conclusions and Recommendations**

#### DETERMINING ISSUES

The determining issue in this case is the impact on the character and appearance of a B Listed Building and its setting.

#### ASSESSMENT

The works by reason of their form, materials and colour would not be considered acceptable due to the detrimental impact on the character and appearance of the Listed Building and its setting, and are therefore contrary to Policies CD2, CD17 and CD19 and the Council's Non Statutory Guidance on The Setting of Listed Buildings.

It has not been possible to contact the owners/occupiers, or to gain access to the property since 15<sup>th</sup> April 2003 despite several letters and site visits.

It is recommended that the Committee initiates enforcement action to re-instate the rear garden to its original condition (prior to the unauthorised works being carried out).

*Alan Henderson*

**Alan Henderson  
Head of Planning**

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<b>Local Plan</b>	Central Edinburgh
<b>File</b>	af
<b>Date Registered</b>	09/07/03
<b>Drawing Nos &amp; Scheme</b>	