

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

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Application No. **12/00701/CAC**  
Proposal Demolition of walls  
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 on the east side 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. The property is within North Berwick Conservation Area.

Conservation area consent is sought for the removal of the 1.2 metres high natural stone wall on the east roadside boundary of the rear garden of the house (i.e. the boundary with Melbourne Road).

Through separate application 12/00701/P planning permission is sought for the erection of a new wall on a different alignment and to a higher height than the existing roadside boundary wall. A separate report on application 12/00701/P is at this time on the Scheme of Delegation 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.

Policy ENV1D (Regional and Local Natural and Built Environment Interests) of the approved Edinburgh and the Lothians Structure Plan 2015 addresses the need to control development within conservation areas but is silent on the matter of the demolition of buildings. Thus it is not relevant to the determination of this application.

Policy ENV4 (Development within Conservation Areas) of the adopted East Lothian Local Plan 2008 addresses the need to control development within conservation areas, including the demolition of buildings and thus is relevant to the determination of this application.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010.

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority, in exercising its responsibilities under planning legislation must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty should always be borne in mind in the determination of an application for conservation area consent to demolish an unlisted building in a conservation area. As is stated in the Scottish Historic Environment Policy: December 2011 and also in Scottish Planning Policy: February 2010 a planning authority, in deciding whether or not conservation area consent should be granted should take account of the merits of the building to the character or appearance of the conservation area and of proposals for the future of the cleared site. The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use. Where demolition is considered acceptable careful consideration should be given to a replacement scheme of new development in terms of its design and quality.

There is one written objection to the application. It is from The Architectural Heritage Society of Scotland. However, the grounds of objection relate to elements of the development for which planning permission is sought separately through application 12/00701/P. They are not therefore material to the determination of this application for conservation area consent for the removal of the existing roadside boundary wall.

Policy ENV4 of the adopted East Lothian Local Plan 2008 states that, conservation area consent for the demolition of a building (including a wall) will only be considered in the context of appropriate proposals for redevelopment or intermediate treatment, and will only be permitted where its removal or replacement would not adversely affect the character of the conservation area.

As is explained in the report for application 12/00701/P, the new roadside boundary wall for which planning permission is sought is proposed to allow for an acceptable standard of visibility splay on either side of a new vehicular access for which planning permission is also sought. Additionally it is proposed in application 12/00701/P 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. The taking down of the existing roadside boundary wall would facilitate the positioning and part formation of the new wall. The relevant part of the planning appraisal of the development proposed in application 12/00701/P concludes that the realignment and heightening of the roadside boundary wall would not have a harmful affect on the character and appearance of the Conservation Area and that planning permission should be granted for it. Accordingly, the removal of the existing wall is justified.

In the circumstance of this case the taking down of the existing wall does not conflict with Policy ENV4 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 or Scottish Planning Policy: February 2010.

It is indicated on the application drawings the intention to demolish a pedestrian access gate that exists in the east roadside boundary of the rear garden of the house. 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.

## RECOMMENDATION

That conservation area consent be granted subject to the following condition:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997