

## Appeal Decision Notice

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Decision by Donald Harris, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-230-245
- Site address: 3F 4 Bellevue Terrace, Edinburgh EH7 4DU
- Appeal by Mr R Foster against the decision by The City of Edinburgh Council
- Application for listed building consent 11/00190/LBC dated 24 January 2011 refused by notice dated 24 March 2011
- The works proposed: 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
- Date of site visit by Reporter: 22 August 2011

Date of appeal decision: 31 August 2011

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### Decision

I dismiss the appeal and refuse listed building consent.

### Reasoning

1. The determining issues in this appeal are:-

(a) the effect on the listed building, bearing in mind the provisions of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. I am required by the Act to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses; and

(b) the effect on the New Town Conservation Area, bearing in mind the provisions of section 64 of the Act. This requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

2. The application relates to the tenement flat on the attic floor of no. 4 Bellevue Terrace, a property of four storeys (including the attic) and five bays in a stone terrace of the mid-19<sup>th</sup> Century. It is listed Category A (buildings of national or international importance) and is included in the New Town Conservation Area.

3. The main element of the proposals is the formation of a roof terrace at the front of the building. It would be approximately 5 metres wide and 4 metres deep, occupying the space at present used as a bedroom. It would include two steps up to a raised section which would form a platform some 3.7 metres wide and 1 metre deep. The platform would be slightly above the base of the existing stone balustrade parapet, so that the top of the balustrade would be about 1 metre higher than the platform. The stone balustrade would be backed by a glass balustrade.

4. The floor of the roof terrace would be of timber decking and two of the three enclosing walls would have sliding, double-glazed, timber-framed doors. That part of the fabric to be removed would include a length of the top of the front wall of the building. This is behind the stone balustrade and of a similar height. It includes two window openings. Also to be removed would be an area of the sloping roof measuring about 3.3 metres in width and 3.0 metres up the slope.

### Listed Building

5. 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.

6. I accept 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 integrity of the structure of a listed building is protected irrespective of whether any proposed works would be seen from outside.

7. Nevertheless, the works would be seen from the upper storeys of the dwellings opposite on Bellevue Crescent. Also material is the point that aerial views would be significantly affected. 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.

8. Particularly regrettable is the fact that people standing on the platform to admire the view would draw attention to the existence of the roof terrace. Light reflected from the glass balustrade would also have that effect, as would any artificial lighting of the roof terrace in the hours of darkness.

9. Although the existing windows on the front elevation are of no architectural merit, their removal and partial replacement by larger openings with metal framed windows would

be an additional cause of damage to the character of the listed building. Similarly, the timber decking would be out of keeping.

10. In reaching my decision on this issue, I take account of the four considerations set out at paragraph 3.49 of Historic Scotland's *Scottish Historic Environment Policy (SHEP)*. My conclusions are as follows:-

- (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.

11. Taking account also of the Edinburgh City Local Plan (in particular Policy Env 4), the planning authority's *Planning Guidance on Alterations to Listed Buildings* and the observations of Historic Scotland, I conclude that the proposal would be inconsistent with the preservation of the listed building and is unacceptable.

### Conservation Area

12. 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.

13. 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.

### Overall Conclusion

14. The proposal would damage both the listed building and the conservation area. I have considered all the other points put forward by the parties, but find none which persuades me to conclude other than that the appeal should fail.

*Donald Harris*

Reporter