

REPORT TO: Planning Committee

MEETING DATE: Wednesday 6 June 2012

BY: Executive Director (Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

***Note:** this application was called off the Scheme of Delegation by Councillor Bell for the following reasons: a) whether the proposed rear extension would result in overdevelopment of the garden ground including its proximity to the boundary wall and b) whether any conditions can be considered to restrict future development of fenestration in the west elevation so as to ensure that the property of Springfield Guest House is overlooked by any window being inserted above the level of the boundary wall.*

Application No. **12/00136/P**

Proposal Extensions to house

Location **2 Knockenhair Road
Dunbar
East Lothian
EH42 1BA**

Applicant Mr & Mrs Robertson

Per Blueprint (Dunbar) Ltd

Ward 7

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey semi-detached house and its garden located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

Planning permission is sought for the addition of a single storey mono-pitched roofed extension onto the front (east) elevation of the house and for a single storey, pitched roofed extension onto the rear (west) elevation of the house. The proposed extensions would each be externally finished in materials to match the external finishes of the house.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policy ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

One letter of objection to the application has been received. The objection is made on the grounds that:

(i) the location and site plan drawing submitted with the application is incorrect by showing within the application site land to the north of the applicant's property which is not within the ownership of the applicant;

(ii) the proposed rear extension would result in overlooking of that land to the north;

(iii) the proposed rear extension would result in an overdevelopment of the rear garden of the house;

(iv) the proposed rear extension would abut the western wall on the rear boundary and would prevent maintenance of it;

(v) if windows or other glazed openings were to be formed in the rear (west) elevation of the proposed rear extension they would overlook the rear garden of the neighbouring house of Springfield Guest House, Belhaven Road; and

(vi) if the rear extension was granted planning permission it would set a harmful precedent for similar developments of the neighbouring residential properties of Knockenhair Road and Belhaven Road which over time would be collectively out of keeping with the character of the built form of them to the greater detriment of the visual amenity of the area.

Subsequent to the registration of this application an amended site plan has been submitted to correctly show the extent of the applicant's property and thus showing excluded from the application site the strip of land to the north that the objector alludes to.

Access to enable maintenance of the existing wall on the west boundary of the rear garden of the applicant's house with the neighbouring property of Springfield Guest House is a legal matter between the applicant and the owner of Springfield Guest House and thus it is not a material planning consideration in the determination of this application for planning permission.

In its position on the front (east) elevation of the house, the proposed single storey, mono-pitched roofed extension would be readily visible from the public road of Knockenhair Road to the east. Although it would project forward of the forward most building line of the front (east) elevation of the house, it would not, by its architectural form, positioning and finishes appear intrusive or incongruous on the front of the house or within the streetscape of Knockenhair Road. It would be subservient to and in keeping with the house and thus would be well integrated with its surroundings. It would not be an overdevelopment of the house or of the front garden of the house. It would not be harmful to the character and appearance of the house or of the area.

The windows to be formed in the front (east) elevation of the proposed single storey, mono-pitch roofed extension would face towards the public road of Knockenhair Road to the east and would not allow for harmful overlooking of the neighbouring residential property on the opposite side of the road.

There is no proposal to form windows or other glazed openings in each of its north and south side elevation walls. Windows or other glazed openings could be formed in those elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed in the north elevation wall they would face towards the high fencing and hedging on the north boundary of the front garden of the house and thus they would not allow for harmful overlooking of the land to the north or of the neighbouring residential property of 'The Orchard' that is on the other side of that land.

If formed in the south elevation wall they would allow for direct overlooking into the oriel style ground floor window on the adjacent part of the front elevation of the adjoining house of 1 Knockenhair Road. Such overlooking would have a harmful impact on the privacy and residential amenity of that adjoining house. To safeguard against this, a condition can be imposed on the grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings within the south side elevation wall of the single storey, mono-pitch roofed extension proposed for the front elevation of the applicant's house.

In its positioning on the rear of the house, the other proposed extension would not appear as an overdevelopment of the house or of the rear garden of the house. By its architectural form and external finishes it would be in keeping with the house and would be well contained within its rear garden setting. A small, but sufficient amount of rear garden would remain to serve the house as private amenity space. In its contained position it would not appear harmfully intrusive, incongruous or exposed to the detriment of the character and appearance of the house or to the character and appearance of the area.

The glazed doors to be formed in the north elevation wall of the proposed rear extension would face towards the high brick wall on the north boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the strip of land to the north or of the neighbouring residential property of 'The Orchard' on the opposite side of that land.

There is no proposal to form windows or other glazed openings in each of the rear (west) or south side elevation walls of the proposed rear extension. Windows or other glazed openings could be formed in those elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed in the rear (west) elevation wall they would face towards the high brick wall on the west boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the neighbouring property of Springfield Guest House to the west.

If formed in the south elevation wall they would face directly onto the rear garden of the adjoining house of 1 Knockenhair Road to the south. The resultant overlooking would be harmful to the privacy and residential amenity of that adjoining residential property. To safeguard against this, a condition can be imposed on a grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings within the south side elevation wall of the proposed rear extension.

Application of the relevant daylight test given in "Site Layout and Planning for Daylight and Sunlight: a guide to good practice" by P J Littlefair: 1991 demonstrates that by virtue of their size, scale, positioning and orientation the proposed extensions would not result in a harmful loss of daylight to the adjoining house of 1 Knockenhair Road to the south.

Due to their positioning and orientation the proposed extensions would not result in a harmful loss of sunlight to any neighbouring residential properties.

On all of the foregoing considerations of privacy and amenity the proposed two extensions are consistent with Policy ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015 and with Policy DP6 of the adopted East Lothian Local Plan 2008.

The application drawings show an intention to install a glazed door in the front (east) elevation of the existing forward projecting component of the front (east) elevation of the house. Such an alteration to the house is permitted development for which planning permission is not required and thus it does not form part of this planning application.

CONDITIONS:

- 1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed in the south side elevation wall of each of the front and rear extensions hereby approved, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the neighbouring property to the south.