

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the ELLRB)

Site Address: 6 Carloverock Crescent, Tranent, EH33 2DZ

Application for Review by Mr and Mrs Johnstone against decision by an appointed officer of East Lothian Council.

Application Ref: 13/00747/P

Application Drawings: DWG001, DWG002, DWG003, DWG004, DWG005 and DWG006

Date of Review Decision Notice – 8th May 2014

Decision

The ELLRB reverses the decision to refuse this application and grants Planning Permission, subject to the condition set out below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1 Introduction

1.1 The above application for planning permission was considered by the ELLRB, at a meeting held on 24th April 2014. The Review Body was constituted by Councillor John McMillan (Chair), Councillor Jim Gillies, Councillor John Williamson and Councillor John McNeil. All four members of the ELLRB had attended an accompanied site visit in respect of this application on the morning of 24th April 2014.

1.2 The following persons were also present at the meeting of the ELLRB:-

Phil McLean, Planning Adviser (in attendance on Site Visit)
Morag Ferguson, Legal Adviser
Fiona Stewart, Clerk.

2 Proposal

2.1 The application site is 6 Carloverock Crescent, Tranent. The application seeks permission for a single story flat roofed extension on the rear of the house..

2.2 The planning application (Ref 13/00747/P) was validated on 17th September 2013 and was refused under delegated powers on 13th November 2013. The Applicant has applied to the ELLRB to review the decision to refuse permission for the extension. The notice of review is dated 27th November 2013.

3 Preliminaries

3.1 The ELLRB members were provided with copies of the following:-

1	The drawings specified above
2	The application for planning permission

3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 13 th November 2013
5	Copy of Policies ENV1 and DP6 of the Adopted East Lothian Local Plan 2008
6	Copy of Policy 1B of the Approved South East Scotland Strategic Development Plan
7	Photographs of the site and of surrounding developments
8	Notice of Review dated 27 th November 2013 and supporting review statement
9	Copy email correspondence between the applicants' agent and the case officer
10	Visual representation of proposed development

4 Findings and Conclusions

- 4.1 The ELLRB confirmed that the application for a review of the original decision permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it.

The Members asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members advising The Planning Act requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise. He advised that SESplan Policy 1B expects Local Development Plans to have regard to the need for high quality design and confirmed that, in terms of the Local Plan, the site is within a predominantly residential area, designated under Policy ENV1. Policy DP6 of the Local Plan requires an extension to be in keeping with the existing house and integrated into its surroundings. He confirmed to Members that the full text of these Policies was within the Review Documents.

The Planning Adviser noted that the application was refused by the Appointed Officer on the basis that both the flat roofed form of the proposed extension and its finish of external facing brick would not be in keeping with the mono-pitched roof form or rendered walls of the existing house, the terrace it is a part of or the surrounding area. The application was therefore considered contrary to the relevant Development Plan Policies. He confirmed that the full reasoning for the decision is set out in the case officer's report, which also confirms that the case officer considered the development acceptable in terms of privacy, daylight and sunlight impacts on neighbouring properties.

He noted that the applicants' request for a review argues that the proposed design incorporates aspects of the design of the original garage roofs and blends in aspects of the conservatories and extensions in the surrounding area. He reminded Members that photographs are provided of examples of houses in the surrounding area with conservatories or extensions that do not feature a mono pitched roof, and it is stated that original garages in the area have flat roofs. He confirmed that were no consultations carried out on the application by the case officer and no representations were received

The Planning Officer summarised the main questions for the ELLRB to consider in reviewing the case, namely, whether the proposed development would comply with the policies of the development plan in respect of amenity and design, whether there are any other material considerations that should be taken into account and whether any of these outweigh the provisions of the development plan in this case?

Finally, he reminded Members that they have the option of seeking further information if necessary before making a decision, either through further written submissions, a hearing session, a further site visit, or a combination of these procedures.

The Chair asked the members to consider whether they had sufficient information to enable them to proceed to make a decision in respect of this matter. All members considered that they did have sufficient information. Accordingly, the decision of the ELLRB was that they would proceed to reach a decision at this meeting.

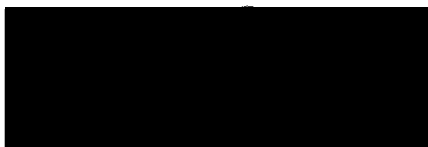
- 4.2 Councillor McNeil stated that the site visit had confirmed that there was a wide variety of styles of extensions and conservatories present in the immediately surrounding area. In his opinion,

these had already had a significant impact on the streetscape and he considered that this proposed development would have a very limited further impact. He noted particularly that it was to be positioned to the rear of the property in question. He did not consider that the form of the proposed development was out of keeping with the original house or the immediate area, given the wide range of styles present there. He did have a concern about the proposed brick finish and considered that it would be more appropriate if the finish could match the finish of the original house. Councillor Gillies agreed that the size and form of the proposed development would not be detrimental to the amenity of the area, given the existing mix of styles already present. He considered that the proposed brick finish was also acceptable, given the existing range of building materials present in the immediate vicinity. Councillor Williamson agreed that the site visit had demonstrated a wide range of styles and sizes of extensions and conservatories such that this proposal would not have a particularly negative impact on the streetscape. Accordingly he had no objection to this proposal.

- 4.3 Councillor McMillan summed up the view of the ELLRB that there would be no loss of amenity as a result of this proposal and that the extension would be of an appropriate size, form, proportion and scale for its surroundings. The only issue was the proposed finish of the extension as it was considered that the red brick shown in the visual representation did not complement the existing house or the surrounding buildings. After some discussion, the ELLRB considered that it would not be necessary to insist on a render finish for the extension but that they would expect the colour of brick to tone with the existing building in order to comply with the terms of Policy DP6(4) and that a condition to this effect should be imposed.
- 4.4 Accordingly, the ELLRB members unanimously decided that the original decision to refuse planning permission 13/00747/P should be overturned and that planning consent should be granted subject to the following condition:-

Development shall not begin until a sample of the material to be used on the external wall surface of the proposed extension, which shall complement the existing render of the walls of the original dwellinghouse, has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved material or such alternative as may be agreed in writing with the planning authority.

Reason: To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.



Morag Ferguson
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.