

REPORT TO: Planning Committee

MEETING DATE: Tuesday 4 September 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 Goodfellow for the following reasons: there are concerns that the materials used in construction at the proposed extension are not the traditional materials expected in a conservation area and therefore the committee should have the opportunity to consider this application.

Application No. **12/00288/P**

Proposal Alterations, extension to house, formation of hardstanding areas, erection of wall, seating and gate

Location **36 St. Andrew Street
North Berwick
East Lothian
EH39 4NX**

Applicant Mr and Mrs MacKinnon

Per Matthew MacKinnon

Ward 5

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to a modern, detached house located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The house is in North Berwick Conservation Area. In its position on the north side of St Andrew Street the front elevation of the house faces towards the street. Its higher rear elevation faces northwards onto the rear garden of the house and towards the rear of a restaurant that is on the south side of High Street

Planning permission is sought for: (i) the attachment of a mono-pitched roofed extension onto part of the rear (north) elevation of the house, (ii) the painting of the smooth render base-course of the rear elevation of the house white in colour, (iii) the formation of an area of hardstanding in the rear garden of the house, (iv) the installation of a concrete bench adjacent to the north boundary of the rear garden of the house, and (v) the erection of a 1.6m high wall that would be finished with a smooth white render on the north, east and a small part of the west boundaries of the rear garden of the house.

As an amendment to the application it is no longer proposed to form a gated opening in part of the wall proposed for the east boundary of the rear garden of the house.

Through separate application 12/00288/CAC conservation area consent is sought for the demolition of the existing timber fences that enclose boundaries of the rear garden of the house. A report on application 12/00288/CAC is at this time on the Committee Expedited List.

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 are 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 two written objections to the application, both from the same person however one has been submitted by his solicitor. They are made on the grounds that the proposed extension;

- (i) would not be in keeping with the existing house,
- (ii) would be harmful to the character and appearance of the Conservation Area,
- (iii) would be built right up to the mutual boundary of the objectors property and its west elevation wall would be much higher than the existing timber fence that that presently encloses that boundary,
- (iv) would cause a loss of outlook from the windows in the rear (north) elevation of the objectors house,
- (v) would give rise to harmful overlooking of a neighbouring residential property, and

(vi) be overbearing and block sunlight to the garden of a neighbouring house.

North Berwick Community Council, as a consultee, acknowledge that the proposed development would not be seen from the road [St Andrew Street] but state that it contravenes Policies ENV4 and DP6 of the adopted East Lothian Local Plan 2008 because: (i) of the size, density, materials and boundary treatments of the proposal, and (ii) there will be almost total infill of the area causing a loss of amenity and privacy to neighbours as well as some daylight.

The front (principal) elevation of the house that faces towards St Andrew Street is clad with natural stone, but its east and west sides and most of its rear (north) elevation are finished with wet dash render. Owing to the falling ground level on which the rear part of the house has been built, the basement level wall of the rear elevation is finished with a smooth, blue coloured render.

It is proposed to paint the basement level wall white in colour. This change of colour to that part of the rear elevation of the house would not be appreciable from public places and would not harm the character and appearance of the house or the character and appearance of the Conservation Area.

Owing to the falling ground on which the house has been built the ground level of the rear garden of the house is some 1.7m lower in height than the ground floor level of the house. Unlike the existing conservatory which is built upon a 1.7m high basewall the proposed extension would be constructed on the ground level of the rear garden of the house. It would protrude some 5.8m out from the rear elevation of the house, be some 5.2m in width and the highest part of its mono-pitched roof would be some 4.5m in height, which is a similar height to that of the existing conservatory. The external walls of the proposed extension would be finished with a white, smooth render finish and its roof would be clad with zinc. The windows and glazed openings of the proposed extension would be constructed of grey coloured, powder coated aluminium.

The proposed extension would be well concealed from public view on the rear of the house. It would not be significantly wider than the existing conservatory it would replace. At its highest, where it would abut the rear wall of the house, the mono-pitched roof of the proposed extension would at a height of 4.5m be no higher than the ridge height of the existing conservatory. From that height the mono-pitched roof would slope down northwards to a height of 2.5m which, in turn would be the wall head height of its north elevation wall. Accordingly, the proposed extension would not be an overly large addition to the rear (north) elevation of the house. It would be subservient to the house. It would complement the architectural form and external finishes of the house. Although it would be built on the west boundary of the rear garden of the house the proposed extension would not cover the whole of the rear garden. The eastern part and a small northern part of the rear garden would remain as garden ground for the house. Therefore the proposed extension would not be an overdevelopment of the rear garden of the house.

On those considerations of design the proposed extension and painting are 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.

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 west elevation of the proposed extension would be positioned on the west boundary of the rear garden of the house. However there are no openings proposed to be formed in that west elevation and thus there would be no facility for harmful overlooking of the neighbouring residential property to the west.

The proposed extension would be within 9m of the north and east boundaries of the rear garden of the house.

Notwithstanding the wall to be erected on the north boundary of the rear garden of the house, the window to be formed in the north elevation of the proposed extension would face towards the rear garden of the neighbouring restaurant (Poonthias) to the north. As that rear garden is not a private rear garden of a residential property, there would not be a loss of privacy to it through any overlooking from the proposed extension.

The garden ground of the neighbouring house to the east is some 0.4m lower in height than the ground level of the rear garden of the applicant's house. Given this difference, the 1.6m high wall that is proposed for the east boundary of the rear garden of the applicant's house would be of sufficient height to prevent harmful overlooking of the neighbouring garden ground to the east from the glazed doors to be formed in the east elevation of the proposed extension.

Additionally there is a window proposed for the east elevation of the proposed extension which would be of a height relative to an internal floor level of the extension to allow for harmful overlooking of the neighbouring rear garden to the east. To prevent any such overlooking that window should be obscure glazed.

Due to its size, height and positioning the proposed extension would not result in a harmful loss of daylight or sunlight to any of the neighbouring residential properties.

Thus on the consideration of amenity the proposed extension is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

Owing to their contained position within the rear garden of the house and by virtue of their form, size, scale and materials the proposed boundary walls, garden seat and area of hardstanding would be appropriate to their setting and would not be out of keeping with their surroundings. They would not harm the setting of the house or the character and appearance of the Conservation Area.

The proposed boundary walls, seat and area of hardstanding 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 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 No use shall be made of the extension hereby approved unless the 1.6 metres high wall shown on

the docketed drawings to be positioned on the east boundary of the rear garden of the house has been fully built and thereafter that wall shall remain in place unless otherwise approved by the Planning Authority.

Reason:

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

- 3 No use shall be made of the extension hereby approved unless the upper window to be formed in the east elevation of the proposed extension has been fitted with obscure glazing and hereafter that window shall remain obscure glazed unless otherwise approved by the Planning Authority.

Reason:

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