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18 January 2012

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS
2008**

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.

At 3F 4 Bellevue Terrace Edinburgh EH7 4DU

Application No: 11/03469/LBC

DECISION NOTICE

With reference to your application for Listed Building Consent registered on 28 October 2011, this has been decided by **Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the proposed alterations would be an incongruous addition to the detriment of the listed buildings special character

2. The proposal is contrary to Non Statutory Guidelines in respect of Alterations to Listed Buildings, as the proposal would adversely impact on the architectural integrity and special character of the listed building

Please see the guidance notes in the decision pack for further information, including how to appeal or review your decision. The decision pack forms part of your decision.

Drawings 1-8, represent the determined scheme. Full details of the application can be found on the Planning and Building Standards Portal

The reason why the Council made this decision is as follows:

The application fails to comply with the Development Plan and Edinburgh Planning Guidelines. The proposed alterations would represent an incongruous addition to the A listed building having an adverse impact on the architectural composition, integrity and special character of the building and setting a dangerous precedent for similar alterations elsewhere in the New Town, World Heritage Site and elsewhere in the city.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Permitted development rights for householder applications are changing on 6 February 2012. Visit our webpage at www.edinburgh.gov.uk/householderdevelopment for more information.

Should you have a specific enquiry regarding this decision please contact Euan Mcmeeken directly on 0131 529 3989.



John Bury
Head of Planning

NOTES

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice (6 months in the case of advertisement consent) The notice should be addressed to the Directorate of Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
3. In respect of 1. above, a period of six months beginning with the date of this notice is allowed to submit appeals on listed building consent, conservation area consent and advertisement consent.

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at

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REPORT OF HANDLING - Delegated Decision Report

Purpose of report

This is a **Delegated Decision**, under the Council's scheme of delegation, detailing the considerations and determination of the application.

Main report

1 SITE DESCRIPTION AND HISTORY

The application property forms part of a 3-storey, 23-bay, astylar terraced tenement, designed by Thomas Bonnar 1834-1856. The application property is category A listed and was listed on 25.11.1965 (LB Ref: 28292)

The application property is located within the New Town Conservation Area.

Site History

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.

LBA/230/245 - 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 - APPEAL DISMISSED.

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 APPEAL

P/PPA/230/797 and P/LBA/230/152 - Planning and Listed Building Appeals for the installation of 24 solar panels on the south facing internal roof pitch of 55 Great King Street. - APPEAL DISMISSED.

2 Pre-application process

Pre-application meetings were held where the applicant was informed that the proposals remained contentious.

3 PLANNING POLICY AND GUIDANCE

The application property is located in an Urban Area within the adopted Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ALTERATIONS TO LISTED BUILDINGS' provide general guidance for assessing proposals for both internal and external alterations, including alarm boxes and access stairs on listed buildings.

4 CONSULTATIONS

No consultations undertaken

5 REPRESENTATIONS

The application was advertised on 11.11.2011. 6 letters of representation were received. Of these 5 were letters of support and 1 was an objection.

The main points of support being:

- Improvement on what currently exists.
- No adverse effect on building or street.

The main points of objection, by the Cockburn Association, being:

- Significant changes to the front of the building not justifiable.
- Little merit in slating a non-original roof.
- Roof terrace an incongruous addition to a New Town property.
- Would set an unwelcome precedent.

- The application describes 'restoration' of the original proportions of the entrance hall. This is only restoration in the vaguest sense since the proposal introduces a wall of floor to ceiling windows between the hall and terrace which is quite new and which would radically transform the space.
- Remaining windows to rooms adjacent to the proposed terrace will be changed to extended horizontal slot windows which no longer relate to the windows below.

6 OFFICER'S OBSERVATIONS

The application proposes the removal of existing windows; the increase in width of window openings and fitting of new double-glazed, metal-framed windows; the formation of a roof terrace; the re-roofing of the front roof slope in slate and internal alterations. The main element of the proposal is the formation of a large roof terrace within the existing roof. This terrace would be cut out of the existing roof and would be 5.5 metres in width resulting in the loss of an existing bedroom from the property and the removal of a large section of roof fabric.

This application has been submitted following the refusal of previous application (ref: 11/00190/LBC) and the subsequent appeal (LBA/230/245), which was dismissed. The new proposal is materially different as the proposed roof terrace has been increased in size by the applicant by 2 metres.

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 listed building, the Reporter concluded that based on the *four considerations set out at paragraph 3.49 of Historic Scotland's Scottish Historic Environment Policy (SHEP).*

(a) Being A-listed in a prominent and generally well-preserved terrace in Edinburgh's New Town, the relative importance of the special interest of the building is high.

(b) The impact on the special interest of the building is substantial, as discussed.

(c) There is no reason why the building should not continue in beneficial use, with the apartment in its present state. The proposed roof terrace would be an amenity to the occupiers and it would enable remaining rooms to receive more light; but any

deficiencies that would be remedied are not serious.

(d) There is no reason to depart from the presumption against works that adversely affect the special interest of the building.

Unlike all the other properties on Bellevue Terrace, which have an M-shaped roof set behind the front stone parapet, 4 Bellevue Terrace 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 Alterations to Listed Buildings 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.* Though this roof may have been altered in the past, there is clear evidence that the flat itself is an original space and the building does not conform with others on the terrace as the chimneys do not line up and appear to have been built this way. Therefore, it could well be that the roof is in its original form. Regardless, it clearly forms part of the important historic character and narrative of the listed building, having been in place when the building was listed.

Removal of a large section of this roof would have an adverse impact on the architectural composition and integrity of the building and could encourage similar unacceptable alterations in the New Town Conservation Area and elsewhere in Edinburgh. The addition of a roof terrace would completely change the character of the listed building and would be an incongruous alteration, to the detriment of the listed building.

The proposed glass balustrade behind the existing stone parapet wall is also unacceptable and again could encourage other properties on the Terrace, and elsewhere in Edinburgh, to erect similar glass balustrades behind stone parapets. Such an intervention would have an adverse impact on the character of the listed building.

The proposed double glazed metal windows to the front of the property are an inappropriate material, contrary to policy and guidance on replacement windows and would have an adverse impact on the architectural integrity and composition of the building to the detriment of its special character.

Overall, the proposed alterations would have an adverse impact on the architectural integrity and composition to the detriment of the buildings special character. The proposals would have serious implications for other properties in the New Town and should be resisted.

Taking all of the above into consideration the proposals remain unacceptable. The increase in size of the proposed roof terrace is a worsening of the situation and does not comply with policy or guidance. The proposals would have a severe adverse impact on the character of the listed building.

Refusal is recommended.

7 Reason for decision

The application fails to comply with the Development Plan and Edinburgh Planning Guidelines. The proposed alterations would represent an incongruous addition to the A listed building having an adverse impact on the architectural composition, integrity and special character of the building and setting a dangerous precedent for similar alterations elsewhere in the New Town, World Heritage Site and elsewhere in the city.

8 Date of Site Visit: 01.11.2011

9 Recommendation

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

Reasons

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Buildings – Alterations and Extensions, as the proposed alterations would be an incongruous addition to the detriment of the listed buildings special character
2. The proposal is contrary to Non Statutory Guidelines in respect of Alterations to Listed Buildings, as the proposal would adversely impact on the architectural integrity and special character of the listed building

John Bury	
Head of Planning	
Contact/Tel	Euan McMeecken on 0131 529 3989
Ward Affected	Leith Walk
Local Plan	
File	
Date Registered	28 October 2011
Overall Expiry Date	02.12.2011
Drawing Nos & Scheme	1-8 Scheme 1

Decision making Process: Core Questions

Application Number: 11/03469/LBC	Address: 3F 4 Bellevue Terrace Edinburgh EH7 4DU			
Questions	Answers			
Section 1: TO BE COMPLETED BY PRINCIPAL PLANNER PRIOR TO ALLOCATION TO DETERMINE ANTICIPATED METHOD OF DETERMINATION.	Yes	No	Answer	Initials
Is the application controversial or of significant public interest, or is it likely to have a significant impact on the environment?	Refer to Committee	Go to next question	Yes	1
Has the application been submitted by, or on behalf of, an Elected Member of the authority, or by an officer involved in the statutory planning process, or by a partner/close friend/relative of either?	Refer to Committee	Go to next question		
Is the application for local development where the Council has an interest?	Refer to Committee	Go to next question		
If not a local development and submitted by, or on behalf of, the Council, is the application for more than routine minor works?	Refer to Committee	Go to next question		
Does the application involve the removal or amendment of conditions previously applied by Committee?	Refer to Committee	Go to next question		
Is the application for Hazardous Substance Consent?	Refer to Committee	Go to next question		BS
Section 2 • TO BE COMPLETED BY THE CASE OFFICER ON RECEIPT OF THE APPLICATION	Yes	No	Answer	Initials
Has the application been assessed as PNR, NDV or PD or has it been withdrawn?	Fast Track Decision	Go to next question	NO	EM
Is the application for a non-material variation?	Fast Track Decision	Go to next question	↓	↓
Section 3 • TO BE COMPLETED BY THE CASE OFFICER ONCE PERIOD FOR COMMENTS EXPIRES	Yes	No		
Has the application been requested for referral to the Committee by an elected member and is the referral justified?	Refer to Committee	Go to next question	NO	EM
If recommendation is for APPROVAL: Has the application attracted more than 6 material objections?	Refer to Committee	Go to next question		
If recommendation is for APPROVAL: Are there outstanding objections from consultees?	Refer to Committee	Go to next question		
If recommendation is for REFUSAL: Has the application attracted more than 6 material letters of support?	Refer to Committee	Go to next question		
Has the application been assessed as suitable for delegation?	Refer to sections 4 and 5	Refer to Committee	Yes	EM
Section 4 • TO BE COMPLETED BY THE CASE OFFICER PRIOR TO WRITING REPORT	Yes	No	Answer	Initials
Is the proposal in accordance with policies within the statutory development plan (Structure Plan and Local Plan)?	Go to next question	Refer to Committee unless	NO	EM

		recommending refusal		
Is the proposal in accordance with non-statutory Council adopted policy, or an infringement of policy would be so minor that refusal or amendment would be unjustified?	Go to next question	Refer to Committee unless recommending refusal	NO	EM
Does the application require a Section 75 legal agreement with sums over £250,000?	Refer to Committee	Go to next question	NO	EM
Section 5 • TO BE COMPLETED BY THE CASE OFFICER TO DETERMINE DELEGATION ROUTE		Yes	No	Answer Initial:
Is the application a <u>local</u> development recommended for APPROVAL and has the application attracted no representations, no objections from consultees AND the proposal is in accordance with policies within the statutory development plan and non-stat guidelines?	Local fast track decision	Go to next question		
Is the application a <u>non-local</u> development recommended for APPROVAL and has the application attracted no representations, no objections from consultees AND the proposal is in accordance with policies within the statutory development plan and non-stat guidelines?	Delegated fast track decision	Go to next question		
Is the application a <u>local</u> development suitable for delegation but not fast track decision	Local delegated decision	Go to next question		
Is the application a <u>non-local</u> development suitable for delegation but not fast track decision	Delegated decision	END	YES	EM
Section 6 • CERTIFICATION				
Case Officer signature..... <i>EM</i> Date <i>05/12/11</i>				
1 st chartered planner signature..... <i>Jambro</i> Date <i>17/1/12</i>				
(NB If fast track, only one signature required at principal level or above)				
2 nd chartered planner signature..... <i>[Signature]</i> Date <i>17/1/12</i>				