

REPORT TO: Planning Committee
MEETING DATE: Tuesday 4 December 2012
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

Note: this application was called off the Scheme of Delegation List by Councillor Berry for the following reasons: considerable external alterations to a prominent site visible at tourist focus and from two streets. Also adjacent to a controversial application for adding a second storey to the adjacent property.

Application No. **12/00701/P**

Proposal Alterations, 1st floor extension, formation of dormers, balcony, vehicular access, hardstanding area, erection of walls and erection of gates

Location **24 Victoria Road
North Berwick
East Lothian
EH39 4JL**

Applicant Mr and Mrs Andrew and Janette Rear

Per Somner Macdonald Architects

Ward 5

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey and attic terrace house and the rear garden ground of the house. The property is located on the east side of Victoria Road near to the junction of Victoria Road and Melbourne Road. The house has a frontage with Victoria Road to the west and at its eastern end the rear garden of the house has a boundary with Melbourne Road.

In its location the property is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within North Berwick Conservation Area.

Planning permission is sought for: (i) the addition of two hipped and pitched roofed dormers and a small roof light on the front (west) elevation roof slope of the house, (ii) the addition of two hipped and pitched roofed dormers and a large roof light on the rear (east) elevation roof slope of the house, (iii) the enlargement of an existing first floor window

opening in the northern part of the rear (east) elevation of the house to form a door opening and the installation within that new door opening of a timber framed and astragalled glazed door and top light, (iv) the formation of a first floor balcony on the northern part of the rear elevation of the house, (v) the infilling of an existing ground floor window opening in the east elevation of the existing two storey rear outshot of the house with materials to match the external wall finish of the outshot, (vi) the formation of three window openings at first floor level in the east elevation of the two storey rear outshoot of the house and the installation in each of them of a timber framed casement type window, (vii) the addition of a flat roofed and glazed extension on top of the existing two storey rear outshot of the house, (viii) the formation of an area of hardstanding within the rear garden of the house, and (ix) the re-alignment of the east roadside (Melbourne Road) stone boundary wall of the rear garden of the house, an increase in height of the wall from some 1.2 metres to 1.8 metres, the formation in the re-aligned and heightened stone wall of a vehicular access opening some 3.0 metres wide and the installation within that opening of double leaf, timber boarded gates some 1.8 metres high.

Through separate application 12/00701/CAC conservation area consent is sought for the demolition of the existing east roadside boundary wall of the property. A separate report on application 12/00701/CAC is at this time on the Committee Expedited List.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this application for planning permission 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), DP6 (Extensions and Alterations to Existing Buildings) and T2 (General Transport Impact) 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 conservation area should be appropriate to the character of the conservation area.

There are two written objections to the application. They are both from The Architectural Heritage Society of Scotland. The Society objects to the formation of the proposed dormers and roof light on the front (west) elevation roof slope of the house as this would be disruptive of the uniform frontage and generally clear front roof slope of the other houses of the terrace of which the applicant's house is a part. The Society considers that the dormers

should be confined to the rear elevation of the house and along with the proposed balcony and other alterations to the house, relate to the existing pattern of fenestration to the rear of the terrace of houses. The Society also raises objection to the rebuilding of the east roadside boundary wall to the proposed greater height as it would not preserve or enhance the special character and amenity of the Conservation Area and would consequentially block important views across the Conservation Area.

Each of the proposed four dormers would be of the same size and architectural form and would each project some 2.0 metres out from the slope of the roof slope in which they would be installed. The ridge of the roof of each of the dormers would be positioned at almost the same height as the ridge of the roof of the existing house. They would have white painted timber framed sash and case windows installed in their canted face and their pitched roofs would be clad with slate to match the slates on the roof of the building. The larger of the proposed two roof lights would be installed between the two dormers to be formed on the rear (east) roof slope of the house, with the smaller roof light installed between the two dormers to be formed on the front (west) elevation roof slope of the house.

The proposed dormers would each be small in size and scale relative to the roof slope they would occupy and the house as a whole. They would be in keeping with the architectural style of the house and would not harmfully disrupt the architectural form of the roof of the house. They would be seen in relation to dormers of various sizes and architectural forms on the roofs of other houses on Victoria Road including those that have been installed in recent years on the front and rear elevation roof slopes of the neighbouring house of 22 Victoria Road and in the front elevation roof slope of the flatted building of 18-20 Victoria Road. Like those other existing dormers, the proposed dormers, with their uniform size and scale, would be proportionate to the roof slope they would occupy. Cumulatively they would not be an overdevelopment of the roof of the house. By virtue of their size, positioning, materials and architectural form, the proposed dormers would be subservient to and in keeping with the house and would be well integrated with their surroundings. They would not be harmful to the character and appearance of the house, the terrace of houses of which the house is a part or to the character and appearance of the Conservation Area.

The proposed two roof lights would be similar in their arrangement to the roof lights that have been installed between the dormers on the front and rear roof slopes of the neighbouring house of 22 Victoria Road and on the front elevation roof slope of the flatted building of 18-20 Victoria Road. Providing they are each installed so that as far as possible their upper surface is as near flush as possible with the upper surface of the roof onto which they are to be installed, which can be made a condition of the grant of planning permission, they would not be harmful to the character and appearance of the house or to the character and appearance of the Conservation Area.

As alterations to the rear (east) elevation of the house and of the rear outshot of the house the proposed in-filling of an existing window opening, formation of the three new window openings and the installation in them of timber framed casement windows and the enlargement of a window opening into a door opening and the installation in it of a timber framed and astragalled glazed door and top light would all, by virtue of their size, form, materials and respective positioning, be sympathetic to the house and well integrated with their surroundings. They would not be harmful to the character and appearance of the house or the character and appearance of the Conservation Area.

The proposed flat roofed extension to be added to the top of the rear outshot of the house would raise the wall heads of the outshot to a resultant eaves level a little higher than the eaves level of the rear elevation of the house. Accordingly, the flat roof of the proposed

extension would tie into the lowest part of the rear elevation roof slope of the house. By this minimalist encroachment onto the rear roof slope of the house the flat roof of the proposed extension would be considerably below the ridge height of the roof of the house. A glass balustrade would be formed across the lower parts of the glazing of the east elevation of the proposed extension and the north and south side elevations of the extension are also to be glazed. The glazing of the walls of the proposed extension would be contained in white painted timber frames.

In its setting the existing house is seen in the context of the Lifeboat Station building to the north of it, the two and three storey pitched roofed terrace of buildings on the east side of Victoria Road and the variety of one and a half storey, two storey and two and a half storey pitched roofed buildings of Melbourne Road. The existing house is a component of the variety of built form that defines the character and appearance of this part of North Berwick Conservation Area. In its positioning the proposed extension would be seen in limited public views from the public road and footpath of Melbourne Road that is to the east of the rear garden of the house. Within those limited public views the proposed extension would be seen in relation to the three storey flat roofed stair tower that is attached to the rear elevation of the adjoining flatted building of 18-20 Victoria Road, to the south. That stair tower, with its wholly glazed third floor and flat roof is similar in its architectural detailing and form to what the rear outshot on the rear elevation of the applicant's house would be with the proposed lightweight glazed extension added to it. As does the existing neighbouring stair tower, the existing rear outshot with the proposed extension added to it would sit comfortably in the context of the variety of built form of this part of North Berwick Conservation Area and thus it would be well integrated into its surroundings. The proposed extension would be a sympathetic and subservient addition to the rear outshot of the house, to the house as a whole and to the terrace of buildings on the east side of Victoria Road. By its form, size, height and positioning the proposed extension would not harmfully increase the density and pattern of development of this part of North Berwick Conservation Area. The proposed extension would not be harmful to the character and appearance of the house or of the Conservation Area.

The proposed balcony would be installed at lower first floor level on the rear (east) elevation of the house, between the north elevation of the rear outshot of the house and the south elevation of the neighbouring Lifeboat Station building. Access to it would be taken from the new first floor door opening to be formed from the enlargement of the existing window opening on that part of the rear (east) elevation of the house. It would be enclosed on its longer east and shorter north sides by a stainless steel framed and glazed balustrade. At its northeast and southeast corners it would be supported from below by steel vertical support columns.

With its minimalist stainless steel frame and glass balustrade the proposed balcony would not appear as a dominant or intrusive addition to the house. It would be subservient to the house and would be well integrated into its surroundings. It would not be harmful to the character and appearance of the house or the character and appearance of the Conservation Area.

On the forgoing considerations of design the proposed dormers, roof lights, extension, balcony and other alterations to the house are all 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.

The dormers and roof light to be formed in the front (west) elevation roof slope of the house would be positioned and orientated such that they would face towards the public road of

Victoria Road and as such would not allow for harmful overlooking of neighbouring residential properties.

The dormers and roof light, the new glazed door, the new windows, the glazing of the east elevation of the proposed extension, and the proposed balcony all to be installed on or in the rear (east) elevation of the house would each be positioned and orientated such that they would face onto the rear garden of the house and towards Melbourne Road and the beach beyond. Thus none of them would allow for harmful overlooking of neighbouring residential properties.

The glazing of the south elevation of the proposed extension would be positioned and orientated such that it would face towards the roof of the existing east projecting outshoot on the rear elevation of the neighbouring house 22 Victoria Road to the south and, consequently, that glazing would not allow for harmful overlooking of that neighbouring residential property. The glazing of the north elevation of the proposed extension would be positioned such that it would face towards the Lifeboat Station building to the north and thus would not allow for harmful overlooking of neighbouring residential properties.

"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 building, including a house extension, on the daylight and sunlight received by neighbouring properties.

Application of the daylight test given in the Guide demonstrates that the proposed extension would not give rise to a harmful loss of daylight received by the neighbouring house of 22 Victoria Road to the south.

By their size, form, positioning and orientation the proposed dormers, extension and balcony would not give rise to a harmful loss of sunlight received by neighbouring residential properties.

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

The existing roadside boundary of the rear garden of the house (i.e. the boundary with Melbourne Road) is presently enclosed by a 1.2 metres high natural stone wall. There is within the wall a pedestrian access gate.

Planning permission is sought for the re-alignment and heightening of the wall. To facilitate this, the existing 1.2 metres high wall would have to be demolished.

Conservation area consent for the demolition of the existing wall is separately sought through associate application 12/00701/CAC. The assessment of the effect of the demolition of the wall on the Conservation Area is set out in the report on application 12/00701/CAC.

As is stated in paragraph 3.55 of the Scottish Historic Environment Policy: December 2011, the Scottish Ministers have directed that the need for conservation area consent for the demolition of any gate, wall, fence or railing in a conservation area shall not apply to the specific exemptions given in Annex IV of Circular 17/1987 (New Provisions and Revised Guidance Relating to Listed Buildings and Conservation Areas). One of those exemptions applies to a gate, wall, fence or railing less than one metre in height. The existing pedestrian access gate is only some 0.99 metres in height. Therefore the demolition of it is exempted from the need for conservation area consent.

The purpose of the proposed re-alignment of the wall is to achieve a visibility splay on either side of a new vehicular access which in this planning application is proposed to be formed on part of the east boundary of the rear garden of the house. Additionally it is proposed that the re-aligned wall would be built to a height of 1.8 metres compared to the 1.2 metres height of the existing wall.

In its re-aligned and heightened form the proposed new wall would be constructed of natural stone salvaged from the dountakings of the existing wall and of additional matching natural stone. The vehicular access to be formed in the new wall would be some 3 metres wide and would be set back some 0.7 metres from the back edge of the adjacent footpath of the public road of Melbourne Road. 1.8 metres high vertically lined timber gates would be formed across the opening of the proposed new vehicular access.

In its positioning on the east roadside boundary of the rear garden of the house the proposed new wall would at one end abut the northeast corner of the house of Hope Cottage to the south and at the other end the southeast corner of the single storey flat roofed component of the Lifeboat Station building to the north. In its streetscape relationship with the overall height and massing of those two buildings, the proposed new wall would not at a height of 1.8 metres appear excessively high. In this context and since the new wall is to be of natural stone salvaged from the dountaking of the existing wall and of additional matching natural stone, the proposed new wall would not appear alien to its particular place. It would not harm the streetscape of Melbourne Road and would not be harmful to the character and appearance of the Conservation Area.

The proposed vehicular access opening to be created within the length of proposed new wall and the boarded timber gates to be installed in the opening would be of a height proportionate to the height of the proposed new wall. The timber gates would harmonise with the stone wall in a traditional manner common to the Conservation Area. The opening and timber gates that would enclose it would not appear harmfully intrusive or incongruous in the streetscape of Melbourne Road. They would not be harmful to the character and appearance of the Conservation Area.

Only from the adjacent length of Melbourne Road and the beach beyond would part of the existing view from across the rear gardens of the houses and flatted buildings of Victoria Road and Melbourne Road be obscured by the proposed higher wall and the gates. Such limited loss of view would not so affect the public's appreciation and enjoyment of the views of this part of North Berwick Conservation Area as to be unacceptable and justifiable of a reason for refusal to grant planning permission for the proposed new wall and gates. From more distant view points from the vicinity of the Seabird Centre and the land to the south of the Seabird Centre the proposed new wall and gates would not affect views across the rear gardens of the houses and flatted buildings of Victoria Road and Melbourne Road and thus of that part of North Berwick Conservation Area.

The proposed area of hardstanding would be an extension to the north side of an existing area of hardstanding within the rear garden of the house. It would be formed as a turning head to allow vehicles to enter and egress the proposed new vehicular access with the classified road of Melbourne Road in a forward gear. In its relationship with the proposed vehicular access and by its containment within the rear garden of the house the proposed area of hardstanding would not be inappropriate to its place. It would not be harmfully prominent or intrusive and it would not be harmful to the character and appearance of the Conservation Area.

The proposed new wall, vehicular access, gates 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 2008 and Scottish Planning Policy: February 2010.

The Council's Transportation Service advises that the now proposed positioning of the proposed vehicular access and associated turning head are of an acceptable standard for adequate and safe use by vehicles entering and egressing the classified road of Melbourne Road in a forward gear. On the alignment proposed for it the new wall would allow for a visibility splay of 2 metres by 20 metres to each side of the vehicular access, which is the standard of visibility splay recommended by Transportation. Additionally, Transportation advise that the area of ground that would be exposed in front of the new wall due to its different alignment from the existing boundary wall be formed as an extension to the existing footpath. These matters can be controlled by conditions of the grant of planning permission. It would be prudent, as another condition, to require that the proposed gates be installed to open inwards into the rear garden of the property to prevent obstruction of the adjacent footpath and public road. Subject to these planning controls the proposed vehicular access is consistent with Policy T2 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The roof lights hereby approved shall be installed in a manner which ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they are to be installed.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 2 The stonework of the new wall hereby approved shall match in all respects the stonework of the wall to be demolished, including the laying, pointing and coping of it, all in accordance with a sample panel to be provided on site for the prior inspection and approval of the Planning Authority.

Reason:

To safeguard the character and appearance of the Conservation Area.

- 3 No use shall be made of the vehicular access hereby approved unless and until: (i) the new boundary wall, vehicular access and turning area within the site are erected and laid out and available for use as shown on drawing no. 1258-02-B and thereafter they shall be retained as such, and (ii) the area of ground between the east side of the new wall and the existing back edge of the footpath of Melbourne Road is formed and surfaced as an extension to the existing footpath.

Reason:

In the interests of road safety.

- 4 No use shall be made of the vehicular access hereby approved if the gates to be erected across it are installed so as to open outwards towards the adjacent public road and footpath.

Reason:

In the interests of road safety.