

OBJECTION from Grange Association

17 March 2023

1. Summary

The Grange Association has reviewed application [23/00590/FUL](#) and submits this objection to the proposed new balcony and its effect on the protected skyline views identified in the [Edinburgh Design Guidance](#). We maintain that the southern aspect of the property should be regarded as a 'principal elevation' in planning terms and that any changes to the elevation should be assessed accordingly.

2. Site history

91-97 South Oswald Road comprises flats that were developed within and beside the original 1870s villa, 91 South Oswald Road, which latterly was used as a Barnardo's Children's home. This is a landmark site and, although no property on it is listed, its traditional design and iconic location next to the Astley Ainslie Hospital make it a special feature of the landscape and especially of the views from Blackford Hill.



Site layout showing the redevelopment of the villa (now 93-97) and replacement of the coach house (now 91) and the development in the gardens to the south (now 85-89)

The flats to the south of the application site, which were built in the grounds of the original villa and now comprise 85-89 South Oswald Road, were developed in 2003 under the grant of planning permission [03/01876/FUL](#).

Planning application [14/00866/FUL](#) in 2014 was submitted to convert the original villa into seven flats (forming the present Nos 93-97) with a further three flats in a new building to replace the former lodge house to the East (now the new No 91). [14/00866/VARY](#) was submitted in 2015 to add a balcony at first floor level to one flat in the new-build at No 91. The applications were approved and the development was completed in late 2016.

3. Protected views

The [Edinburgh Design Guidance](#) (page 21) includes a list of protected skyline views from the South of the City. These include S2a - S2f from Blackford Hill.

Planning application [03/01876/FUL](#) in 2003 made special note of the protected views from Blackford Hill and included the photomontage shown below, to demonstrate that the height of the new flats at 85-89 would not obstruct the view of the original landmark villa (now 93-97). The two dormers in the southern elevation of the roof are clearly visible and are key components of the protected view.



Photomontage from 03/01876/FUL – Planning application for (present) 85-89 South Oswald Road, demonstrating preservation of protected views from Blackford Hill

The context elevation drawing submitted as part of [14/00866/FUL](#) for the conversion of the main villa (reproduced below) shows the preservation of the original villa form and the symmetrical setting of the two southern dormer windows.



Context South elevation from 14/00866/FUL for the redevelopment of 91 South Oswald Road, now 91-97

A recent view from Blackford Hill to Edinburgh Castle is shown below, with the southern elevation of the application site clearly visible with its prominent symmetrical dormer windows.



Edinburgh Design Guidance protected skyline view S2a – Blackford Hill crest – Castle, spires and Firth of Forth

4. Principal elevation

Given the prominence of this site within the protected views from Blackford Hill, we assert that the southern elevation of the application property should be treated as the “principal elevation”.

The principal elevation is a reference to the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation.

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The original villa was established with a large south-facing garden to take advantage of the sunny aspect with the views to Blackford Hill. The architectural treatment of the southern elevation indicates that this was the elevation which was intended to be viewed and regarded as the face of the house, regardless of where the main access doorway was situated.

We therefore consider that the proposed changes to one of the second-floor dormers would disrupt the symmetry of this principal elevation in the conservation area and degrade the views from Blackford Hill.



View from Blackford Hill: Astley Ainslie Hospital and 97 South Oswald Road

5. Title Deeds

We recognise that issues of ownership and any Burdens in the Title Deeds are not material considerations for the assessment of planning applications. Nonetheless, it is important to record that some of our members have alerted us to the presence, in the Title Deeds of the flats at 93-97 South Oswald Road, of 'Community Burdens' which specify that the external walls, the roof and the window frames remain the joint liability of all ten owners of the ten flats who are jointly responsible for the costs and commissioning of maintenance and repairs. No one owner has the title to be able to commission work to the roof or window frames without the consent of the other nine owners.

We understand that this is a civil legal matter, not a planning concern, but the absence of consent from the other owners militates against this application being able to proceed without legal challenge. The applicant is not the sole owner of the roof or of the window frames.

6. Conclusions

We consider that the proposals would degrade the character of the principal elevation of this property, as seen from the protected view from Blackford Hill, and the application should be refused.

Grange Association
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