

**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 Veitch for the following reason: Residents in the immediate vicinity of the site have expressed their concern. Members should have the opportunity to see the site in question.*

Application No. **13/00730/P**

Proposal Extension to flat

Location **Whittingehame Courtyard Flat  
Stenton  
Haddington  
East Lothian  
EH41 4QA**

Applicant Mr Richard Cain

Per Groves-Raines Architects Ltd.

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

The property the subject of this application is a flat which has been formed in the U-plan Whittingehame House Stables, a former stables building now converted to houses and flats and which is listed as being of special architectural or historic interest (Category B). It is within the Whittingehame Designed Landscape and within an area designated in the adopted East Lothian Local Plan 2008 as being an Area of Great Landscape Value.

The applicant's flat is in the first floor of the east range of the former stables building, above what would have been the carriage shed of the stables. A part of the ground floor of the former carriage shed also belongs to the applicant and is in use as a garage. The flat is accessed via a door and internal stairway within a part of the lower, recessed component of the former stables building, adjacent to the former carriage shed.

Planning permission is sought for a porch to be added to part of the front (west) elevation of the lower, recessed component of the former stables building.

Through separate application 13/00730/LBC listed building consent is sought for the proposed porch. Additionally listed building consent is sought for; (i) the installation of glazed doors within the existing vehicular access on the west elevation of the former carriage shed component of the building, (ii) the formation of a doorway on the ground floor of the north (side) elevation of the former carriage shed component of the building, (iii) the removal of the existing front door from the lower, recessed component of the former stables building and (iv) internal alterations to the building. A report on application 13/00730/LBC 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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3 (Listed Buildings), ENV8 (Gardens And Designed Landscapes), NH4 (Areas Of Great Landscape Value) 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 Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: February 2010.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

There are two written objections to the application. They are from the occupants of neighbouring residential properties. The grounds of objection are; (i) the new glass porch will destroy the effect/look of the courtyard, (ii) the deeds of the property restrict the use of the garage to that of accommodating cars and for minor or routine maintenance of cars, (iii) kitchen doors opening onto the courtyard would completely change the look of the courtyard, (iv) the working pit in the floor of the carriage shed and the brackets used to store wheels, poles and shafts of carriages all of which are original features of the courtyard would be lost, (v) loss of privacy from the proposed porch, (vi) loss of daylight as the porch will block light from a bedroom window, (v) light pollution from the porch/kitchen, (vi) there will be an increase in noise as there will be a much greater amount of use made of the stairs which will link the main part of the flat to the new kitchen, (vii) the timber doors are to be bolted open when the kitchen is in use. This will severely impede safe parking both from a space and manoeuvrability within the courtyard.

The objection to the application on the grounds that the deeds of the property restrict the use of the garage to that of accommodating cars and for minor or routine maintenance of cars is a legal matter between the occupiers of the residential properties of the former stable buildings and is not a material planning consideration in the determination of this planning application.

The internal alterations to the flatted property do not require planning permission. Therefore the objection on the grounds that the internal alterations would result in an increase in noise from the applicant's flat is not a material consideration in the determination of this application.

The proposed porch would be located at the southern end of the lower, recessed component of the former steading building. Its south wall would comprise the existing, north elevation of the former steading building. Its west elevation would comprise one glazed and astragalged timber door and its north elevation would comprise a pair of full height glazed and astragalged, timber panels. As the proposed porch would be wholly contained beneath the existing canopy that protrudes out from the recessed, lower component of the building, that canopy would form the roof of the porch.

The proposed porch would be small in size and scale. By virtue of this, its positioning alongside the further protruding former carriage shed component of the building, and as it would be neatly contained beneath the existing canopy of the building it would be a subservient and sympathetic addition to the former stable building. Therefore and as its door and timber panels would not be dissimilar to other doors that exist within the courtyard the proposed porch would not appear harmfully out of keeping in its courtyard setting. It would not be prominent or obtrusive and would not harm the special architectural or historic interest of the listed building.

Due to its contained positioning and its architectural form, size and scale the proposed porch would not be prominent, obtrusive or exposed. It would not be harmful to the conservation objectives of the Whittingehame House Designed Landscape or to the Area of Great Landscape Value.

On those considerations of design the proposed porch would not conflict with Policy 1B Policy of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3, ENV8, NH4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

"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 extension on the daylight and sunlight received by neighbouring properties.

In the Guide it is stated that in designing an extension to a building it is important to safeguard daylight and sunlight to nearby buildings.

Application of the daylight test given in the Guide demonstrates that the proposed porch would not be of such a height or position to result in a harmful loss of daylight or sunlight to any windows of the neighbouring house to the north. Neither would it cause a significant difference to the amount of sunlight/daylight received within the adjacent open-sided porch of the adjoining house.

The proposed porch would be adjacent to a window of a neighbouring house. However as it would simply enclose an existing open-sided canopy that is part of the applicant's property, it would not result in overlooking that would be any different to that already possible from the existing open-sided porch. Thus the proposed porch would not harm the privacy of that neighbouring residential property.

The addition of a proposed porch to the flat is not an unusual or unreasonable development proposal. It would not generate an unacceptable level of light pollution and would not be detrimental to the amenity of the neighbouring residential properties within the courtyard.

On those considerations of amenity the proposed porch does not conflict with Policy DP6 of the adopted East Lothian Local Plan 2008.

The porch would not encroach onto the courtyard and therefore would not affect the parking and turning area of the courtyard. Furthermore there are no proposals to alter the opening method or opening mechanisms of the existing timber vehicular access doors of the garage. As those timber doors can already be bolted open at any time in their use in association with the garage there would be no change to the parking and turning area within the courtyard.

**CONDITIONS:**

1      None