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Decision by Jo-Anne Garrick, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2191
- Site address: 7 Redhall House Drive, Edinburgh, EH14 1JE
- Appeal by The Gold Brothers Ltd (Scotland) against the decision by City of Edinburgh council
- Application for planning permission dated 23 December 2014 refused by notice dated 12 August 2016
- The development proposed: erection of 8 mews buildings as enabling development for the restoration and conversion of Redhall House into 6 Flats (the subject of a separate application)
- Date of site visit by Reporter: 29 November 2016

Date of appeal decision: 23 December 2016

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## Decision

I dismiss the appeal and refuse planning permission.

## Procedural matter

During the course of the determination of this appeal, the City of Edinburgh Local Development Plan was adopted. The appeal has been determined in accordance with the new Local Development Plan. This has replaced the Edinburgh City Local Plan (2010) which was referred to in the council's reasons for refusal. Further submissions were not sought regarding compliance of the appeal proposal with the relevant policies within the new Local Development Plan. Whilst some of the policies relevant to the appeal have been re numbered or split into different policies, the newly adopted policies are not materially different to those within the former Edinburgh City Local Plan (2010). As part of the appeal submission, the appellant stated that the relevant policies do not differ in any significant way from the 2010 policies.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the approved Strategic Development Plan for Edinburgh and the Lothians (SESplan – 2013) and the City of Edinburgh Local Plan (2016). Material to the determination of the application is Scottish Planning Policy (SPP), the non statutory Redhall Development Brief (2004) and non statutory guidance set out in the Edinburgh Design Guidance (2013).



2. Having regard to the provisions of the development plan and material considerations, the main issues in this appeal are: whether the case for enabling development has been made; whether the proposed development would preserve the listed building, its setting or any of its special features of historic or architectural interest; and whether the proposed development would have an unacceptable impact on open space and trees.

### *Enabling development*

3. The appeal site lies within the grounds of Redhall House, a vacant category B listed building, which is currently on the Buildings at Risk Register. The proposed development of 8 mews units is defined by the appellant as 'enabling development', necessary to fund the restoration and redevelopment of Redhall House. The development proposal also includes landscaping works to the grounds of Redhall House and the removal of a car park. Redhall House is currently subject to two extant applications for its conversion into 6 flats.

4. From the evidence before me, including what I observed at my site inspection, I note the extent of visible decay to the fabric of the category B listed building. I conclude that there is a real risk of the building being lost if action is not taken to avert the apparent on-going decay and decline.

5. To accept enabling development, SPP requires not only that the building be at risk, but that the enabling development can be clearly shown to be the only means of securing its retention. I have not been made aware of any alternative to a development funded restoration of Redhall House, such as grant assistance. My review of the submitted financial evidence suggests that redeveloping Redhall House alone would not be financially viable. I therefore accept that an element of new build enabling development will be required. The appellant has provided details of alternative residential conversion options for Redhall House, this concluded that conversion to 6 flats provided the smallest financial loss.

6. SPP states that any enabling development should be the minimum necessary to achieve these aims and that the resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset. The appellant has provided details of the development options that were considered to inform the level of development required to enable the restoration of Redhall House. These confirm that the submitted proposal, while predicted to deliver the best financial return, would not enable the site owner to achieve a profit, when one takes account of the cost of the site.

7. The financial information submitted by the appellant has been assessed by both the council's Estate Department and independent consultants appointed by the council. Both found the enabling case to be acceptable. I have reviewed the information available to me and accept that, in accordance with SPP, such development is likely to be required in order to secure the retention of Redhall House and is consistent with the requirement to be the minimum level of development that could deliver the restoration of the listed building.

8. I note that both members of the planning committee and a number of those who have made representations to the appeal expressed concern about the linkage between the

proposed mews development and the restoration of Redhall House. This included the suggestion that both proposals should have been combined into one application. However, if planning permission were to be given for the proposed mews development, a legal agreement could be required that would link the two elements of the wider proposal. The appellant has stated that they would be willing to sign a legal agreement requiring the restoration and conversion of Redhall House prior to the construction of the mews development.

### *Setting of the listed building and design*

9. Redhall House was built in 1758, in the French chateau style and has been listed since 1966. It is acknowledged by both the council and the appellant that the context and setting of Redhall House has changed since it was originally built. On my site inspection, I observed that the new residential development to the north-east, east and south of the appeal site and also the large car park adjacent to the east elevation of Redhall House, have evidently changed the setting of the listed building. I also noted the tree lined entrance avenue, large area of open space to the south and the views across the Water of Leith valley to the west and north-west from Redhall House, which are important features and contribute to the setting of the listed building.

10. The Redhall House Development Brief (April 2004) states that 'the areas of open space to the south, west, north and north-east (the car park) of Redhall House are part of its immediate setting and development here would be unacceptable'. The brief also outlines that the key challenge for new development, is to retain and enhance the importance of Redhall House as the principal element in an estate grounds setting. In addition, the brief defines objectives for future layout and landscaping, this includes seeking 'to restore and enhance the House's historic landscape structure as far as is practical to its 19<sup>th</sup> century layout' and 'to ensure integration with the surrounding landscape and a gradation between rural character and built-up area'.

11. The mews buildings are proposed to be positioned, in a curve, along the western boundary of the appeal site, to the west and south-west of Redhall House. The appellant argues that positioning them in this location would retain the functional open ground to the south and east of Redhall House. In addition, the appellant states that the curved form of the mews development will ensure the open space to the south of the listed building is maximised and will provide visual interest.

12. It is proposed that the mews buildings are flat roofed and predominantly two storey, although two of the units, immediately to the west of Redhall House are proposed to be single storey. The appellant states that the intention of the design is to ensure that the new development is not an imposing or dominant and that it will not block views from Redhall House or the new houses beyond. The mews buildings are proposed to be of a contemporary design and construction, the appellant states the reason for this is to ensure the development is clearly identifiable as a later addition.

13. I acknowledge the approach the appellant has taken to the design and position of the proposed development and that it is seeking to ensure that Redhall House remains the dominant building. I consider this approach is appropriate for mews units 5-8, located within the most southerly block. However, mews units 1-4 would be seen in very close

association with Redhall House and whilst two of the units are a smaller scale, given their proximity and position they would diminish the visual dominance of the listed building, which is the principal element in its estate grounds setting. As a result, the proposal would not comply with City of Edinburgh Local Plan Policy Env 3 as it would be detrimental to the setting of Redhall House.

14. I note the concerns of both the council and many of those that have made representations to the appeal proposals regarding the overall design and materials proposed. I consider that whilst the proposed building design is contemporary it would not be damaging to the character or appearance of the area. In addition, whilst the materials are different to those prominent within the surrounding area, the overall design concept draws upon the positive characteristics of the surrounding area. The design of the buildings therefore accords with Local Plan Policy Des 1. However, having regard to the concerns I have set out above over the siting of some of those buildings, I conclude that overall effect of the proposal is inconsistent with Policies Des 1 and Des 4.

15. With regard to landscaping, the proposals to return a landscape setting to the principal elevation are appropriate and would not be detrimental to the setting of the listed building. As such, they would accord both with Policy Env 3 of the Local Plan and also the Redhall House Development Brief.

#### *Open space and trees*

16. The development proposal includes landscaping works to the grounds of Redhall House, which includes the planting of 58 trees and the removal of a car park located adjacent to the principal elevation. However, both the council and the appellant agree that the development would result in the loss of approximately 10% of a site allocated as open space by Policy Env 18 of the Local Plan.

17. Policy Env 18 includes a number of criteria that are required to be demonstrated in order to support proposals which would result in the loss of open space:

- Criterion 'a' requires that there will be no significant impact on the quality or character of the local environment. The proposals include landscape enhancement to the open space, therefore the proposal complies with criterion 'a';
- Criterion 'b' requires that the open space is a small part of a larger area or of limited amenity or leisure value and that there is a significant over provision of open space serving the immediate area. The open space that would be lost as a result of the proposal does form part of a larger area, it is also clear from the representations that the local community strongly consider it is of value. While the council states that the loss of the open space would lead to a deficiency in green space provision within the site and wider area, the appellant has stated the opposite. No information has been provided to demonstrate that this deficiency would or would not occur. I observed both the site and surrounding area at my site inspection. From that and my consideration of all of the submissions, I conclude that there is sufficient provision of open space serving the immediate area, therefore the proposal accords with criterion 'b';

- Criterion 'c' requires that the loss would not be detrimental to the wider network including its continuity or biodiversity value. From the information available to me, I conclude that given the small loss, when considered alongside the enhancements proposed, the proposal accords with criterion 'c';
- Criterion 'd' requires that there would be a local benefit in allowing the development. Given the proposed enhancements, the proposal accords with criterion 'd'; and
- Criterion 'e' relates to the development being for a community purpose – as a result of the development proposed, this criterion is not relevant.

18. For the reasons above, I therefore conclude that the limited loss of open space complies with Local Plan Policy Env 18.

19. With regard to trees, the council and a number of objectors identify that the landscape setting of the area is dependent on the retention of mature trees and their removal would therefore be harmful to the historic landscaped setting of Redhall House.

20. Policy Env 12 of the Local Plan states that development will not be permitted if it is likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention, unless necessary for good arboricultural reasons. Where planning permission is granted, Policy Env 12 states that replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

21. The proposed development would result in the loss of eight out of 46 trees. The tree survey submitted alongside the application identified that three of the eight trees should be felled because of their poor condition and the remainder to facilitate development. As part of the development it is proposed that 58 additional trees would be planted. The replacement planting would compensate for the limited loss of trees and therefore is in accordance with Policy Env 12.

### *Conclusion*

22. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

23. Whilst I accept the pressing need for action to reverse the on-going decline of Redhall House, I conclude that given the proximity of proposed mews units 1-4, the enabling development scheme represents an inappropriate form of development in this sensitive location. The proposed development would therefore detract unacceptably from the setting of the listed building it is intending to save.

24. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Jo-Anne Garrick*  
Reporter