**Report of Handling**

**Application for Planning Permission 14/01687/FUL**

**At 3F 4 Bellevue Terrace, Edinburgh, EH7 4DU**

**Alterations to front elevation windows behind balustrade, and addition of recessed central roof terrace.**

**Item**

Delegated Decision

**Application number**

14/01687/FUL

**Wards**

A12 - Leith Walk

**Summary**

The application fails to comply with the Development Plan and Edinburgh Planning Guidelines. The proposals would fail to preserve or enhance the character or appearance of the conservation area and would be to the detriment of neighbouring residential amenity.

**Links**

**Policies and guidance for this application**

LPC, CITE3, CITE4, CITE6, NSG, NSLBCA,

**Report of handling**

**Recommendations**

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

**Background**

**2.1 Site description**

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

**2.2 Site History**

11/00190/FUL - Remove existing windows, increase width of window openings and fit new double-glazed, metal-framed windows, form roof terrace, painted felt roof on front roof slopes covered with re-used Scotch slates. - REFUSED

11/00190/LBC - Internal alterations, remove existing windows, increase width of window opening and fit new double-glazed, metal-framed windows, form roof terrace, painted felt roof on front roof slopes covered with re-used Scotch slates. - REFUSED

11/00072/REVREF - Remove existing windows, increase width of window openings and fit new double-glazed, metal-framed windows, form roof terrace, painted felt roof on front roof slopes covered with re-used Scotch slates. - ALLOW

11/00074/REF - Internal alterations, remove existing windows, increase width of window opening and fit new double-glazed, metal-framed windows, form roof terrace, painted felt roof on front roof slopes covered with re-used Scotch slates. - DISMISS

11/03469/FUL - Cover existing felt roof with re-used Scotch slate. Form sunken roof terrace with sliding glass doors and dark stained timber cladding. Remove existing uPVC windows, widen two openings and fit new dark stained timber framed windows. Infill third opening with external finish to match existing lead panels. - REFUSED

11/03469/LBC - Internal modernisation through removal of later addition walls, entrance hall restored to original proportions. Cover existing felt roof with re-used Scotch slate. Form sunken roof terrace with sliding glass doors and dark stained timber cladding. Remove existing uPVC windows, widen two openings and fit new dark stained timber framed windows. Infill third opening with external finish to match existing lead panels. - REFUSED

12/03250/LBC - Proposed internals alterations, replacement of existing windows and installation of new opening rooflight - GRANTED

12/04088/FUL - Alterations to front elevation glazing (behind retained stone balustrade) and addition of large opening roof light. - GRANTED

14/01686/LBC - Internal alterations, alterations to front elevation windows behind balustrade, and addition of recessed central roof terrace. - REFUSED

**Main report**

**3.1 Description Of The Proposal**

The application proposes alterations to front elevation windows behind the balustrade, and the addition of recessed central roof terrace.

**3.2 Determining Issues**

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, it needs to be considered whether:

a) the proposals harm the character or appearance of the conservation area or adversely affect the building or its setting; and

b) the proposals have an adverse impact on neighbouring residential amenity.

a) The New Town Conservation Area Character Appraisal states;

*Most roofs in the First New Town are steeply pitched, with a high central ridge. Roofs in later developments were more likely to have two parallel ridges making a double-pitched 'M' profile roof with a central leaded platt. A few roofs have an original mansard behind a balustrade.*

In his decision to dismiss the previous listed building consent appeal, the Reporter stated that;

*To include a roof terrace in a typical stone town house or tenement block in the New Town of Edinburgh is, in my view, to introduce an alien element. No example of a roof terrace being part of the original design of such a building has been brought to my attention. The integrity of the listed building is inevitably damaged by the works involved - in this case including the loss of a length of the top of the front wall (with two window openings) and of a significant part of the sloping roof. Although the date and aesthetic value of the roof are disputed, I do not accept that the present proposals would bring about an improvement. Indeed, its simple inoffensive form would be disrupted, to the detriment of the architectural quality of the building.*

He added that;

*The works would not be seen from the pavements and road below. However, this does not make the damage done to the building acceptable. The existing roof provides a simple contrast to the adjoining series of five beautiful glass cupolas in the valley of the M-shaped roofs of nos.6-11 Bellevue Terrace. That elegant simplicity would be lost.*

In relation to the conservation area, he concluded;

*Although the proposed roof terrace would be mostly hidden behind the stone parapet balustrade, its presence would be apparent when people were standing on the platform admiring the view. Any artificial lighting of the terrace would also have that effect. In addition, the glass balustrade proposed to be immediately behind the stone balustrade would be an alien element that would be seen, as it would reflect light.*

*The effect would be intrusive in an attractive and typical part of the New Town Conservation Area, where a handsome terrace faces an equally distinguished crescent. The character and appearance of the conservation area would be neither preserved nor enhanced.*

*Also material is the point that aerial views would be significantly affected.*

Unlike all the other properties on Bellevue Terrace, which have a M-shaped roof set behind the front stone parapet, the application property has a shallow pitch to the front, covered in silver painted roofing felt, with a flat roof extending right to the rear of the building. Edinburgh Planning Guidance on listed buildings and conservation areas states:

*The roof, which includes parapets, skews, chimneyheads and chimney pots, is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding (particularly colour, weight, texture and origin of slate and ridge material and ornament is important. Any later work of definite quality which makes a positive contribution to the interest of the building should also be kept.*

Though this roof may have been altered in the past, there is clear evidence that the flat itself is an original space. In addition, the building does not conform with others on the terrace. The chimneys do not line up and appear to have been built in this manner with the building possibly built at a later date from the rest of the terrace, perhaps when the corner block was erected. Therefore, it could well be that the roof is in its original form. Regardless, it clearly forms part of the important historic character of the conservation area.

It is important to distinguish the statutory tests in terms of the character and appearance of the conservation area.

In terms of the appearance of the conservation area, it is acknowledged that the existing roof is not easily visible from the street level at present and, therefore, the same could be said of the proposed roof terrace. However, there would be a serious impact on the area's special character by altering the roofscape both in terms of its visual quality and overall use. Such an alteration to the roof of a category A listed building is likely to encourage further similar alterations and should be resisted.

In terms of character of the conservation area, it is acknowledged that this roof is unusual but as stated above it appears to be original. However, the main issue is that inverted roof terraces are not part of the intrinsic character of the New Town Conservation area and therefore there is a presumption against them. It should be noted that aerial views of the New Town are also considered to be of importance with the character appraisal highlighting aerial views as the fifth elevation of a building in the New Town. As such, it is considered that the proposed roof terrace would be highly visible from aerial views, having an adverse impact on and failing to preserve or enhance the special character of the conservation area.

The statutory test also requires us to look at the impact on the building and its setting. All the conclusions from the listed building consent appeal apply to this application and it can be concluded that the integrity of the building is adversely affected by this proposal. This in turn would harm its setting within the historic townscape.

b) The increase in noise generated from an open roof terrace, directly above and adjacent to neighbouring residential properties could affect neighbouring amenity. Indeed, the Reporter upheld this point in the appeal decision and concluded that the noise generated from social gatherings and parties would undoubtedly have an adverse impact on neighbouring amenity. This is therefore a sound reason for refusal.

In conclusion, the proposals fail to comply with the development plan and non-statutory policies having an adverse impact on and failing to preserve or enhance the special character and appearance of the conservation area and having an adverse impact on neighbouring residential amenity.

Refusal is recommended.

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

**3.4** **Conditions/reasons/informatives**

**Reasons**:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposal fails to respect the integrity and composition of the building to the detriment of its special character

2. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposal is an incongruous addition to the roofscape having an adverse impact on the building and area.

3. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal is an incongruous addition to the roofscape failing to preserve or enhance the character of the conservation area and setting a dangerous precedent

**Risk, Policy, compliance and governance impact**

**4.1** Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

**Equalities impact**

**5.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

**Consultation and engagement**

**6.1 Pre-Application Process**

There is no pre-application process history.

**6.2 Publicity summary of representations and Community Council comments**

**Background reading / external references**

To view details of the application go to

Planning and Building Standards online services

**ort of handling**

**Statutory Development**

**Plan Provision**

**Date registered**

2 May 2014

**Drawing numbers/Scheme**

1-6

Scheme 1

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**Links - Policies**

**Relevant Policies:**

**Relevant policies of the Edinburgh City Local Plan.**

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 6 (Conservation Areas Development ) sets out criteria for assessing development in conservation areas.

**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.

**Appendix 1**

**Consultations**

No consultations undertaken.

END