

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 4 February 2014

**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 Day for the following reasons: Given the long planning history of this site and the sensitivity of in-fill development I would like elected members to have the opportunity to discuss and debate this application.*

Application No. **13/00901/P**

Proposal                      Erection of 1 house and change of use of agricultural land to form domestic garden ground and associated works

Location                     **Elanora and Adjacent Agricultural Land  
Dirleton Road  
North Berwick  
East Lothian  
EH39 5DF**

Applicant                    Mr David Greenan

Per                             HolderPlanning

RECOMMENDATION         Application Refused

#### PLANNING ASSESSMENT

This application relates to the eastern part of the garden of the residential property of Elanora and an adjacent strip of land that is situated on the east side of Elanora. That strip of land historically has been an agricultural field access but in recent times may have been used as garden ground by the occupier of Elanora.

The eastern part of the garden of Elanora and the strip of land that comprise the application site are part of a single row of houses and gardens located on the south side of Dirleton Road, on the west side of North Berwick and within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The application site is bounded to the east by the residential property of Ravelston, to the south by a field, to the west by what would remain of the garden ground and the house of Elanora, and to the north by the A198 public road of Dirleton Road with fields beyond. The application site is not within a conservation area.

In January 2008, through application 08/00043/FUL, Mr David Greenan sought full planning permission for the erection on the application site (i.e. the garden ground and strip of land on the east side of the house of Elanora) of a detached house with two off-street car parking spaces, and for the erection of fencing. Inherent in that proposal was an associated change of use of the strip of land from its historic agricultural (field access) use to residential use.

In June 2008 Mr Greenan appealed to the Scottish Ministers against the failure of the Council to determine that application within the prescribed period.

A report on application 08/00043/FUL was presented to the Planning Committee through the Committee Expedited List of 12 June 2008. In accepting the planning assessment given in that report the Committee agreed, in respect of the appeal, to inform Scottish Ministers that the Council, had they been able to do so, would have refused to grant planning permission for the development proposed in the application for the reason that:

"The proposed house would amount to a cramped form of infill development and an overdevelopment of the application site that would not respect, but would be both disruptive of the characteristic density and pattern of development of the row of properties on the south side of Dirleton Road and harmful to that streetscape, to the detriment of the character and appearance of the western outskirts of North Berwick. Consequently the proposed house is contrary to Policies ENV3 and ENV4 of the adopted East Lothian Local Plan 2000, Government planning policy guidance given in Scottish Planning Policy 3: Planning for Housing and advice on the design of new housing development given in Planning Advice Note 67: Housing Quality."

The Reporter appointed by the Scottish Ministers to determine the appeal dismissed it, thereby refusing to grant planning permission for that proposed erection of a house on the application site.

Her reasoning for reaching that decision was that the properties of Elanora and the neighbouring Ravelston are typical of the large bungalows in spacious plots which face onto the A198 Dirleton Road. The spacing between these houses creates a relatively ordered pattern of development which contributes to the character of the streetscape. The proposed house would fill almost the entire width of the plot leaving only a few metres separation between adjacent properties. This would result in a cramped form of infill development which would disrupt the established spacing, pattern and density of development along the street, to the detriment of the residential character and visual amenity of the area, contrary to Policies ENV1, ENV3 and ENV4 of the then adopted East Lothian Local Plan 2000.

In October 2009, through application 09/00799/PP, Mr David Greenan sought planning permission in principle only for the erection of a house on the application site (i.e. the garden ground and strip of land on the east side of the house of Elanora). On 27 November 2009 the Council, through delegated powers, refused planning permission in principle for the erection of a house on the application site for the reason that:

"The erection of a house on the application site would result in a cramped form of infill development which would disrupt the established spacing, pattern and density of development of the streetscape along the south side of the A198 Dirleton Road, to the detriment of the residential character and visual amenity of the area. Consequently the principle of development of the erection of a house on the application site is contrary to Policy DP7 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy 3: Planning for Homes."

In November 2010, through application 10/00921/P, Mr David Greenan sought planning permission only for the formation of a second new vehicular access to serve Elanora taken from the adjacent A198 public road of Dirleton Road, for the erection of gates across the proposed new vehicle access and for the erection of a 1.8m high timber fence in the garden ground of Elanora positioned adjacent to the east elevation wall of the house of Elanora on a north-south axis along the entire length of the garden ground of Elanora between the south rear garden boundary and the north roadside boundary of the property. Planning permission was granted for that proposed development in December 2010. The works approved by the grant of planning permission 10/00921/P have been carried out and subsequently the application site is now separated from the remainder of the garden ground and house of Elanora by the 1.8m high timber fence.

Through this new application Mr David Greenan again seeks full planning permission for the erection on the application site (i.e. the garden ground and strip of land on the east side of the house of Elanora) of a detached house with three off-street car parking spaces. Again inherent in this proposal is an associated change of use of the strip of land from its historic agricultural (field access) use to residential use.

To enable it to fit within the narrow width of the application site, the proposed house has a broadly rectangular footprint with its east and west elevations being its long elevations. There would be only a narrow strip of ground on each of the east and west sides of the proposed house. It would have garden areas provided at its north and south sides. Access to the proposed house plot would be taken from an existing vehicular access from the A198 Dirleton Road that formally served the existing property of Elanora. It would provide access to a parking area for three cars and a turning area that would serve the new house. The existing boundary enclosures of the site would be retained.

The proposed house would comprise of two floors of accommodation, the first floor of which would be partly contained within the roof space of the proposed house. Its external walls would be partly finished in a white painted smooth render and partly clad in zinc standing seam. It would have a shallow pitched roof clad in zinc standing seam and it would have a single roof window installed in its west elevation and 2 roof windows installed in its east elevation. A first floor glazed dormer would be incorporated into its west elevation. The frames of its windows and external doors would be of dark grey aluminium construction. With its rectangular form, fenestration, shallow pitched roof and external finishes the proposed house would have a contemporary architectural style almost akin to a modern take on an agricultural barn.

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 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 Edinburgh South East Scotland Strategic Development Plan (SESplan) and Policies 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 is the Scottish Government's policy on infill housing development given in Scottish Planning Policy: February 2010 and Planning Advice Note 67: Housing Quality.

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.

One objection to the application has been received. The main grounds of objection are that, (i) the application site has been used as a builder's yard, (ii) the proposed new house is shoehorned into the site, would be out of character with the houses on the south side of the A198 Dirleton Road and would appear as an industrial farm building, and (iii) the proposed new house would lead to a loss of privacy to neighbouring properties.

There is no evidence to suggest the application site is or has been used as a builder's yard. In any event, any alleged unauthorised use of the application site would be a separate planning enforcement matter.

The application site is not allocated for residential development in the adopted East Lothian Local Plan 2008. All of it is part of a larger area covered by Local Plan Policy ENV1. The principal purpose of Policy ENV1 is to ensure that the predominantly residential use of its area of coverage is to be safeguarded against the impacts of other land uses. Policy ENV1 does not actively promote the development of land for new build residential development. Policy ENV1 does state that infill and backland development will be assessed against Policy DP7.

The application site comprises part of the curtilage of the residential property of Elanora together with the adjoining strip of land that has been an agricultural field access. It does not extend onto the agricultural land to the south. It has a frontage with the A198 public road to the north. There are residential properties to the east and west of it. Due to such locational circumstance, development of the site would be urban infill development.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Plan 2008 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site. This is in line with the requirements of Scottish Planning Policy: February 2010 that proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community.

Thereafter the considerations in this case are whether, having regard to national, strategic and local planning policies, guidance and other material considerations, the design, positioning and layout of the proposed development and the works associated with this are acceptable, with due regard to their potential impact on the character and residential amenity of the area, including their impact on the amenity of neighbouring residential properties.

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

The Council's Transportation service raises no objection to the application advising that the proposed arrangements for accessing the proposed new house from the existing access from the A198 public road and for off-street vehicle manoeuvring and parking for the new house are to an acceptable standard, subject to the first 2 metres of land back from the access is hard surfaced to prevent loose material entering the public road.

Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the proposed new house on daylight and sunlight on 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 height, positioning and distance away from the neighbouring properties, the proposed house would not, in accordance with such guidance, give rise to harmful loss of sunlight to them. Daylight to the west elevation of the house of Ravelston is already affected by the closeness of the existing high stone wall on the east boundary of the proposed house plot and the positioning of the proposed house would not harmfully exacerbate this. The windows in the east elevation of Elanora that may suffer a loss of daylight due to the positioning of the proposed house are of rooms that also have windows in the front and rear elevations of that house. Therefore those rooms would still be afforded a sufficient level of daylight.

On these considerations the proposed new house would not have a harmful affect on the residential amenity of the neighbouring residential properties. The proposed house should also receive a sufficient amount of daylight (skylight) and the garden of it a sufficient amount of sunlight. On this matter of residential amenity the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

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.

The existing 1.8 metre high close boarded timber screen fence along the length of the west boundary of the proposed house plot would ensure that there would be no harmful overlooking from ground floor windows of the proposed house to the garden ground and windows of the house of Elanora to the west. The existing boundary wall positioned along the east boundary of the proposed house plot is high enough to ensure that there would be no harmful overlooking from ground floor windows of the proposed house

towards the garden ground and windows of the house of Ravelston to the east. The windows proposed at first floor level in the east and west elevations of the proposed house would both face towards the blank roofs of the houses of Ravelston and Elanora to the east and west respectively and would not lead to any harmful overlooking of those neighbouring properties. The windows proposed for the north elevation of the proposed house and the windows and other glazed openings proposed for the south elevation would not, due to their orientation allow for any harmful overlooking of the neighbouring residential properties.

On these considerations of overlooking the proposed new house would not have a harmful affect on the residential amenity of the neighbouring properties. The occupiers of the proposed house would also have sufficient privacy and residential amenity. On the forgoing consideration of overlooking the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

In reaching her decision on the appeal on application 08/00043/FUL the Reporter was satisfied that the house then proposed would have been of a similar scale and design to the existing houses adjacent to the site, that, with appropriate boundary treatment, it would not have resulted in any unacceptable loss of privacy, that there would have been no resultant overshadowing and that sufficient private amenity space would have been retained.

However she decided that those positives did not outweigh the unacceptable principle of development that the placing of the proposed house on the application site would result in a cramped form of infill development which would disrupt the established spacing, pattern and density of development along the street, to the detriment of the residential character and visual amenity of the area.

On the same determining principle of development of the Reporter's appeal decision, it was again concluded through the determination of application 09/00799/PP that the principle of development of the erection of a house on the application site would result in a cramped form of infill development which would disrupt the established spacing, pattern and density of development of the streetscape along the south side of the A198 Dirleton Road, to the detriment of the residential character and visual amenity of the area.

The applicant's agent, HolderPlanning, have submitted a planning statement in support of this application for planning permission. In this statement they contend that the now proposed development has been designed to respect its surroundings and in particular the established spacing, pattern, density, building line, form and scale of development of the detached dwellings on Dirleton Road. The dwelling house is sited in the centre of the application site within open garden ground equidistant from the adjacent dwellings (approximately 4m from both the east and west boundaries of the application site), it is one and half storeys in height with a building line complementing the properties to the east and west of the site. The statement informs that this addresses both the Scottish Government Reporter's and the Planning Authority's previous reasons for refusing a single house development on the application site.

In an attempt to promote an acceptable scheme of one house development on the site, this application proposes a contemporary and almost agricultural design for the proposed house. Moreover, in order to fit into the narrow, constricted confines of the proposed house plot and provide spacing between the houses on Dirleton Road, the proposed house has been designed with a contrived rectangular form and proportions, orientated such that its gable end fronts the road with its east and west long elevations presenting themselves to the sides of the plot. In terms of its architectural style,

materials and orientation the proposed house would be wholly out of keeping with other houses on the south side of Dirleton Road it would be positioned beside, and would appear incongruous in its visual relationship with the distinctively different form of those houses. Consequently the proposed house would appear as an alien and incongruous addition within the street scene of the houses on the south side of Dirleton Road to the detriment of the residential character and visual amenity of the area.

Although there would be slightly more space between the new house and the houses to the east and west, the contrived form of house proposed to achieve this only compounds the fact that the plot is not suitable for infill housing development. The proposed house on the site would again be disruptive of the relatively ordered pattern of built form of the houses with open space between on the south side of Dirleton Road that is characterised by a line of houses positioned on their plots with open garden ground to the front and back and on both sides of them. Such an intrusive built form would amount to a cramped form of infill development which would disrupt the established spacing, pattern and density of development of the streetscape along the south side of the A198 Dirleton Road, to the detriment of the residential character and visual amenity of the area. In this there is no change to what was proposed in previous applications 08/00043/FUL or 09/00799/PP.

On the above considerations the proposed development is contrary to Policy 1B of the approved Edinburgh South East Scotland Strategic Development Plan (SESplan) and Policies DP2 and DP7 of the adopted East Lothian Local Plan 2000, Scottish Government policy on infill housing development given in Scottish Planning Policy: February 2010 and the advice on designing for place given in Planning Advice Note 67: Housing Quality.

#### REASONS FOR REFUSAL:

- 1 In terms of its architectural style, materials and orientation the proposed house would be wholly out of keeping with other houses on the south side of Dirleton Road it would be positioned beside, and would appear incongruous in its visual relationship with the distinctively different form of those houses. Consequently the proposed house would appear as an alien and incongruous addition within the street scene of the houses on the south side of Dirleton Road to the detriment of the residential character and visual amenity of the area, contrary to Policy 1B of the approved Edinburgh South East Scotland Strategic Development Plan (SESplan), Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008, Scottish Government policy on infill housing development given in Scottish Planning Policy: February 2010 and the advice on designing for place given in Planning Advice Note 67: Housing Quality.
- 2 The proposed house would result in a cramped form of infill development which would disrupt the established spacing, pattern and density of development of the streetscape along the south side of the A198 Dirleton Road, to the detriment of the residential character and visual amenity of the area. Consequently the proposed house is contrary to Policy 1B of the approved Edinburgh South East Scotland Strategic Development Plan (SESplan), Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008, Scottish Government policy on infill housing development given in Scottish Planning Policy: February 2010 and the advice on designing for place given in Planning Advice Note 67: Housing Quality.