

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 January 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: refusal hinges on the height, scale and massing of the proposed house and the difference between the proposed house and the planning permission in principle (13/00552/PP) is small enough for this to be an issue which should go to committee

Application No. **14/00769/AMC**

Proposal Approval of matters specified in conditions of planning permission in principle 13/00552/PP - erection of 1 house and associated works

Location **Stamford Hall
Goose Green Road
Gullane
East Lothian
EH31 2BA**

Applicant Mr and Mrs Stephen and Katrina Farrell

Per Architecturejfltd

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The application site is a grass paddock located to the southwest of Stamford Hall, Goose Green Road, Gullane. It forms part of the land associated with that residential property. It is within an area of predominantly residential character and amenity as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within the Gullane Conservation Area.

The application site measures some 1232 square metres in area and comprises the whole of the grass paddock that is positioned southwest of the domestic garden of the house of Stamford Hall. The land of the application site slopes gradually downwards from the northeast in a southwesterly direction. The site is enclosed along its northwest and southwest boundaries by high rubble stone walls. Its northeast boundary is enclosed by a rubble stone wall varying between some 1.2 metres to 2.5 metres high. Its southeast boundary is enclosed in part by a vertical boarded timber fence varying in height between some 1.0 to 2.0 metres high and in part by shrubs.

The site is bounded to the southeast by the single storey house of Jadini and its garden ground, to the southwest by the public road of Sandy Loan with St. Adrians Church and the residential property of Kiloran beyond, and to the northwest by the public road of The Paddock, on the opposite side of which is a small area of landscaped open space (of the residential cul-de-sac of The Paddock), and Glebe Cottage beyond. To the northeast is the large two and three storey house of Stamford Hall and its associated garden ground.

Stamford Hall is a substantial traditional stone built house with a slated roof. It has attached and detached outbuildings within its curtilage. Although not listed as being of special architectural or historic interest, Stamford Hall is a large imposing building and is prominent in the locality.

In January 2012 planning application 11/01110/P was received for the erection of 1 house, a double garage with games room above and associated works on a larger area of land that included the application site and part of the garden of Stamford Hall. That application was subsequently withdrawn by the applicant's agent in March 2013 following advice from the planning officer that the proposed house and detached garage would be unlikely to be supported as, due to their height, massing and positioning, they would amount to a dominant and intrusive form of infill housing development not in keeping with the pattern and built form of this part of Gullane, and would detract from the character and appearance of this part of the Conservation Area. Associated conservation area consent application 11/01110/CAC for the demolition of buildings and a wall was also withdrawn by the applicant's agent in March 2013.

A further planning application (ref. 13/00091/P) was received in March 2013 for the erection of 1 house, a one and a half storey double garage and for associated works on a slightly smaller site than that proposed by application 11/01110/P, but still including part of the garden of the existing house of Stamford Hall as well as the current application site. That application was subsequently withdrawn by the applicant's agent in July 2013. Associated conservation area consent application 13/00091/CAC for the demolition of buildings and a wall was also withdrawn by the applicant's agent in July 2013.

In September 2013 planning permission 13/00552/PP was granted for the principle of the erection of one house on the grass paddock to the southwest of Stamford Hall.

The grant of planning permission in principle 13/00552/PP is subject to the following development principles:

- (i) the house being no higher than single storey in height or single storey with accommodation in its roof space;
- (ii) the house being positioned with its west elevation wall no further to the west than and positioned on a similar alignment as the west elevation walls of the neighbouring houses of Jadini to the south and Glebe Cottage to the north;
- (iii) the external walls of the house being finished either wholly or in part with natural stone or wet dash render and its roof, if pitched, being clad with natural slates or red clay pantiles or similar to the external finishes of the neighbouring buildings;
- (iv) the house being provided with a rate of parking provision of 150% for a house of a size of up to 5 rooms and 225% for a house with 6 or more rooms, and the parking spaces should have minimum dimensions of 2.5 metres by 5.0 metres, formed either as a driveway or accessed from a driveway;
- (v) the vehicular access to the site should be provided with a visibility splay of at least 2

metres by 20 metres to each side of it so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface;

(vi) the vehicular access shall be hard formed over the first 2 metres of it measured back from the heel of the adjacent footway of The Paddock and for its full width;

(vii) any gates for the vehicular and pedestrian accesses shall be designed to open into the property;

(viii) the means of enclosure of the boundaries being shown;

(ix) unless the stone wall along the northeast boundary of the site is raised to a minimum height of 1.8 metres and is of a similar type and construction to the existing northeast boundary wall or that existing wall is supplemented by a fence of a minimum height of 1.8 metres there shall not be any northeast facing ground floor windows within 9 metres of the northeast boundary of the site;

(x) unless the full length of the southeast boundary of the site is enclosed with a stone wall of a similar type and construction to the existing northeast boundary wall or a timber fence of a minimum height of 1.8 metres there shall not be any southeast facing ground floor windows within 9 metres of the southeast boundary of the site;

(xi) the house shall have no northeast or southeast facing gable, dormer, attic level or roof windows which would be within 9 metres of the northeast or southeast boundaries of the site unless such windows were obscurely glazed; and

(xii) the house shall have no northeast or southeast facing gable, dormer, attic level or roof windows which would be within 18 metres of any directly facing windows in the southwest or northwest elevations respectively of the houses of Stamford Hall and Jadini unless such windows were obscurely glazed.

Other requirements of the grant of planning permission in principle 13/00552/PP are that other than to enable the formation of a vehicular and pedestrian access to the site in accordance with Condition 1 the stone wall on the roadside (northwest and southwest) boundaries of the site shall be retained at its existing height.

The site of planning permission 13/00552/PP included part of the site of withdrawn planning applications 11/01110/P and 13/00091/P.

Through this new application the approval of matters specified in conditions of planning permission in principle 13/00552/PP is sought for the erection on the site of one house and for other associated works.

As is required by Policy DP4 (Design Statements) of the adopted East Lothian Local Plan 2008 the applicant's agent has submitted a design statement. The Design Statement explains that the site is within an established residential area and the Gullane Conservation Area where the houses conterminous with the site are of a variety of ages and architectural styles. It is further explained that the site slopes down from the northeast to the southwest and that views of it are limited at ground level by the high stone walls to the northwest and southwest. The statement further states that there is not an established building pattern principally due to the curving nature of both Goose Green Road to the south and The Paddock to the north, that architectural style in the vicinity of the site is varied and that the scale of surrounding buildings is also similarly varied but all dominated by Stamford Hall. It is further stated that the vehicular and pedestrian access to Stamford Hall and other houses of Goose Green Road and Sandy

Loans have gates with dressed stone pillars.

The statement goes on to explain that the proposed house is very similar to that shown in the indicative details provided with planning permission in principle 13/00552/PP, albeit slightly wider in plan form and utilising a flat roofed section to ensure that it would be no higher. The statement goes on to explain that the house is sited on the higher, northeast, part of the site with private spaces to the lower southwest and that the proposed entrance gates and pillars reflect other gated entrances in the area. It is further explained that the detached garage would sit between the boundary walls and would relate to the massing of existing sheds at Stamford Hall. The statement further explains that traditional roof form, walling, fenestration and materials are proposed to complement the surrounding buildings.

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 South East Scotland Strategic Development Plan (SESplan) June 2013 and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) June 2013 and Policies ENV4 (Development within Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP14 (Trees on or adjacent to Development Sites), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality (PAN 67).

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 within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

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.

Also relevant to the determination of the application is the planning history for the site.

Two representations to the application have been received. They both raise objection to the proposed development and the grounds of objection, as summarised, are:

1. the proposed vehicular and pedestrian access from The Paddock would be a road safety hazard for the existing residents of The Paddock, the occupiers of the proposed new house and the construction contractors;
2. the land on the opposite side of the road of The Paddock is privately owned and is not available to facilitate the widening of the road to enable contractor's vehicles and anyone residing in the new house to safely use the proposed entrance;
3. there is a danger that contractor's vehicles, and vehicles used by the occupiers and their visitors would block the road preventing access to the houses of The Paddock by emergency vehicles and this has been demonstrated when utility company vehicles recently blocked access to houses of The Paddock;
4. if the proposed house is to be approved then double yellow lines should be marked on the road of The Paddock to ensure that emergency vehicles have access to those properties;
5. the removal of part of the high stone wall that encloses the northwest boundary of the site, which was built at the time of the erection of the houses of The Paddock, would be the loss of the main aesthetic feature of The Paddock;
6. the removal of part of the high stone wall to facilitate vehicular and pedestrian access to the site will destroy the tranquillity of the common garden area at the entrance to The Paddock; and
7. the proposed gates are out of keeping with the properties of The Paddock where no gates or boundary walls exist to separate the entrances to the properties.

The representations also suggest that the vehicular and pedestrian access should be moved 22 metres further to the southwest so that it would be closer to the public road of Sandy Loan or taken directly from Sandy Loan.

One of the representations comments that they are not against further development with the grounds of Stamford Hall but are strongly opposed to the construction of the new vehicular access on to the road of The Paddock.

Through the grant of planning permission 13/00552/PP the principle has been established of an infill development of this site by the erection on it of a single house. Therefore, in the determination of this application for approval of the details of the specific form of house and associated development now proposed there can be no objection in principle to the house as an infill development of the site.

The principal determining factor in this case is whether, having regard to planning policy and guidance and other material considerations the siting, design and external appearance of the development and the landscaping of and means of access to the site (the matters specified in conditions) are acceptable with due regard to the design principles set out in the grant of planning permission in principle 13/00552/PP and to the

potential impact of the development on the character and amenity of the area.

The grant of planning permission in principle 13/00552/PP stipulates that a house erected on the site should be no higher than single storey in height though that does not preclude attic accommodation. It also requires that the west elevation of a house should be positioned so that it would be no further to the west than and on a similar alignment as the west elevation walls of the neighbouring houses of Jadini to the south and Glebe Cottage to the north. It also stipulates that external finishes should be natural stone or wet dash render for walls and that, if pitched, the roof should be clad with natural slates or red clay pantiles or similar to the external finishes of the neighbouring buildings. Furthermore, there are also requirements for the positions of windows relative to the northeast and southeast boundaries of the site in order to prevent harmful overlooking of the neighbouring properties of Stamford Hall to the northeast and Jadini to the southeast.

The details submitted to the Council show a two storey house with wallhead dormers with a part pitched and part flat roof. The footprint of the proposed house is an irregular shape, having a roughly inverted and reverse 'L' shaped form. It measures some 260 square metres in area. The house would be positioned on the northeast half of the site and would have garden amenity space all around it. Its west elevation wall would project some 1.5 to 2.0 metres further west than the alignment of the west elevation walls of the houses of Jadini to the south and Glebe Cottage to the north. The external walls and the chimneys of the proposed house would be finished with natural stone. The pitched parts of its roof would be clad with natural slate and the flat parts with lead. The frames of its windows, French doors, sliding folding doors would be of timber/aluminium construction. The utility room door would be of white painted vertical timber board construction. The frames of the roof windows would be of painted aluminium construction. The rainwater goods and downpipes would be of painted cast iron.

A single storey detached garage would be erected to the northeast of the proposed vehicular and pedestrian access, between the northwest and northeast boundary walls of the site. The external walls of the garage would be finished in natural stone and its pitched and piended roof would be clad with natural slates. Its vehicular entrance door and pedestrian doors would be of white painted timber construction. Its rainwater goods and downpipes would be of painted cast iron.

The proposed house would be accessed from the public road of The Paddock to the northwest of the site by a new vehicular and pedestrian access. Stone gate piers with domed tops would be erected at each side of the vehicular and pedestrian access (three gate piers in total). A driveway providing parking and turning areas would be formed between the northeast elevation wall of the house and the vehicular access. It is proposed that three trees would be planted adjacent to the southwest boundary.

In that the proposed house would be two storeys in height it conflicts with the single storey or single storey with attic accommodation height specified as a design criteria of planning permission in principle 13/00552/P.

With the exception of Stamford Hall to the east of the application site and the houses on the west side of Sandy Loan in the Gullane Hill part of the Conservation Area the houses and buildings immediately surrounding the application site are predominantly single storey in height, including with accommodation in their roof space.

Stamford Hall is positioned on elevated ground to the east of the application site and the public road of Sandy Loan, and to the northwest of the area of public open space of Goose Green. It is seen in the context of the modest sized buildings that characterise that part of the Conservation Area and in this context the two and three storey house of

Stamford Hall is a substantial imposing building that occupies a prominent position within the Gullane Conservation Area. Its dominant position within the Conservation Area is emphasized in public views from Goose Green Road to the east and Sandy Loan to the west by the low level built form of the houses of The Coach House, Lanercost, Golyn Cottage, Ardgowan Cottage and Jadini to the south of it, and by the openness of the grass paddock of the application site on the south side of the junction of Sandy Loan with The Paddock and the open landscaped area on the north side of the junction of Sandy Loan with The Paddock.

At two storeys in height the proposed house would not be in keeping with the low level built form of the houses to the south and southwest of Stamford Hall but rather would detract from the open nature of the public views towards Stamford Hall from the south and west. By virtue of its height, scale and massing the proposed house would amount to a dominant and intrusive form of infill housing development. It would appear dominant and intrusive within the streetscape. Thus, it would be harmful to the character of the layout of the built form of this part of the Gullane Conservation Area and the relatively low density character of the area.

In that the west elevation wall of the proposed house would be some 1.5 to 2.0 metres further to the west than the alignment of the west elevation walls of the houses of Jadini to the south and Glebe Cottage to the north the proposed house would conflict with the positioning of that elevation stipulated as a design criteria of planning permission in principle 13/00552/P. By projecting further to the west than do the west elevations of the neighbouring houses the proposed house would be out of keeping with the pattern of the built form on the east side of Sandy Loan in the context of which the proposed development would be seen, would detract from the open nature of the public views towards Stamford Hall from the south and west, and would appear dominant and intrusive within the streetscape. Thus, it would be harmful to the character of the layout of the built form of this part of the Gullane Conservation Area.

On these design considerations of height, scale, massing and positioning the proposed house does not accord with the design criteria of planning permission in principle 13/00552/P, and is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: February 2010 and Planning Advice Note 67: Housing Quality.

At some 260 square metres in area the footprint of the house is large. However, the site measures some 1,240 square metres in area, and thus the built form of the proposed house and garage, at a total of some 303 square metres in area, would result in a ratio of built form to garden ground of some 24% of the whole site, which is not dissimilar to the ratio of built form of the immediately neighbouring properties, which varies between some 8% to some 26%. Thus, in terms of its footprint the proposed house would not be harmful to the relatively low density character of the area.

The proposed house has a generally traditional form and appearance with a dual pitched roof with a central flat section, wall head dormers and traditional finishes of natural stone, natural slate and cast iron rainwater goods and downpipes. Its fenestration would have a predominantly vertical emphasis. However, some elements of its fenestration would have a more contemporary appearance. In the context of the rich diversity of architectural form and design of the surrounding buildings and by virtue of its palette of external finishes, the proposed house would be sufficiently in keeping with the varied architectural character of the area and with the palette of predominant building materials of the external finishes of the surrounding buildings of natural stone and wet dash render

for their external walls and natural slates or red clay pantiles for their roofs.

The timber aluminium composite construction of the frames of the windows, French doors, sliding folding doors and external glazed entrance doors is not a material that is usually acceptable for use within a conservation area. The proposed house is generally of a traditional form and appearance and, despite the high boundary wall along the northwest and southwest boundaries of the site, many of the windows would be visible in public views from The Paddock and Sandy Loan. Where windows, French doors, sliding folding doors and external glazed entrance doors would be visible in public views the frames of them should be of painted timber construction. Where windows, French doors, sliding folding doors and external glazed entrance doors would not be visible in public views the use of timber aluminium composite construction frames for them may be acceptable. In this case the ground floor windows of the northwest elevation would be screened from views from the public road of The Paddock by the high roadside boundary wall.

However, the first floor windows of that elevation would be visible above the height of the wall. Furthermore due to the elevated position of the house on the highest northeast part of the site the ground floor and first floor windows of the southwest elevation and parts of the southeast elevation would be visible in public views from Sandy Loan, and the windows of the two storey projection of the northeast corner of the proposed house would be visible in public views through the entrance gates from The Paddock. The windows of the northeast elevation of the proposed house as it faces directly towards the garden of Stamford Hall would only be visible in long range views across the garden of Stamford Hall from Goose Green Road and in that context the construction material of the frames would not be discernible. The control of the construction material for the frames of the windows, French doors, sliding folding doors and external glazed entrance doors could be controlled by a condition if planning permission were to be granted.

The proposed single storey detached garage would utilise parts of the existing high northeast and northwest stone boundary walls of the site as its two side walls. In its position in the northeast corner of the site, and by virtue of its size, height and architectural form it would sit comfortably in its position on the site and would not appear harmfully dominant or intrusive within the streetscape. Moreover, its external finishes of stone and slate would be in keeping with the predominant palette of external finishes of the buildings of the area. In this context, the proposed garage would not be harmful to the character and appearance of this part of the Gullane Conservation Area.

It is proposed that access to the site would be taken from the road of The Paddock to the northwest of the application site. New stone gate piers with domed tops would be positioned to each side of the vehicular and pedestrian access, and 1.8 metres high vertical boarded timber gates would be hung at the vehicular and pedestrian access.

The northwest and southwest roadside boundary walls of the site, which respectively front onto The Paddock and Sandy Loan, are a characteristic feature of this part of the Gullane Conservation Area. The formation of an opening through the northwest boundary wall to facilitate the provision of a new vehicular and pedestrian access, the erection of stone gate piers, and the fitting of vertical boarded timber gates at that access would not harm the established character and amenity of this part of the Conservation Area, as there are similar vehicular and pedestrian entrances for properties on Goose Green and Sandy Loan.

Moreover the domed tops of the gate piers would be similar in appearance to domed elements of the northwest roadside boundary wall of the site. The retention of the other parts of the stone wall that encloses the northwest and southwest (roadside) boundaries

of the site would limit the disruption to the roadside boundary enclosures of the site, the appearance of the entrance approach into The Paddock and the visual appearance of this part of the Conservation Area. This matter could be controlled by a condition if planning permission were to be granted. Subject to this planning control the formation of a new vehicular and pedestrian access to the application site would not be harmful to the character and visual amenity of this part of the Gullane Conservation Area.

The proposed hardstanding areas comprise of a driveway, footpaths and a patio area with steps. The driveway would be surfaced with a cobble patterned concrete surface finish with the exception of the first 2 metres of it which would be surfaced with tarmac. The proposed footpaths and patio area would be surfaced with Yorkstone paving and steps. In their ground level positioning and by their surface finishes and their relationship with a house built on the site, the driveway, footpaths and patio area with steps would not be harmful to the character and visual amenity of this part of the Gullane Conservation Area.

Policy DP2 requires 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. Planning permission in principle 13/00552/PP stipulates particular requirements for safeguarding the privacy of neighbouring residential properties.

On the matter of the impact of the proposed house and garage on daylight and sunlight to neighbouring residential 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 their size, height, positioning and orientation the proposed house and garage would not, in accordance with such guidance, give rise to a harmful loss of sunlight to the neighbouring properties of Stamford Hall to the northeast and Jadini to the southeast. Due to the distances the proposed house would be away from Stamford Hall and Jadini the proposed house would also not give rise to a harmful loss of daylight to those neighbouring properties. Therefore, on these considerations of loss of sunlight and daylight the proposed house would not have a harmful affect on the residential amenity of those properties, or any other neighbouring residential property. The proposed house should also receive a sufficient amount of daylight and its garden a sufficient amount of sunlight.

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 windows, French doors, sliding folding doors, glazed external doors and roof windows of the northwest and southwest elevation walls and roof of the proposed house would not be within 9 metres of the garden boundary of any neighbouring residential property to the northwest and southwest of the site or within 18 metres of any directly facing windows of any neighbouring residential property to the northwest and southwest of the site.

The windows, glazed doors and roof windows of the northeast elevation, including those of the two storey projection of the northeast corner of the proposed house, would be less than 9 metres away from the northeast boundary of the site with the garden of Stamford Hall to the northeast.

The north east boundary relative to the northeast elevation of the proposed house is only some 1.2 metres high. Thus, the ground floor and first floor windows and the roof windows would allow for harmful overlooking of the garden of the property of Stamford Hall. If the existing northeast boundary wall was increased to a minimum of 1.8 metres in height or was supplemented by close boarded fencing to a minimum of 1.8 metres, such form and height of boundary enclosure would prevent harmful overlooking from the ground floor windows of the proposed house.

The first floor windows and roof windows of the northeast elevation, including those of the two storey projection of the northeast corner of the proposed house, serve a dressing room, en-suite bathroom and a study. The obscure glazing of those windows would prevent harmful overlooking from them of the neighbouring garden ground to the northeast. These matters can be controlled by conditions if planning permission were to be granted.

None of the windows, glazed doors and roof windows of the northeast elevation of the proposed house would be within 18 metres of any directly facing windows of Stamford Hall to the northeast.

Subject to the aforementioned controls, the windows, glazed doors and roof windows of the northeast elevation of the proposed house would not allow for harmful overlooking of the house and garden of the neighbouring property of Stamford Hall to the northeast.

The southeast elevation of the western wing of the proposed house, and thus also the windows, sliding folding doors and glazed doors of that part of the southeast elevation, would be more than 9 metres away from the southeast boundary of the site with the garden of the property of Jadini. Thus, those windows and glazed doors would not allow for harmful overlooking of the garden of the neighbouring property of Jadini.

However, the southeast gable of the eastern wing of the proposed house would be only 2.5 metres away from the southeast boundary of the site. There is one ground floor window and two roof windows in that southeast gable. The ground floor window would serve a sitting room, which has other windows on its northeast and southwest sides and the two roof windows would serve a bedroom. The obscure glazing of the two roof windows would prevent harmful overlooking from them of the neighbouring garden ground to the southeast. The southeast boundary of the site is enclosed in part by a vertical boarded timber fence varying in height between some 1.0 to 2.0 metres high and in part by shrubs, however there is a gap in the boundary enclosure roughly in alignment with the ground floor window of the southeast gable of the proposed house. Overlooking from this ground floor window could be prevented by either obscurely glazing that window or by ensuring that for at least the length of the southeast gable of the proposed house a 1.8 metres high fence is erected along the southeast boundary of the application site.

The windows of the southeast elevation of the west wing of the proposed house would be less than 18 metres away from the northwest elevation of the house of Jadini. However, the house of Jadini is single storey in height and is some 1.2 metre lower than the application site. This differing ground level and the boundary enclosures of fencing and shrubs on the southeast boundary of the site relative to the northwest boundary of Jadini prevents harmful overlooking between the windows of the proposed house and those of the northwest elevation of Jadini.

The windows and roof windows of the southeast gable of the east wing of the proposed house would be within 18 metres of a window that serves a kitchenette of the ancillary accommodation that is within the existing garage of the garage of Jadini. However,

subject to the aforementioned controls they would not allow for any harmful overlooking of that building.

Subject to all of the aforementioned planning controls, which could be made conditions of any grant of approval of matters specified in conditions, the proposed house would not allow for harmful overlooking of any neighbouring house or its garden ground. Furthermore the proposed house would also benefit from a sufficient amount of privacy.

On the foregoing considerations of loss of sunlight and daylight, overlooking and loss of privacy the proposed house is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008.

The Council's Environmental Protection Manager has no comment to make on the application.

The site would be accessed from a new vehicular and pedestrian access to be taken from the road of The Paddock to the northwest of the site. Parking would be provided on the driveway to be formed to the northeast side of the proposed house.

The Council's Roads Services advise that the access, parking and turning arrangements shown on the application drawings satisfy the requirements for on-site parking provision, a 2.0 by 20.0 metres visibility splay to each side of the new vehicular and pedestrian access, for the first 2 metres of the access driveway to be hard formed over its full width, and for any gates installed at the new vehicular and pedestrian access to open inwards and are acceptable. These matters could be controlled by conditions if planning permission were to be granted.

In addition, the Council's Roads Services advise that a construction traffic method statement should be submitted in order to minimise the impact of construction traffic on road and pedestrian safety. This matter could be controlled by a condition if planning permission were to be granted.

Subject to the aforementioned planning controls the Council's Roads Services are satisfied that the proposed house would be provided with a safe means of vehicular access and a satisfactory provision of on-site parking and turning area. Accordingly the proposed development is consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

There are no trees of any great significance within the grass paddock of the application site. The drawings submitted with the application show it is intended to plant 3 trees along the southwest boundary within the site. The Council's Policy and Projects Manager advises that the tree planting would be acceptable. It would help to integrate a house built on the site into its landscape setting. The requirement for the tree planting could be made conditional of a grant of planning permission. Accordingly the proposed development does not conflict with Policy DP14 of the adopted East Lothian Local Plan 2008.

Scottish Water has been consulted on the application, however, no response has been received from them.

Notwithstanding that matters relating to materials and the privacy and amenity of the neighbouring properties to the northeast and southeast could be controlled by planning conditions, and that the access and parking arrangements would be acceptable, these matters are not sufficient to outweigh the considerations that by its height, scale and massing and by the positioning of its west elevation, the proposed house would amount

to a dominant and intrusive form of infill housing development not in keeping with the pattern and built form of this part of Gullane and would detract from the character and appearance of this part of the Conservation Area.

By being contrary to these significant design principles of grant of planning permission in principle 13/00552/PP, the proposed house is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

REASON FOR REFUSAL:

- 1 By its height, scale and massing and by the positioning of its west elevation, the proposed house would amount to a dominant and intrusive form of infill housing development not in keeping with the pattern and built form of this part of Gullane and would detract from the character and appearance of this part of the Conservation Area. In this it is contrary to the design principles stipulated in the grant of planning permission 13/00552/PP and thereby contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies ENV4, DP2 and DP7 of the adopted East Lothian Local Plan 2008, and Scottish Government policy on development within a conservation given in Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.