

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 3 December 2013

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

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

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*Note - this application was called off the Scheme of Delegation List by Councillor Berry for the following reason: The complete removal of and replacement of a detached dwelling on such a prominent site, visible from the golf course, West Beach and harbour, in a Conservation Area and adjacent to an iconic building like Links House should be considered by full committee.*

Application No. **13/00726/P**

Proposal **Erection of 1 house, garage/storage building and associated works**

Location **Links Lodge  
Links Road  
North Berwick  
East Lothian  
EH39 4AP**

Applicant **Mr & Mrs G Matthew**

Per **Pyemont Design Greenarchitecture**

RECOMMENDATION **Consent Granted**

#### PLANNING ASSESSMENT

This application relates to a single storey, detached house that is located in a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The property is in North Berwick Conservation Area.

The existing house is a detached, single storey house with an L shaped footprint. It has a slated pitched roof and white harled walls. The house has a footprint of some 281 square metres and sits within a large rectangular shaped plot with garden ground on all sides of the house. The property is served by a vehicular access positioned at the southern end of the east roadside boundary of the property.

The property is bounded to the east by the public road of Links Road with a two storey flatted building containing the neighbouring residential properties of 1 Pointgarry Road and 22 West Bay Road beyond, to the south and west by the garden ground of neighbouring residential properties and to the north by part of North Berwick Golf Club. A 2m high wall encloses the north and east boundaries of the property.

In March 2012 planning permission 12/00113/P was granted for extensions and alterations to the existing house and for the erection of a garage in the southeast corner of the property. The alterations and extensions approved through planning permission 12/00113/P would have created accommodation in the roof space of the house. To facilitate the creation of this first floor accommodation a large, modern style, glazed dormer was approved to be formed on almost the whole of the northeast facing roof slope of the house.

In April 2013 planning permission 12/00975/P was again granted for alterations and extensions to the house including the erection of a garage in the southeast corner of the property, which did not include the creation of the large, modern style, glazed dormer.

The applicant's agent has indicated in a planning statement submitted with the current planning application that those extensions and alterations have proven uneconomic. Therefore neither planning permission 12/00113/P nor 12/00975/P has been implemented.

Planning permission is now sought for the erection of a two storey detached house as a replacement for the existing house. In association with the erection of the replacement house, planning permission is also sought for the erection of a double garage and store in the southeast corner of the plot and for the formation of hardstanding areas in the form of a driveway and patio within the garden of the proposed house.

As amendments to the application (i) the sawn slate that was to be used to clad part of the external walls of the proposed replacement house has been replaced with natural stone, (ii) the L shaped raised terrace that was to be attached to the northwest (side) and part of the southwest (rear) elevations of the house has been reduced in size, (iii) an area of decking is to be formed at ground level in the garden to the southwest side of the house.

To facilitate development of the proposed new house, the existing house would be demolished and cleared from the site.

Through separate application 13/00726/CAC conservation area consent is sought for the demolition of the existing house. A report on application 13/00726/CAC is at this time on the Committee Expedited List.

The proposed replacement detached house would be positioned in roughly the same position as the existing house, though it would have a larger footprint to that of the existing house. In such a position it would retain garden ground to all sides of it in a similar relationship of existing garden ground to the existing house. It would be accessed from the existing driveway.

The proposed replacement detached house would be of a contemporary design with large areas of glazing to all of its elevations and with a gently sloping mono-pitch roof. It would be mainly two storeys in height with single storey elements on its southeast and northwest sides. Its external walls would be finished in part with natural stone and in part with white painted smooth render. Its mono-pitch roof would be clad with light grey zinc standing seam roofing. The frames of the windows, external doors and patio doors, and the external doors would be of alu-clad timber construction. An access platt and steps would be formed centrally on the southwest side of the proposed replacement house to provide access to its front entrance door. Hardstanding areas in the form of an extension to the existing driveway to the southwest side of the proposed house and a raised decked area would be attached to the northwest side of the proposed house.

A new double garage and store building would be erected in the southeast corner of the plot. It would also be of a modern design with a gently sloping mono-pitch roof. Its northeast and northwest elevations would be finished with natural stone. Its southeast and southwest elevation walls would mostly comprise the high stone boundary wall to which it would be attached, with the upper parts of those walls and its roof being clad with vertical zinc cladding. A long narrow roof window would be installed towards the southern end of its roof slope. The vehicular access door which would be of timber construction would be formed in its northeast elevation.

A design statement has been submitted with the application. The design statement emphasises that the alterations and extensions approved by the grants of planning permission 12/00113/P and 12/00975/P have proved uneconomical and the opportunity has arisen to demolish the existing house and replace it with one that has been sustainably and imaginatively designed to appreciate the commanding views over the golf course to the Firth of Forth. The statement advocates that the proposed design of the replacement house is of a modern contemporary form reflecting the recently replaced house of St James (planning ref: 10/00493/P) and that of the listed building of Minaki, both to the west of the application site.

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) and Policies ENV1 (Residential Character and Amenity), ENV4 (Development within Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP22 (Private Parking) 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 also 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.

In paragraph 82 of Scottish Planning Policy it is stated that infill sites within existing settlements can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

Planning Advice Note 67: Housing Quality explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

There are 8 objections to the application, though 2 of the objections are from the same person. The grounds of objection are:

- (i) the size and scale of the house, which would be out of proportion with the site and with the surrounding buildings;
- (ii) the replacement of the modest bungalow with a large ultra modern house would spoil the aesthetically and traditionally pleasing aspect of the whole area and would be in conflict with the traditional Scottish stone houses of North Berwick, with the exception of Minaki and Turnstone, and would be out of keeping with the whole stretch of buildings along the golf course;
- (iii) there are no photos of how the house will appear from the rear, which is a view that neighbours and their visitors would see on a daily basis;
- (iv) the window and terrace of the proposed house would overlook neighbouring gardens and impact on the privacy and amenity of those neighbouring properties; and
- (vi) the height of the cinema room component would be 2m above the existing ridge height and would adversely affect the outlook from a principal window of a neighbouring property.

There are also 10 representations made in respect of the application which are in support of the proposed replacement house.

The application site is already in established residential use as the property of Links Lodge. It is part of a larger area covered by Policy ENV1 of the adopted East Lothian Local Plan 2008. To the northwest, southwest and southeast of the application site are residential properties. The re-development of the site would amount to the erection of a replacement house within the urban area of North Berwick and would not change the use of the site from residential use. Accordingly, the site can be defined as being an urban infill site. On this matter there are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application. Policy ENV1 does not actively promote the development of land for new build residential development. Policy ENV1 does however state that infill and backland development will be assessed against Policy DP7 of the Local Plan.

Policy DP7 of the adopted East Lothian Local Plan 2008 states that, amongst other principles of development, infill, backland and garden ground development must by its scale, design and density be sympathetic to its surroundings and should not an overdevelopment of the site. This is in line with the requirements of Scottish Planning Policy: February 2010 that planning authorities should ensure that where infill sites are assessed as suitable for development, proposals respect the scale, form and density of

the surroundings and enhances the character and amenity of the community.

The principal determining factor in this case is whether, with regard to national, strategic and local planning policy and guidance and other material considerations, the erection on the site of a replacement house would have an adverse impact on the character and amenity of the area, and on the character and appearance of the Conservation Area, and whether or not it would have a detrimental impact on the amenity of neighbouring residential properties.

The application site is in an extension to the original North Berwick Conservation Area. The houses in the vicinity of the application site are of a variety of different architectural styles and designs varying from detached Victorian/Edwardian town houses to the modern designed houses known as Minaki and Turnstone. The houses and buildings vary in height from single storey to two storey with attic accommodation and are all set in different sized gardens. Consequently the area has a diverse form of architecture and pattern and density of development. The predominant building materials of the older buildings are dressed stone and natural slate. However, there are also a number of buildings in the area with rendered finishes.

The proposed replacement house would be a detached house of a contemporary design. It would be sited on the plot in a similar position to the existing house, with its front elevation facing towards the golf course. It would be two storeys in height with a gently sloping monopitch roof. The first floor of the house would have a smaller internal floor area than the lower storey, to incorporate roof terraces on its northeast (front) and southwest (rear) elevations. The walls of the house would be in part of natural stone and in part white render. Large glazed screens would be installed on the northeast and northwest elevations of the house and to a lesser extent on the southwest and southeast elevations of the house.

The existing house has an L shaped footprint that sits roughly centrally on the plot. It is a single storey house that is some 18.6m in length, at its widest some 19.2m in width, and some 5.8m in height.

The proposed replacement house would occupy roughly the same position as the existing house on the site. It would be some 29m in length and predominantly some 12.5m in width. Thus it would be some 10.4m longer than the existing house, an increase of some 56%. However the plot is some 43.5m in length and the replacement house would occupy only 66% of the length of that plot. Furthermore the plot is some 1393 square metres in area. The proposed replacement house would have a footprint of some 300 square metres. Therefore although the proposed house would have a larger footprint than the house it would replace, it would, due to the large size of the plot, sit comfortably on the plot and would not be an overdevelopment of it.

The top of the main monopitch roof of the proposed replacement house would be 7m in height, with a small rectangular component at its western end being some 8.2m in height. By being for the most part only some 1.2m higher than existing house the main part of the proposed replacement house would not be significantly higher than the house it would replace and would be significantly lower in height than the substantial two storey and attic buildings of Inchgarry House and Inchgarry Court to the rear, the terrace of two storey and attic houses and buildings of West Bay Road. Thus the proposed replacement house would not in its relationship with the built form of those nearby houses and flatted building appear as an overly large or dominating feature and would not be of a size or scale that would be out of keeping with those nearby houses and flatted buildings.

The proposed replacement house, by its contemporary design and mixed palette of external materials of stone, render, glass and zinc would be architecturally distinctive from the other buildings in the surrounding area. However, the large glazed dormer extension that was granted planning permission 12/00113/P previously to be formed on the northeast facing roof of the house would have radically altered the architectural character and appearance of the existing house from one of very modest character to one of a very modern, distinctive character. It was accepted through the grant of planning permission 12/00113/P that such a radical alteration and extension of the house would be acceptable and would fit comfortably into its setting within the Conservation Area.

Likewise the replacement of the existing modest bungalow with the building of such architectural quality and character would fit comfortably into the mix of different architectural styles and periods of the houses of the area and into the mixed pattern and density of the existing built form of the area. The use of natural stone, render and zinc would be appropriate to the contemporary style and design of it. Whilst the alu-clad timber to be used for the frames of the windows, doors, patio doors and external doors is a material that would not be appropriate for use on historic buildings within a conservation area, the use of it would be an integral and appropriate element of this contemporary design.

On these design considerations the proposed house would be appropriate to its setting, as a contemporary addition to the historic juxtaposition of architectural periods and styles of this part of North Berwick. As a replacement for the existing modern bungalow it would contribute to and not be harmful to the character and appearance of this part of the Conservation Area.

The proposed double garage with store would occupy the same position in the southeast corner of the plot as the garage granted planning permission 12/00113/and 12/00975/P previously. Its southeast and southwest elevations would again mostly comprise the existing 2m high stone wall that encloses the property, with the upper part of those walls and its gently sloping mono-pitched roof being clad with zinc. Owing to its architectural form, size, scale, position and materials the proposed garage with store would be appropriate to its setting and would not be harmful out of keeping with its surroundings. It would not be harmful to the character and appearance of the Conservation Area.

By virtue of their form size, scale, positioning and materials the proposed areas of hardsurfacing would each be appropriate to their setting and in keeping with their surroundings. They would not be harmful to the character and appearance of the Conservation Area.

The plot is some 1393 square metres in area. The proposed replacement house would have a footprint of some 300 square metres. The proposed double garage and store would have a footprint of some 83.75 square metres. Therefore as the replacement house and garage would occupy less than 30% of that plot, the plot is large enough to comfortably accommodate the proposed replacement house, garage, parking and turning area and garden ground without there being an overdevelopment of it.

On these matters of siting, design and layout the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP7 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 separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

As there are no neighbouring residential properties to the northeast of the property there would not be harmful overlooking in that direction. The windows on the northwest (side), southeast (side) and southwest (rear) elevations of the proposed replacement house would be at least 9m away from the boundaries of neighbouring residential properties and would not be within 18m and directly face any windows of those neighbouring houses and flatted buildings. Thus the windows of the proposed replacement house would accord with the Council's standards and would not give rise to harmful overlooking. Furthermore, as the first floor terraces that are to be created on single storey, flat roofed parts of the proposed house would be more than 9m away from the boundaries of neighbouring residential properties and more than 18m away from any windows of the neighbouring houses and flatted building they would also accord with the Council's standards on overlooking and would not give rise to a harmful loss of amenity through overlooking of any neighbouring residential properties.

The replacement house would have a raised ground floor balcony component attached to its northwest (side) elevation that would be within 9m of the northwest mutual boundary of the property. However the 1.5m high obscurely glazed screen that is to enclose the northwest edge of that raised balcony would be of sufficient height to prevent anyone sitting on it from overlooking the garden ground of the neighbouring property to the northwest. A such and as it can be made a condition of a grant of planning permission that no use should be made of that raised balcony unless and until that 1.5m high obscurely glazed screen is in place, the raised balcony would not give rise to harmful overlooking of the neighbouring property to the northwest.

On the matter of the impact of the proposed replacement house and outbuilding on daylight and sunlight to neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

By virtue of its size, height, positioning and orientation, the proposed house would not, in accordance with such guidance, give rise to a harmful loss of daylight or sunlight to the neighbouring properties, and therefore would not have a harmful affect on the residential amenity of those properties. The proposed house should also receive a sufficient amount of daylight and the garden a sufficient amount of sunlight.

On the foregoing considerations of overlooking and overshadowing the proposed house is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Manager raises no objection to the application.

The Council's Head of Transportation raises no objection to the application. Accordingly, in respect of its access, parking and turning arrangements the layout of the proposed development is consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

## CONDITIONS:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Notwithstanding that shown on docketed drawings parts of the walls of the house and of the garage hereby approved shall not be clad with sawn slate but shall instead be clad with natural stone. Prior to their use on the replacement house hereby approved, a schedule and samples of external materials and finishes shall be submitted to and approved in writing by the Planning Authority for the house and thereafter the materials and finishes used shall be in accordance with those so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area and the character and appearance of the Conservation Area.

- 3 Prior to the occupation of the replacement house hereby approved the access, parking and turning arrangements shall be laid out as shown in docketed drawing no. 724.02 revision F, and thereafter the access, parking and turning arrangements shall be retained for such uses.

Reason:

To ensure provision of adequate access, parking and turning in the interests of road safety.