

MALCOLM GRAHAM 4 Dalrymple Loan, Musselburgh, East Lothian EH21 7DH

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EAST LoTHIAN COUNCIL
SUPPORT SERVICES

29 APR 2014

RECEIVED

26 May 2014

CLERK TO THE LOCAL REVIEW BODY
COMMITTEE TEAM
COMMUNICATIONS AND DEMOCRATIC SERVICES
JOHN MUIR HOUSE
HADDINGTON
EAST LoTHIAN
EH41 3HA

Dear Sir,

26 WESTGATE, NORTH BERWICK, EAST LoTHIAN, EH39 4AH
Application No. 14/00120/P – Refusal of planning permission

In connection with my Request for a Review I enclose the following documents

NOTICE OF REVIEW
EAST LoTHIAN DECISION NOTICE 14/00120/P
PLANNING OFFICER REPORT 17/04/14
STATEMENT OF EVIDENCE – REQUEST FOR A REVIEW
SUPPORTING STATEMENT THAT ACCOMPANIED THE APPLICATION
DRAWING WITH ILLUSTRATION Scale 1 : 50 marked DWG-1
DRAWING Scale 1 : 100 marked DWG-3
PHOTOGRAPHS marked “A” to “E”
APPEAL PHOTOGRAPHS marked “1” and “2”

Yours faithfully

[REDACTED]
Malcolm Graham

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	EVERLYN	Forename	MALCOLM
Surname	LEIGH	Surname	GRAHAM
Company Name	LEIGH DEVELOPMENTS	Company Name	
Building No./Name	6	Building No./Name	4
Address Line 1	INVERESK GATE	Address Line 1	DALRYMPLE LOAN
Address Line 2	MUSSELBURGH	Address Line 2	MUSSELBURGH
Town/City	MIDLOTHIAN	Town/City	MIDLOTHIAN
Postcode	EH21 7TB	Postcode	EH21 7DH
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	EAST LoTHIAN COUNCIL		
Planning authority's application reference number	14/00120 P		
Site address	26 WESTGATE, NORTH BERWICK EAST LoTHIAN EH39 4AH		
Description of proposed development	FORMATION OF VEHICULAR ACCESS, HARDSTANDING AREA, ERECTION OF FENCE AND GATE.		

Date of application **20 FEBRUARY 2014**

Date of decision (if any) **25 APRIL 2014**

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE THE ATTACHED STATEMENT
ENTITLED
"REQUEST FOR A REVIEW BY THE LOCAL REVIEW BODY"

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

2 PHOTOGRAPHS RELATING TO

1. THE LINE OF VISION FROM THE PROPOSED DRIVEWAY ENTRANCE
2. THE LOW WALL AND GATE RE THE PRECEDENT AT 28 WESTGATE

I THOUGHT THE REPORTING OFFICER WOULD DETERMINE THE VIEW WHEN EXAMINING THE SITE WITH REGARD TO 2. I DID NOT EXPECT A REFUSAL WHEN BASED ON A PREVIOUS CASE.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

- 1 EAST LOTHIAN COUNCIL DECISION NOTICE (REFUSAL) 14/00120/P
- 2 PLANNING OFFICER'S REPORT 17/04/14
- 3 STATEMENT - REQUEST FOR A REVIEW
- 4 SUPPORTING STATEMENT THAT ACCOMPANIED THE APPLICATION
- 5 DRAWING WITH ILLUSTRATION SCALE 1:50 MARKED DWG-1
- 6 DRAWING TO SCALE 1:100 MARKED DWG 3
- 7 PHOTOGRAPHS MARKED "A" TO "E"
- 8 APPEAL PHOTOGRAPHS MARKED "1" AND "2"

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: 

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

App No. 14/00120/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Leigh Developments
c/o Malcolm Graham
4 Dalrymple Loan
Musselburgh
East Lothian
EH21 7DH**

APPLICANT: Leigh Developments

With reference to your application registered on 26th February 2014 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Formation of vehicular access, hardstanding area, erection of fence and gate
at
26 Westgate
North Berwick
East Lothian
EH39 4AH**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The proposed vehicle access and hardstanding area would be intrusive and incongruous changes to the character and appearance of the streetscape of Westgate and of the Conservation Area. Therefore the proposals would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area, contrary to Policy 1B of the South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

- 2 In the absence of an effective turning area to serve the proposed new vehicular access, a vehicle would have to reverse from or onto the adjoining classified road, causing interruption to the free flow of traffic on the road and creating a road safety hazard, contrary to Policy T2 of the adopted East Lothian Local Plan 2008.
- 3 The applicant has failed to demonstrate that the required visibility splay of 2m by 20m at the proposed new access can be achieved and without there being such visibility at the access the use of it would create a road safety hazard on the adjacent classified road, contrary to Policy T2 of the adopted East Lothian Local Plan 2008.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

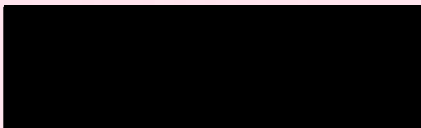
Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG001	-	11.02.2014
DWG002	-	11.02.2014
DWG003	-	26.02.2014

25th April 2014



Iain McFarlane
Development Management Manager

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 5 of the Town and Country Planning (Scotland) Act 1997.

OFFICER REPORT

17/04/14

App No. 14/00120/P

Application registered on 26th February 2014

Target Date 25th April 2014

Proposal	Formation of vehicular access, hardstanding area, erection of fence and gate	SDELL	Y AY
Location	26 Westgate North Berwick East Lothian EH39 4AH	CDEL Bad Neighbour Development	Y /N Y /N

APPLICANT: Leigh Developments

Is this application to be approved as a departure from structure/local plan? ~~Y~~/N

**c/o Malcolm Graham
4 Dalrymple Loan
Musselburgh
East Lothian
EH21 7DH**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

The property to which this application relates is a two storey semi detached house. It is located on the north side of Westgate within North Berwick Town Centre and thus within an area of mixed use, as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. It is also within North Berwick Conservation Area.

Planning permission is sought for:

- (i) the formation of vehicular access;
- (ii) the formation of hardstanding to the front and side of the property; and
- (iii) the erection of a fence and gate to the side of the property.

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 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 ENV4 (Development within Conservation Areas) and DP2 (Design) of the 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 area given in Scottish Planning Policy: February 2010.

Scottish Planning Policy 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.

There are 5 written objection to the application. The main grounds of objections are:

- (i) if the application were to be granted, with the partial removal of the low boundary wall, the character of the conservation area would be eroded;
- (ii) the removal of an on the street parking space would exacerbate parking problems in the locality;
- (iii) it would set a precedent for other similar applications further destroying the street character of the street;
- (iv) the driveway exit is near a bend in the road would create a traffic hazard;
- (v) a precedent would be set such that further applications would succeed and further erode the aspect and the number of parking spaces;
- (vi) the applicant is an absentee landlord; and
- (vii) a similar proposals within the locality have been refused.

A consultation to the application was also received from North Berwick Community Council. The community council objects to the removal of the low boundary wall and the detrimental impact that it would have on the character of the conservation area. The community council also objects to the application on the grounds of insufficient visibility splays.

In December 2004 planning permission 04/01078/FUL was refused for the formation of vehicle accesses and an area of hardstanding at 57A Westgate, North Berwick for the reasons that:

- (i) the use of the proposed new vehicle accesses would cause interference with the safety and free flow of traffic on the one-way roads of Abbey Road and Westgate close to the junction of those two roads and upon which two roads traffic speeds are likely to be higher due to no opposing traffic flows, such as to cause a road traffic hazard; and
- (ii) the proposed development would create incongruous and intrusive features harmful to the character and appearance of the streetscape and the character and appearance of the existing relationship of the applicant's house with its garden and boundary enclosures.

Subsequent to this in September 2011 planning application 11/00674/P for the formation of driveway with car turntable and erection of gates was refused at 24 Westgate for the reasons that:

- (i) The proposed vehicle access and hardstanding area, including the vehicle turntable would be intrusive and incongruous changes to the character and appearance of the streetscape of Westgate and of the Conservation Area;
- (ii) in the absence of an effective turning area to serve the proposed new vehicular access, a vehicle would have to reverse from or onto the adjoining classified road, causing interruption to the free flow of traffic on the road and creating a road safety hazard, contrary to Policy T2; and
- (iii) A required visibility splay of 2m by 30m at the proposed new access cannot be achieved and without there being such visibility at the access the use of it would create a road safety hazard on the adjacent classified road, contrary to Policy T2.

The building occupies a prominent roadside position fronting onto the classified road (B1346) of Westgate to the south. It is in a position opposite the junction of Westgate with Abbey Road and the property of 57A Westgate on the south side of Westgate. The roadside frontage of 26 Westgate is enclosed by a low stone wall. A pedestrian access some 1m in width exists in the low wall. The garden area to the front (south) side of the building is currently planted with shrubs and plants. On the west side of the property a number of concrete slabs have been laid behind an existing 1.9 metre timber fence.

The proposed vehicular access would be formed by the creation of an opening of some 3 metres width in the low stone wall. In order to gain access a drop kerb would also be formed. The hardstanding area to be formed at the front and side of the property would be finished in Woburn block paving to match the finish of the property. In order to facilitate the turning of vehicle the existing 1.9 metre high timber fence and gate would be repositioned 7.5 metres north of its current position.

Westgate is characterised on its north and south sides by buildings with front gardens of various sizes which are generally enclosed by low stone roadside boundary walls to their front. All of this significantly contributes to the character of the streetscape and of this part of the Conservation Area. Vehicle accesses and parking in the front gardens of buildings are not an established characteristic of this part of the Conservation Area.

The proposed vehicular access would be a large gap that would be an obvious puncture the existing continuity of form and character of the low wall and gate that encloses the roadside boundary of the building. The proposed hardstanding, would radically alter the character and appearance of the front garden of the building and the contribution it, in its relationship with the building and the existing low boundary wall, makes to the character of the streetscape of Westgate and of the Conservation Area. There are no other vehicular accesses formed in the roadside boundaries of neighbouring properties and no associated hardstanding areas formed in their front gardens.

Due to the visual prominence of the application site, the removal of the low boundary wall and gate and their replacement with a vehicle access with associated hardstanding would be an intrusive and incongruous set of changes to the character and appearance of the streetscape of Westgate and of the Conservation Area. Therefore the proposals would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area, contrary to policy 1B of the South East Scotland Strategic Development Plan (SESplan), Policies DP2 and ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

The Council's Standards for Development Roads states that a new access onto a classified road requires a turning space within the site to ensure vehicles can access/egress the public road in a forward gear. Westgate is a classified road and it is proposed to use hardstanding at the side and front of the property to enable a vehicle to be turned around within the site and thus for the new vehicular access to have access/egress by vehicles in a forward gear.

The Council's Transportation service advise that the proposals would not accommodate an acceptable turning arrangement within the site. Thus they recommend refusal of the application as the applicant has not demonstrated that the site as proposed can accommodate vehicles exiting from, and returning to the adjoining classified road in a forward gear.

Transportation also advise that in this case the proposed new access needs to have a visibility splay of 2m by 20m. No indication has been provided by the applicant that this requirement can be met.

Transportation also advise that existing parking demand is catered for by the on-street parking provision. A new driveway access would reduce this provision by at least one space.

On these transportation considerations the proposed new access is contrary to Policy T2 of the adopted East Lothian Local Plan 2008.

REASONS FOR REFUSAL:

PAGE 4

- 1 The proposed vehicle access and hardstanding area would be intrusive and incongruous changes to the character and appearance of the streetscape of Westgate and of the Conservation Area. Therefore the proposals would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area, contrary to Policy 1B of the South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.
- 2 In the absence of an effective turning area to serve the proposed new vehicular access, a vehicle would have to reverse from or onto the adjoining classified road, causing interruption to the free flow of traffic on the road and creating a road safety hazard, contrary to Policy T2 of the adopted East Lothian Local Plan 2008.
- 3 The applicant has failed to demonstrate that the required visibility splay of 2m by 20m at the proposed new access can be achieved and without there being such visibility at the access the use of it would create a road safety hazard on the adjacent classified road, contrary to Policy T2 of the adopted East Lothian Local Plan 2008.

LETTERS FROM

PAGE 5

REQUEST FOR A REVIEW BY THE LOCAL REVIEW BODY
Refused Planning Permission - Application No. 14/00120/P

The proposed development at 26 Westgate, North Berwick, East Lothian, EH39 4AH
THE FORMATION OF VEHICULAR ACCESS, HARDSTANDING AREA AND
THE ERECTION OF A FENCE AND GATE.

I am the agent and father of the applicant Mrs Evelyn Leigh who trades as Leigh
Developments.

The application was refused on three grounds:

- 1. The proposed vehicle access and hardstanding area would be intrusive and incongruous to the character and appearance of the streetscape of Westgate and of the Conservation Area.**
- 2. In the absence of an effective turning area to serve the new vehicular access a vehicle would have to reverse from or onto the adjoining classified road, causing interruption to the free flow of traffic on the road and creating a road safety hazard.**
- 3. The applicant has failed to demonstrate that the required visibility splay of 2m by 20m at the proposed new access can be achieved and without there being such visibility at the access the use of it would create a road safety hazard on the adjacent classified road.**

This application seems to have been rejected without proper consideration, without scrutinising the drawings, by disregarding the *Statement of Support* and probably without visiting the site.

In the *Officer's Report* (page 1 paragraph 1) **“The property to which this application relates is a two storey, semi-detached house”**.

The property is a two flatted detached stone-built building. That could possibly explain the erroneous statement about the lack of an effective turning area. Gardens in semi-detached properties are usually shared between the two houses, whereas in this case the front garden belongs entirely to the ground flat, No.26.

In the *Officer's Report* (Page 3 paragraph 9) **“The proposed vehicular access would be formed by the creation of an opening of some 3 metres width in the low stone wall”**.

The access in the low stone wall was to be 4 metres wide. That is shown in the drawings, the Application Forms, the Supporting Statement and Photograph E in the index of photographs.

In/

In the *Officer's Report* (page 3 paragraph 8)

“The building occupies a prominent roadside position fronting onto the classified road (B1346) of Westgate to the south. It is in a position opposite the junction of Westgate with Abbey Road and the property of 57A Westgate on the south side of Westgate”. That is a misleading statement. The proposed driveway at 26 Westgate is not opposite the junction. In the two previously failed planning proposals at different addresses, proximity to the junction was quoted in both cases as a factor in the refusal. That is not a normal junction where two or more roads meet. The Westgate road, one-way westwards, divides at 30 degrees with Abbey Road going one way south-westwards. The proposed driveway at No.26 is not opposite the junction, but is about 40 yards west of the divide. The splitting of the road has no road safety implications to this application.

FIRST REASON FOR REFUSAL

“The proposed vehicle access and hardstanding area would be intrusive and incongruous to the character and appearance of the streetscape of Westgate and of the Conservation Area”.

Because of the subjective nature of this reason for refusing the planning application I will raise that matter last.

SECOND REASON FOR REFUSAL

“In the absence of an effective turning area to serve the new vehicular access a vehicle would have to reverse from or onto the adjoining classified road, causing interruption to the free flow of traffic on the road and creating a road safety hazard”.

There is more than enough space in the garden to execute a three point turn with a medium family car, and that is clearly demonstrated in the drawing and illustration at scale 1 : 50 of the driveway and hardstanding, including a scale plan of the applicant's Mercedes C class medium family car with dimensions of the car and its turning circle. (DRAWING No. DWG001)

As the *Reporting Officer's Report* makes no mention of the drawing and illustration, he evidently rejected it as evidence that a vehicle could turn in the garden. I assume that he agrees with the accuracy and scale of the drawing or he would have commented on that. If he had difficulty interpreting the methodology he could have contacted me for an explanation. At no time did he contact me for further information, or offer me an opportunity to meet with him and the transportation officer to discuss the application.

It /

Five written objections to the proposal are a surprise, but considering the number of people who live in Westgate, and that 31 residents in 2011 signed a petition relating to parking in the area, the vast majority of residents must have found the proposals acceptable.

The applicant runs a successful self catering holiday letting business with the properties rated 5 stars by the Scottish Tourist Board. She contributes substantially to the local economy and provides local employment in servicing and maintaining the property.

As outlined in the *Statement of Support*, servicing the two flats can be difficult with the uncertainty of nearby parking. Permitting the creation of an entrance and hard standing for a vehicle will enhance the property for the future as well as securing the owner's ongoing stewardship and enjoyment of it.

Most large houses, even in Conservation Areas, have accommodation for a motor car. It was made clear in the *Statement of Support* that the work would be of a high standard, and done in a manner and with materials sympathetic to the fine building and surrounding area. It certainly would not be out of place. Conservation Areas need to change, adapt and develop to some extent to meet the needs of the residents and visitors provided it is done in a thoughtful and considerate manner in accordance with the rules and regulations in force at the time. This application conforms to these rules and regulations.

To my knowledge there have been only two other applications for off road car parking in that part of Westgate and both were unsuccessful. One of the applications was by Mrs Evelyn Leigh in relation to her other property at No.24 Westgate. These refused applications are itemised in the *Officer's Report* but the circumstances were entirely different to this application, particularly with regard to road safety considerations and the need to turn a motor car within the garden and drive out in a forward gear.

PRECEDENT

In 2009 a successful application (App No.09/00358/FUL) was made for vehicle access and hardstanding at the rear of the house at 28 Westgate in the Conservation Area. The house backs on to Beach Road, which is the eastbound classified road (B1346). Westgate is the westbound classified road also (B1346) and those roads converge about 30 metres to the west.

The proposals, among other things, were to demolish 3 metres of low stone wall and a metal gate, create a four metre access, and block pave the garden for the parking of motor cars. Beach Road is part of the same Conservation Area as Westgate. That proposal was remarkably similar to the one we submitted, although our application has a substantial area for a driveway at the side of the building which No. 28 does not have. /

SUPPORTING STATEMENT

2014

Planning Permission is sought for the formation of vehicle access and hardstanding within the grounds of 26 Westgate, North Berwick, East Lothian, EH39 4AH, which is in a conservation area.

APPLICANT – Mrs Evelyn Leigh, 6 Inveresk Gate, Musselburgh EH21 7TB

AGENT – Malcolm Graham, 4 Dalrymple Loan, Musselburgh EH21 7DH

26 Westgate, North Berwick, owned by the applicant Mrs Leigh, is the ground flat of a subdivided two storey detached stone-built building situated on the north side of Westgate, in the North Berwick Town Centre in a Conservation Area. Mrs Leigh also owns the upper flat, number 24 Westgate.

The detached building was a separate dwelling-house until converted about 1956 into two separate houses.

Mrs Leigh bought the upper flat in 2011, refurbished it to a very high standard and uses it for holiday lets. It is graded by Visit Scotland as 5 star self-catering. The ground flat, which had been occupied by an old lady for many years, became vacant when the lady moved into a care home. When she died Mrs Leigh bought the house in 2013. That flat has also been refurbished to a very high standard and is used as a holiday let. A Visit Scotland grading of 5 stars is expected. Each apartment sleeps six guests. Occupancy levels and bookings for both apartments are high. Guests are generally families visiting the town and surrounding area throughout the year. The apartments tend to be too expensive for golfers.

Guests are advised at the time of booking that parking spaces are very limited and several guests arrive by train or other public transport.

Car parking in Westgate, in common with the rest of central North Berwick, is very difficult. Westgate on the north side, between Westend Place and Station Hill has parking for twelve motorcars. In the high season parking is allowed for 90 minutes without return for 90 minutes. After September, parking at that stretch of the road is unrestricted.

Mrs Leigh's application for off street parking is primarily to allow her to service her apartments. Guests change over on Saturday mornings throughout the summer. Outwith the high season, when short lets are permitted, guests check in and out on various days throughout the week. Seldom can Mrs Leigh park her car near her apartments. Guests leave at 10am with new arrivals given access at 4pm.

At/

At the change over, laundry and contents of refuse bins are piled onto a wheel barrow and wheeled to wherever she has managed to park her car, commonly several hundred yards away. Generally several trips are needed.

During the months of unrestricted parking in Westgate, several of the twelve car spaces are used for long stay by golfers playing the nearby golf course. That exacerbates the parking difficulty.

THE PLANNING APPLICATION

In 2011, before Mrs Leigh bought the ground-floor flat at No.26, she applied, in relation to her upper flat at No.24, for permission for the formation of a driveway and, because of a lack of space, a turntable in the garden. That application No. 11/00674/P was refused on several grounds, including:

Aesthetics:

Insufficient space to turn a vehicle:

Proximity to the junction with Abbey Road:

Visibility splays of less than 30 metres.

The current application differs substantially from that failed application, and also the failed application in respect of No.57A Westgate that is mentioned in the narrative of the Officer Report 15/09/11.

No.26 Westgate has an area of ground at the west side that is 18 metres long by 3.5 metres widening to 5 metres. Most of this area is paved with 3 by 2 concrete flags. A part of the front garden would have to be used for turning so that the motorcar can leave in a forward gear, but a substantial area of front garden will remain planted out in shrubs. No vehicle would be parked in the front of the building.

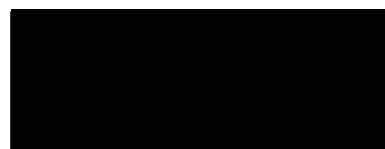
With regard to road safety, the driveway would be situated west of the junction with Abbey Road and at a part where the traffic is slowing for the "T" junction at Station Hill and Beach Road 57 metres ahead. Westgate is a one-way road westwards. The north side of Westgate has on-road parking for twelve cars. The south side of Westgate is double yellow lined with parking prohibited. A vehicle exiting from the proposed driveway in a forward gear would have a substantial field of vision and would be as safe as any parked vehicle moving off.

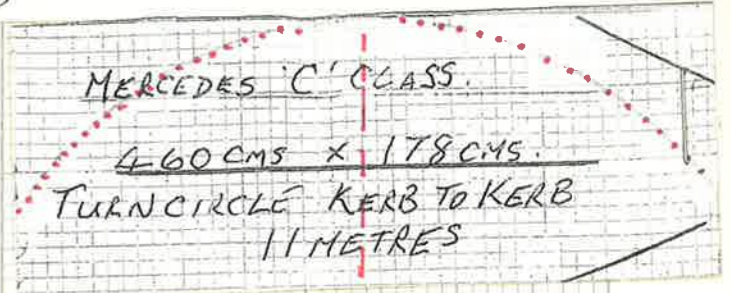
Three metres of low wall and a one metre wide iron gate would be removed for the formation of the drive and a piece of front garden would be used to facilitate turning. One motorcar would be parked off road, and not in front of the building.

The/

The footpath would be lowered and finished to local authority standard. The driveway and turning area would be hard surfaced with Woburn Original block paving or similar, with surface drainage, in a colour that complements the natural stone of the house and sympathetic to the surrounding area.

The finished result will not interfere with the architecture or historic appearance of the building, nor will it harm the appearance or character of the conservation area.





PROPOSED VEHICLE ACCESS
AND HARD STANDING
AT 26 WESTGATE
NORTH BERWICK EH13 9 4AH

RECEIVED
11 FEB 2014

14/00120/14

HARD STANDING 11 METRES BY 10 METRES

11 METRE TURNING CIRCLE, KERB TO KERB
OF MERCEDES BENZ "C" CLASS
460 CMS LONG BY 178 CMS WIDE
SOURCE MERCEDES-BENZ UK.

No 26
WESTGATE
NORTH BERWICK
EH13 9 4AH

EAST LoTHIAN COUNCIL
Plan/Drawing listed on the
Decision Notice of 25 APR 2014
refusing a grant of planning
permission 14/00120

REGISTERED
26 FEB 2014

DRAINED KERB

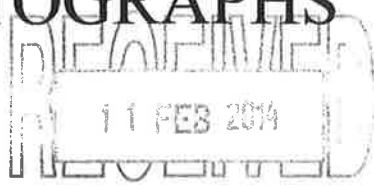
STONE WALL + COPING
SLOCHMS HIGH

SCALE 1:50

2
25/001

M. Johnson

INDEX OF PHOTOGRAPHS



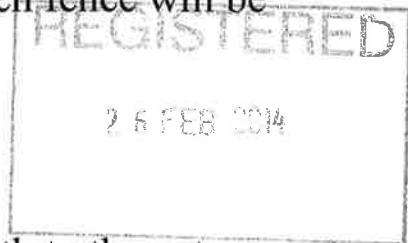
A

View looking northwards across Westgate showing the detached two-storey building. No. 24 is the upper flat. No. 26, the subject the application, is the ground flat.

The gate on the right is the front access to the lower flat and the gate on the left is the access to the rear. It is proposed the rear gate and three metres of low wall be removed for vehicular access.

B

Shows the proposed driveway. The wooden fence will be re-positioned.



C

Shows the proposed driveway looking south to the entrance at Westgate.

D

Looking westwards along Westgate to the 'T' junction with Station Hill and Beach Road. Abbey Road is on the left.

No. 24 and No. 26 is the building on the right next to the white painted building.

E

Shows a four-metre access and hard standing surfaced with block paving similar to that proposed in this application.

DWG 002
3

EAST LoTHIAN COUNCIL
Plan/Drawing noted on the
Decision Notice of 25 Apr 2014
refusing a grant of planning
permission 14/00120

RECEIVED
11 FEB 2014

14/00120/No

PHOTOGRAPH A

View looking northwards across Westgate showing the detached two-storey building. No. 24 is the upper flat. No. 26, the subject the application, is the ground flat.

The gate on the right is the front access to the lower flat and the gate on the left is the access to the lower flat rear. It is proposed the rear gate and three metres of low wall be removed for vehicular access.



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PHOTOGRAPH B

Shows the proposed driveway. The wooden fence will be re-positioned.

14/00120/No



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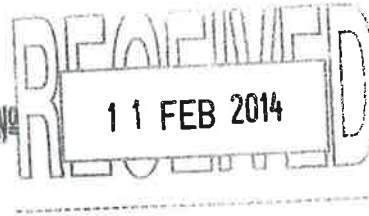
PHOTOGRAPH C

Shows the proposed driveway looking south to the entrance at Westgate.

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14/00120/



PHOTOGRAPH D

Looking westwards along Westgate to the 'T' junction with Station Hill and Beach Road. Abbey Road is on the left.

No. 24 and No. 26 is the building on the right next to the white painted building.



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11 FEB 2014

PHOTOGRAPH E

Shows a four-metre access and hard standing surfaced with block paving similar to that proposed in this application.

14/00120/No



APPEAL PHOTOGRAPHS

1

Google Earth Map Photograph showing the line of vision as 48metres from the proposed driveway. There are no obstructions other than parked cars. The low wall is lower than the eye level of the driver.

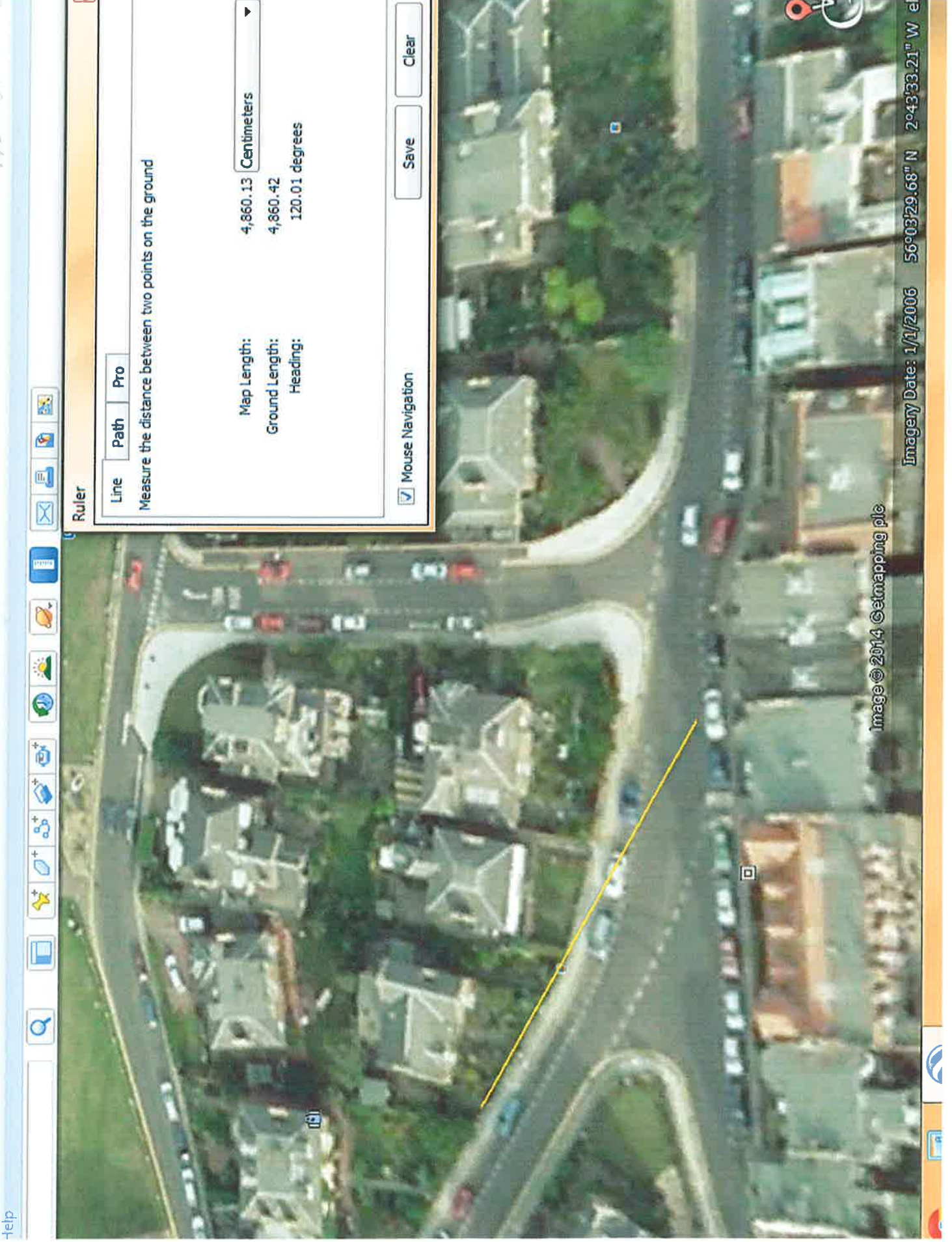
2

Two photographs showing the low stone wall and gate in Beach Road, at the rear of 28 Westgate, North Berwick, that were demolished to make the 4 metre wide access.

3

Photograph showing the low stone wall and gate at 26 Westgate, North Berwick.

WEST AVE 5



Ruler

Line Path Pro

Measure the distance between two points on the ground

Map Length: 4,860.13 Centimeters
Ground Length: 4,860.42
Heading: 120.01 degrees

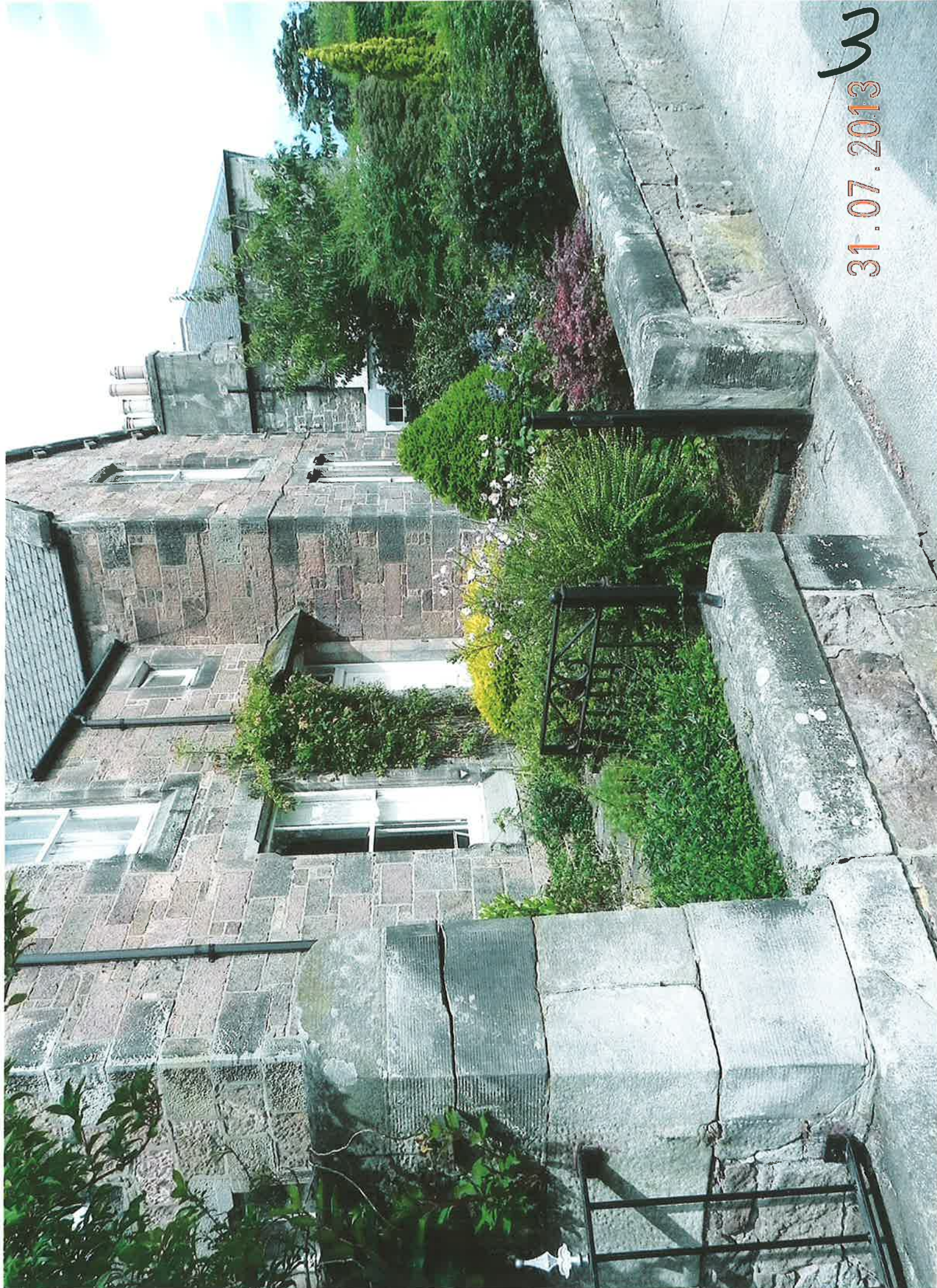
Mouse Navigation

Image © 2014 Getmapping plc

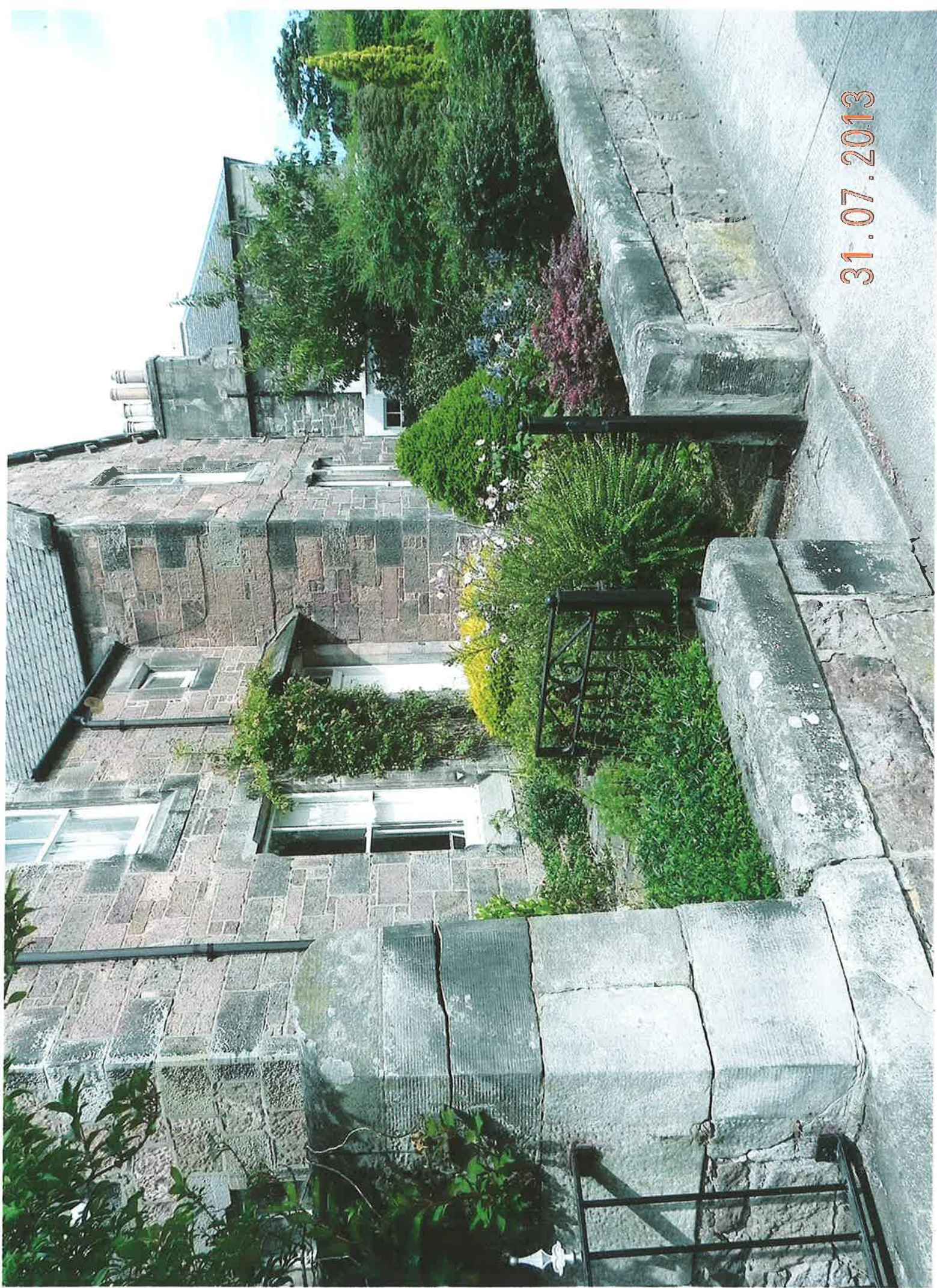
Imagery Date: 1/1/2006 56°03'29.68" N 2°43'33.21" W



Photographs of the rear of 28 Westgate showing the gate and low wall to be demolished for an access and hardstanding.



31.07.2013 W



31.07.2013