

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 4 September 2012

**BY:** Executive Director (Services for Communities)

**SUBJECT:** Application for Planning Permission for Consideration

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*Note: this application was called off the Scheme of Delegation by Councillor Goodfellow for the following reasons: there are concerns as to whether the windows in the proposed extension conform to Policy DP6 for conservation areas; as this area is of extreme importance to tourism in North Berwick the committee should have the opportunity to consider this application.*

Application No. **12/00313/P**

Proposal Alterations, extension to house and associated works

Location **Fair Way  
8 Cromwell Road  
North Berwick  
East Lothian  
EH39 4LZ**

Applicant Mr and Mrs Stuart McMaster

Per Angus Wilson Associates

Ward 5

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

This application relates to a two storey house that occupies the eastern part of a large building that otherwise contains two flats and which is part of a row of large buildings on the north side of Cromwell Road. The house and its garden is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008 and is within North Berwick Conservation Area.

The row of buildings of which the applicant's house is a part and their garden ground are bounded to the north by North Berwick Golf Course and to the south by the public road of Cromwell Road.

Planning permission is sought for; (i) a single storey extension to be attached to part of the ground floor north elevation of the house, (ii) the formation of an area of decking between the east elevation of the proposed extension and the east boundary of the north garden ground of the house, and (iii) the erection of a 4m long and 2.2m high timber

close boarded fence on the southern part of the west boundary of the north garden 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.

Policies ENV1D (Regional and Local Natural and Built Environment Interests) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV4 (Development Within Conservation Areas), DP2 (Design) and DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation given in Scottish Planning Policy: February 2010.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservations area should be appropriate to the character of the conservation area.

There are 11 representations to the application which are all in support of the proposal.

There are 14 objections to the application. The main grounds of objection are:

(i) the proposed extension would not be in keeping with the architectural style of the building and would be readily visible from the adjoining golf course,

(ii) the proposed extension would dominate the north elevation of the building and would appear totally incongruous in views of it from the golf course which would be detrimental to the character and appearance of the North Berwick Conservation Area,

(iii) the proposed extension in its form of a square shaped sun room would be markedly different to the two existing traditional stone bays with sash and case windows that are part of the north elevation of the building and would protrude beyond the building line of the north elevation of the building and the stone bays, with an incongruous effect,

(iv) inadequate application drawings which do not have a scale key,

(v) loss of privacy through harmful overlooking and loss of amenity to a neighbouring house [flat],

(vi) the proposed fence would cause a loss of amenity to a neighbouring property as it would be overbearing, oppressive and would impact on the immediate outlook from the neighbouring house [flat],

(vii) the proposed fence would deprive the proposed extension of sunlight and would be detrimental to the amenity of the applicant's house,

(viii) boundary treatments in the area are generally stone boundary walls and hedges and there is no other fence of this height in the area, and

(ix) the proposed fence would abut the existing fence which would result in an awkward relationship.

North Berwick Community Council, as a consultee on the application state:

(i) the property is in a Conservation Area,

(ii) the rear elevations of the houses of Cromwell Road provides an important setting for the town,

(iii) the extension would not be in keeping with the design of the original building,

(iv) the proposed extension is of an inferior design using material incompatible with neighbouring properties,

(v) there is a lack of detail in the application drawings,

(vi) there would be a loss of privacy and amenity to no. 10 Cromwell Road,

(vii) the proposed fence would be overbearing on no. 10 Cromwell Road, and

(viii) the fence would be out of character with other walls, hedges and fences in the Conservation Area.

The scale of the application drawings is clearly stated on them and they effectively give the detail of the proposed extension, decking and fencing.

The buildings on the north side of Cromwell Road, which include houses, flats and an hotel. They are distinctive by their large massing, stone walls, slate clad roofs and timber framed windows that are mainly of a traditional sash and case type. They are not of a uniform architectural form or style and they display a variety of architectural detailing including protruding bays of varying degrees of projection. This is clear to see in views of the buildings from the golf course to the north of them. Individually and cumulatively the buildings are an intrinsic part of the character and appearance of the Conservation Area.

The proposed extension would be in the form of a rectangular shaped sunroom. It would have a natural stone dado wall and a flat topped, roof with pitched faces clad with slates. Otherwise it would be glazed with timber frames. It would protrude some 4 metres out from the north elevation of the house and would be some 4.7 metres in width and some 4.5 metres in height.

The proposed extension would cover less than a half of the width of the ground floor north elevation of the house and thus would be added to only a relatively small part of the larger north elevation of the building that contains the house. As a low, single storey structure it would be demonstrably lower in height than the existing building. In projecting some 4 metres out from the north elevation of the house the proposed extension would not, in comparison with the existing two storey projecting bays, be an excessive outward projection on the north side of the building. By the amount of its glazed form it would be a lightweight addition to the north elevation of the building. In all of this the proposed

extension would be subservient to the existing building. It would not be an overdevelopment of the house, of the building as a whole or of the north garden of the house.

The proposed extension would be built of traditional materials, reflective of those of the existing building and of the neighbouring buildings of the row. In that its roof would have slate clad pitched faces it would be in harmony with the flat topped and pitched roofed form of the building and of the neighbouring buildings of the row. The principal glazed form and white painted timber framing of its walls would harmonise with the pronounced arrangement of windows of the north elevation of the building and of the neighbouring buildings of the row. By virtue of its architectural form and finishes the proposed extension would be in keeping with the building and with the neighbouring buildings of the row.

There would be limited views of the proposed extension from some parts of the golf course, to the north. Because it would be subservient to and in keeping with the building it is to be added to and accordingly well integrated into its setting, the proposed extension would not, in those views, be a harmfully prominent, intrusive or incongruous feature and it would not be harmful to the character and appearance of the Conservation Area.

In its position and due to its single storey height the proposed extension would not have a harmfully overbearing affect on the ground floor windows of the adjacent part of the north elevation of the building or on the outlook from those windows that serve a ground floor flat within the building.

On those considerations the proposed extension would be consistent with Policies ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed extension on the daylight and sunlight received by neighbouring properties.

In the Guide it is stated that in designing an extension to a building it is important to safeguard daylight and sunlight to nearby buildings.

Application of the daylight test given in the Guide demonstrates that the proposed extension would not be of such a height or position to result in a harmful loss of daylight or sunlight to any windows of the neighbouring flats to the west and east.

In this case there is no relevant consideration of impact on sunlight due to the fact that the proposed extension would be positioned on the north side of the existing building and because the building already inhibits sunlight to the north garden of the neighbouring flat to the west.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separating distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separating distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The proposed extension would be within 9m of the mutual east and west boundaries of the north garden of the applicant's house and would be within 18m of one window in each of the protruding bay components of the neighbouring ground floor flats to east and west.

However, given the architectural form of the protruding bay component of the neighbouring flat to the east, its westernmost window does not, due to the angle of it, directly face the part of the north garden of the applicant's house where the proposed extension would be positioned. Accordingly, the proposed extension would not allow for the harmful overlooking of that neighbouring window to the east. Furthermore, as the north garden of the neighbouring flat to the east is a shared garden and is overlooked by windows of other flats it does not benefit from any significant degree of privacy and, therefore, there would be no harmful loss of amenity to it.

The existing 1.5m high close boarded fence on the southern part of the west boundary of the north garden of the applicant's house would not be sufficient in height to prevent overlooking from the glazing of the west elevation of the proposed extension into the east window of the protruding bay of the neighbouring flat to the west and onto the adjacent part of the north garden of that neighbouring flat.

Therefore it is proposed that a new 2.2m high fence be erected on the east side of the existing fence. The proposed new fence would protrude some 4m out from the north elevation of the house in line with the west elevation of the proposed extension. With a height some 1.8m above the floor level of the proposed extension, the proposed new fence would prevent harmful overlooking of the neighbouring window and garden ground to the west.

On the foregoing considerations of overshadowing and overlooking the proposed extension is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

The proposed 2.2m high fence would be erected on the east side of the existing 1.5m high fence and, although higher than that existing fence, it would not in its close relationship with it and with the fence that encloses the remainder of the west boundary of the north garden of the applicant's house, appear harmfully intrusive or incongruous. Furthermore, the north garden of the house is some 40m in length and is bounded to the north by a high stone wall, as are the adjoining north gardens of the neighbouring buildings. In views from the golf course, only the top of the proposed fence would be visible. By virtue of this, of its set back position within the garden some 36m away from the stone boundary wall with golf course, and when seen against the backdrop of the massing of the building its south end would abut, the proposed fence would not appear as a harmful feature in its setting and would not be harmful to the character and appearance of the Conservation Area.

In that it would be only 700mm higher than the existing 1.5m high west boundary fence the proposed new fence would not be harmfully overbearing or unsightly in the outlook from the ground floor windows of the neighbouring flat to the west.

The proposed area of decking would be contained on ground level between the east elevation of the proposed extension and the stone wall that encloses the east boundary of the north garden of the applicant's house. In that contained position it and the steps to be formed on the north side of it would be appropriate to their setting and would not be out of keeping with their surroundings. They would not harm the setting of the building that contains the applicant's house or the character and appearance of the Conservation Area.

Due to the height of the east boundary wall on its east side and the presence of the extension on its west side, the proposed decking would not result in a loss of privacy through harmful overlooking of the neighbouring residential properties to the east and west.

The proposed decking, steps and fence are consistent with Policies ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

#### 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 The extension hereby approved shall not be used unless the 2.2 metres high close boarded timber fence also hereby approved is in place on part of the west boundary of the north garden of the house of Fair Way as shown on docketed drawing 1104/2. Thereafter the screen fence shall remain in place unless otherwise approved by the Planning Authority.

Reason:

In order to protect the residential amenity of the neighbouring residential property to the west.