



**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 29 AUGUST 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor J Goodfellow (Chair)  
Councillor J McNeil  
Councillor J McMillan  
Councillor J Williamson

**Advisers to the Local Review Body:**

Mr P McLean, Planning Adviser to the LRB  
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

**Others Present:**

Mr N Millar, Planning Officer

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

The Legal Adviser introduced the Members on today's East Lothian Local Review Body (ELLRB) and advised that they would be reviewing the decision of the Appointed Officer on one planning application.

The Legal Adviser then addressed the Members and enquired if there were any Declarations of Interest. Councillor McNeil replied that he resided in Stoneybank Grove, Musselburgh, the same street as the application site. He requested the advice of the Legal Adviser on this matter and was advised that he could continue if his personal circumstances did not render him biased in any way in respect of the application. Councillor McNeil replied that it did not and confirmed he would proceed to take part in the Review.

A site visit had been carried out by all Members prior to today's meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)**  
**PLANNING APPLICATION No: 13/00207/P – Alteration, formation of dormers and extension to roof at 11 Stoneybank Grove, Musselburgh**

The Legal Adviser introduced the planning application and invited the Planning Adviser to present a summary of the planning issues relating to this application.

The Planning Adviser stated that the application site was an upper floor flat in a two-storey 'four-in-a-block' style building and that the application was seeking permission for an extension to the hipped and pitched roof of the property to form a gable end and the formation of dormer windows to front and back.

The Planning Adviser advised that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise and advised Members that there had been a change to the development plan since the delegated decision was taken on 7 May 2013: the Strategic Development Plan for South East Scotland (SESPlan) was approved on 27 June 2013, replacing the Edinburgh and the Lothians Structure Plan. He advised that the site was in a predominantly residential area, designated under Local Plan policy ENV1, which seeks to safeguard residential character and amenity. Local Plan policy DP6 related to extensions and alterations to existing buildings and required them to be well integrated into their surroundings and in keeping with the original building.

The Planning Adviser stated that the application was refused by the Appointed Officer on the basis that the roof extension and dormers would be harmful to the character and appearance of the building, the surrounding streetscape and the local area. The Officer's report argued that the hipped end form was a distinctive characteristic of the two-storey flatted buildings in the area and the proposals would radically alter this. They were therefore considered contrary to relevant development plan policy. It was also considered that approval would set a precedent for similar extensions. The applicant's request for a review stated that there were only two such buildings in the cul-de-sac, with the other buildings having gable ends already. The proposed design was argued not to be harmful to the appearance of the building and attention was drawn to other examples of extensions that were said to be similar. In terms of precedent, it was argued that any precedent would not be a harmful one. The Case Officer had submitted an additional statement in response to the applicant's review statement stating that the photographs supplied by the applicant did not include addresses and therefore he could not determine whether planning permission had been granted for these examples.

The Planning Adviser added that no consultations had been carried out on the application by the Case Officer and no representations were received on the original application or in response to the Notice of Review.

The Chair invited questions from Members and Councillor McNeil enquired if the three photographs of homes with extensions submitted by the applicant were relevant to the Review when no addresses had been provided for the properties. The Planning Adviser replied that he could identify the locations of two of the properties and understood that planning permission had been granted in those cases. He pointed out that these decisions would have been based on the policies contained in previous Local Plans. It was therefore for Members to decide if this information was relevant to their decision on this application and how much weight to attach to it.

The Chair advised that it was now for Members to decide if they had sufficient information to determine the application. After discussion, Members agreed unanimously that they had sufficient information to proceed with the application today.

Councillor McMillan stated that, in his view, the applicant's proposals were not similar in nature or extent to the altered properties illustrated in the applicant's Appeal Statement. He therefore fully supported the decision of the Appointed Officer.

Councillor Williamson stated that he was familiar with the locality as the subject of this application was in his Ward. He did not concur with the Case Officer that the proposals would be harmful to the streetscape, nor did he agree that the extension would be intrusive and dominant. He therefore found no reason to reject this application.

Councillor McNeil, another Ward Member, stated that a precedent had already been set for a change in the streetscape, as the house at the end of the cul-de-sac now had an extension. Consequently, he did not accept the Case Officer's argument that the proposals would be harmful to the streetscape and set a harmful precedent. Stoneybank Grove was also only accessed by residents and was not in a prominent location so there was only limited view of the property in question. In Councillor McNeil's view, the applicant had also demonstrated in his Appeal Statement that other homes in East Lothian had undergone similar alterations and he was aware that planning permission had been granted to other homes in the area. He would therefore vote to overturn the decision of the Appointed Officer.

Councillor McMillan stated that he considered the other examples were for different styles and streetscapes and that he did not consider that they were a 'like for like' comparison with this application.

The Chair stated that he was inclined towards the view that the proposals would not be '*disproportionate, dominant and have incongruous features harmful to the character of the building and streetscape*' as stated in the original Decision Notice. It was also the case that one of the proposed dormer windows would not be visible from the front of the building. However, although it was a difficult decision to make, he had been convinced by the arguments of the two local Members and would therefore vote to overturn the decision of the Appointed Officer.

**Decision**

The ELLRB agreed, by 3 votes to 1, to overturn the original decision and grant permission for the alteration, formation of dormers and extension to roof at 11 Stoneybank Grove, Musselburgh. No Conditions were attached to the consent.

The Clerk advised that a formal Decision Notice would be issued within 21 days.